

**CITY OF WALTHAM  
ZONING BOARD OF APPEALS**

**December 5, 2017**

**The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, December 5, 2017, in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham.**

**In attendance were members John Sergi, Mark Hickernell, Glenna Gelineau, Sarah Hankins and Barbara Rando, Chair.**

**Mrs. Rando: Tonight we have three new cases before us. Case 2017-34, Waltham Farm Home Realty Trust, Daniel and Christine Wildes, Trustees of 54 Emerson Road and that's an appeal of a Notice of Violation; Case No. 2017-36 Music Hall Realty Trust; James H. McElroy, Jr., Trustee, 18-22 Elm Street and that's an appeal of Notice of Violation; Case 2017-37, Gibraltar Pool Corporation, James and Lisa Orangio, 25 Wilton Street and that's for a Special Permit .**

**The first action this evening is to accept the minutes of November 28, 2017.**

**On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to accept the minutes of November 28, 2018.**

**Will the clerk please read the petition in Case No. 2017-34?**

**The clerk then read the Petition of Waltham-Farm Home Realty Trust, Daniel and Christine Wildes, Trustees in an appeal of a "Notice of Violation" dated September 19, 2017, issued by the Inspector of Buildings. Location and Zoning District: 54 Emerson Road/29 AFT Emerson Road; Commercial Zoning District.**

**Mrs. Rando: May we hear from the Petitioner or the Petitioner's representative, please?**

**Attorney Kevin Dwyer, 707 Main Street, Waltham, came forward.**

**Mr. Dwyer: Mr. Forte and I have agreed to continue this hearing. We discussed a date in January and we have had a couple of meetings on this and we are trying to resolve the issues that have been raised in the Notice of Violation, if that's amenable to this board.**

**Mrs. Rando (to Mr. Forte, Inspector of Buildings): Is that agreeable.**

**Mr. Forte: Yes.**

**Mrs. Rando: How does the board feel? Do they want to continue Case 2017-34?**

**On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to continue Case 2017-34 to January 30, 2018.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Now to extend the hundred days to March 20th. Do I have a motion?**

**On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to continue the hundred days to act on this case to March 20, 2018.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Mrs. Rando: Will the clerk please read the petition in Case 2017-36, Music Hall Realty Trust?**

**The clerk then read the Petition of Music Hall Realty Trust; James H. McElroy Jr, Trustee in an Appeal of a “Notice of Violation”. By letter dated September 27, 2017, The Inspector of Buildings served a Notice of Violation on James McElroy as Trustee of the property at 18-22 Elm Street alleging zoning and building code violations. Location and Zoning District: 14-18 Elm Street; Business C Zoning District.**

**Mrs. Rando: May we hear from the Petitioner or the Petitioner’s representative, please?**

**Joseph M. Connors, Jr., Esquire, 404 Main Street, Waltham, MA came forward and submitted a copy of his brief along with Exhibits.**

**Mr. Connors: I am an attorney representing the Petitioner, Jim McElroy as the Trustee of the Music Hall Realty Trust. Jim is with me here, right there, Paul, Meredith and his son, John, who runs the business at Elm Street, Formalwear Tuxedo Business.**

**Mr. Connors posted a plan of the locus on the board and went over it with the board. He also submitted a brief with exhibits to the board.**

**The property is at 18 Elm Street and I see in the notices it’s referred to as 14-18-22 and I think there is a record at the, at one point the City Engineer deemed it to be 18 Elm Street and that’s on the Assessors record as well. (Mr. Connors submitted a photo of what the building looked like at the turn of the century.**

**Mr. Connors then read his brief into the record and went over the exhibits attached to his brief.**

**Mrs. Rando: Are there any questions from the board? (There were no questions.)**

**Mr. William Forte, Inspector of Buildings came forward.**

**Mr. Forte: Thank you for inviting me. I first want to compliment Mr. McElroy on his great effort in complying with a lot of the building and safety code violations that exist on this property.**

**When I approached him in 2016 for this inspection and we went over these things and it was a bit overwhelming. I just want to say that Mr. McElroy made an exemplary effort to comply with all the safety requirements. There were things that Attorney Connors didn't mention like you know there were several issues with the basement and there's a dry cleaning area down there where there is some pretty heavy industrial equipment and there was some fire safety violations that he probably wasn't aware of just being a business owner. He's really not supposed to know these things as a layman. And after these things were pointed out I just want to say that he made great effort to comply and get this building up to code. And one of the reasons why we didn't follow through with fines on the enforcement of the studio apartment that was cited in 2016 was because compliance was moving forward so we got to this point because basically there was another apartment in the south side of the building that I have not personally inspected. It was viewed by my inspectors but I wasn't made aware of it. So upon inspection of the property in 2017, Mr. McElroy brought me down to the south side of the building which is this portion right here where there was another apartment, (referring to the plan). So, upon inspection of this, there are a couple of things noticed in this second notice of violation that was issued in September that have already been taken care of. Substantially, everything here has been complied with. The only questions remains is the number of units over there.**

Essentially, I agree with Attorney Connors on most of this stuff. It pre-existed. It was probably constructed, it looked like probably in the eighties both of these units, okay. The problem is, the only problem here is that the argument that Attorney Connors has made should have been made in 2016, not 2017, for the studio apartment that is on the stage. The reason why I cited it in the notice of violation that it had already been cited and it had to be vacated was because, unfortunately, through oversight it's just plain misfortune Mr. McElroy did not appeal the notice of violation. He probably didn't know that he had to appeal the notice of violation and probably wasn't properly represented at the time.

So rather than beat up on Mr. McElroy, we worked toward compliance with all these other issues and we still have the outstanding issue that there are two dwelling units over there that I do not have the authority to permit. So, it's really not my argument tonight. It's really that the burden of truth lies on the applicant and in this case, I'll just say, just a couple of things is that Mr. McElroy is not protected from enforcement on uses that were never legal. I will tell you that the use of the property as a multi-unit is nonconforming. The creation of the dwelling units is not.

When Mr. Connors speaks to pre-existing nonconforming protected use rights, what he's referring to is that it would have had to have been properly permitted at the time for it to be a protected use right. Multi-Family use is definitely allowed in that zone. Mr. McElroy's property lacks the acreage to sufficiently allow for the units that it has.

Attorney Connors, in speaking about the dimensional outline of how many units are allowed there, you know he probably does have a volume problem there. Now, I don't know that the board has the authority to consider a dimensional variance for the number of units. Rather than an appeal on a Notice of Violation where you can't take a second bite out of that apple. That appeal and the notice of violation in 2016 is in the past. It cannot be considered at least as far as I understand the law. That doesn't mean that now that this

has been cited correctly and, of course, appealed in the right amount of time that this particular unit that has been cited in this notice of violation cannot be given relief from and in fact, it may be that the number of units is more what the relief is rather than where those units are. So, - - -

**Ms. Hankins:** That's not what the nature of your determination against them.

**Mr. Forte:** No, no. There are two separate violations and that's what I am saying. There are two separate violations for two separate illegal apartments. There is one that's already passed its ability to appeal. But that does not mean that there are other means with which he cannot get this approved you know without a substantial detriment to the neighborhood. Again, that's within your purview. I can't answer that legal question. That might be something for the law department to consider. But the only real outstanding issue here is the fact that there are more units existing there than what's allowed. And my belief is that the studio apartment on the stage that was constructed without permits has gone beyond its level of appeal. That doesn't mean that the Zoning Board can't grant other relief in some fashion.

So, without getting into specifics because, again, Mr. McElroy has substantially complied with everything in this notice. I just don't have the authority to issue him a certificate of occupancy for ten living units over there when I only have permits showing for eight.

**Ms. Hankins:** So how many units do you think you are allowed there by right?

**Mr. Forte:** So, as you heard Attorney Connors specify that eight units are definitely, no question about it, pre-existing nonconforming protected by use right and I'm sure of that. They predated the zoning ordinance. I have checked that and those were all protected. Business use on the first floor and in the basement is, again, it's allowed by right

in the Business C zone and again, there's nothing that would prevent Mr. McElroy from operating a business. In fact, he did obtain a certificate of occupancy for the tuxedo business and the dry cleaning associated with that accessory use in the basement. And, again, none of that is an issue. Really substantially, the only question before you is that there is one dwelling unit that he seeks relief for because I don't believe that he can seek relief for a second one.

As I specified in the second notice of violation, that I did correctly cite it the first time and it was never appealed.

Mrs. Rando: And that's the stage.

Mr. Forte: Correct. So if relief was given for the apartment in the south side of the building, then great. But I don't know that he can't appeal something that he was already cited a violation for and the time has already lapsed unless there's another way that he seeks that relief which could be from the Table of Dimensions which might be a different type of relief that they are asking for. Again, I don't know that that's the authority that the ZBA has. It's really not my place to say, but I just would only suggest that really the outstanding issue here is there are two illegal apartments cited, you know, one of which is eligible for relief from and possibly some other mechanism the other way.

Mrs. Rando: So are you saying that if he had come to you sooner that you might - - -

Mr. Forte: Mr. McElroy would have had to appeal the first notice of violation of 2016 based on the zoning violations. The building code violations would have had to been appealed to the BBRS which he had no contest to. But I think again, just by unfortunate happenstance he just didn't appeal the notice. And so, again, I believe that under the ordinance he doesn't have that right. But Attorney Connors argues that it was never a

violation in the first place. That would have been an argument that would have had to be made last year.

**Mrs. Rando: Mr. Sergi, do you have any questions at this time?**

**Mr. Sergi: No.**

**Mrs. Rando: Mr. Hickernell, do you have any questions?**

**Mr. Hickernell: No.**

**Mrs. Rando: Ms. Gelineau?**

**Ms. Gelineau: No.**

**Mrs. Rando: Ms. Hankins?**

**Ms. Hankins: I guess I'm still confused. You think that he'd be fine if he had eight units because they had building permits for eight units. I don't understand the, you seem to be making the argument that their violation is not in the units existence but that the sheer number of units is what's creating the violation.**

**Mr. Forte: So the violations, if you looked at photos, you would see that there are eight units that were created on the second and third floor obviously predate any kind of construction related to what was discovered on the stage area. The stage area, Mr. Connors put somewhat around the 1980's. I would say that that's about accurate with the type of construction. When you look at things like trim and floors , etc., and the way that ceilings were plastered, you can kind of tell when those were created.**



**Again, the unit on the south side looks like to be about the same circa so I don't see that - - -**

**Ms. Hankins: Is that the unit that you issued the violation for?**

**Mr. Forte: I issued two different violations on two different units.**

**Ms. Hankins: If it was clear to you that it had been in existence for at least ten years, why would you issue a violation?**

**Mr. Forte: Because the use is not protected. The structure is, okay. If the unit was vacated, okay, - -**

**Ms. Gelineau: It's an allowed use there.**

**Mr. Forte: It was not allowed by permit.**

**Ms. Hankins: No, it's an allowed use in that zone.**

**Mr. Forte: It is but only under the Table of Dimensions where you can have thirty units an acre. When you divide that up the amount of square footage that Mr. McElroy has on his property, the number of units that he is allowed, does not give him rights to that. Otherwise, - - -**

**Ms. Hankins: How many units then?**

**Mr. Forte: Well I don't have that calculation on me, but I will just tell you - - -**

**Ms. Hankins:** You're making the argument that he doesn't meet that then you should know that - - -

**Mr. Forte:** It's deficient. I will just tell you this. It's not mine to prove, it's his to prove. The units were created without permits, okay. If they are created without permits, provided that they haven't been determined to be legal nonconforming, it's determined to be a violation. It's not mine to prove that it is. It's his to prove that it's not.

**Ms. Hankins:** It's his to prove that it has been in existence for ten years which he's able to easily do.

**Mr. Forte:** The ten years thing is only for structures. It does not protect uses.

**Ms. Gelineau:** Are they to code?

**Mr. Forte:** The units? Well, all right, if I were to say that are no egregious safety violations there, that's why we didn't move forward with the next phase of enforcement. But structures are protected, uses are not. If the use is legal - - -

**Ms. Hankins:** The use is legal, it's not - - -

**Mr. Forte:** Let me just quote Section 7. It says: "If real property has been improved and used in accordance with the terms of the building permit," there is your key, okay. There was no original building permit issued for this. Eight units on the second and third floor predate the need for a building permit. They existed before 1925. So that's why I determined that the eight units on top are legal and the fact that the construction appeared to be done some time in the eighties. There was one case you just recently had, Alder Street. Alder Street was vacated for years. There was no grave concern. The structure was protected, okay, but the use was not. The use was nonconforming and they

had to prove that to the ZBA in order to be able to use that property. So you made the determination, I guess it was a positive determination and relief was granted that it was indeed pre-existing. This is the same type case. I can't make that determination within my authority. It's not within my authority. I can only base my determination on what's factual that I have the records and what the law says. The law is pretty clear right here. It says it has to be used in the terms of the original building permit. The units above the first floor didn't need a building permit. It was a legal nonconforming eight units.

**Mr. Hickernell:** What about the next paragraph in Section 7? If real property has been improved, yada yada yada, and the structure or alterations have been in existence for a period of at least 10 years and no notice of an action, suit or proceeding as to an alleged violation in this chapter or ordinance or by law adopted under this chapter has been recorded in the registry of deeds, then the structures shall be deemed, for zoning purposes, to be legally non-conforming structures”

Why doesn't that apply?

**Mr. Forte:** It's structure, it's not use.

**Mr. Hickernell:** But the use is multi-family.

**Mr. Forte:** It's not a small detail. Trust me.

**Mr. Hickernell:** It's not a question of trusting you, sir. It's a multi family that's the use that's in our ordinance. This is multi-family if it's eight, nine or ten.

**Mr. Forte:** I'm telling you it's not sanctioned with a permit. It says right here: “If real property has been improved and used in accordance with the terms of the original building permit.”

**Mr. Hickernell:** Yes, that's the previous paragraph. In this paragraph it says that notice of violation to stop the clock has to be recorded in the Registry of Deeds. Did you file you Cease and Desist Order with the Registry of Deeds?

**Mr. Forte:** No.

**Mr. Hickernell:** So that's what I am trying to resolve here. If that's a conflict that's something that needs to be resolved.

**Mr. Forte:** Which paragraph are you referring to?

**Mr. Hickernell:** Third from the last.

**Mr. Forte:** I'm reading it, but I'm not an attorney so I am not going to argue this. So, I will just say that it is up to you to decide. So if you decide that this is somehow or another void because my notice of violation wasn't recorded at the Registry of Deeds, then it's certainly up to you.

**Mr. Hickernell:** We are certainly not going to declare the statute null and void or the notice, the question is - - -

**Mr. Forte:** I can't give you an eloquent explanation of this. I will just tell you that I cited the violation that I think I cited it correctly. That's really my only statement. I would suggest that you maybe put this up to the law department and ask them what it is because I believe it was cited correctly. It wasn't appealed. And, again, I think that the argument that Attorney Connors has made is a good argument but I believe it's retroactive and I don't believe that you can rule, and again, I don't know what your authority is but I don't believe that something that has passed the time of appeal, I don't believe you can do that.

**Mrs. Rando:** Are there any questions? (There were none.)

**Mr. Hickernell:** Can I say that I do appreciate the Building Inspector coming tonight and presenting the case.

**Mrs. Rando:** Would you like to say something, Mr. Connors?

**Mr. Connors:** I think that, granted, I think that this topic and distinction between a nonconforming use and a nonconforming structure and dimensional violation is confusing because when you read it the law often refers to nonconforming uses generally. But I think Mr. Forte is making that case. He said to you, you have the authority, there's units per acre and dimensional things that you could give if we came before you and asked for that relief. He's making the case that there's a dimensional violation here. He's claiming I have too many units potentially for the acreage. That's a dimensional distinction. So the use is a permitted use so he's arguing that the number of units per the acreage there might be a violation. That's not what he cited before, but that is a dimensional violation. And so dimensional violations are protected under the zoning code under the statute of limitation. Even if I don't have a permit, after ten years that that dimensional violation has been in existence then it's deemed to be a nonconforming protected use.

So, I mean, he was cited in 2016. Mr. McElroy took a lot of steps to cure a lot of things and he did.

**Mr. Hickernell:** You said nonconforming use, you didn't mean that.

**Mr. Connors:** Nonconforming dimensional status I would call it. Because, I mean, you could make the argument that we didn't appeal it but still he doesn't have the right to go down to the registry and make me get rid of it because the defense that Mass General

**Laws defends us and he doesn't have the authority if he hasn't prosecuted us in the court to force Mr. McElroy to vacate the old stage unit.**

**In the 2016 notice to Mr. McElroy, Mr. Forte was forthright, he said, in his notice what he told you the dwelling unit in the old stage area was created without a building permit. You claim that you purchased the building with the unit already in existence. Judging by the age of the stove and kitchen sink appears the work was done some time in the late 1980's and the 1990s. So right then in 2016, he acknowledges that it was already in existence for more than ten years. He's alleging that it's a building code violation and not necessarily a zoning code violation. So, we've appealed it.**

**So, I would say, number one, whether we appealed it or not is irrelevant to the defense that the building inspector has failed to prosecute it or record it in the Registry of Deeds like 40A Section 7 says he has to do for a dimensional violation which this is because we can all agree that it's a multi family zone and this is a multi family use so that's my position there. I think it's a statute of limitation issue on a dimensional violation and we are protected.**

**Mr. Hickernell: Could it have been some other kind of violation that he had cited that wasn't in this section you would be out of luck now?**

**Mr. Connors: Yes, absolutely because I mean I think we had that defense that kind of trumps that failure.**

**Mrs. Rando: Is everyone ready to go on?**

**Is there anyone in the audience that is in favor of this petition? (Eight people raised their hand in favor.)**

**Is there anyone seeking information. Seeing none, is there anyone in opposition?**

**Would anyone like to speak in favor? (No one came forward.)**

**Mrs. Rando: The public hearing is closed.**

**You may continue with your proposed Findings of Fact.**

**On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to waive the reading of the Proposed Findings of Fact since it's been on file in the Law Department.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Mrs. Rando: Do I have a motion on the reading of the decision?**

**On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to waive the reading of the Proposed Decision since it's been on file in the Law Department.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Mrs. Rando: I am ready to entertain a motion on the Proposed Findings of Fact?**

**On motion of Ms. Hankins, seconded by Ms. Gelineau, the board voted to adopt the Proposed Findings of Fact.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Mrs. Rando: Do I have a motion on the Decision?**

**On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted that the Decision as presented becomes the board's decision.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Mrs. Rando: So we have overturned the decision of the Building Inspector.**

**Will the clerk please read Case 2017-37, 25 Wilton Street**

**The clerk then read the Petition of Gibraltar Pools Corp, Owner: James and Lisa Orangio in an application for Special Permit - Above Ground Swimming Pool. Subject Matter: Installation of an above ground pool which will not conform to the required lot line setbacks on front and side yard. Location and Zoning District: 25 Wilton Street; Residence A-4 Zoning District.**

**Mrs. Rando: May we hear from the petitioner or the petitioner's representative, please?**

**J. Henshaw, Gibraltar Pools came forward.**

**Mr. Henshaw: I am representing the Orangio's. We are petitioning to install an above ground pool. Due to the nature of the lot, it's a corner lot. It's a five thousand square foot lot and it's on the corner. Even though it's Wilton Street the entrance is on Bowker Street. In 1967 there was a variance granted for a swimming pool and that was in**



place until 2014 and the pool was removed. It was filled in for safety reasons and we are proposing to put another one in the same footprint only smaller.

**Mrs. Rando:** Are the measurements exactly the same?

**Mr. Henshaw:** No, it's smaller. What was there originally was an in-ground pool. It has a surface area of 12 x 20. I believe the original pool was a 16 x 32.

**Mrs. Rando:** What is the lot coverage of the swimming pool?

**Mr. Henshaw:** It would be 120 square feet.

**Mrs. Rando:** How much of the lot will it cover?

**Mr. Henshaw:** It's a five thousand square foot lot and we would be taking a hundred and twenty square feet of it, so less than ten percent. I don't have that exactly but looking at I would think forty percent with the pool.

**Mr. Hickernell:** But less than the previous variance.

**Mr. Henshaw:** Less than the previous variance.

**Mrs. Rando:** I read that it had to be built within the year when they granted it in 67?

**Mr. Henshaw:** I guess the variance was in place for a year with the pool. It was constructed.

**Mr. Hickernell:** Any reason to think that the original pool wasn't built?

**Mr. Henshaw:** I'm sure it was. There hasn't been any issues with the original pool.

**Mrs. Rando:** So there is a pool there now.

**Mr. Henshaw:** No the pool has been filled in. So now there's no pool left. What we want to do is put another pool in its place. The pool was precariously close to the house. One woman mentioned that you would step out to the side into the water. So now there is a deck out there. It would be farther away from the house and it would be a much smaller footprint.

**Mr. Hickernell:** This is no closer to the lot lines.

**Mr. Henshaw:** No closer to the lot lines than the other pool was. It's a smaller structure and it will be completely fenced in. It won't be visible from the street. It basically won't change anything that hasn't already existed.

**Mrs. Rando:** Has anyone talked to the neighbors?

**Mr. Henshaw:** We've had no objections from the neighbors at all. The homeowners have lived there for quite a number of years.

**Mrs. Rando:** Any questions?

**Mr. Sergi:** Your hardship is the shape of the lot.

**Mr. Henshaw:** Yes, being a corner lot it presents a hardship.

**Mrs. Rando:** And there's no other place to put it.

**Mr. Henshaw:** It's addressed at Wilton Street and if they considered that the front of the house I would just be asking for a variance on the rear lot of five feet. But because they are considering the front of the house on Bowker Street and because of that we have to request a variance for the front.

**Mrs. Rando:** And you did speak to the people behind?

**Mr. Henshaw:** Yes.

**Mrs. Rando:** Is there anyone in the audience in favor of this petition? Seeing none, is there anyone seeking information? Seeing none, is there anyone in opposition. Seeing none, you may continue with your proposed findings of fact.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to waive the reading of the Proposed Findings of Fact since it's been on file in the Law Department.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes, Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.

**Mrs. Rando:** Do I have a motion on the reading of the Proposed Decision.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to waive the reading of the Proposed Decision since it's been on file in the Law Department.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes, Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.

**Mrs. Rando:** Do I have a motion on the Proposed Findings of Fact.

**On motion of Mr. Sergi, seconded by Mr. Hickernell the board voted to adopt the Proposed Findings of Fact.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes, Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Mrs. Rando: Do I have a motion on the Proposed Decision.**

**On motion of Mr. Sergi, seconded by Mr. Hickernell the board voted that the Proposed Decision becomes the Board's Decision.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes, Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Mrs. Rando: One more motion is in order.**

**On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to adjourn at 8:15 P.M.**

*Barbara Rando Chair*  
*12/12/17*