

HULL ZONING BOARD OF APPEALS

Applicant: David Klayman

Property: 110 Manomet Avenue

Date: Thursday, August 29, 2013

Time Meeting Began: 7:45 p.m.

Time Meeting Concluded: 9:38 p.m.

Place of Meeting: Hull High School, 180 Main Street, 2nd Floor (Exhibition Room)

Zoning Board Members Present for Hearing:

Alana Swiec, Chair	Sitting	Attending	Absent	Abstain
Dr. Roger Atherton, Clerk	Sitting	Attending	Absent	Abstain
Atty. Mark Einhorn, Member	Sitting	Attending	Absent	Abstain
Phillip Furman, Associate	Sitting	Attending	Absent	Abstain
Jason McCann, Associate	Sitting	Attending	Absent	Abstain
Patrick Finn, Associate	Sitting	Attending	Absent	Abstain

Others in Attendance:

James Lampke, Town Counsel

Peter Lombardo, Building Commissioner

David Klayman, Applicant

Bonnie Klayman, Applicant's spouse

Jeffrey Klayman, Applicant's Brother

Michael S. Nuesse, Attorney for Applicant

Robert Galvin, Attorney Representing Six Residents in the Town of Hull

Karen Morgan, Recording Secretary

General Relief Sought: Continuation – An application filed by David Klayman, 164 Beach Street, Sharon, MA regarding property at 110 Manomet Avenue, Hull, MA – to appeal the Building Commissioner's decision per his letter of February 27, 2013 to issue an order of cease and desist use of the dwelling as a business/commercial venture – a seasonal rental – in a Single-Family Residence District, which use is not allowed per Hull Zoning Bylaws, Section 31-1.

General Discussion: Mr. Nuesse, who represents Nantasket Real Estate, LLC. (the owner of 110 Manomet Avenue) presented handouts to the ZBA that followed along with his presentation. He began by reading from the *Boston Globe* article. This speech was interrupted by Mr. Charles Schaffer who brought out jurisdiction issues to which Mr. Einhorn then addressed to Mr. Nuesse. Mr. Nuesse felt he should make a presentation, to which he is entitled, as they are challenging Mr. Lombardo's letter, but

also requesting a Special Permit. Regarding the jurisdiction issues, there are problems with the way the appeal was filed, problems with the notice itself. The notice letter that came from Mr. Lombardo is addressed to the wrong party. It's Mank, LLC, is the addressee and that LLC is not the property owner of the time that the notice was sent out. They are looking at the notice as a nullity and needs to be reissued to the proper party.

Ms. Swiec asked do we want to take a vote on whether we have jurisdiction – we've given Mr. Nuesse plenty of time to provide information on the jurisdiction issue. Mr. Nuesse objected to being interrupted and not being allowed to give his presentation.

Mr. Nuesse continued by saying that if the Town is going to enforce short-term rentals being illegal, there is nothing in the Bylaws that allows renting month to month and there is no guidance in the bylaw as to how long one can rent or to whom. If the Town is going to take the position that these rentals for a week or 7 days are a "business activity" they need to substantiate this. Ms. Swiec stated that Mr. Einhorn requested information specific to the time line questions with a deadline and we did give Mr. Nuesse time to research this matter. She is not sure if we can hear this application tonight based on other issues. Mr. Nuesse said that Board needs to listen to the presentation and the Board can make a decision of whether the appeal of Mr. Lombardo's letter was addressed to the wrong party. Mr. Atherton said that Mr. Nuesse was asked for some time to research the requirement that appeals must be submitted to the Town Clerk within 30 days. This did not happen. What we asked Mr. Nuesse is whether there are other exceptions and nothing that he has heard in the last 2 months has suggested otherwise; that it is the statute and we should not be deciding or discussing other issues because we lack jurisdiction on the appeal. This does not have anything to do with the Special Permit or Variance. Mr. Nuesse said that the C&D letter, for which the appeal has been filed, that there is a technical difficulty and it was not filed with the Clerk's office and it was addressed to the wrong party. Mr. Nuesse said that the Board had to make the decision about whether or not the ZBA has jurisdiction over the appeal where the notice was given to the wrong party. Mr. Einhorn said that Mr. Nuesse is raising this now and has not heard of the details about this until now. Mr. Nuesse said the property has changed hands to another LLC. Mr. Nuesse said that he will provide the Board with those details.

Mr. Nuesse continued by saying that he is not sure if the Board wants to accept Mr. Lombardo's interpretation of the bylaw. Here you are in the process of outlawing short-term rentals in Hull and the Board should look at how the courts in MA have dealt with these issues. They are not just here appealing the order, they are here for a special permit request as well. Mr. Einhorn stated that jurisdiction is separate from the special permit issue. Ms. Swiec said we need to deal with this in two parts: if the deadline requirements have been met and if they meet the requirements of a variance or special permit. We need to address and act on the deadline component. We may not have jurisdiction to hear the original appeal because Mr. Nuesse did not meet the deadline. We need to act on this to move forward so the Board can hear the appeal of the variance/special permit. She asked the Board members as to what they would like to do about this matter.

Mr. Einhorn said that at the last hearing, there were several cases cited to the point that we file after 30 days, you do not file with the Town Clerk, the ZBA does not have jurisdiction. Mr. Nuesse needed time to respond to that and Mr. Einhorn does not see any evidence that he did to address those issues.

Mr. Finn stated that he served on the ZBA with Mr. Nuesse and agrees to what he said. We never required a vote be taken prior to the applicant, who paid the \$270 to appeal the decision of the Building Commissioner along with applying for a special permit, to seek zoning relief from this Board. We never took a vote prior to allowing this to occur. That is what he is here for and what he paid for. It is all inter-related. We have a pile of paper from the complainants and Town Counsel and he would like to hear from the applicant.

Ms. Swiec stated that there are two components to the application: jurisdiction issue at the time of filing and the request for a special permit/variance. This is where Mr. Nuesse can make the presentation on behalf of his clients. We can hear his appeal to the Building Commissioner's filing for a C&D order. Mr. Nuesse wanted the Board to make it clear as to who the C&D order was addressed to. Mr. Nuesse presented a copy of that order to the Board with the address being that of Mank LLC. Mr. Einhorn stated that it read Mank LLC, the manager as being listed as David B. Klayman, 164 Beach Street, Sharon. The entity that owns the property of Nantasket Reality LLC and the manager is David B. Klayman, 164 Beach Street, Sharon; and the resident agent is the same. They are two different entities with the same manager and same resident agent. Mr. Nuesse wanted the Board to be clear as to what entity is being ruled on. Mr. Nuesse wanted the Board to vote on to what the C&D letter applies to and Mr. Einhorn said we need to discuss this further. Mr. Einhorn said it was sent to Mank LLC c/o David Klayman 29 Eisenhower Drive, Sharon; not 164 Beach. Ms. Swiec addressed Town Counsel about when a corporation changes its address, if there is requirement of a timeline for them to notify Town Hall of an address change. The responsibility of an address change notification should be of that of the owner of that entity to inform Town Hall of the current status. Mr. Lampke responded that many times owners think they various inspectional service departments know what the new address is as well as the tax collector so notices do not go to the old address. Many times if they do not know otherwise, they do go to the old address. Sometimes there is a change of address filed with the post office. Sometimes there is a change of ownership with new parties. They are given a form from the tax collector's office that says to please fill out the name of the new owners, etc. The way the system works is that the inspectional services have in the past relied on information from the Assessors, the Assessors' records are based on what is filed with the Registry of Deeds. For tax purposes, the assessors look at who the owner of record was as of January 1st; when the deed is recorded at the registry, a copy of that deed is eventually sent to the Board of Assessors and then it will be updated in their records; but that can take several months. There is no specific legal requirements that mandates that a business owner change the address on file with the Town where they can be reached, it is prudent to do so, but there is not a legal requirement that they have to do this. If they do not do this, they do not get proper notice and raises the issue as to what the legal effect of that. Ms. Swiec asked how do we avoid these technical defects? Mr. Lampke said that based on these circumstances, we have to rely now on what is on file with the registry rather than what is filed with the assessors.

Mr. D. Klayman, 93 Beach Ave., said that the assessor's office had this in their possession on January 28th, which is a month prior to the issuance of this letter.

Mr. Nuesse said that his request at the last hearing is that the Board go back to the Building Dept. and request that Mr. Lombardo reissue the C&D letter to the proper party - not seeking to make short term rentals illegal, but taking a look at the bylaw. These rentals are occurring in a single family zone. If there is a problem with non-single family entities renting from a party, the Town should be approaching the problem from looking at the single family zone perspective. This is what the problem is, it is not in renting. Renting is not defined as a business. Ms. Swiec does not disagree, but the problem is that we are not the Town, we are the ZBA and as of yet, Mr. Nuesse has not submitted anything to us to convince us that any aspect of the application is within the purview of the ZBA to act on. The Town is the BOS. The appropriate forum is with the BOS who can draft the correct language to be presented for legislation at Town Meeting to act on at that time. Until that happens, there is no other Board in this Town that can help. If there is no provision in the bylaws, we cannot make things up. It is an inflammatory statement from Mr. Nuesse to us about making apts. Illegal in the Town of Hull. We cannot make up the rules as we go along. We go along with Mass. Gen. Laws. It's black and white and very little grey. Mr. Nuesse said that you can read the bylaws and would like to see where it says that short-term rentals are not allowed. Ms. Swiec said that she would like to see if you can find if the short-term rentals are allowed. Mr. Nuesse says that it does not address the issue. Ms. Swiec said that language does not exist and needs to be created by the BOS. Mr. Nuesse said that the ZBA should take it back to the Building Dept. and think about it a little more and come back with something that it is in the bylaw. Ms. Swiec said that this is up to you and your clients. Mr. Nuesse said that he been to the Building Dept. said that they are relying on the ZBA to make this decision as well as are people in this room. Mr. Einhorn said that there are two issues, jurisdiction and the notice. There is still a question as to whether to address that with the jurisdiction or the reverse. We not have jurisdiction based on the filing. Mr. Nuesse is suggesting to the ZBA to go back to the Building Commissioner to reissue a C&D to the proper party; to take a look at the bylaw and talk to the Building Commissioner. If you talk to people in Town, there are short-term renters who rent to single families and the neighbors have no problems. The issue is renting to renters who are not single families.

Mr. Galvin stated that he has not heard is that they did not receive the notice. They obviously received the notice; Mank LLC's manager was David Klayman. The address on file with the Secretary of State's office is the same address for the Nantasket Beach LLC. They filed an appeal as an individual name as manager of the LLC. They received the notice; that is why they appealed in the first place. They did not appeal in a timely fashion. There is no jurisdiction for the ZBA.

Mr. J. Klayman stated that you have two different companies: Mank LLC and Nantasket LLC. If you send notice to one, it is not notice to the other, even if it is the same person. There are technicalities if you send it to the wrong company. If the Board wants to reissue, they should reissue to Nantasket Real Estate LLC which is the owner at the time. It was a transfer of ownership of property and that company has a right to remain separate from one another and it happens all the time. He has clients of his that has five different companies and they are separate from one another.

Mr. McCann said that it would be useful to note when the Board did receive the notice. It was dated February 27, when did they received it. Mr. D. Klayman said it went to the new owner of the new house who called us and said it was mailed to us and by the time we got it to Mr. Nuesse, there was less than a week's time to apply. Mr. McCann said that you got it a little over a week before the filing deadline. Mr. D. Klayman said yes.

Mr. Galvin said that Mr. Klayman transferred the property on January 28th for \$1 from one entity that he owned as manager to another entity that he owned as manager. He was the signatory for the real estate individually on both companies; he was the manager of record, according to record at the Secretary of State's office, on both companies. He clearly received the notice in time and could have appealed.

Mr. Einhorn agreed with Mr. Klayman as manager and resident agent but the issue is the different address. Mr. Einhorn said that it went to an old address. Mr. Galvin said it went to the address on file at the Secretary of State's office. Mr. Einhorn said that Mank LLC on the annual report for 2012 was listed as 164 Beach Street, Sharon. Mr. Nuesse suggested to the Board that summer rental season is over, rentals have come to an end. If the Board reissues the notice, there will be no harm to the people who are complaining and would provide an opportunity to have a fair hearing to give his client the opportunity to be heard. Mr. Atherton said that we have not made any decision about rentals. We are trying to decide if we have jurisdiction to make a decision about Peter's decision to issue a C&D. The Town Clerk did not receive the appeal within 30 days, the ZBA lacks jurisdiction.

8:25 P.M. - AT THIS POINT, THERE IS A FIVE MINUTE RECESS – RECONVENING AT 8:31 P.M.

Ms. Swiec asked Mr. Lampke about a concern regarding the matter of the notification and Mr. David Klayman stated that he notified the Assessor's office on January 28, 2013; and then she asked what form of notification did Mr. Klayman receive? Mr. Klayman said his attorney presented a copy of the new deed to the Assessor's office. Mrs. Klayman, 93 Beach Ave., said that she called the Assessor's office to make sure that everything was done properly and she said that the office said that the office received the deed on January 28th. Ms. Swiec asked if there was any time-stamp. Mrs. Klayman said no. Ms. Swiec would have wanted something that was time-stamped here at this Hearing. The point of this continuance is to be able to produce these documents. There are two components to this Hearing: the jurisdictional issue -was the application filed in a timely manner and the deadline is a Mass Gen Law hard line. We are obligated to abide by it. She would like to take a vote on the jurisdictional issue and move past this to move forward with their additional request of a variance/special permit.

Mr. Atherton said that the statute says 30 days from the day the Building Commissioner issued the C&D decision or order to when the appeal must be presented to the Town Clerk. It says nothing whether it goes, how it goes, where it goes, who receives it or who doesn't. Once the order is issued, there is 30 days to make an appeal. He does not think there is a lot of room to maneuver anything. We also found at the last hearing that the people were told by the Building Commissioner that the appeal should go to the Building Commissioner whereas the statute says it should go to the Town Clerk. The Mass. Statute says 30 days from the day of the decision being issued to the time when the appeal must be made or we

lack jurisdiction. We should decide on the jurisdiction issue based on that. Mr. Einhorn agreed with Mr. Atherton statement. He indicated we should take a vote.

Mr. Finn stated that fair and reasonable ought to be the first criteria used in granting zoning relief. He cannot think of any other special circumstances when the Building Dept. issues a C&D order to the wrong company at the wrong address a month after the Board of Assessor's been notified of the new company and the new owner; and then they get it in a round-about fashion from a former address and they only have a week to hire an attorney to appeal it to be within the 30 day statute and they managed to file an appeal within that 30 days with the Town of Hull at the Building Dept., following the ZBA's rules and regulations, and the Building Commissioner has to follow the ZBA's rules and regulations that says he has to certify the application as complete, stamp it, certify it and attach a letter and review the entire file before the Town Clerk is even allowed to stamp it in to meet State's statute of 30 days stamped at the Town Clerk." To him, those are issues that cause problems with this whole hearing process that were created by the Town of Hull's policies and procedures. The fact that you want to take a vote on the first part of two part application does not make sense to him as he spoke earlier in agreement with Mr. Nuesse that the advertisement is one advertisement. The applicant paid his attorney to present his case; he should be allowed to present his case. Also those who are in favor or opposed should be allowed to speak. Then the ZBA should then decide as to what we are going to vote on. He would rather continue it, get the information the Chair asked for, give Mr. Nuesse and his client a week or two to come up with this information; and then take a look at it at that point.

Mr. McCann stated he does agree with what Mr. Finn statement. There is a lot of information being passed around. None of the information follows the specific facts of this case. The specifics are the rules and regulations that conflict with the State law. Also, now this notice issue, he understands the risk of not following the letter of the Mass State law which the ZBA is required to do; he still thinks that what he has seen and what he reviewed, that there are some distinctions to be made. The applicant was told to file with the Building Inspector and after the inspector reviewed it, then it would be stamped by the Town Clerk, he did that within 30 days. All of that needs to be taken into account. The risks could be that it could be overturned. The facts in this case are more specific. He did not see a case where the Zoning Board rules and regulations conflicted with the Mass Gen State law which is what we have here.

Mr. Einhorn says that there are two issues. There is a case that does mention that says that even if a Town tells you to file elsewhere from the Town Clerk, it does not matter, you still have to follow procedure. There is a notice issue as to when they received this notice. We should be checking the address with the Secretary of State's office and not the Assessor's office. These are two procedural issues; one is jurisdiction and what is in front of us. He is not set either way. He does not know when the applicant got the notice, but it was defective.

Ms. Swiec asked Mr. Lombardo – does the C&D notice go out with a return receipt or in the regular mail. Mr. Lombardo said that is it with the regular mail. Mr. Lampke said that practically speaking, there is no real risk with going forward with all the facts and information and you can make your decision on specific findings when you have your information and you have new issues about the notice going to the

wrong owner, then when you have all that information and make your finding with the State, we now conclude that A) a notice was good or B) the timing of the filing was not timely or C) or the filing was not timely but they may comment as to why it was not timely. It is up to the Board as to how to proceed. Someone is going to appeal either way. It is better for the Board if the record was as complete as possible. Mr. Einhorn said that the address information is new information and but for this he feels that we have no jurisdiction.

Mr. Nuesse said that it makes sense if the ZBA goes back to Peter and reissue the C&D and give it to the right party and for the right reasons; that he thinks would give everyone an opportunity to be heard. Mr. Einhorn said that you cannot have it both ways. Mr. Lampke said that in reference to what Mr. Nuesse says about the ZBA going to Peter and requesting him to reissue the letter, that is not going to happen. The ZBA is a judicial body; it would not be their role to go to Peter and discuss those points - that is something that can be raised at a hearing, as was suggested before in this hearing. The ZBA is here to hear the case before them tonight.

Mr. Galvin said that he thinks that Mr. Klayman received notice with a week left in the original 30 days. They did not file an appeal within 30 days of that date; they filed their appeal on May 15th. They filed their appeal under their individual name and of name of the owner, both. It is very clear. When they filed their appeal under 40A Section 15, they are supposed to, when they file this appeal, specify the grounds of their appeal, they never did. We are hearing this for the first time tonight.

Mr. J. Klayman asked if this Board have the power to rescind the C&D. Ms. Swiec answered no. Mr. Lampke said that part of its decision at the conclusion of this case - that is what is being appealed. The ZBA can overturn that once they have all the facts to make their decision. Mr. Einhorn said that the Building Inspector can also appeal that as well. Mr. D. Klayman continued that the ZBA has a C&D against Mank LLC and it un-enforceable to ask this because they weren't the owner of the property at the time the C&D was issued. They are not the owner now. If the property continues to be rented and fine them, are you going to sue Mank, LLC. Mr. Lampke said that is something the Board is going to address. There is a law that specifically addresses someone conveying property to avoid enforcement action. He is not saying that it was done, that is what someone is going to say. We are trying to address all of these issues as there is a specific statute that prohibits that from being done.

Mrs. Klayman said when she did receive the C&D, she handles all the mail, she is not exactly sure of the date they received it. When the C&D was issued in January, the house was not even rented; it was not like we were trying to change companies to try to hide something.

Ms. Swiec stated that she referred back to Mr. Nuesse as he has the obligation to fully represent his clients on what could be a serious matter and completely turn this process around. Without that, all we can do is act on what we have before us; and what we have before us is a filing that was not done in a timely fashion. Mr. Einhorn said that the annual report of 2012 for Mank LLC does not list 29 Eisenhower Drive as the address. He does not know if that is the proper address to use. He would have gone to the Secretary of State's office and found the agent and its address. There are two technicalities. Someone is going to appeal either way. Ms. Swiec would like to take the matter of the upholding or

dismissing the Building Commissioner's C&D order to a vote and Mr. Nuesse can make a presentation on the special permit portion of the hearing.

Mr. Atherton asked Mr. Lampke about a ruling that Mr. Lampke made about the notice must be appealed within 30 days of the notice being issued. There was another legal case where it went to the ZBA rather than the Town Clerk and by the time the ZBA turned it over to the Town Clerk, 41 days had elapsed. The Land Court decided that it did not meet the 30 day requirement that it was out of the jurisdiction of the Board of Appeal, it was further appealed to the Appeal's Court that made the decision to support the Land Court. The 30 day rule seems that it is cast in concrete. Can we do what Pat spoke of very well with the fairness involved here? He thinks this particular ruling was unfair because the party was told to submit it to the Board of Appeals and it did not get to the Town Clerk within 30 days. Do we have the freedom or ability to make an exception because we found a faulty process? Mr. Lampke answered that at least for purposes of the hearing, before making a decision, he was advocating that given the totality of the circumstances, and as Pat and Jason felt, that you should hear the entire case and then when you get to the point of making a decision; you can allow that every case is a little bit different. The case you are referring that went to the Land Court to the Appeal's Court and they denied the validity of the appeal, he does not believe that there are facts in that case as to what you have here, *i.e.*, the policy of going to Peter first and then to Peter to the Town Clerk. The countervailing argument is that the statute is clear and there is a regulation that is contrary to the statute, you can challenge the regulation or follow the statute. You also have the new issue whether the notice was proper if it was sent to the wrong address. Mr. Einhorn said he thinks that Mr. Lampke has a good point and that given there are two technicalities, we should hold that decision to the end. Ms. Swiec thought the point of given this application two months was to gather that information, so it would be presented to us tonight. We have no paperwork to put on file for public consumption to say on January 28, 2013, a different attorney submitted information and the information is from two or three different places that are not consistent. This could be a legitimate reason for the mailing not to have gone out, timely or correctly or to the right address. It was up to Mr. Nuesse to pull this information together and make that presentation for us. Now he is saying he needs more time.

Mr. Nuesse said he was not aware that the information was to be requested. Ms. Swiec answered that Mr. Nuesse brought it up at the last meeting. Mr. Nuesse said he can get the Assessor's records in 2 weeks. Mr. Einhorn said that the extension was to research the jurisdiction issue and now there is a second issue of notice - where it went and to whom.

Mr. Elliot M. Klayman, 25 Bayberry Road, Canton said that he would like to simplify everything that happened tonight. The C&D went to the wrong entity; you can't do anything about it. It's null and void. He wants a do-over for the Building Inspector to issue a C&D to the correct corporation that he will file within 30 days and you get to hear all of this again. He cannot enforce the C&D because no matter what Mr. Galvin says, it went to the wrong company. Also, when you send out a C&D, please send it registered mail so that you know that the person is signing for it and gets it in time. He does not know the time line, but if Mr. Nuesse brought the appeal to the Building Inspector within the 30 days, it is up to him to get it to the Clerk. Once he follows your rule, he didn't break the MA law, he followed your rule but then the Building Inspector must understand that this has to be filed with the Clerk and if he has

1 day to do it, he has to do it in the 1 day. If he can't, he needs to call the lawyer and say you have a 30 day and it's the 29th day and I can't get it to the Clerk. You have to tell the lawyer. He gave it in good faith to the Building Inspector but somehow it got lost.

Mr. Lombardo asked about what the date of issue mean. Mr. Atherton answered it is the date it was issued, not when received.

Mr. Nuesse said that if you do reissue a new enforcement letter and rescind the old one, then we will withdraw without prejudice. We can start all over again. Mr. Lampke said that we still have the special permit request under the same application. Ms. Swiec said she would like to continue that to another hearing.

Mr. Atherton asked Mr. Nuesse about the special permit request being conditional - if we would allow Peter's decision then you wanted to ask us to consider a special permit. If we disagree with Peter, than there would be no need to issue a special permit on this application. If Peter orders a new C&D, you come up with a new appeal. Mr. Nuesse said that he will come up with a new appeal. The old appeal will be dismissed. Mr. Nuesse said that he will stipulate in writing that if we receive a new enforcement letter to the proper party, that we will dismiss the current appeal. Mr. Einhorn said that this is all based on the possibility of the order being rescinded. Mr. McCann asked about how is the order going to be rescinded and reissued because of the notice defect, does the Board have to vote? The Board cannot do that. Someone has to make the decision to rescind the order. Mr. Einhorn said that it would be Mr. Lombardo. Mr. Lampke stated that the Building Commissioner can rescind the order if he feels there is cause to do so and issue a new order. The ZBA as part of their decision on a matter can overturn a C&D order so the ZBA does have that opportunity when it makes a decision. Mr. Lombardo said he would re-issue the order after talking with Town Counsel, if he agreed.

Mr. Galvin said that the applicant here admitted that he had notice, he could have appealed when he received the actual notice of the enforcement order within 30 days; he didnot. The Board does not have jurisdiction to overturn this notice. We would object for the record if the Board rescinds an order that there is no jurisdiction over. Mr. Gladstone added that there is a new issue that was raised tonight that is not in the appeal, and so the appeal is defective. So continuing the hearing is wrong and the Board lacks jurisdiction.

Motion: Ms. Swiec made a motion to continue the Hearing until November 7, 2013 at 7:30 p.m.

Member	Motion	Second	For	Against
Alana Swiec, Chair	X		X	
Dr. Roger Atherton, Clerk			X	
Atty. Mark Einhorn, Member		X	X	
Phillip Furman, Associate			X	
Jason McCann, Associate			X	
Patrick Finn, Associate			X	

Recorded by Karen Morgan

Approved by Roger Atherton _____ Date: _____

All actions taken:

All action taken includes not only votes and other formal decisions made at a meeting, but also discussion or consideration of issues for which no vote is taken or final determination is made. Each discussion held at a meeting must be identified; in most cases this is accomplished by setting forth a summary of each discussion. A verbatim record of discussion is not required.