



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, January 27, 2025

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Kasey Rogers; Mark Sevier; Harry Hoffman, Associate Member; and Lori Capone, Conservation Coordinator

Absent: Luke Faust; Bruce Porter

The meeting was called to Order by Chair Henkels at 7:01 PM via roll call.

Minutes

On motion by Comm. Cook to accept the minutes of the January 6, 2025 meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Notice of Intent: 331 Hudson Road, DEP #301-1428

Chair Henkels resumed the Hearing for the project to construct an addition, remove outbuildings, modify the driveway, and install plantings within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Frederick Hanna was the applicant. This Hearing was continued from October 21, 2024.

Montgomery Nsamba of Stamski and McNary introduced himself as representing the applicant, Fred Hanna, on behalf of the client, Brian Huss. He explained that the project had been divided into two phases, with the current focus on Phase One.

In Phase One, the applicant plans to renovate the existing house by repairing storm damage to the roof, adding a second floor, and constructing a new bedroom. Mr. Nsamba mentioned that the existing roof runoff currently drains directly into a nearby brook. After discussions with Coordinator Capone, it was decided to incorporate a dry well to capture and redirect water runoff from the new roof.

Additionally, the project includes replacing an existing porch and brick walkway with a new deck, located approximately 32.8 feet from the river. The applicant also plans to add mitigation measures, including planting additional trees to compensate for the increased impervious surface area from the new deck. Mr. Nsamba clarified that elements from the previous plan, such as the removal of a storage trailer and tarp-covered structure, are not included in Phase One.

Chair Henkels interrupted to seek clarification, noting that the Commission cannot issue partial Orders of Conditions for phased projects. Mr. Nsamba explained that the applicant intended to file a separate Notice of Intent for Phase Two, ensuring that Phase One would be treated as an independent filing.

Coordinator Capone provided her comments, noting that the project had significantly changed in scope since its last presentation. She requested that the applicant provide a revised plan reflecting only the work proposed for Phase One, along with an updated Notice of Intent. This would allow the Commission to issue an Order of Conditions specific to the scope of work.

Coordinator Capone also raised a question regarding the decommissioning of the existing roof outfalls, which currently discharge directly to the river. She asked for details on whether the outfalls would be removed, cut off, or otherwise decommissioned. Mr. Nsamba stated that the outfalls would be dug out then deferred to Mr. Hanna, who confirmed that they would be disconnected and filled with concrete put left in place.

Chair Henkels redirected the conversation to Mr. Hanna, who identified himself as a contractor working with Mr. Huss to restore the applicant's home. Mr. Hanna explained that the phased approach to the project was necessary

due to substantial roof damage caused by a tree that fell. He emphasized the urgency of addressing the roof to protect the property and noted that adding a second floor was a practical decision during the roof replacement.

Mr. Hanna provided details on the decommissioning of the existing downspouts, which currently lead to underground pipes discharging into the stream. He proposed digging out the pipes approximately 5-6 feet from the house, filling them with concrete, and leaving the remaining sections of the pipes unused and inert. Mr. Hanna believed this approach would avoid disturbing the stream directly.

Mr. Hanna further clarified that the mitigation area at the rear of the property was designed to offset impacts if the proposed garage in Phase Two was approved. He explained that this mitigation area would only be necessary if the garage project proceeded, as its construction would involve additional disturbance. If the garage were not approved by the Zoning Board or the Conservation Commission, the mitigation area would not need to be implemented.

Chair Henkels acknowledged Mr. Hanna's input and asked whether the current plan under review would need revisions based on the Zoning Board's February 3rd decision. Mr. Hanna confirmed that Phase Two plans would be similar to the current proposal and that any necessary updates would be communicated to the Commission. He emphasized the importance of completing the roof work during the winter to prevent further damage and shared that he had submitted documents to the Planning Board outlining the proposed roof structure.

Coordinator Capone emphasized the need for a revised plan that accurately reflects the scope of work for Phase One. She addressed the proposed handling of the pipes, confirming that excavation limited to 5-6 feet from the house would remain within the existing erosion controls. Coordinator Capone expressed concerns about the proposed method of filling the pipes with concrete, suggesting that capping the pipes instead would prevent potential issues with discharge into the river. Mr. Hanna agreed to this adjustment.

Coordinator Capone then questioned the design and sizing of the dry well. Mr. Nsamba explained that the dry well was sized for a 10-year storm event and was designed to account for the additional load from Phase Two. He noted that the estimated seasonal high groundwater level was based on the grade at the closest riverfront flag due to the lack of soil testing. Coordinator Capone expressed concern about the accuracy of this method and recommended conducting a confirmatory test pit to validate the design. Mr. Nsamba acknowledged this and agreed to address potential overflow concerns, as the current design did not include an overflow system.

Coordinator Capone sought clarification on the mitigation measures for Phase One, particularly regarding the planting tables and stump removals. Mr. Nsamba confirmed that the plan included trees already required for mitigation from prior tree removals. Coordinator Capone asked for updated tables specifying the trees and plantings associated with Phase One. She questioned whether all stumps were now proposed for removal, noting that some stumps could remain undisturbed based on the site visit discussion. Mr. Hanna clarified that the stumps did not need to be removed at this stage and agreed to revise the plan accordingly.

Coordinator Capone also raised a concern about the structural integrity of the existing building to support a second story. Mr. Hanna assured her that plans had been submitted to the Building Department, confirming the adequacy of the foundation and walls. He indicated that the building footprint would remain largely unchanged except for the front deck area and mitigation work. He explained the sequence of work: establishing barriers, removing the roof, completing structural repairs, and then conducting the soil test and installing the dry well as weather permitted. He noted that the dry well had been designed with sufficient capacity to accommodate potential Phase Two connections.

Chair Henkels acknowledged that several details related to the project remain unresolved and inquired about updates from the Building Department. Mr. Hanna explained that the application was recently submitted, and feedback from various departments, including Zoning and Health, would take a couple of weeks. He mentioned that construction on the roof would not commence until after February 3, pending Zoning approval. Mr. Hanna also highlighted modifications to plans for Phase Two but agreed to proceed with the required adjustments to finalize Phase One.

Coordinator Capone emphasized the need to separate the approval processes for phases one and two, suggesting the current focus remain on closing out Phase One with a subsequent filing for Phase Two. Mr. Hanna concurred with this approach. Coordinator Capone also raised concerns about a storage trailer used due to storm damage,

which should be removed once the new construction becomes habitable. Mr. Hanna confirmed that the trailer would be removed after the building is ready for occupancy.

Chair Henkels posed questions regarding Sanger Street, a paper street, and its implications for the project. Mr. Hanna clarified that Sanger Street would remain an unobstructed right-of-way and would not be developed. He explained that, pending Zoning approval on February 3, the next steps might include legal measures to decommission the street if required.

Comm. Sevier suggested that revisions to the plans be deferred until after the Zoning Board's decision, as this would provide clarity on the project's trajectory. Mr. Hanna agreed, indicating that the outcome on February 3 would dictate the necessary adjustments.

Coordinator Capone proposed two pathways for the next meeting: submitting revised plans showing only Phase One if the Zoning outcome remains uncertain or proceeding with discussions on phase two if Zoning approval is granted. She will prepare an Order of Conditions for phase one to expedite construction.

Mr. Hanna and Mr. Nsamba expressed appreciation for the timeline and confirmed that the next Commission meeting on February 10 aligns with their project schedule.

Chair Henkels invited any questions or comments from the audience. Coordinator Capone interjected to clarify that the removal of the side porch, mentioned by Mr. Hanna earlier, was not currently reflected in the plans and should be added. Chair Henkels acknowledged this point.

On motion by Comm. Sevier to continue the Hearing to February 10, 2025, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 71 Chanticleer Road, DEP #301-1430

Chair Henkels resumed the Hearing for the project to remove trees after-the-fact, renovate a patio, and install plantings within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Aycha White was the applicant. This Hearing was continued from November 4, 2024.

Tom White introduced himself as the husband of Aycha White, explaining that they had removed six trees near the water at their property by mistake and were seeking approval to replant. Initially, they had also considered installing a new patio but decided to abandon that plan due to the project's complexity and cost. Instead, they proposed focusing solely on replanting.

Mr. White showed the Commission an updated plan. The earlier version included a patio, but this new version removed it and highlighted the locations of the removed trees (in orange) and the proposed new plantings (in green). The new plan featured seven trees and several viburnum bushes. He noted that a neighbor with landscaping expertise had assisted with plant selection. The species proposed included redbud, dogwood, and a sugar maple.

Chair Henkels thanked Mr. White for the presentation and asked for comments from Coordinator Capone. Coordinator Capone mentioned that this was the first time the Commission had seen the updated plan. She noted that the Commission had previously discussed adding larger trees and recommended reviewing species choices. She also inquired whether the existing lawn path leading to the patio had been modified or widened.

Mr. White clarified that the path was existing and that he had mapped out the tree locations, the 100-foot Buffer from the water, and the lawn layout to the best of his ability. Coordinator Capone then raised a question about the future use of the area being replanted—whether it would remain manicured or be allowed to naturalize. If naturalized, she suggested considering whether a seed mix should be incorporated or if they would allow vegetation to grow naturally.

Mr. White admitted he had not considered a plan for naturalization and expressed willingness to follow the Commission's advice on the matter. Comm. Sevier followed up, seeking clarification on Mr. White's intentions for the area. Mr. White reiterated that he had no specific plans yet and was open to guidance.

Comm. Sevier clarified whether Mr. White intended to let the area around the newly planted trees naturalize. Mr. White responded affirmatively, explaining that he had no plans to seed the area with grass or create additional

lawn space. He admitted that the trees in question had been removed to improve their water view and acknowledged fault in doing so. Mr. White expressed his intention to replant and ensure compliance but noted that he was unfamiliar with the process.

Mr. White elaborated on his goal to maintain the aesthetic and health of the newly planted trees without allowing the area to become overgrown with undesirable vegetation. He expressed openness to suggestions such as using a native seed mix or wildflowers, which Comm. Sevier mentioned as a way to manage growth while avoiding competition for the new trees. Mr. White appreciated this idea but clarified that he primarily sought guidance to ensure the plan aligned with the Commission's expectations.

Comm. Sevier emphasized that the Commission's role was not to dictate but to evaluate proposals and ensure they met requirements. He added that the proposed area could remain naturalized, with or without a native seed mix, as long as it did not become overrun with invasive species. Mr. White confirmed his understanding and stated his objective to submit a sufficient plan that allowed him to move forward with ordering trees and completing the replanting process. His focus was on resolving the matter promptly and adhering to all necessary ordinances.

Associate Comm. Hoffman recalled previous discussions about replacing the removed trees, emphasizing the difference between planting smaller trees in larger quantities or larger trees that would take longer to restore the area to its original state. He reiterated the need to restore the area with trees and vegetation comparable to what had been removed. He mentioned native seed mixes as a low-maintenance option for grasses and wildflowers, aligning with the intention to naturalize the space.

Mr. White agreed with this summary and explained that he had revised his plan since the last meeting. He increased the number of proposed trees from five to seven, along with six viburnum bushes. He noted his intention to place flowering trees like dogwoods strategically near the path for aesthetic value. Mr. White also confirmed that the patio had been removed from the plan. He expressed his preference to avoid additional costs, such as purchasing seed, and sought confirmation that the current proposal was sufficient for approval.

Chair Henkels asked Coordinator Capone for her input. She stated that the main goal was to ensure the area is restored after replanting. She suggested that while additional seed mix might not be necessary, the plan should include clear intentions for managing the space to prevent the invasion of non-native species. Coordinator Capone recommended incorporating a management component into the conditions to address potential invasive growth while allowing the space to naturalize over time. She expressed support for moving forward with the revised plan, provided these considerations were addressed.

Chair Henkels then opened the floor for further questions or comments from the Commissioners.

Chair Henkels informed Mr. White that the hearing could not yet be closed and requested his permission to continue the matter to February 10, 2025. Mr. White agreed. Chair Henkels asked Coordinator Capone if there was anything further needed from Mr. White before the next meeting. Coordinator Capone stated that no additional information was required if the Commissioners were satisfied with the current planting proposal.

Chair Henkels invited comments or questions from the Commissioners and the audience, but there were none. He outlined the procedure for the continuance, explaining that Coordinator Capone would prepare a draft Order of Conditions during the interim.

Coordinator Capone clarified that Mr. White would have the opportunity to review the draft permit in advance and discuss it with the Commission at the next meeting to ensure alignment before the final Order was issued. Mr. White confirmed his understanding and asked whether he needed to send the revised plan to Coordinator Capone. Coordinator Capone requested that Mr. White email the document after the meeting.

After confirming that no additional tasks were required from him at this stage, Mr. White reiterated his agreement to continue the hearing until February 10, 2025.

On motion by Comm. Sevier to continue the Hearing to February 10, 2025, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 87 Moore Road, DEP #301-1424

Chair Henkels resumed the Hearing for the project to construct a garage with associated driveway and drainage, relocate an existing fence, and remove trees within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Dwight D. Henderson was the applicant. This Hearing was continued from August 26 and October 21, 2024.

On motion by Comm. Rogers to continue the Hearing to March 10, 2025, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 188 Newbridge Road, DEP #301-1435

Chair Henkels opened the Hearing for the project to remove trees within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Simon and Julie Barker were the applicants.

Mr. Barker shared photos of trees behind their house, explaining that a winter storm had caused significant damage to several trees, causing damage to their porch roof. After consulting with three arborists, they were advised to remove six pine trees due to safety concerns, such as leaning trunks and split branches that posed risks to their house. They also wished to remove a small damaged maple tree. They planned to replace them with three new trees: a dogwood and two maples. Mr. Barker also requested to remove the stumps of two trees, grinding them down rather than fully removing them.

Chair Henkels asked about the proximity of the trees to the septic system. Mr. Barker estimated that one tree was about 15 to 20 feet away from the septic tank. Comm. Sevier clarified that the leaching field was the concern, and some of the trees were very close to it.

Coordinator Capone supported the tree removals, noting that removing all the trees at once made sense to prevent future damage from the remaining trees. She mentioned the potential for invasive species to return to the cleared area and suggested adding shrubs to prevent this, but Mr. Barker expressed hesitation, citing the healthy fern habitat they had created which is supporting fireflies. Coordinator Capone agreed to move forward with the proposed tree planting, with the condition that the homeowners manage invasives.

Coordinator Capone also requested that once Mr. Barker identified the specific species of the trees, they should provide that information to confirm they are native.

Chair Henkels then opened the floor to Commissioner questions.

Comm. Sevier asked about a symbol on the drawing labeled "Y", which was unclear. Mr. Barker clarified that the "Y" marked the location of a maple tree whose branches were intermingled with another tree, labeled "F." They had consulted with an arborist about the feasibility of removing tree "F" without damaging the "Y" tree, and the arborist confirmed that it was possible.

Coordinator Capone confirmed that she had sent the conditions for the tree removal but needed to amend them. She proposed changes to specify that the stumps of trees A and B would be ground below grade, and to remove the requirement for shrubs. The new plan would involve only three native trees being planted. She also suggested adding a condition for ongoing invasive species management in the backyard, since that had not been previously included. Additionally, Coordinator Capone recommended meeting with the tree company before work began to confirm that only the agreed-upon trees would be removed. She also set a date of June 1, 2025, for planting the new trees.

Chair Henkels asked if the Commission could vote on an Order based on the four modifications that Coordinator Capone had outlined. She confirmed that the Commission could proceed with the vote.

On motion by Comm. Rogers to close the Hearing, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Holtz to issue the Order of Conditions, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 20 Tavern Circle, DEP #301-TBD

Chair Henkels opened the Hearing for the project to remove trees within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Matthew Drew was the applicant.

Mr. Drew, the applicant and owner at 20 Tavern Circle, explained that he was requesting to cut tall pine trees in his yard for safety reasons. He mentioned that a large branch had recently fallen onto his neighbor's swing set and destroyed it, and that many of the trees were leaning toward the houses. Additionally, he stated that his backyard floods during large rainstorms, exposing tree roots and damaging trees along the tree line.

He also mentioned that he would not be removing the stumps and planned to plant bushes, specifically high bush blueberry and lilacs, between the houses. He emphasized that he was keeping the stumps, especially near the wetland, to help secure the slope until the new plantings could grow.

Coordinator Capone agreed with the assessment that while the trees were not in poor health, they were tall and posed safety concerns to both Mr. Drew's and his neighbor's properties. She noted that four of the pines were located further from the resource area, near the neighbor's shed, and were surrounded by oak trees in the understory. She suggested that the oak trees would naturally fill in the space left by the pines. She asked Mr. Drew to clarify how many blueberry bushes he planned to plant and their size, to ensure that the Riverfront Area would not be negatively impacted. The area near the stumps, which is close to the wetland, was about 90 feet away from the wetlands and 125 feet away from Second Division Brook.

Mr. Drew responded that he planned to plant about six mature high bush blueberry bushes in the area where the trees were being removed. He suggested that the area would be around 20 or 30 square feet and was willing to plant more bushes if needed. Coordinator Capone recommended a ratio of four shrubs per tree, and Mr. Drew agreed to plant 10 bushes.

Coordinator Capone noted that the application lacked a file number, so the hearing would need to be continued to the next meeting. Chair Henkels asked the Commissioners if they had any questions.

Comm. Holtz inquired about the total number of trees to be removed, which Mr. Drew confirmed was eight. Holtz also asked about the plantings, specifically the blueberries and lilacs, and whether the area for planting between the houses was jurisdictional. Mr. Drew stated that the area where the trees were to be removed, near the shed, would not be jurisdictional as it was outside the 200-foot Riverfront setback. However, Coordinator Capone countered that the shed was indeed within the 200-foot Riverfront Area.

Comm. Holtz also asked whether the lilacs were native, to which Coordinator Capone responded that while they weren't native, they weren't invasive either and wouldn't be a concern due to their distance from the river. Mr. Drew mentioned that the blueberries would be planted near the stumps, downslope toward the wetland, to help stabilize the slope after the pine tree roots decay.

Chair Henkels noted that the Hearing could not be closed until a DEP file number was obtained. Mr. Drew confirmed he understood, and Chair Henkels asked for permission to continue the Hearing until the next meeting. Mr. Drew granted permission.

On motion by Comm. Sevier to continue the Hearing to February 10, 2025, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance and Minor Modification:

Camp Sewataro: 1 Liberty Ledge, DEP #301-1393

Chair Henkels began the discussion. Michael Andrade from Graves Engineering presented a request to reopen the Order and propose minor modifications to the plan on a previously issued Certificate of Compliance for a project involving handicap accessible parking and walkways. Mr. Andrade explained that the project had been completed per plan. However, an issue with the existing driveway drainage had arisen, as runoff from an area at the top of the hill was causing erosion along the newly created earthen berm, which then drained into the swimming pond. He proposed a solution involving modifications to the driveway and berm to better direct the water into the culvert.

The proposed work includes raising the grade in certain areas, installing an asphalt berm along the driveway, and using riprap to stabilize the berm. Mr. Andrade also planned to reconstruct the drainage structure with larger riprap and install a trash rack to catch debris before it enters the culvert. The intention was to prevent erosion and ensure the water flows as intended, avoiding any overflow into the pond.

Coordinator Capone discussed the original concerns regarding drainage when the project was first proposed, noting that the bio-retention area was only designed to handle runoff from the parking area, not the entire driveway. She suggested considering other options like infiltration trenches to minimize drainage being directly discharged to the fishing pond.

Mr. Andrade explained that infiltration wouldn't work well due to the slope and shallow groundwater, but the proposed berm improvements and sediment collection areas would help manage the runoff. Mr. Andrade also pointed out that there is an existing depression before the water reaches the fishing pond that acts as a sediment collection area. He then confirmed that the discharge point wasn't directly into the fishing pond but went through a sediment sump. Coordinator Capone expressed concern over increased pollutants discharging to the fishing pond, showing a photo of the outlet.

Comm. Rogers confirmed that the runoff would not reach the swimming pond but would discharge into the fishing pond. Comm. Holtz questioned the design of the berm and the potential for water to bypass the proposed modification. Mr. Andrade clarified that the berm would integrate into an existing retaining wall, preventing such bypassing. Comm. Holtz also asked about installing a sump in the existing stone area. Mr. Andrade expressed reluctance to alter the structure due to uncertainty about its design, but he agreed to modify the plan by removing some asphalt and adding more riprap to improve sediment collection. Coordinator Capone reiterated the importance of minimizing runoff into the fishing pond, which already faces nutrient issues.

Comm. Sevier inquired about the potential for a tripping hazard if a sump were installed in front of the existing structure. He suggested considering a deeper sump in another location to avoid safety concerns. Mr. Andrade clarified that the area was not a high-traffic pedestrian zone, though kids might walk in various places. He expressed confidence that creating a sump in the proposed location would not pose a safety risk, referencing other depressions in the area without causing concerns.

Ms. Niinimaki agreed with Mr. Andrade, noting that the area where kids walk is further from the proposed sump, specifically near the retaining wall by the driveway. She confirmed that there is minimal foot traffic in the area under discussion, alleviating safety concerns.

Chair Henkels requested clarification on whether the Commission could proceed with a vote, with the plan submitted before construction. Coordinator Capone concluded that the proposed work seemed reasonable and could fall within the scope of the original Order. However, before proceeding, the Commission would need to rescind the Certificate of Compliance and issue a minor modification to the original Order. The Certificate of Compliance had not yet been recorded, allowing some flexibility in the process.

On motion by Comm. Sevier to rescind the Certificate of Compliance, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Sevier to approve the minor modification, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Other Business:

Town Report

Coordinator Capone provided an overview of the Conservation Department's achievements over the past year. The Commission held 24 meetings, 180 Hearings, and issued 24 Orders of Conditions and 37 Determinations. They also closed out 27 projects with Certificates of Compliance, and handled four enforcement matters. Significant projects included the completion of the rail trails, which were nearly ready to open after two years of work, and efforts to prevent the spread of Japanese hops in the area.

The water chestnut projects were particularly successful, showing a significant reduction in the plants in the Sudbury River and Hop Brook mill ponds. Coordinator Capone also mentioned the Department's work on

Broadacre Farms, where trails have been cleared for public use, and the creation of new maps and trail guides for Conservation properties. A new pollinator meadow initiative was underway, with improvements in seed rearing methods and a successful seed donation from a previous project applicant.

The Department has also been focused on monitoring Conservation Restrictions and dealing with encroachments, working with residents to restore affected areas. Agricultural lands were being leased out to local farmers, generating funds for land management. Another highlight was the successful management of Davis Field, where collaborative efforts saved bobolinks, a ground nesting bird, by coordinating mowing schedules.

She shared that the deer management program had seen a 50% reduction in harvest this year, though it was unclear why, with factors like drought and changes in deer patterns being considered. Lastly, she mentioned Comm Faust's participation in the Christmas bird count, which recorded over 2,500 birds of 50 species.

Chair Henkels commended Lori and her team for their exceptional work and leadership, with the other Commissioners expressing their gratitude and admiration. Coordinator Capone thanked everyone for their support.

On motion by Comm. Holtz to accept the report, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Adjourn Meeting

On motion by Comm. Cook to adjourn the meeting at 9:06 PM, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.