



City of Ansonia
PLANNING AND ZONING COMMISSION

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Madeline H. Battone
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

April 26, 2010

Regular Meeting

Present: Bart Flaherty, Chairman
Jared Heon
Jeff Lawlor
Ed Phipps
Jim Tanner

Absent: Doug Furtek
James Martin

Others Present: Peter Crabtree, Zoning Enforcement Officer – arrived 8:15 p.m.
Fred D'Amico, City Engineer
Oswald Inglese, Planning Consultant
Tom Welch, P&Z Attorney
Steve Blume, Acting Mayor – arrived 7:45 p.m.
Gene Sharkey, Alderman

The regular meeting of the Ansonia Planning & Zoning Commission was called to order at 7:30 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the March 22, 2010 Regular Meeting, the March 2, 2010 Public Hearing and the Verbatim transcript of the March 22, 2010 public hearing. Mr. Tanner seconded. All in favor, so carried.

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Bills

Mr. Phipps made a motion to pay all bills if found to be correct. Mr. Tanner seconded. All in favor, so carried.

1. Oswald Inglese: Bill for professional services \$657.00
2. Thomas Welch: Bill for professional Legal services \$2912.50
3. Post Reporting Service: \$651.50

Correspondence

Mr. Phipps made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Tanner seconded. All in favor, so carried.

Correspondence from Thomas Welch re: various violations

1. To: Peter Efthymious dated 4/5/10
2. To: Speed of Sound Technologies dated 4/5/10
3. To: Marco Ayora dated 4/5/10
4. To: Alfred Capozziello dated 4/7/10
5. To: Mr. & Mrs. Joao Bolarinho dated 4/7/10
6. To: Haddad, LLC dated 4/7/10
7. To: Diana Borges, etc. dated 4/7/10
8. To: Walter & Louise Hartsburg dated 4/7/10
9. To: Anthony Alicki dated 4/7/10
10. To: Smirde Belizaire dated 4/7/10
11. To: Sommnick Diver dated 4/7/10
12. To: Jeremy Jorden dated 4/5/10

Miscellaneous Correspondence:

1. Kevin Blake re: Jeanne Shuster, Fountain Lake dated 4/8/10
2. Board of Aldermen: Appointment J. Martin date 4/15/10
3. Kevin Blake re: community Garden at Nature Center dated 4/1/10
4. Peter Crabtree re: 32 Hull St. dated 4/5/10
5. David Pantalone re: Day Care Center dated 4/1/10
6. Randolph Carroll re: Novichyk Farm historic stone wall dated 3/24/10

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Late Correspondence:

Chairman Flaherty said that there was some late correspondence received this evening. The secretary read the correspondence:

1. Fred D'Amico re: 119 Wakelee Ave. Hancock Pharmacy dated 4/23/10
2. Fred D'Amico to Jerry Nocerino re: 3 Kiely's Lane dated 4/26/10
3. Fred D'Amico re: C. Stowe & K&D Custom Builders. Dated 4/26/10
4. Ray Sadlick re: Map showing the 250 feet for blasting.

Mr. Phipps made a motion to accept the late correspondence and place on file. Mr. Heon seconded. All in favor, so carried.

Mr. Phipps made a motion to refer the Keily Lane letter to the Inland Wetlands Commission. Mr. Heon seconded. All in favor, so carried.

Heriberto DaVilla/Ray Sadlick(TWC Development)request for 55+ Subdivision to be located at 110 Clarkson Street & 23 Hull Street Ansonia. (6/29/09-8/31/09) Withdrawn 8/31/09 and resubmitted (8/31/09-10/26/09) Extension to 12/28/09 Withdrawn 11/30/09 and resubmitted (11/30/09) Public Hearing: 1/19/10 continued to 1/25/10 continued to 2/23/10 continued to 3/22/10. Closed Public Hearing 3/22/10. 65 Days (5.26.10)

Attorney Cliff Hoyle, Mr. Frank Hoinsky, Real Estate Agent, Mr. Ray Sadlick, Developer and Mr. Holt McCord, Engineer was present.

Attorney Hoyle said that the public hearing has been closed. It was a long public hearing and the site meets the requirements of the ordinance and the site plan meets the requirements of the new ordinance for site plan. He said on behalf of his client he is requesting that the Planning and Zoning Commission approve both the applications – the site designation and the site plan. He said that they understand there will be conditions attached to the approval.

Attorney Hoyle continued stating the Homeowners Association Agreement will be subject to review by the Corporation Counsel or Attorney Welch.

Chairman Flaherty asked about the maps requested.

Attorney Hoyle said he has presented the maps this evening for the 250 feet from the area of blasting to the nearest dwellings.

Chairman Flaherty asked Attorney Hoyle if his client would do a pre-blast survey for the houses located within the yellow ring on the map.

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Attorney Hoyle said it would be determined by the blaster and if it meets the requirements of the Fire Marshall. The blaster doesn't want to have a problem and he will do what he has to do.

Chairman Flaherty said for the record the outer border of yellow would have a pre-blast survey.

Attorney Hoyle said yes, at a minimum.

Ray Sadlick said the inner circle is the area where we have to blast – 250 feet minimum at the closest.

Chairman Flaherty said everything within the yellow circle will have a pre-blast survey.

Mr. Sadlick said yes.

Chairman Flaherty said that these were issues during the last meeting.

Attorney Welch said he sent new memos on blasting and older regulations.

The secretary said that she did not receive these memos.

There was discussion on the Older Residence and Attorney Welch said most are for over 55 years of age. Chairman Flaherty read from the minutes regarding the age limit in the development.

Attorney Welch said they are not to be counted if resident needs assistance and they have to have someone to care for the resident they may be under 55.

Attorney Welch said that Ansonia's community does not regulate it, in this instance you cannot.

Mr. Inglese will draft an amendment to the regulation so that it will be regulated in the future.

Mr. Tanner said Homeowners Association can write it into their By-Laws to be 100% 55 and over.

Chairman Flaherty asked Mr. Sadlick if he would write it into the condominium homeowner's association by-laws that it would be 0% under 55.

Attorney Hoyle said what if there is a grandparent that must care for their grandchild.

Attorney Welch said that you do have the right to write it in the Homeowners Association Regulations and By-Laws.

Chairman Flaherty asked if they would write it into the Homeowners Association By-Laws and regulations that it would be 0% under 55 years of age.

Mr. Sadlick said he would do that.

Chairman Flaherty asked if there were any questions.

There were none.

Chairman Flaherty asked the commission's pleasure.

Mr. Heon said it is a twofold proposal.

Chairman Flaherty said that the Commission will have the Planner write a Resolution for the site designation as appropriate and the site plan approval if that is the commission's pleasure.

Appropriateness of the Land

Mr. Heon made a motion to designate the land as suitable and that it meets all of the Federal and Planning & Zoning regulations designating it as a 55 and over community. Mr. Phipps seconded and amended the motion as follows: to amend the above motion that the community is 55 and over and no one less than 55 years of age will be allowed to reside there.

Chairman Flaherty said the site is appropriate and the Commission had a traffic study done and it showed no impact on the neighborhood.

Mr. Heon said the WPCA study for the sewers showed the sewer system is adequate to handle this development.

Mr. Heon said the detention pond will serve the runoff from Route 8 and that will be improved upon. It will also handle the flow from the development. There will be no additional flow from the property. There is no problem with the drainage. The project has been approved by the Inland Wetlands Commission.

The project is secluded enough that it will keep in conformity of the neighborhood. There will be landscaping and buffers for the adjoining neighbors.

Chairman Flaherty said the underlying zone for this area is for two family dwellings therefore this project is compatible with the neighborhood.

Mr. Heon said the Fire Marshall has reviewed it and they have met all criteria and all efforts.

Chairman Flaherty called for a vote – all in favor, so carried.

Site Plan

Attorney Hoyle said prior to designation the Commission has to make a finding that the land is appropriate. He continued to read the Zoning Regulation.

Chairman Flaherty said that a motion was made and all of those things will be addressed by the Resolution from the Planner. Mr. Inglese will write a Resolution.

Mr. Inglese said that the commission has to instruct him to draft a resolution for approval and then enumerate what will be in the resolution.

Chairman Flaherty said that the site designation is set and we will now address the Site Plan.

Mr. Inglese said it would be wise to enumerate that I will prepare the Resolution.

Mr. Heon made a motion to have Mr. Inglese draft a resolution of approval with conditions. Mr. Phipps seconded.

Chairman Flaherty called for discussion on the conditions.

1. Blasting is regulated and Mr. Sadlick stated in the verbatim minutes that he will do all of the blasting at one time to get in and out of there quickly with the blasting. Blasting should not exceed 6 months.
2. Pre-blasting Survey – Mr. Sadlick made a commitment to include a pre-blast survey
3. Rock Crushing
 - a. Complete rock crushing in 3 months – verbatim minutes
 - b. 3 months after the completion of the blasting rock crushing will cease
4. Heavy trucks – construction equipment, drilling and blasting will take place during the week days Monday through Friday from 9:00 a.m. to 3:00 p.m.
No Weekends
Normal building activity outside those hours within reason.
5. Homeowners Association must state 55 and older people residing there
Put in their constitution the requirement of 0% under age 55
No one under age 18 will reside there
6. \$15,000 start up money in bank account
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7. Maintenance Agreement for the detention basin and the property for the Homeowners Association
8. Certificate of Occupancy cannot be issued until the Community Building is completed

9. Certificate of Occupancy for the 8th dwelling Unit cannot be issued unless the Community building is completed
10. Landscape Buffer (hemlock and white pines) 6foot high and 10 foot on center easterly and southerly borders
11. Open space is conveyed to the Homeowners Association in perpetuity.
12. Detention Pond has a maintenance agreement in place
13. Any other agreement stated in the verbatim minutes that was discussed and agreed to by Mr. Sadlick and his representatives.
14. Bonds: Performance Bond – City Engineer to set
Erosion & Sedimentation Bond - \$10,000
15. List of drawings received by the Commission
16. Submission of the Architectural Drawings
17. A list of the sequence of events for construction on the site in writing:
 - a. (1) road preparation (will be done before construction begins)
 - b. (2) pre-blasting survey
 - c. (3) blasting not to exceed 6 months
 - d. (4) rock crushing not to exceed 3 months after completion of blasting
 - e. (5) all building foundations must be completed at this time so that there is
No further blasting or rock crushing – all sites will be prepared for construction
18. Fencing for the site during the blasting period to keep children out
19. Temporary construction fencing during construction
20. Open Space will be conveyed to the Homeowners Association.

Chairman Flaherty said that Mr. Inglese will review the verbatim minutes also.

Mr. Inglese asked Mr. Sadlick for the Architectural Drawings.

Mr. Sadlick said we can move to the next step.

Mr. Inglese said that this is the next step and he needs to cite a set of these drawings and he will not be able to do the Resolution if he does not receive them.

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Attorney Hoyle said he will get the Architectural Drawings for Mr. Inglese.

Mr. Inglese asked about the sequence of events i.e.: the Recreation Facility will be built first.

Chairman Flaherty said that the C.O. of the 8th residential unit cannot be issued if the Community Building is not built.

Mr. Heon said the fencing for the blasting to keep the children out has to be put up.

Chairman Flaherty said temporary construction fencing during the construction has to be in place.

The commission members agreed any other conditions in the verbatim minutes will be included in the Resolution as conditions.

Chairman Flaherty called for a vote on the motion – all in favor, so carried.

Mr. Inglese said that this is not an approval of the project it is just an approval for him to do the Resolution of approval. The conditions will be presented to the Commission and we will vote on approval of the site plan with the conditions in the resolution.

Attorney Hoyle said he thought that was what the commission just did.

Mr. Heon said he thought that we were doing that – that we approved it.

Mr. Inglese said you have to instruct someone to make the resolution. That is what you did.

Chairman Flaherty said that Alderman Sharkey as Chairman of P&Z always had a Resolution at this meetings.

Alderman Sharkey said he had a Resolution at the meeting for vote.

There was a review of the conditions discussed. The Chairman went over each one again giving the applicant an opportunity to discuss and clarify any questions they may have.

Recess

Mr. Heon made a motion for a five minute recess at 8:25 p.m. Mr. Tanner seconded. All in favor, so carried.

The meeting reconvened at 8:30 p.m.

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**John Sponheimer/Valley Plaza/ Hancock Pharmacy at 119-121 Wakelee Ave.
Site plan approval to convert existing single family dwelling to a pharmacy
65 days (5/26/10)**

Attorney John Sponheimer and Pat Rose, Engineer was present.

Attorney Sponheimer said based on Mr. Inglese' recommendation they checked their map for compliance.

Mr. Rose said that he has made changes to the map as follows:

1. Change to the concrete curbing.
2. Provide additional landscaping in the parking lot.
3. There are islands in the parking lot.
4. Install sidewalks all along the front. Handicap ramps at curb cuts
5. Cross walks
6. Cross walks from one building to other building
7. Resurface entire parking lot
8. Re-Stripe parking lot
9. Landscaping in the Islands (bushes, shrubs)
10. Lighting Plan – added 2 poles (height, etc.)
11. Additional hydrant

Chairman Flaherty asked how high the lamp posts would be.

Mr. Rose said 20 feet.

Mr. Inglese asked if the lighting had shields.

Mr. Rose said yes.

Mr. Inglese asked the manufacturer for the light fixtures.

Mr. Rose said they are Kim light fixtures.

Mr. Heon asked if they can do some landscaping on the left side from Wakelee Avenue.

Mr. Rose said there is a partial sidewalk there and some landscaping because there is no room. He said the parking is more than adequate. There is proposed landscaping on the south side.

Mr. Heon asked if it is possible to do something in the front of the building.

Mr. Rose said they will lose parking spaces.

Mr. Inglese asked if he can extend the motif across the front of the building area.

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Mr. Heon said it is important that something more be done on the left side of the parking lot. He also noted that in front of the building 121 Wakelee Ave. the area floods immensely.

Mr. Rose said they are putting in storage for that catch basin to eliminate that. The storage doesn't exist there right now.

Mr. Rose said he will put landscaping in from the southeast side of the parking lot and extend it down in front.

Chairman Flaherty said he sat in the parking lot for 45 minutes one day to watch the traffic flow on the lot. There were 16 open spaces without the pharmacy there. He said a lot of young people go in and out of the building – children and women.

Chairman Flaherty asked if a walkway could be painted so residents have a way to get to and from the pharmacy. This is a busy parking lot. In the short time he said he sat there 15 cars went in and out. He said this looks like a very good plan. He asked if Mr. Rose could add a walkway on the side.

Mr. Rose said he could adjust the islands and make room for a walkway in that area.

Chairman Flaherty asked if this parcel has been changed over to one parcel.

Mr. Sponheimer said no, not yet. They have to check on the deeding of the parcels before they can combine the three parcels into one parcel.

Mr. Inglese asked if they are preparing a map that they can file before the next meeting.

Mr. Sponheimer said yes.

Chairman Flaherty said it looks good. He said they will add shrubs on the left side and a walkway.

Mr. Heon made a motion to draft a resolution for approval contingent on the consolidation of all parcels into one parcel. Mr. Phipps seconded. All in favor, so carried.

Reports: City Engineer

Mr. Fred D'Amico was present.

R. Scinto/Fountain Lake Commerce Park – E&S Bond-Perf Bond & Fence

Mr. D'Amico said that Mr. Scinto has installed the fence and seeded the area on the hill. The grass has started to grow. There is no erosion and the area is stabilized. There is no bond money.

64 Platt Street Wall & parking lot

Mr. D'Amico said that Public Works Department has ordered the blocks to finish the wall. They will begin work in two weeks. They will build a wall similar to the one on Rockwood Ave. instead of the stone wall.

Mead School Detention Basin

Mr. D'Amico said that he did not get a chance to look at the detention basin at Mead School. He said he will get up there this week.

Chairman Flaherty said that there are Maple trees growing in there and it has to be maintained. He suggested Mr. D'Amico contact Bob Evans, Supt. at the Board of Ed.

3 Keily Lane

Mr. D'Amico said that he sent another letter to the developer. They are trying something with the catch basin.

Riverside Apartments, Olson Drive

Mr. D'Amico said that he contacted Mr. James Finnucan and Larry Thomas from the Ansonia Housing Authority regarding planting the site. Ansonia Housing Authority has retained a contractor to seed the area.

Wall on North Main St.

Mr. Heon asked if Mr. D'Amico found out any information on who owns the wall on North Main Street that is in need of repair.

Mr. D'Amico said that the wall is privately owned by a Doctor.

Mr. Heon said the wall at North Main Street and Liberty Street and Third Street that is half coming down.

Mr. D'Amico said that the wall is privately owned. He said that it is the same as the private wall on Main Street across from General Muffler. He contacted the State of Conn. because the wall
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was coming down and he was told it is on private property. If the wall collapses the State will come in and remove it.

Reports: Zoning Enforcement Officer

Mr. Peter Crabtree was present.

Mutual Housing

Mr. Crabtree did not report on this.

23 Spring St.

Mr. Crabtree said that this is a three family dwelling. The owners have to remove the third unit. It was converted over to a three family and there is no head room in the area of the dwelling unit. A letter was sent.

32 Hull St.

Mr. Crabtree said that he was able to inspect the house and the complaint at the hearing was that it was converted to a three family house. There is a memo of his findings. It is not a three family house. He will provide the memo to the commission.

Speed of Sound Sign

Mr. Crabtree said that he went by the store tonight and told the owner to fix the sign so that it doesn't flash and to turn it off at night and in the morning have something else on the sign.

Mr. Tanner said he went by there and the sign wasn't flashing.

132 South Cliff Street

Mr. Crabtree said that this has gone to court. He said our attorney asked for a transcript of the proceedings. The transcript is 70 pages. The Judge gave him six months to get everything in order. He said he copied a portion of the transcript and will provide a copy to the commission.

Variances

Mr. Crabtree discussed variiances and use variiances. He read the Court papers (2). On the advice of Counsel the application was accepted.

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Attorney Welch said that the trial was clear. The property has history and the property owner tried to make application for a variance. The ZEO will not let me get there was his claim. A use variance is prohibitive and there was no decision made. The Judge said to allow the applicant to make application to ZBA and be denied.

Chairman Flaherty asked if this would set precedence.

Mr. Crabtree said the court Judge said Mr. Crabtree doesn't have a right to be a gate keeper.

Mr. Heon said he spend a number of years on ZBA.

Mr. Heon made a motion to send a recommendation of denial because the property is currently conforming and changing it is non-conforming and financial consideration is not a hard ship and it stands conforming. Mr. Phipps seconded. All in favor, so carried.

Attorney Welch said the transcript as he understands it is that in 1992 Mr. Crabtree required that he remove the kitchen to receive a C.O. He removed the kitchen, got his C.O. and he stated he re-installed the kitchen after he received his C.O. We won that case.

Deviate from the Agenda

Mr. Heon made a motion to deviate from the agenda to take up Hughes Circle. Mr. Phipps seconded. All in favor, so carried.

Chairman Flaherty asked three times if there was anyone who wished to address the commission on this subject. There was no one.

Chairman Flaherty said that it has come to the attention of the Commission that the owners of Hughes Circle are selling the houses. They don't conform to zoning. The Commission developed a 55 and over regulation for that site because they did not conform to zoning. He asked how they are selling the homes.

Mr. Crabtree said that he had a conversation with their counsel and they said there are ways to do it – a financial solution. He said he told them it can't work and to come in for a text change or something. They have no approvals from him. There is no agreement or subdivision, the road is not a city road.

Mr. Lawlor said they are selling them and there was an open house on Sunday.

Attorney Welch said they have the right to do a condo and sell the units. They never change the footprint, they can't add anything to the house and they can only maintain on current units. Condo- minimizing them they are not selling the land only the units and the land stays in common ownership.

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Mr. Tanner said there was something in the Board of Aldermen minutes or in the newspaper on this.

Mr. Heon said the Planning Consultant and Mr. Crabtree should get together on this.

Mr. Inglese said Section 720.18 of the Regulations addresses this. He read the section to the members. He said they never came to the Commission for designation of the land.

Chairman Flaherty asked if they can sell them.

Attorney Welch said the zone was never changed for 55 and over. It is a regulation that fits that area of land. They could come in and ask.

Chairman Flaherty said they have to come in to condo-minimize.

Attorney Welch said yes, but not change anything just ownership. They don't have to come in if the land stays with one owner.

Mr. Crabtree said the State of Conn. requires the Homeowners Association, etc. to register. He said he is not saying to forget it but it is controlled by the government law.

Chairman Flaherty said it wasn't voted on by the P&Z Commission.

Attorney Welch said they are not changing anything. Ownership of the land is one owner.

Mr. Crabtree said a subdivision makes lots and you have to record the map. They have to have room for cars, etc. If it is made into lots part of the car area will go into a right of way for the other lot. There are pros and cons for this. He said to look and decide on how P&Z wants to present it. They left the ball up in the air.

Mr. Heon said they are selling them.

Attorney Welch said they are leaving pre-existing non-conforming subdivision and make lots. The homeowners association will have to follow this rule. They can't change anything in the subdivision without coming into Planning and Zoning first.

Mr. Inglese said if they condo-minimize they will have to have a Homeowners Association.

Mr. Crabtree said and a Declaration document.

Attorney Welch said that an apartment building owner of a building with 8 apartments can condo-minimize without coming in here.

Mr. Crabtree said condominiums are boiler plate.

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Attorney Welch said there will be no changes made in there. The property and the houses will stay as it is and no one can change anything thing on any dwelling without coming here first. There will be no changes.

Executive Session

Mr. Phipps made a motion to go into Executive Session at 9:15 p.m. to discuss White Hills and Renu and invite Attorney Welch and Mr. Inglese. Mr. Heon seconded. All in favor, so carried. Mr. Phipps rescinded his motion for Executive Session to finish Mr. Crabtree's report. Mr. Heon rescinded his second.

Reports: Zoning Enforcement Officer

Mr. Crabtree continued with his report.

Violations

3 Hodge Avenue

Mr. Crabtree said he is currently investigating the building and garage located at 3 Hodge Ave.

24 Jewett Street/Danielczuk Drive

Mr. Heon said there is a group occupying the first floor space in the building on the corner of Danielczuk and Jewett Street. They have turned it into a Club House. He said there are colors out there and the bikes are parked on the sidewalk and in the road. There is a change in use. It was an office and now it is a social club.

Mr. Tanner said that building is a residential use. People with children live there.

Mr. Crabtree said he has to see it in operation – inspect it and if non compliance they will have to cease.

Mr. Phipps said they have installed cameras and equipment in there.

Mr. Crabtree said his hours are part time. He asked when are they there.

Mr. Phipps said it is a Police violation with the motorcycles parked on the sidewalk and in the road obstructing the traffic.

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Mr. Tanner said there are problems with the building, with the pipes, etc. Send a letter to the club without notifying the owner.

Mr. Crabtree said if it is on a weekend – call him and he will go out there and cite them. He will start with an inspection. He said he doesn't see any activity there now.

Mr. Heon said there is a Sports Bar on E.Main St. that has flashing lights and signs.

Mr. Crabtree said they can't do that.

Mr. Heon said they are blinking red and green lights.

Mr. Crabtree said to contact him at home when they see the lights flashing at the restaurant and when there is motorcycles on the sidewalk and someone at the club house on Jewett Street. His number is (203-562-1808)

Mr. Tanner asked about 420 Main Street. He said the whole thing is use of the property as a construction yard and he has bins and racks out there. Since we have gone to court he has been erecting storage bins and selling material from the site. He has been using the property illegally in the past. He is appealing our decision and he has since been using it as a construction site.

Mr. Tanner said it was contested in court before he started doing this.

Mr. Crabtree said the use of the property as status quo.

Chairman Flaherty said it was never a construction yard.

Executive Session

Mr. Phipps made a motion to go into Executive Session at 9:30 p.m. to discuss White Hill Estates and Renu. Mr. Inglese was invited to remain. Mr. Tanner seconded. All in favor, so carried.

Mr. Heon made a motion to go back into Regular Session at 9:45 p.m. Mr. Phipps seconded. All in favor, so carried.

There were no votes taken during Executive Session.

Renu

Chairman Flaherty asked Attorney Welch what to do with the correspondence received from Mr. Blake regarding Renu. He said he didn't want to do anything with it – it was addressed to Mr. Blake and then forwarded to him.

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Attorney Welch said place it on file. That is not something subject to executive session. Put it on file.

Chairman Flaherty said file it just like it is.

Attorney Welch said yes.

Jean Shuster – Fountain Lake

Mr. Inglese said the commission received a copy of the case regarding Shuster's property. He asked why it was being filed now.

Attorney Welch said we won that case it was very clear. They filed an inverse condemnation and the Insurance Carrier is covering that. The court is clear they have access to another road.

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 10:05 p.m. Mr. Heon seconded. All in favor, so carried.

Respectfully submitted,



Jo-Lynn Flaherty
Secretary