



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, NOVEMBER 15, 2006 AT 9:00 A.M.

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I **CALL TO ORDER:** Chairman Pandula called the meeting to order at 9:04 a.m.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
Wendy Victor, Secretary
Patrick Segraves, Member
Robert T. Eigelberger, Member
Eileen L. Bresnan, Member
Gail L. Coniglio, Alternate Member
D. Imogene Willis, Alternate Member
John C. Randolph, Town Attorney
Veronica B. Close, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

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TOWN OF PALM BEACH
PZB DEPT.

ABSENT: William Lee Hanley, Vice Chairman (Pending Classification)
Judy Wells Hoffman, Member (Excused)
Hazel Rubin, Alternate Member (Excused)

III **APPROVAL OF THE MINUTES OF THE OCTOBER 18, 2006 MEETING:**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

IV **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:**
By Mrs. Delp

V **PUBLIC HEARINGS:**

- A. Application for Certificate of Appropriateness #26-2006,
Courtyard Tent/Umbrellas
Owner: New Bradley House, Ltd.
Applicant: Coco Palm Beach Restaurant
Address: 290 Sunset Avenue
Architect: Giacomelli Architecture Inc.
Project Description: Request approval for addition of temporary tent which is further described as: Addition of a 14 ft. x 33 ft. waterproofed canvas temporary tent* at west side of courtyard for outdoor dining. This tent will be installed during the season and it is totally detached from the building. Canvas will be striped in white and dark green. Other associated changes as presented.

*It should be noted that the applicant has modified the associated application for Special Exception, eliminating the request for the tent, and substituting four (4) 8' x 8' umbrellas.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION.

Mr. Frank stated that the applicant's representative, Attorney Maura Ziska, has submitted a letter requesting a deferral to the December 20, 2006 meeting.

**MOTION BY MRS. VICTOR FOR DEFERRAL TO THE DECEMBER 20, 2006 MEETING.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.**

- B. 455 North County Road - Continuation of quarterly reports relative to deterioration by neglect

Attorney Frank Lynch, representing the property owner, returned to the LPC today with photographs of the house and property which were taken yesterday. He noted that finish items are currently being installed; the pool is being dug; and, he expected that by the time of the next required report, three months from now, the project should be very near to receiving a Certificate of Occupancy.

Mrs. Coniglio remarked that the driveway presents a huge traffic issue, and presents a dangerous situation. Mrs. Victor agreed that the driveways are dangerous, and stated that the south driveway should never be used as an exit. She suggested that perhaps Public Works could cut back some of the trees at the north driveway so it is not so difficult to move out onto County Road. Mr. Lynch will address this matter.

VI **DESIGNATION HEARING:**

(Please note that this Designation Hearing is transcribed partially verbatim and partially in paraphrase. Verbatim portions are noted by the speaker's name at the left margin.)

Item 1: 221 Seaspray Avenue
Owner: 221 Seaspray Avenue LLC

Mr. Frank stated that the property at 221 Seaspray Avenue meets the following criteria for designation as a landmark of the Town of Palm Beach:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

(d) aka (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age

JANE DAY (Staff Preservation Consultant): Good morning. Jane Day, Preservation Consultant, for the record. I'm very happy to bring you the first designation report of what I hope is going to be a very exciting designation season this year. The house that I have before you was brought forward by the owner last spring. It's a new owner. It's a tax abatement project, and you have approved changes and renovations to this house under the tax abatement program. In order for him to qualify for that program it must be designated, recommended by you and then designated by the Council. It, perhaps, is not a house that we would have brought forward without the owner bringing it to us because it isn't the best example of houses on Seaspray Avenue, but it is a good part of the fabric of the neighborhood. And the reason that this house is important is that it represents the broad history of the town. In the 19-teens and the early 20's, Palm Beach changed from an island that was primarily seasonal and large estate homes in the middle of town and at the south end, and became a community of full-time residents. And what we call the Sea streets were part of the Poinciana Park development, and this house is part of the fabric of that. It's a Colonial Revival style house. It was originally built in 1924 by Mrs. Grace Brackett and the cost was \$ 5000.00. When you get into the property and do the evaluation on it, there are some interesting things that come up. What we see in front of us is a 1936 renovation by Gustav Maass. I don't believe that's what it looked like in the 1920's . (I'm trying to do power point for the first time, so bear with me.) What Gustav Maass did is he added these bay windows to the front and the sleeping porch on the second floor, so the shutters that are there are original to the 1936 design. And it's really this bay window that gives the house the more Colonial Revival feel. Colonial Revival was one of the most popular styles of architecture in the United States during the late 20's up into the 1950's, the late 1950's. So, it was very kind of avant-garde, the way a lot of people look at the Mediterranean Revival style now, that it's a preferred style for South Florida. But when you look at the back of the house at the garage building with the flat roof and the parapet, you realize that Mrs. Brackett probably had a Mission style or Spanish style house when the house was new. The house is wood frame covered with stucco. Gustav Maass just updated it. We have his complete drawings on file in the Building Department. And here again, you have the overall view of the house. Our Statement of Significance reads, "The house at 221 Seaspray Avenue is part of the cohesive fiber of Poinciana Park in both style and scale. It is also a good example of a Colonial Revival style residence designed by Gustav Maass in 1936. It shows how a well known architect altered an earlier residence in the Poinciana Park neighborhood and maintained the character of the street." So that's important for us to have and study for the future. If you have any questions, I'd be happy to answer them.

Mrs. Bresnan asked about the renovations currently underway. Mrs. Day responded that the LPC

had approved an interior and exterior restoration to the 1936 Gustav Maass design as a tax abatement project. Mrs. Day noted that prior to the new owner purchasing the property, the house interior had not been changed except for an update to the kitchen and the addition of air conditioning in the 1960's. If the house is not designated, the owner will have to raise the house because of the amount of renovations being done.

Mrs. Victor acknowledged that the house is not extraordinary, but landmarking this home would perpetuate a neighborhood feel. Mrs. Day stated that this home is not recommended for designation based upon its architecture, but on the designation criteria listed above. She explained that the new owner has chosen to restore the house to the 1936 Gustav Maass design rather than the original design of the house. Returning to the original 1924 design would require the elimination of the bay window and the sleeping porch, and that is not what the owner wants. The footprint of the house will remain the same. Mrs. Day stated that if the Sea streets were a historic district, this house would definitely be a contributing structure.

Mrs. Day noted that this house was placed "under consideration" for landmark designation when owner consent was still a Town Council requirement.

Mrs. Victor asked how designating this property affects the quality of the landmark program. Mrs. Day responded that it helps the landmark program because everyone agrees on the importance of the Sea streets as a neighborhood. The Town Council had agreed, on a past designation in this area, that it is the collection of buildings that is important.

Ms. Close added that the Town Council has authorized a zoning season study item to look at the Sea streets as a historic district.

Mr. Frank verified that proof of publication and proper legal service were achieved relative to this hearing.

MOTION BY MR. EIGELBERGER THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

**MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.**

Mr. Eigelberger noted the importance of this whole area, and encouraged other members to ask the Town Council to approve the area as a historic district. He particularly noted that the district would benefit the residents of the street in preventing the introduction of Boca-style mansions into the neighborhood. Mrs. Day stated that designating this house helps to retain the fabric of the neighborhood, one building at a time.

MOTION BY MR. EIGELBERGER THAT THE PROPERTY AT 221 SEASPRAY AVENUE BE RECOMMENDED TO THE TOWN COUNCIL AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

VII OTHER BUSINESS:

Palm Beach Public School

Mr. Frank reported that the School District has awarded the contract to connect the electric for the clock at the **Palm Beach Public School**. Mr. Stefan Richter and Stanley and Christine Franks have donated the clock and Phil Rowe Signs will erect the face of the clock. It is anticipated that the clock may be in place by the holidays.

Update relative to 1200 South Ocean Boulevard, La Bellucia

Mrs. Day stated that a contractor has been hired to work at the house, and Jacqueline Albarran, Architect, has been retained for the project. This team will attend to the code issues at this 1919 Mizner house, known as La Bellucia. Staff will monitor progress at this site.

Update relative to 710 South Ocean Boulevard

Mrs. Day noted that the LPC had approved a Certificate of Appropriateness for changes to this residence (Smith Architectural Group plans). She did not know if the contract purchaser, who had applied for that Certificate of Appropriateness, had finalized his purchase of the property as yet. Ms. Close added that there are existing permits for corrective repairs in accordance with Code Enforcement.

Update relative to the American flag at the Mar-a-Lago Club, 1100 South Ocean Boulevard

Ms. Close reported that Mar-a-Lago has been given a deadline of November 27, 2006 to file for Town Council regulatory approval of the flagpole and the placement of same. No building permits have been issued for the erection of the flagpole. Mrs. Victor asked, since no permit was issued, why the pole is still permitted to be there. Ms. Close responded that the Mar-a-Lago Club has provided documentation assuring the Town that the flagpole is safe.

VIII COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:

Mrs. Victor stated that she has communication from the National Trust which indicates that the flagpole at the Mar-a-Lago Club is clearly in the easement owned by the National Trust. The legal department of the National Trust has written to the property owner relative to this matter.

It was noted that the flagpole violates the easement of the National Trust, code requirements of the Town relative to requiring a building permit, provisions of the LPC ordinance, and constitutes a code enforcement violation. Mr. Randolph stated that it also allegedly violates the Declaration of the Use Agreement for the Mar-a-Lago Club. Mrs. Victor commented that if anyone other than Mr. Trump violated these regulations, there would be no reprieve. Mr. Randolph responded that such an individual would be cited by the Code Enforcement Board, as the Town cannot trespass on the property and take down the flagpole. Mrs. Victor felt that the erection of the flagpole is an affront to the Town and its residents, and the issue has nothing to do with the American flag, itself. Mr. Randolph reminded the LPC that due process must be followed, and the owner has been cited.

by Code Enforcement. He also stated that the Town could seek injunctive mandatory relief to obtain a court order to remove the flagpole.

Ms. Close confirmed that the property owner was cited for four (4) violations, as follows: Lack of a building permit; lack of LPC approval; violation of Declaration of Use Agreement, and zoning violations. Staff noted that the National Trust must enforce their own easement agreement. Mr. Randolph stated that he would like to see a copy of the letter from the National Trust to the Mar-a-Lago Club. Mr. Eigelberger thought that the National Trust easement is most likely worth quite a bit of money to the property owner. Therefore, he recommended that the LPC should notify the National Trust about the code violations cited by the Town.

Wells Road Scenic Vista

Mrs. Victor noted that there are now three (3) different types of trees planted in the ocean block of Wells Road: Australian pines, podocarpus, and a variety of cedar. One of the cedars is completely dead, and at least four of the podocarpus have died. The Australian pines cannot be replaced in kind. She called for unifying the vista, noting that less than 50% of the original trees are left. Mrs. Victor stated that the trees are not being watered when they are installed.

Mr. Eigelberger suggested that the Town be able to re-plant the Australian pines, like Gulfstream and Manalapan. Mr. Randolph noted that a special bill provided those two towns the ability to re-plant the Australian pines.

MOTION BY MR. EIGELBERGER TO ASK THE TOWN COUNCIL TO EXPLORE A METHOD BY WHICH THE TOWN WOULD BE ALLOWED THE SAME RIGHT AS GULFSTREAM TO RE-PLANT AUSTRALIAN PINES ON THE WELLS ROAD SCENIC VISTA, AND KEEP THEM WATERED.

Mrs. Day stated that she had worked with Gulfstream in their effort to save and re-plant the Australian pines. She stated that it is her understanding that there are new types of Australian pines which are not as invasive, and do not have the same type of seeds that scatter. Ms. Day will contact Gulfstream for information in this regard. Ms. Close reminded the LPC that Australian pines are prohibited by the State of Florida, but staff will research what measures might be taken to preserve the Wells Road trees.

Mr. Pandula agreed that the current treatment and replacement of the trees on Wells Road is not working. He asked who is responsible for the maintenance of the trees. Mr. Frank responded that the Town is responsible for maintaining the Wells Road Scenic Vista trees.

MOTION SECONDED BY MRS. CONIGLIO. MOTION CARRIED UNANIMOUSLY.

Update relative to 209 Seaspray Avenue

Mrs. Victor noted that this project is not progressing as it should. The house is open to the elements; there is no perimeter planting; and there is a For Sale sign in place. Mrs. Day stated that she has spoken to the property owners, who intend to move forward with the tax abatement renovation project, and then sell the property. Mrs. Day visited the property and spoke with the contractor.

Mr. Segraves provided additional information that during construction, it was discovered that there was really no foundation under the house, which, of course, needed to be rectified. The pool was dug last week. They plan to totally enclose the house before Christmas.

Royal Poinciana Way/Plaza Study

Mrs. Victor stated that the Town Council has approved the study of the Royal Poinciana Way/Royal Poinciana Plaza area including Testa's and the Bradley Park. As such, she wondered if the LPC should forward the language relative to the Flagler Memorial Bridge Scenic Vista designation. Ms. Close stated that the study has not yet begun, but that information will certainly be part of the information which is made available during the study.

Mr. Pandula questioned the timing of a replacement bridge for the Flagler Memorial Bridge when considering the approved study. Ms. Close estimated that the study would take approximately two years, and the bridge construction will most likely begin after that. The Department of Transportation will be involved in the visioning aspect of the study.

Discussion relative to Town Hall

Mrs. Victor suggested, in light of the recent Town Council approval to "bump out" the north end of the Town Hall, that the LPC stress the importance of the Town Hall within the Town Hall Historic District and create a list of key features to be preserved in the design stage. This information could be passed on as part of the LPC's advisory role to the Town Council. Mrs. Victor passed a copy of the plans being considered for the "bump out."

Mr. Eigelberger was of the opinion that the Town Hall is already such a large building in the historic district that to make it even larger does not seem appropriate. He felt that an urban planner would agree and solicited the help of the Preservation Foundation in this regard.

Mr. Reg Stambaugh, of the Preservation Foundation, thanked Mrs. Victor for providing a copy of the plans to him in time for yesterday's Town Council meeting. He felt that with a 25 ft. "bump out" to the north, along with 5 ft. of sidewalk, there would be a dramatic change in the east/west view down Australian Avenue. He stated that a good balance must be found between protecting the building and providing staff the space they need. Mr. Stambaugh noted that the Preservation Foundation wants to be able to support plans for changing Town Hall, but cannot support the proposed "bump out" because of how it affects everything else in the area; it is a massing issue. Mr. Stambaugh stated that according to the backup materials for yesterday's meeting, there is space for rent on Royal Palm Way, which could be utilized by some of the departments, without moving Planning Zoning and Building out of Town Hall. Mr. Stambaugh's understanding is that the issue will come to the LPC for comments, and the Town Council is waiting for that feedback. He suggested that other alternatives, other than the "bump out", be thoroughly explored before the Town Hall, a building on the National Register of Historic Buildings, is altered in such a way as has been proposed.

Mr. Eigelberger stated again that it would be advantageous to have the report of a professional who would state that the mass of the building is perfect the way it is. Further, if LPC staff would also recommend that the building not be enlarged, the Town Council would be presented with these two expert opinions.

Ms. Close responded that the staff will not be making a recommendation as to whether the building should be enlarged or not. Staff has already informed the Town Council that they believe the building can be enlarged, and done in a way which is architecturally sensitive. She clarified that the Town Council, at yesterday's meeting, directed staff to proceed with plans for the "bump out." Ms. Close liked Mrs. Victor's suggestion about establishing a list of key features of the building which must be maintained. The matter will come to the LPC at a future meeting.

Mr. Stambaugh encouraged the LPC to deny the Application for Certificate of Appropriateness to "bump out" the building, if they cannot support the plan. He, on the other hand, will report to the board of the Preservation Foundation relative to Mr. Eigelberger's suggestion to seek the opinion of a professional in this matter. Mr. Stambaugh firmly stated that the Preservation Foundation would not be able to contribute any funds for a plan to "bump out" the Town Hall, but if the footprint of the building remains the same, contribution may be possible.

On another subject, Mr. Eigelberger commented that he would love to see the Preservation Foundation contribute to enhancing the public spaces of the Town, particularly Bradley Park. He saw Bradley Park as a great project for the Preservation Foundation and the Garden Club, and asked Mr. Stambaugh to "spearhead" the project. Mr. Stambaugh acknowledged that this is on the Preservation Foundation's project list, but it is not top priority at this time.

Mr. Eigelberger commented regarding the Coral Cut Historic District, where the vegetation, including planter boxes, has been removed. He asked staff to have Code Enforcement look into this.

Mr. Stambaugh invited all members to the Preservation Foundation's Christmas party which will be held on the night of the tree lighting (Tuesday, November 28, 2006). Ornaments of the Little Red Schoolhouse will be available at the party.

IX COMMENTS FROM THE PUBLIC:

Mr. Patrick Flynn asked the LPC to think of ways to facilitate the visioning process relative to the Royal Poinciana Plaza and Theatre. He invited the LPC and the public to view pictures of the playhouse in its former glory at pbtheatreguild.org, and stated that education of the public relative to this property is very important. He hoped that the public would be provided ample time to give their comments at any upcoming meetings concerning this subject.

X ADJOURNMENT:

MOTION BY MR. EIGELBERGER TO ADJOURN AT 10:10 A.M.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, December 20, 2006 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

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**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2006

MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11//06	12/06
Eugene Pandula	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Ann Blades	<u>P</u>	<u>P</u>	(Term maximum reached)									
Judy Hoffman	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>E</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>E</u>	<u>E</u>	
Patrick Segraves	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Wendy Victor	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
William Lee Hanley Jr.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	
Robert Eigelberger	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Eileen Bresnan			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

ALTERNATE MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11//06	12/06
Eileen L. (Morris) Bresnan	<u>P</u>	<u>P</u>	(Promoted to regular member)									
Gail L. Coniglio	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Hazel Rubin	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>E</u>	
D. Imogene Willis			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	

LEGEND: P=Present. E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"



**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 2006

MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11/06	12/06
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Eugene Pandula	<u>V</u>	_____	_____	_____	_____	_____	<u>V</u>	_____	<u>V</u> VPD1	_____	_____	_____
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Ann Blades	_____	_____	(Term maximum reached)									
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Judy Hoffman	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Patrick Segraves	<u>V</u>	<u>VPD1</u>	_____	_____	_____	_____	<u>V</u>	_____	_____	_____	_____	_____
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Wendy Victor	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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William Lee Hanley Jr.	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Robert T. Eigelberger	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Eileen Bresnan	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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ALTERNATE MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11/06	12/06
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Robert T. Eigelberger	_____	_____	(promoted to regular member)									
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Eileen L. (Morris) Bresnan	_____	_____	(Promoted to regular member)									
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Gail L. Coniglio	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Hazel Rubin	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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D. Imogene Willis	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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LEGEND:

V	=	One Voting Conflict during a meeting
V2	=	Two Voting Conflicts during a meeting
V3	=	Three Voting Conflicts during a meeting

VPD	=	Voting Conflict Previously Declared (This category to be used when a conflict has Been declared at a previous meeting, and the Changes being reviewed are part of an ongoing project. ONLY COUNT ORIGINAL DECLARED CONFLICT PER JCR, TOWN ATTORNEY)
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