

Dennis Board of Selectmen & Finance Committee  
Tuesday, January 21, 2020 at 4:30PM  
Dennis Town Hall, Stone Hearing Room  
685 Route 134, S. Dennis, MA  
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2020 FEB -5 PM 3:12

In attendance: Chris Flanagan, John Terrio, Sheryl McMahon, Bob Mezzadri, Chris Lambton, Town Administrator Elizabeth Sullivan, Assistant Town Administrator Greg Rounseville, Finance Director MaryAnne Gibbs, Recording Secretary Laurie Barr.

Finance Committee in attendance: Jim Plath, Bob Prall, Jay Murphy, Peter McDowell

Mr. Flanagan opened the meeting at 4:32pm and stated that the Board needed to meet in Executive Session under M.G.L Ch. Ch. 30A §21a: Reason #2: to conduct strategy sessions in preparations for negotiations with Non-Union personnel including *John Brady* as an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares.

**Motion:**

**Mr. Mezzadri made a motion to enter in to Executive Session under M.G.L Ch. Ch. 30A §21a: Reason #2: to conduct strategy sessions in preparations for negotiations with Non-Union personnel including *John Brady* as an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair has declared and to return to public session at 5:30pm; Mr. Mezzadri seconded. The Board voted: Ms. McMahon "aye", Mr. Terrio "aye" Mr. Mezzadri "aye", Mr. Flanagan "aye" and Mr. Lambton "aye".**

**PUBLIC INFORMATION**

Mr. Flanagan reconvened the meeting at 5:32pm and the pledge was recited.

Grethe Kaeselau, Chair of Advisory Committee on Disabilities shared that the Transition Plan would be coming to Board. The Town had done a great job with making the beaches and playground accessible but there was more work to do. She wanted to introduce herself and let the Board know she was happy to answer any questions they may have.

Jim Plath asked to consider ways to amend the DY Regional School agreement. Currently it could only be amended by the School Committee or by Citizen petition. During discussions there was an agreement to add a third option. This option would be that an amendment could be brought forward by majority votes of both Dennis and Yarmouth Select Boards to bring the amendment to Town Meeting. He asked the Board to have a discussion or direct the Town administrator to put wording forward and have a subcommittee to bring this forward at the Annual Town Meeting. Initially this option of amending the agreement had support of both Boards and he found that encouraging but the focus had been on the school building and the agreement. Yarmouth's Town meeting was much earlier than Dennis so they needed to move quickly. He suggested to have Town Counsel prepare something so that we're not delayed.

Terri Bunce, Town Clerk, reminded the Board and the public that early voting prior to the Presidential Primary would be February 24<sup>th</sup> to February 28<sup>th</sup> in the Paul Prue Conference Room. State law required the hours be consistent with Clerks office hours so early voting would take place 8:30a to 4:30p. Anyone registers to vote can early vote. While the renovation was taking place at the Council on Aging, Precinct 2 would be voting would be at Town Hall in the Stone Hearing Room. Notices went to all Precinct 2 households. She also shared that every 10 years the

federal census occurs in addition to the local census. The local census was already under way. The Federal census kicked off in mid-March.

Mr. Lambton shared that on Saturday the 25<sup>th</sup> at 9:30a at the Cape Cod Cinema would be playing the Land Before Time and kids were free. Also, Feb 1<sup>st</sup> was "take your child to library" day.

Mr. Terrio shared that on Tues January 28th a Cape Cod Community blood drive was taking place at the Police Department and the hours were on the website.

Ms. McMahon was looking forward to going to the Mass Municipal conference this weekend. It was a two-day event were the Board could network and get an understanding of issues they face.

**CAPITAL OUTLAY COMMITTEE'S PRESENTATION TO SELECT BOARD & FINANCE COMMITTEE**

Bill Savicki, Chair of the Capital Outlay Committee, gave the PowerPoint and presentation enclosed in the Select Board Packet. Mr. Flanagan thanked Mr. Savicki and entire committee. Mr. Mezzadri asked what operating system was on the desktop computers at the PD that are not being supported. He was concerned because Microsoft had stopped supporting certain operating systems and he wanted to be sure the Police Department did not have penetration issues. Mr. Savicki was not sure but noted this was priority #7 as ranked by Chief. Mr. Savicki read the request from the PD.

Mr. Mezzadri also questioned the truck from Harbor that was going to be used at Golf Department. He clarified that it would pass inspection even if it was just being used on Golf Property. He also asked how much of \$2.3 million dollars was from meals tax and how much was from raise and appropriate. Ms. Sullivan shared that \$490,000 was from meals tax.

Mr. Terrio asked if the DY School energy management that would oversee the heater and boiler was a district wide system and Mr. Savicki confirmed it was.

Mr. Terrio asked how many defibrillators would the Fire Department be able to buy with \$25,000. Deputy Chief Brown shared this would get 10 defibrillators plus maintenance contracts.

Mr. Savicki shared that the Town did a disability accessibility survey for all Town buildings. That survey says Town needs to spend \$7,729,855 to make Town buildings and properties accessible. This would be up to a plan the Board has to devise. Recreation had proposed accessible playgrounds but they did not make because the Board needs to decided how much to spend and the importance of items in the accessibility plan.

Bob Prall asked if the beach rake could be paid for in total from the Beach Capital account. Mr. Savicki shared there was about \$88,000 in Beach Capital account. They Board may want to consider holding that money because we don't know what the season will bring for revenue. But the rake probably should come from that fund since it was only used on beaches.

Jay Murphy asked if the trucks were going to be discussed as a separate item. Ms. Sullivan asked Mr. Rounseville to give that update but up to Board how they proceed. Mr. Rounseville explained that last March the Town applied for an enforcement action against Volkswagen (VW) after it was

discovered the VW was illegally installing devices in vehicles. The Commonwealth was designated \$75 million and DEP was designated to administer the funds. As part of that they offered the VW Open Solicitation Grant. We applied and were told the announcement would be in June. The award announcement was just made at the end of December but we are awaiting formal notice and grant instructions. We received approximately \$415,000 and were one of highest recipients. This could pay for 60% of the three trucks.

Mr. Plath asked if the \$88,000 in the Beach Capital fund was what was in there now or in anticipation of revenue. Ms. Sullivan explained that was the balance as of January 15th including capital and debt service payments. Mr. Plath's general thought was that the rake should be moved to Beach Capital.

Mr. Plath inquired if Yarmouth had voted on the energy system. Ms. Sullivan believed that Yarmouth was going through their Capital Outlay process right now. Mr. Plath asked if we had a surf rake. Mr. Savicki stated that the one we had was able to be used through the end of the season and it is gone. Mr. Plath confirmed that if this was approved at May Town Meeting it would not be able to be purchased until July. He was concerned that the Town would not have a surf rake for the beginning of the Beach season. David Johansen, DPW Director, shared that the rake was 28 years old and had already been refurbished once. The parts are virtual extinct and it would cost almost \$28,000 to replace the parts they need. It has been on the Capital plan for last several years. He believed they needed to find a way to purchase this prior to July 1. Mr. Plath stated that the Beaches are a very important part of financial plan. He asked if they could consider a reserve fund transfer so it could be ordered and the reserve fund could be replenished at May Town meeting. Mr. Johansen believed there was a two-month lead time needed. Mr. Plath thought this should move forward. Connie Mooers, Chair of the Beach Committee, pointed out that there was \$88,000 in Capital but the Committee was looking at other projects such as filing stations because of the water bottle ban. This was a low balance for the things that needed to be done.

Mr. Plath pointed out the request for the Senior Center generator came from Municipal Buildings. He thought it was strange a multi-million-dollar building was being built with no generator in the plan. Ms. McMahon wouldn't assume the generator wasn't part of plan but with the budget allowed it may have been cut.

Mr. Terrio asked if the surf rake could be lease or was the only option to purchase. Mr. Johansen offered to investigate leasing but believed it was better to purchase it for a return on investment, especially when you considered how long the last surf rake lasted. Mr. Terrio differed to Mr. Johansen's judgement on that.

Mr. Mezzadri asked for the DY energy management system's total cost. It was approximately \$400,000. Mr. Plath believed everyone would like to see hard numbers on this item.

Mr. McDowell asked what are we spending \$60,000 on for the west side of harbor. Mr. Savicki according to the Harbormaster it was for reengineering parking lot and the buildings there. Ms. Sullivan point out that the \$60,000 was a match to the Economic Seaport Grant. In accordance with the recommendations contained within the 2015 Sesuit Harbor Use and Capacity Study, these

funds would be used to hire a firm to develop site plans and construction specifications / drawings for the following proposed work on the west side of Sesuit Harbor: demolition of all buildings including the Harbormaster office, workshop and public restrooms, removal of existing pavement, re-grading, placement of fill and paving of a new parking lot, relocation of utility lines, and construction of new building(s) to include an office, workshop and public restrooms. Mr. McDowell suspected this engineering may lead to a major project at that side off the harbor. Ms. Sullivan confirmed that.

Mr. Savicki closed by thanking Pat Stone from the Finance Committee and Ms. McMahon for attending the Capital Outlay meetings.

### **SELECT BOARD GOALS & OBJECTIVES**

#### **Update on Fire Station# 2**

Fire Chief Mark Dellner believed this was an important issue for the community. It had been frustrating trying to find land with an appropriate response time. This was a 50-year decision and they were at a critical point. They had drilled down to 355 Paddocks Path and looking for only 2.5 to 3.5 acres of that property next to the gravel pit. He believed this was a legacy project for the Town and it should be built on a prominent location. This location response time was an improvement over the current station 2 location with only 4-6 minutes to many areas. They have completed a 21e and soil test. They did their due diligence and hired Coneco Engineering who had come back with a clean bill of health for the site. The findings were not even close to State minimum limits. This site leaves room for expansion. He asked the Board for support to allow them to move forward with a request for spring Town Meeting for the design and engineering and an OPM. He had a solid estimate of \$1.2 million for design and project manager. While looking for land they had continued to work with the feasibility study to update the building and budget. Right now, they were looking at \$8.8million for building construction costs, \$1.2million for architectural costs, and \$1.1million for soft cost for a total \$11.1 million. The quicker they could get a shovel in ground the better. Two years ago, the project was estimated at \$7 million so timing was important.

Chief Dellner shared that they were looking to do public presentation at Carleton Hall for outreach so people can see what they are trying to do. Mr. Flanagan was thankful that the Chief had been thoughtful and methodical throughout this process. Mr. McDowell shared he had discussed this with the Chief for the last 2 years. He wanted him to consider going a few hundred yards up the road right across for water tower. He believed the response time would be sharper. The current proposed location required a 130-150 degree turn but if you moved it up to the intersection of Paddocks Path and Hokum Rock you have straight roads. The Chief fundamentally and respectfully disagreed with Mr. McDowell. The area Mr. McDowell was suggesting changed the response time insignificantly. That site also dropped off to a small cliff which was not conducive to the building. It would need to be 3 stories and that would add to the cost. The Chief was also concerned that at this location the apparatus was more exposed to the sand pit which meant more maintenance and wear and tear on the equipment.

Mr. Mezzadri had advocated for this site in the past and he agreed the Chief had proposed the best location versus the other side of the property. Mr. Terrio asked if the Chief had included revenue

from the sale of the current building. The Chief shared he had not because it had been assessed previously but would need to be reviewed. Mr. Terrio pointed out that Brewster recently built a new station and he asked how this compared in size and square footage. The Chief pointed out that Brewster built a new main building and it was much larger than proposed here. Mr. McDowell reiterated his desire to move the site on the property and had drawings for Board to see.

Mr. Plath thought it would be helpful if staff put together a financial proposal on projection, how to pay for it and bonding information. He would be cautious of anticipating what a property would be worth as they have done that before and it turned out not to be what they thought. Ms. McMahan shared there was great interest in the village for parking so it might be more important to keep it as open space or parking especially if the value was not there. Regarding location, she believed the pit started very close to roadway on the Hokum Rock side of the property and cost would increase considerably. She didn't think the response time was significant enough of an increase to warrant moving it. This needed to come to fruition. Given the current rate environment, she thought it might be best to borrow based on total estimates.

Chief pointed out that the site was currently designated as a gravel pit. They had sought a legal opinion and to change the use the Board would have to vote to designate this piece of the property for general municipal use. There would then need to be a vote at Town Meeting designating it as general municipal use. Ms. Sullivan shared they were ready to bring financial packet forward but the Board needed to set direction if we were moving forward with this location.

**Motion:**

**Mr. Mezzadri made a motion to accept Paddock Path for Fire Station 2 development; Ms. McMahan seconded. The Board voted 5-0-0.**

**Motion:**

**Mr. Mezzadri made a motion to designate an area necessary to be brought to Town meeting to be designated general municipal purposes; Ms. McMahan seconded. Ms. McMahan suggested designated the entire parcel be designated for general municipal purposes since that would encompass a gravel pit there. Mr. Mezzadri amended his motion to include the entire parcel; Ms. McMahan seconded. The Board vote 5-0-0.**

***Finance Committee Motion:***

***Mr. Prall made a motion for the Finance Committee to adjourn at 7:36pm. The Committee voted 4-0-0.***

Town Owned Land Inventory Report and Next Steps

Ms. Sullivan and Dan Fortier, Town Planner, gave the presentation enclosed in the Board's packet.

Mr. Mezzadri stated this was a work in progress and they were going to look at these properties to come up with an analysis for what they might want to do with them. Ms. McMahan appreciated that this was compiled in a useable format. She agreed they needed to look at their goals and look at the parcels under that lens such as housing or drainage to determine their best uses.

**Motion:**

**Mr. Mezzadri made a motion to accept the draft as written; Mr. Lambton seconded. The Board voted 5-0-0.**

**ANNUAL TOWN MEETING**

**Discuss Town Meeting Warrant Article Proposals**

Mr. Mezzadri was looking to expand the single use container ban for straws and Ms. McMahon was looking for a helium balloon ban. Mr. Terrio cautioned on going too far such as banning plastic utensils since live in tourist area.

Mr. Flanagan suggested a Town Meeting vote to legally change to a Select Board. Ms. McMahon felt this was an important step and it was important for the Town to weigh in.

Ms. McMahon asked to look at getting legislation to increase the number of full liquor package stores. Greg Corbo from KP Law had written this legislation for other Towns so she asked to look into this.

Mr. Flanagan suggested an article for the school feasibility study to pay our portion. Ms. McMahon shared she had supported this initially. The legal fees from the suits were \$22,000 so she would suggest deducting the legal cost from our portion. Mr. Mezzadri point out that the Board was under no legal obligation to pay the feasibility study. Yarmouth had initiated a feasibility study voted by their Town for Mattacheese school only. When the State came in they chose to incorporate Wixon School. During negotiations Dennis agreed to pay our portion if the new middle school building was built. At the time the split was based on enrollment. Mr. Flanagan agreed they were not under legal but believed it was right thing to do since they benefit from it. Our portion such small number but he liked the idea of deducting the legal fees from it. Ms. McMahon feelings were based on principal since the Board always bends for Yarmouth's benefit. She would like to do this for the benefit of Dennis this time. She agrees with Bob and should base the initial figure on what we agreed to at the time then reduce it by the cost of our legal fees. Mr. Mezzadri stated, it's time we look out for the Dennis taxpayers. Mr. Terrio asked for the exact numbers from Administration at a later date.

Mr. Terrio agreed with Mr. Plath's earlier request to consider an article for the he ability to amend school agreement. Ms. McMahon pointed out that the language was already in the draft the subcommittee had put forward. She suggested they put it in form of article and send it to Yarmouth and School Committee.

Mr. Flanagan requested establishing a Stabilization Fund for Coastal Resilience. He thought the Town will need mitigation and adaptation money and it would behoove the Board to set some small amount of money aside.

**ADMINISTRATIVE MATTERS**

**Consider contract for Deputy Police Chief**

Mr. Flanagan announced that the Board met in executive session earlier in the evening and successful negotiated a 3-year contract with Deputy Chief John Brady. The contract was from

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January 21, 2020 to January 20, 2023 in the amount of \$141,000 and that contract mirrors previous Deputy Chief contracts.

**Motion:**

**Mr. Terrio made a motion to accept the contract as stated; Mr. Mezzadri seconded. The Board voted 5-0-0.**

Consider request to waive Payment in Lieu of Taxes (PILOT) from Dennis Housing Authority

Ms. Sullivan shared this was an annual request. Ms. McMahon added that waiving the taxes goes a long way to help investing in buildings and keeping them up.

**Motion:**

**Ms. McMahon made a motion to waive Payment in Lieu of Taxes for the Dennis Housing Authority for FY20 in the amount of \$6,389.10, Mr. Terrio seconded. The Board voted 5-0-0.**

Consider signing Community Preservation Act Grant Agreements approved at the 10/29/19 Special Town Meeting: Dennis Municipal Affordable Housing Trust, Dennis Historical Commission for the Archeological Survey at 481 Main St. South Dennis (Former Bush Property) Josiah Dennis Manse Committee for the West Schoolhouse Stabilization Project, Jericho Historical Center Committee for the Restoration of the Captain Baker House and Barn

Ms. McMahon appreciated the opportunity to review the agreements. She asked that Section 2 the word "positive" be struck in reference to the recommendations from CPC regarding requests for extensions.

**Motion:**

**Ms. McMahon made a motion to approved the grants with that condition; Mr. Mezzadri seconded. The Board voted 5-0-0.**

Update and consider Utility Easement at Hokum Rock Rd for F.O.R.W.A.R.D (Friends or Relatives with Autism or Related Disabilities) housing Project as authorized by 10/29/19 Special Town Meeting

Ms. McMahon had concerns but she was hoping NSTAR would have some sensitivity when they cut the trees.

**Motion:**

**Ms. McMahon made a motion to sign the easement as authorized by the 10/29/2019 Special Town Meeting, Mr. Terrio seconded. The Board voted 5-0-0.**

Mr. Mezzadri brought up the need to look into a replanting program.

Mr. Flanagan turned the meeting over to Mr. Mezzadri, Licensing Chair, at 8:19pm.

### LICENSING

Consider extended winter closing request for Kelly's 134 located at 50 Route 134, South Dennis, MA 02660

Mr. Mezzadri shared there was a request for closing even though they had already closed. They also had received a disciplinary closure from State during this time. Mr. Mezzadri wanted to be sure they turned their license over to the Town during the disciplinary closure and asked that a letter be sent to them.

### **Motion:**

**Ms. McMahan made a motion to approve their extended closing from January 6th to March 1st; Mr. Terrio seconded. The Board voted 5-0-0.**

Mr. Mezzadri turned the meeting back to Mr. Flanagan at 8:22p.

### TOWN ADMINISTRATOR'S REPORT

#### MUNICIPAL VULNERABILITY PROGRAM - UPDATE –

Ms. Sullivan shared that Chloe Schaefer, Chief Planner from The Cape Cod Commission had provided us with the draft report from the Municipal Vulnerability Workshop. The Commission had provided a link to a formatted PDF of the draft summary of findings available for review. Staff including Fire, Police, Natural Resources, Planning Building, Engineering, DPW, Council on Aging, Library, etc. were reviewing. All Department edits would be completed by Monday February 3<sup>rd</sup>. The Cape Cod Commission would like any comments or edits sent back to them. A link would be sent out for the Boards review as there were some Board members that participated in the MVP workshop.

Once the Town was good with the draft report, the next step was to schedule the listening session. The report would remain draft through this period as any feedback from the listening session could be incorporated into the final version.

#### SCHOOL BUILDING COMMITTEE MEETING UPDATE –

Ms. Sullivan reminded the Board that the MSBA recently issued a fully executed project agreement for the Mattacheese Middle School Project. Greg Rounseville, Assistant Town Administrator would be attending this meeting and they would be briefing the Board as the project develops.

Mr. Terrio was concerned with cuts being made to the project. Mr. Flanagan explained they were making a list of potential cuts that could be added back into the project if it came in under budget.

- Building Committee Meeting was held on January 16th
- Owner Project Manager - PMA Consultants made presentation outlining the schedule and updated cost projections.
- Due to delay cost projections increased by approximately 5 million dollars.



- Approximately 5 million dollars of non-reimbursable items recommended to be cut from project. Some items considered for Alternates.
- Time line of project:
- May 2020 - Preliminary Design Submission to MA School Building Authority (MSBA).
- January 2021 - 100% Construction Documents Complete.
- February 2021 - Bidding.
- March 2021 - Contracts executed, permitting, etc.
- Construction – TBD at this time.

#### BEACH CONCESSION REQUEST FOR PROPOSAL PROCESS –

Ms. Sullivan shared the Request for Proposals opened on December 30, 2019. There were five bidders - Ardeo Catering, Dune Shacks, Efraim Ice Cream, Fire and Water Concessions, Inc., Michael & Elizabeth Martir. The Town team was conducting interviews with the last interview scheduled for Thursday - January 23rd. They should have recommendations by next Select Board meeting.

#### DENNIS PUBLIC LIBRARY – UPDATE -

As the Board was aware, on November 8, 2019 the Dennis Public Library experienced a mechanical failure in an air handler, which caused extensive water damage to portions of the building.

On January 20, 2020, the Dennis Public Library experienced further water damage to its Circulation Desk and Back Office areas due to a leaking sprinkler pipe. The library will remain closed until further notice.

To learn about the relocation or cancellation of programs, please refer to Dennis Public Library's website at [dennispubliclibrary.org](http://dennispubliclibrary.org).

During this time period, the remaining four Dennis village libraries are fully operational and open to serve patrons. For information on these libraries, locations, and hours, please see the Town of Dennis website for the Departmental listing for Libraries at <https://www.town.dennis.ma.us/libraries>.

#### TOWN OF DENNIS RECEIVES COMMUNITY COMPACT GRANT AWARD -

It is with great pleasure that Ms. Sullivan informed the Board, that Dennis has been awarded \$21,500 through the Community Compact Cabinet's (CCC) Information Technology grant program. The State had let us know that competition for funding was intense. Our application was chosen because it met the overarching goal of driving innovation and transformation at the local level via investments in technology. These funds would assist the Town in furthering the Technology Plan endorsed by the Select Board, specifically with the integration of EnerGov the online permitting software.

**CONSENT AGENDA**

**Warrant for Payment Summary**

Mr. Lambton shared he signed a Payroll Warrant (29PR20) in the amount of \$420,342.97 dated January 23, 2020 for a total of 247 employees paid in this warrant including deductions for each employee, which was broken down by department.

He had also signed a Vendor Warrant(20-15EXP) in the amount of \$2,418,394.25 dated January 22, 2020. Some of the payments included in the warrant were DY Regional School District February school payment, Cape Cod Regional Technical High School third installment of FY2020 assessment, Alarm New England February bill for alarms at various Town locations the Boston Globe postage for mailing of Personal Property and Real Estate Taxes, Cape Cod Municipal Health Group February health insurance payments, Coastal Medical Billing, Inc. Ambulance billing for December 2019, MCE Dirtworks, Inc. paving of Great Western Road, Rydin Decal printing of beach stickers, and Town utility payments for Verizon and Eversource.

He had signed a Refund Warrant (20-15REF) in the amount of \$2,272.08 dated January 22, 2020. Included in this warrant were refunds for FY2020 Personal Property, FY2018 Real Estate, FY 2017, 2018, 2019 Motor Vehicle Excise and FY 2020 Boat Excise tax. A warrant was generated once a month for refunds of taxes.

**Donation Report**

**Motion:**

**Ms. McMahon made a motion to accept a donation of \$110 to the Police Department and a donation from the Cape Cod Genealogical Society in the amount of \$500 to the Library with thanks to all; Mr. Mezzadri seconded. The Board voted 5-0-0.**

**Minutes**

**1/7/2020**

Mr. Mezzadri shared he had sent corrections to staff.

**Motion:**

**Mr. Mezzadri made a motion to approve the minutes of 1/7/2020 with amendments; Ms. McMahon seconded. The Board voted 5-0-0.**

**4/2/2019**

**Motion:**

**Mr. Mezzadri made motion to approve the minutes of 4/2/2019 as written; Ms. McMahon seconded. The Board voted 5-0-0.**

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Ms. McMahon asked if a charge could be developed to decided what to do with the Wixon School and if it could be placed on an upcoming agenda. Mr. Terrio suggested Ezra Baker be included.

**ADJOURN**

**Motion:**

**Ms. McMahon made a motion to adjourn at 8:35pm; Mr. Mezzadri seconded. The Board voted 5-0-0.**