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**MINUTES OF THE SPRINGDALE TOWN COUNCIL MEETING ON WEDNESDAY, NOVEMBER 13, 2013 AT 5:00 P.M. AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

**MEMBERS PRESENT:** Mayor Pat Cluff, Council members Mark Chambers, Louise Excell, Kathy LaFave and Adrian Player

**ALSO PRESENT:** Town manager Rick Wixom, DCD Tom Dansie and Town Clerk Fay Cope. 13 citizens signed in, see attached list.

**Pledge of Allegiance:** Kathy LaFave

**Approval of agenda:** Motion by Louise Excell to approve the agenda as posted, seconded by Mark Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

**Discussion/Information/Non-action Items**

**General discussion & announcements:**

- The clerk announced the League's newly elected officials training schedule was available; she would get the info to the newly elected officials.
- Mr. Chambers announced the Zion Joy to the World Festival would kick off on Thanksgiving Weekend with the Z-Arts Crafts Fair, Music at the Mart and the annual Tree Lighting. More information was available at [www.zionjoy.com](http://www.zionjoy.com)
- Mr. Wixom announced the Rotary Club's Arts Auction was very successful. The Rotary Club was sponsoring a Giving Tree at the Library beginning Nov 21.
- The Lions Club Turkey Shoot was the Saturday before Thanksgiving.

**Visitors Bureau report:** Dean Cook said after a tough October, the positive efforts and effects of the Octoberfest events, Butch Cassidy 10K, the Plein Air Event, and Joy Festival had already made an important change in the atmosphere and business in the canyon. Later, the ZCVB POTY dinner would finish the season in style. He was ready for 2014 to arrive.

**Zion Park update** – Supt. Whitworth said the last month was a disaster (government closure) – things were better now. The Plein Air Event was very successful. The National Park Foundation met in Zion. The helicopters were flying today because Game and Fish was counting the big horn sheep. That population was growing. He said he would like to get the NPS Management team together with the Council to discuss ideas. Ms. Excell complimented the Park for making sure the Plein Air event got some very good notice in prominent Southwest art magazines.

**Z-Arts report:** – Chip Chapman jokingly said after a year, he was now getting the hang of things and wasn't afraid of speaking to the Council anymore. He read from a prepared statement – see attachment #1.

**General Plan report:** Tom Dansie announced the Planning Commission was continuing to work on strategies to diversify town housing stock. The Historic Preservation project was moving slowly. The future growth and development survey was online and available on paper.

**Take Title Ten:** Election campaign finance reports question – see attachment #2

**Community questions:** none

**Action items**

**Presentation of Rural Honors Award to ZC3:** Mr. Dansie explained Zion Canyon Corridor Council consisted of members from Federal, State and Local organizations with an interest in protecting and enhancing the lands along the SR-9 corridor leading to Zion. Every August the Center for Rural Life Summit was held so rural communities could meet and exchange information and ideas. The Center awarded prizes to organizations: They had awarded ZC3 a Rural Honors Award, a rare award honoring an organization's significant efforts to improve the quality of life in rural Utah. Springdale was one of the four municipalities that participated in the council and received a framed award. He thanked the council for their continuing support of ZC3. Ms. Excell said the award really belonged to Tom Dansie, who was Chairman and founding member of ZC3.

**Public Hearing - Ordinance Amendment: Consideration of possible adoption of Ordinance 2013-08 Revisions to Chapter 10-6 and Sections 10-1-12, 10-3-3, 10-3-11, 10-3-12, 10-14-7, 10-19-13, 10-24-14 and related sections of the Town Code, appointing an administrative hearing officer as the town's appeal authority.**

Mr. Dansie explained that currently the town's ordinance named the Board of Adjustment as the appeal authority. Across the state and nation, the trend was to have a hearing officer, instead. The Planning Commission (PC) had been directed to revise the ordinance, but after the hearing didn't recommend passage of the revision. Their reasons included: there was a good Board of Adjustment (BOA) in place; this could increase costs of a hearing; a local board of peers was more appealing to the citizens at the hearing.

Mr. Chambers asked what the increased costs would be. Mr. Dansie said the contract with the hearing officer, which would be negotiated. A hearing application currently cost \$800, which didn't cover the town's costs.

Dan Mabbutt asked why this went to the PC first; it wasn't a land use issue. Mr. Dansie said it was. LUDMA required cities to have appeal authorities.

**Motion to open public hearing by Kathy LaFave, seconded by Adrian Player:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Comments:**

**Patricia Vail- Blackett** – thought it was significant that the PC didn't recommend approval. She asked how often the BOA met and was told it wasn't frequent.

**Stan Plaisier:** approved of keeping the BOA, but suggested the size of the board be smaller, so it would be easier to keep it filled.

**Dan Mabbutt:** urged the council to follow the unanimous decision of the PC. If there were difficulties keeping the board staffed, those reasons should be identified. He said he had researched the state code and learned that the PC wasn't required to be the land use authority. Mr. Dansie clarified – the state law required the town to have a PC; the council could appoint other land use authorities in addition.

**Ms. Excell** explained that the appeal authority, whether it was the BOA or a hearing officer, could not be the Planning Commission, the Town Council, the staff or anyone else who acted as a land use authority.

**Motion to close public hearing by Kathy LaFave, seconded by Louise Excell:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

### **Motion passed unanimously.**

Mayor Cluff said she had talked to BOA Chair Walt Faber just before the meeting. His term on the BOA expired in December and she asked if he was willing to serve another term if the BOA continued. He had recently been very ill and he said he was unable to commit to another term. He thought this change was a good idea. The Mayor explained that two other members of the Board had recently resigned and Don Hall had stated he would resign if Mr. Faber wasn't the chair. That left nearly the entire board empty and she was having a difficult time finding people to serve on this board as well as the PC. "It's a pretty broken system; that's why we thought this change might work for us." She said the League of Cities and Towns encouraged this change. The Town of Rockville had already made the change and had just had their first hearing under an appeals officer; they were very pleased with the change.

Mr. Player said he had spent the last 15 years of his career supervising appeals officers for the IRS. Those officers heard cases before they went to tax court or district court. That was a very successful system. He was sympathetic to the community wanting people from the community to serve on the board, but in reality, he wasn't sure that made much difference because of the limited scope of relief that a BOA could grant. He wasn't sure there was a need for an out of town authority; there were qualified people in town who might even serve pro bono.

Ms. LaFave said she had thought about this a lot – she liked the fact that the BOA was made up of a group of peers; they shared the views of the community. However, that the board was a 'fact-finding' board. There was an advantage to having someone like a retired judge or attorney making decisions based on the legal framework.

Ms. Excell agreed with Ms. LaFave. The job of the BOA was not to be sympathetic to their neighbors. Their role was to be the final arbiter of a land use decision - to uphold the law. She said the first time she heard there was an option for an appeals officer was from David Church, the attorney from the ULCT. His opinion meant a great deal to her. After she learned of the PC decision and read the public comments and subsequent letter, she realized many of the comments proved the people didn't understand the role of the PC, nor the BOA. She went back to Mr. Church. She read a statement from him which pointed out the PC was intended to *shape* policy, not *make* policy. They had no constituency. They were to make reasoned recommendations and apply the ordinances as written. Their role was to add professionalism to the planning process, follow the laws and support the policy and policy makers. People who thought the Council couldn't reject recommendations from the PC were wrong. She respectfully disagreed with the PC's recommendation to deny the ordinance change. The BOA was a quasi-judicial board charged with making decisions based only on the law. They needed training from professionals like ULCT or FCAOG. She said it was very hard for neighbors and friends to keep emotions and sympathy out of the picture.

Mark Chambers said his feelings were very mixed. Community involvement was vitally important and it was difficult to get people to serve. The reality was there were only three people on the board now. He thought it was necessary to do this now. If it didn't work, it could be changed back.

Kathy LaFave said she had been willing to take the PC's recommendation to 'watch the situation' for six months until she heard that Mr. Faber wouldn't be chair and other members of the board would resign if he left. She pointed out the PC recommendation was made with very mixed feelings amongst the members, and there were only three Commissioners present for that decision. She didn't think that was the same as a unanimous recommendation. She said she had been watching how difficult it was to keep the board filled and trained. At the last official's training, there had had only been one Springdale BOA member at their training. She thought Mr. Faber's absence from the Board made a critical difference.

Diane Anderson said no one had talked about the cost of a hired official. Mr. Player said they didn't know the cost, but he thought they could find someone who would do it free. Ms. Anderson thought without knowing the cost, the council was making an uninformed decision.

Mr. Player said she was overstating the position because there was a real possibility it would be free. Even if it wasn't free, the costs wouldn't be outrageously high; it was one person hearing the facts.

Ms. LaFave said if the last hearing had been done without Walt Faber or the other people who had since resigned, it would probably have been a completely different outcome. She was not willing to have appeals heard by an unprepared or untrained Board.

Mr. Mabbutt thanked the Council for taking additional input after the hearing closed. He thought there wasn't a community communication process that allowed people to exchange information. He brought up a past BOA decision, and the council stopped him – this was not about a past decision.

Ms. Excell said Boards of Adjustment weren't perfect; sometimes they made mistakes. She had once served on a BOA in the past – she had shuddered at the decision they made because it wasn't clear whether the law had been kept.

Phil Anderson asked who supervised the hearing officer. The council said the hearing officer was independent, as was the BOA. He asked if they had town attorney support. No, but they could 'hire' their own attorney; the town paid for that attorney, also.

**Motion by Louise Excell to adopt Ordinance 2013-08 Revisions to Chapter 10-6 and Sections 10-1-12, 10-3-3, 10-3-11, 10-3-12, 10-14-7, 10-19-13, 10-24-14 and related sections of the Town Code, appointing an administrative hearing officer as the town's appeal authority; findings: 1) UCA10-9a-701 provides for the appointment of an administrative hearing officer for the purpose of hearing appeals from decisions applying to the land use ordinance and requests for variances from the terms of the land use ordinance; 2) Springdale's Board of Adjustment met only infrequently and sporadically and it has been difficult to keep a full board trained and ready to serve; 3) scheduling board meetings becomes problematic when trying to accommodate the schedules of five individual members; 4) Boards of Adjustment are required to function in a quasi-judicial capacity; as the final step in the local zoning appeals process, many time board members lack the formal training to fulfill their responsibilities; 5) on the other hand, administrative hearing officers usually have professional experience in the law and/or land use and understand the legal requirements and ramifications of the appeal and variance processes. Motion seconded by Mark Chambers:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: No**

**Motion passed 4-1.**

**Canvass of the 2013 Springdale General Election:** The Clerk said this was the first year under the new law that the town would issue a certified canvass report, which she had prepared for their signatures. She informed them the judges had been sworn to perform their tasks honestly, respecting the secrecy of the ballots and the results. She said she had witnessed the process and was confident the results shown on the report were accurate. She showed the Council the judges' reports, the register, and the solitary uncounted ballot received with a late postmark.

**Motion by Mark Chambers to declare the canvass of the November 5, 2013 General Election complete; to declare that Stanley J. Smith is hereby elected by the people to serve as Mayor on the Springdale Town Council for a four-year term; Adrian Player and Bill Weyher are hereby elected by the people to serve as councilmembers on the Springdale Town Council for four-year terms, all terms commencing January 2014. A report certifying the accuracy of the information provided to the Canvass Board had been prepared and reviewed and the Board is hereby authorized to sign it. The Clerk is instructed to 1) send the certified canvass report to the Lt. Governor, 2) post and publish the certified canvass report as required by law; 3) post it on the town website; 4) file it in a book kept for that purpose; and 5) deliver a certificate of election to each elected person. Seconded by Louise Excell:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Zion Canyon Music Festival Report and staff directive concerning future festivals:** Julie Hancock thanked the council for their on-going support. The 5<sup>th</sup> annual festival had been the most successful ever – over 4000 people attended. Beer and Wine had been sold and she wasn't aware of many major problems. The drum circle was very popular and would continue. Stephen Wade, Irongate Winery and Wasatch Brewery were main

sponsors. This was the first year the festival had run in the black. She asked the Council for feedback and comments.

Ms. LaFave asked about the count. She didn't think there were really 4000 people there, because she got a wristband each day. She didn't think she or anyone else who attended both days should be counted as two people. Mr. Chambers said that was a typical counting practice in festival events.

Mr. Player said he didn't have any evidence the festival was running in the black. Did the expenses include Julie's salary or other staff members' salaries? He insisted on seeing those costs included before he would be willing to accept the statement the festival was 'in the black'.

Mr. Chambers was also displeased that there had been no financial information in the packet materials. He had expected it and when it wasn't provided, he had asked the treasurer to supply it for him. He distributed reports he had prepared showing revenues and expenses of the combined festivals and reviewed some of the data. He thought it was important to have an entrance fee because it was clear the festival needed some infrastructure – better stages, restrooms, etc. He encouraged diverse revenues. He then commented on some of the troublesome issues he'd seen – dogs running loose, children climbing the hillside, inebriated customers, etc. He was concerned about the alcohol sales and how that might affect families. He asked Ms. Hancock how the committee intended to deal with those problems.

Ms. Hancock said the committee had decided dogs wouldn't be allowed on the festival grounds next year; there would be a first aid station, the hillside would be made off limits. Perhaps the police needed to be more of a presence.

Ms. LaFave said she wasn't sure if she even cared if there was a profit. The benefit of the community development and community culture was very important reasons to continue the festival. If there would be a cost in the future, she thought it should be minimal and children should be free.

Ms. Hancock said the festival was also intended to be educational – zero waste, recycling, solar power.

Kathy LaFave: she said the town had additional liability because of the alcohol sales. She suggested starting the sales of liquor after the festival began and stopped before the end.

Mark Chambers wondered if this council could financially bind the next council. He thought it was important to charge a fee and he knew there need to be advertising commitments before the budget process. He agreed the festival was an important cultural and economic event.

Mr. Wixom said every community event involved staff time. It was nearly impossible to track. Mr. Player apologized for his 'drill down'.

**Motion by Mark Chambers to recommend charging \$5 per night for those over 21, no dogs, no hillside climbing, more police presence. Seconded by Louise Excell.**

Ms. LaFave asked where the \$5 ticket price came from. Mr. Chambers said it was his understanding the committee had discussed and recommended that price. Ms. Excell suggested \$2 a person. She found Mr. Wixom's arguments for free admission very compelling, but she also thought Mr. Chamber's arguments were also compelling.

Ms. LaFave asked about the sponsorship. If there were 3000 adults paying \$5, that was \$15k. Would it still be necessary to have sponsors? Mr. Wixom and Ms. Hancock both thought that would still be necessary.

**Ms. Excell called the question.**

**Chambers: Aye**

**Cluff: No**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed 4-1.**

Short break. Reconvened at 6:50 pm.

**Ordinance 2013-09 Idling Restrictions:** Mr. Dansie explained this was the same document the Council had reviewed in the last meeting with the addition of the definitions they had requested.

**Motion to adopt Ordinance 2013-09 Idling Restrictions by Louise Excell, seconded by Adrian Player:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Resolution 2013-14 Employee Housing Delayed Impact Fee Policy:** Mr. Dansie explained same as previous document they had reviewed, except (per their instruction) he had deleted the requirement the housing be free to the employee. That choice would be left to employers.

**Motion to adopt Resolution 2013-14 Employee Housing Delayed Impact Fee Policy by Kathy LaFave, seconded by Louise Excell:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Discussion and Staff directive regarding application for Section 5311 funds for in-town shuttle loop**

**support:** Mr. Dansie explained the NPS had approached the Town about applying for Rural Transit Funding to help offset the cost of operating the Springdale loop of the shuttle. The NPS was not eligible for the funding. The window had technically closed, but because the council meeting was tonight, UDOT had given the Town until tomorrow to submit a letter of intent. The Mayor wanted it clear the town wouldn't absorb costs of the shuttle in Springdale if this funding didn't happen or didn't last indefinitely. Matching funds for the application were coming from the Park, and Mr. Dansie explained the National Transit approval authority didn't have any problem with that. Ms. LaFave was very in favor of the application.

Ms. Excell was concerned about requirements to meet ADA standards; the agreement needed to specify PTI would be responsible for meeting all those requirements.

Mr. Dansie explained the Town had till tomorrow to file a letter of intent to file an application; that filing would actually happen in February.

**Motion by Kathy LaFave to have the staff submit a letter of intent to UDOT that the town would be submitting a letter of intent. After the letter was submitted, the application and agreement with NPS needed to be clear about all the points they had just discussed, seconded by Louise Excell:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Personnel Policy revision regarding Accident Reporting/Return to Work policy:** Mr. Wixom explained there were several changes: Recruitment, discrimination; workers comp, continuing education, adding safety committee, reporting. If an employee was injured, he or she could return to work on a limited basis The Trust had approved the draft. HR had reviewed and approved.

Louise Excell commented on the 'we and our' language.

**Motion by Louise Excell to adopt the revisions to the personnel policy regarding accident reporting and return to work policy, seconded by Kathy LaFave:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Appointments to Planning Commission: Toni Benevento to fulfill Bill Weyher's term from Jan 2014 until Feb 2018 and Joe Pitti to fulfill Byron Stansfield's term expiring Feb 2017**

Mr. Chambers recused himself with a conflict of interest because of his partnership with Joe Pitti. The Council discussed Ms. Benevento, whom no one knew. The Mayor had asked Mr. Dansie to talk with her. They decided to wait on her appointment until after they had that conversation to be certain she knew what the appointment entailed.

**Motion by Kathy LaFave to appoint Joe Pitti to the Planning Commission to fulfill Byron Stansfield's term expiring Feb 2017, seconded by Adrian Player:**

**Chambers: Abstain**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed.**

**Consent Agenda - Invoices, Minutes of October 9: Motion to approve the consent agenda by Louise Excell, seconded by Mark Chambers:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**LaFave: Aye**

**Player: Aye**

**Motion passed unanimously.**

<u>Inv Date</u>	<u>Inv #</u>	<u>Vendor</u>	<u>Amount</u>	<u>Bud- geted</u>	<u>Description</u>
9/30/2013	418984	Canyon Media	2,500.00	Y	ZCMF Advertising
9/22/2013	39160950	Chevron	2,655.67	Y	Fuel
10/21/2013	N/A	Dansie, Tom	684.00	N	Reimburse for Message Boards for Canyon
9/20/2013	27579	Document Solutions Plus	833.00	Y	Copier Maintenance Contract
9/27/2013	808644	DynaBuckle	723.50	Y	Butch Cassidy Medals
9/28/2013	213	Eco Commode, Inc.	720.00	Y	ZCMF Portables
10/21/2013	63	E Cubed Engineers	1,439.88	Y	Plan Review
9/9/2013	S130909	Emergency Vehicle Systems	1,131.00	Y	Police Equipment for Ford Expedition (Jared)
8/30/2013	8459918	Hach Company	1,925.35	Y	Chlorine Analyzer Circuit Board
10/15/2013	N/A	Hillsports	3,496.75	Y	Butch Cassidy Shirt Deposit
10/1/2013	SD10011301	King, William (E & M Services)	1,395.00	Y	Pump Station Troubleshooting
10/1/2013	SD10011302	King, William (E & M Services)	1,318.00	Y	Pump Station Troubleshooting
10/1/2013	N/A	McConkie, Marshall	850.00	Y	Monthly Prosecution Retainer
9/30/2013	J15048	Nickerson Company	12,885.00	Y	Hydromatic Grinders
9/26/2013	R304561	Performance Audio	3,530.00	Y	ZCMF Audio
9/30/2013	N/A	Purgatory Correctional Facility	1,500.00	Y	ZCMF/Streets Inmate Crew
10/4/2013	Consolidated	Rocky Mountain Power	6,880.35	Y	Electric Service
8/30/2013	833974	Scholzen Products Company	1,294.02	Y	Chlorine
9/20/2013	837987	Scholzen Products Company	523.08	Y	WTP Supplies
9/23/2013	838121	Scholzen Products Company	789.00	Y	Meters
10/3/2013	61858	Snow Jensen & Reece	551.25	Y	Town vs. Ferber
10/3/2013	61859	Snow Jensen & Reece	4,232.50	Y	General Representation
9/16/2013	S-2634	SouthWest Air Conditioning	2,170.00	N	CCC Compressor Replacement
9/16/2013	S-2747	SouthWest Air Conditioning	1,144.00	N	Town Hall Compressor Replacement
8/9/2013	69580	Sunrise Engineering	1,663.00	Y	Engineering Services
9/13/2013	70017	Sunrise Engineering	890.25	Y	Engineering Services

10/7/2013	70254	Sunrise Engineering	1,785.25	Y	Engineering Services
8/9/2013	69581	Sunrise Engineering	4,962.00	Y	Juniper Lane Engineering
9/13/2013	70014	Sunrise Engineering	2,030.00	Y	Juniper Lane Engineering
10/16/2013	9713378428	Verizon Wireless	1,012.20	Y	Cell Service
10/7/2013	SSWE0635775	Wheeler	1,660.43	Y	Generator Service
10/7/2013	SSWE0635774	Wheeler	778.00	Y	Generator Service
10/2/2013	97376	Winkel Distributing	3,273.00	Y	ZCMF Beer
			73,225.48		

**Administrative Non-Action Items**

**Department Reports:** Ms. LaFave asked the Chief how the new officer was doing. Chief Wright said he was doing very well. Ms. LaFave asked Mr. Dansie how the code enforcement was working. Mr. Dansie said it was great and making a tremendous difference to him. Officer Brecke was doing a great job. Mr. Dansie suggested watching a few more months before making any changes to the system they had going.

**Council Discussion:** Ms. LaFave said there were many times when strong opinions were expressed between council members, or with citizens. She said when she was sitting at the council table, she was a council member. When she stepped away, she became a citizen. She suggested an article in the newsletter making the point that differences aren't personal.

Ms. LaFave commended the Rotary Club for their amazing management and handling of the Arts Auction. She asked Mr. Wixom to pass the thanks along to the Rotary Club. Mr. Chambers said the Rotary Club brought members of their organization to the auction from other cities. Mr. Chambers said the Rotary Club was the fourth member of the Joy Festival this year- they were sponsoring the Giving Tree. He asked for volunteers for the Joy Ice Cream Social. Ms. LaFave and Ms. Excell agreed to scoop.

Mr. Wixom asked if the Council was interested in a quarterly 'Meet the Council Night' to engage the community. It would be an informal 'Town Hall' meeting, either to address specific issues or gather input or take questions.

Mark Chambers said he had met with Salt Lake City's new public information officer who had told him leash laws were a big draw in Salt Lake, too! Mayor Pat and Mark Chambers had been appointed at the Gateway Community Summit to a committee focused on developing community involvement.

Mayor-elect Stan Smith said it was his intent to have an open door policy when he was Mayor. He planned on having a Mayor Facebook page and a Twitter account. Council cautioned him not to make policy statements without including them in the policy making process.

Kathy LaFave said she thought it was important to let people get confrontational but not be confrontational in return. Mr. Smith disagreed; sometimes confrontation led to greater understanding between parties.

**Adjourn: Motion to adjourn by Louise Excell at 7:33 pm; seconded by Adrian Player:**

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Fay Cope, Town Clerk

Approved: \_\_\_\_\_