

1 A P P E A R A N C E S:

2 BOARD MEMBERS PRESENT:

3 PATRICK TURNER, Chairman

MICHAEL VESPA, Member

4 MITCH JOHNSON, Member

MICHAEL PABIAN, Member

5 JEFFREY FUS, Member

BRANDON CALVERT, Member

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9 ALSO PRESENT:

10 MICHAEL T. JURUSIK, Village Attorney

MARTIN A. SCOTT, Director of Community Development

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PRESENT FOR THE PETITIONER (4150 Hampton Avenue):

13 Mr. & Mrs. Plichta

Mr. & Mrs. Zeman

14 Mr. & Mrs. Poster

Lin Juanguang

15 Mr. Kevin J. Caplis

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1 CHAIRMAN TURNER: Welcome, everyone to the Board of
2 Zoning Appeals hearing for Wednesday, May 26, 2021. It
3 is just now 8 o'clock. Welcome, everyone. It looks
4 like we got quite a few participants, and we welcome
5 that obviously.

6 So without further adieu, let's get the show
7 on the road. Let's officially call to order the
8 meeting, Board of Zoning Appeals for the Village of
9 Western Springs, May 26, 2021.

10 Marty or Mike, can you handle roll call?

11 MR. SCOTT: Sure. I will, Mr. Chairman.

12 Member Pabian?

13 MEMBER PABIAN: Here.

14 MR. SCOTT: Member Fus?

15 MEMBER FUS: Here.

16 MR. SCOTT: Member Calvert?

17 MEMBER CALVERT: Here.

18 MR. SCOTT: Member Johnson?

19 MEMBER JOHNSON: Here.

20 MR. SCOTT: Member Vespa?

21 MEMBER VESPA: Here.

22 MR. SCOTT: Chairman Turner?

1 CHAIRMAN TURNER: Here.

2 Thank you, Marty.

3 Again, welcome, everyone. A quick note
4 before we begin. COVID has changed how public meetings
5 are conducted, and in keeping with the prescribed
6 guidelines, each action by the Board will require a
7 motion, a second of that motion, and all roll call
8 votes. This includes roll call and adjournment.

9 In regards to speaking during the meeting, we
10 ask that only the speaker be unmuted so that the chance
11 of background noise is reduced. So please help out
12 with that, everyone, if you would, please.

13 Next item on the agenda is reading the
14 agenda, and we only have one -- besides the approval of
15 the transcript and minutes from the last meeting
16 conducted on May 6th, we then have public comment, we
17 have considerations, and only one consideration on the
18 agenda this evening is the request, variation request
19 for 4150 Hampton. Then we have other business. Then
20 adjournment.

21 At this point I would entertain a motion to
22 approve the transcript from the May 6, 2021 meeting?

1 Can anyone on the board --

2 MEMBER VESPA: I'll make a motion to approve the
3 minutes from the May 6, 2021 meeting.

4 CHAIRMAN TURNER: Could I get a second of that
5 motion?

6 MEMBER PABIAN: This is Member Pabian. I'll
7 second.

8 CHAIRMAN TURNER: Marty, can you handle the roll
9 call vote?

10 MR. SCOTT: Member Calvert?

11 MEMBER CALVERT: Yes.

12 MR. SCOTT: Member Johnson?

13 MEMBER JOHNSON: Yes.

14 MR. SCOTT: Member Fus?

15 MEMBER FUS: Yes.

16 MR. SCOTT: Member Pabian?

17 MEMBER PABIAN: Yes.

18 MR. SCOTT: Member Vespa?

19 MEMBER VESPA: Yes.

20 MR. SCOTT: Chairman Turner?

21 CHAIRMAN TURNER: Yes.

22 Thank you, Marty. The transcript and the

1 minutes from the May 6, 2021, meeting is officially
2 approved.

3 At this time we ask for public comment with a
4 reminder that the hearing allows for a chance for
5 everyone to be heard as well.

6 So, Mike, I guess at this point we should
7 just dive right into the hearing then, right?

8 MR. JURUSIK: Yes. Go ahead.

9 CHAIRMAN TURNER: Marty, do you want to make an
10 intro?

11 MR. SCOTT: Actually, Attorney Jurusik is asking a
12 quick question. Does the public hearing have to be
13 reopened or is this considered open as-is?

14 MR. JURUSIK: We continued it today. Why don't you
15 set the table and then we'll make a decision as to
16 whether we continue it to another date.

17 MR. SCOTT: Okay.

18 So, Mr. Chairman, as you know, there was a
19 lot of new information that came in over the past few
20 days both in favor and objecting to the variation
21 request on a number of different fronts. As we were
22 reviewing that, one of the items that came in from an

1 attorney, Mr. Caplis, who is on the call listening
2 tonight, asked some questions and made some statements
3 in regards to interpretation of how the Zoning
4 Ordinance applies in relation to building coverage for
5 the property.

6 And since we work in a forum where everything
7 is scrutinized as far as construction as it relates to
8 zoning and we don't want to put anything at risk
9 legally for the Village, Attorney Jurusik and I were
10 talking before the meeting that it might be best, as we
11 discuss it here, to consider the items that were
12 submitted because there's some concern on our part that
13 we want to make sure that at the staff level we
14 reviewed it and interpreted the code properly and also
15 the time that was allotted for you to review numerous
16 documents that came in over the last few days.

17 Mike, if you want to elaborate a little bit
18 more on that, or if not, we can just discuss the
19 issues.

20 MR. JURUSIK: No. I think that's correct. I think
21 in looking at some of the comments and some of the
22 objections, I think Marty and I were talking that it

1 would probably be beneficial to not proceed and do a
2 deep dive into the public hearing tonight, to have
3 staff re-evaluate its calculations in light of some of
4 the assertions and some of the information put forth by
5 some of the objectors, and come back to the board at a
6 date in the near future where we would continue the
7 public hearing too and then have staff issue its final
8 kind of recommendation for this petition, taking into
9 account the new information that was provided, leading
10 up to this public hearing and then that staff's
11 recommendation would be shared both with the
12 petitioner, the Zoning Board, and the objectors in
13 advance of the public hearing so everybody could see
14 what the staff's final position and response would be
15 to all parties.

16 Otherwise, you know, responding to it on the
17 fly is not an ideal situation, especially on Zoom
18 environment, and a little bit of deliberation at the
19 staff level will, I think, make a more efficient public
20 hearing once all of this new information is digested,
21 and it will lead to more straightforward presentation
22 of the petition, presentation by the objectors of their

1 position, and presentation of staff's recommendation
2 for the petition, which I think will help everybody get
3 to a final decision that is well grounded.

4 MR. SCOTT: Mr. Chairman, if I could add one thing
5 to that. Just to be clear on what we're talking about
6 because Mike and I both mentioned the ordinance and how
7 it applies to the project.

8 The specific thing that Mr. Caplis brought up
9 relates to what essentially is counted in the building
10 coverage calculation, and there's a mention of reducing
11 the amount of coverage by 440 to account for a garage.
12 And the interpretation for years has been that that
13 relates to a new home being built because you wouldn't
14 reduce the -- well, the interpretation has been you
15 wouldn't reduce the 440 of an existing garage or punish
16 someone for that.

17 So as Attorney Jurusik and I talked about it,
18 that's an important enough issue to relook at so we
19 would not just come back as he said, but some findings
20 and interpretation on it so that it's clear to
21 everyone.

22 CHAIRMAN TURNER: Marty, for the record, who is

1 Attorney Caplis and who is he speaking on behalf of?

2 Is he representing the applicants?

3 MR. SCOTT: Sure. Yes. He is representing -- I
4 don't know if I could say he's representing, but he
5 provided a letter -- sorry. He has been retained,
6 right in the first sentence of the letter dated May 24,
7 2021. Mr. Kevin J. Caplis. It was titled -- undated
8 letter from Querrey & Harrow, letter dated May -- I put
9 May 14th. It was actually May 24th. So when you look
10 at it, it's an undated letter at the top that we
11 stamped received May 25th with the attorney's letter to
12 follow.

13 He makes five statements in there of concern
14 and objections.

15 CHAIRMAN TURNER: Who is he speaking on behalf of?

16 MR. SCOTT: Ann and Mark Tysiak, T-y-s-i-a-k, and
17 they live at 41 --

18 (Technical issues.)

19 MR. SCOTT: I guess, Mike, if we're going to wind
20 up continuing it, they should probably just pick a
21 date.

22 MR. JURUSIK: Get to the continuance as quickly as

1 possible before we lose our quorum again.

2 MR. SCOTT: Right.

3 MR. JURUSIK: We do have a quorum here. Let's just
4 establish that. Pabian, Calvert, Fus, Vespa, Johnson.
5 We don't have a chair. Mr. Turner.

6 MR. SCOTT: There he is.

7 MR. JURUSIK: He's joining.

8 MR. SCOTT: The best thing is, if we're going to
9 move towards continuing it, if we can get more
10 information out about that, just pick a date like
11 June 7th or June 9th is the two dates we're looking at,
12 so after the holiday we have a little bit of time to
13 work on it and you have time to review everything.

14 That makes sense.

15 CHAIRMAN TURNER: The 7th is not great for me. 9th
16 I would prefer. I'm not sure how everyone else on the
17 board or the applicants feel about that.

18 MR. ZEMAN: The Zemans are not in town the week of
19 the 7th.

20 MEMBER CALVERT: I'm not in town that week either
21 unfortunately.

22 MR. SCOTT: The other time Mike and I looked at was

1 later in June. The week of the 21st, Mike.

2 MR. JURUSIK: Yes. The 21st.

3 MR. SCOTT: Pick a date before something else goes
4 wrong.

5 MR. JURUSIK: I'm good the 21st, the 23rd.

6 MR. SCOTT: Village Hall is available all week.

7 CHAIRMAN TURNER: How about the 23rd?

8 MR. SCOTT: 23rd of June.

9 MEMBER FUS: Is that going to be in person?

10 MR. SCOTT: I'm not sure we would set the agenda.

11 It would either be continuing it to in person or by
12 Zoom. We will push for in person. The policy right
13 now has been to continue with these Zoom calls. But I
14 think after June 11th maybe that will change.

15 So if we can get a quick count on June 23rd
16 before everything goes haywire again, that would be
17 appreciated.

18 MEMBER VESPA: I can make the 23rd.

19 MEMBER PABIAN: I'm good.

20 CHAIRMAN TURNER: I'm okay on the 23rd as well.

21 MR. SCOTT: Vespa, Pabian, Turner. Calvert?

22 MEMBER CALVERT: I could do a Zoom, but I cannot do

1 in person. I will be out of town, but I could do a
2 Zoom.

3 MR. JURUSIK: That would be fine. If you're out of
4 town for business, we could certainly have you
5 participate that way regardless of whether it opens up
6 or not, the old Opening Meetings Act allowed remote
7 participation in limited ways.

8 MEMBER FUS: And I'm going to be out of town as
9 well, so I'm going to have to Zoom in the 23rd as well.

10 MR. SCOTT: Okay. And Johnson?

11 MEMBER JOHNSON: It should work.

12 CHAIRMAN TURNER: What time are we suggesting,
13 Marty?

14 MR. SCOTT: We would return to 7:00 p.m., the
15 normal time.

16 CHAIRMAN TURNER: Okay. Do we need a formal motion
17 and roll call vote?

18 MR. JURUSIK: Yes, we do.

19 CHAIRMAN TURNER: The Board would entertain a
20 motion to continue the public hearing to June 23rd at
21 7:00 p.m.; could we get that motion on record?

22 MEMBER PABIAN: Member Pabian. So moved.

1 CHAIRMAN TURNER: Is there a second?

2 MEMBER VESPA: Second.

3 CHAIRMAN TURNER: Marty, can you handle the roll
4 call vote?

5 MR. SCOTT: Sure. Member Fus?

6 MEMBER FUS: Yes.

7 MR. SCOTT: Member Johnson?

8 MEMBER JOHNSON: Yes.

9 MR. SCOTT: Member Pabian?

10 MEMBER PABIAN: Yes.

11 MR. SCOTT: Member Vespa?

12 MEMBER VESPA: Yes.

13 MR. SCOTT: Chairman Turner?

14 CHAIRMAN TURNER: Yes.

15 MR. SCOTT: Member Calvert?

16 MEMBER CALVERT: Yes.

17 CHAIRMAN TURNER: Great. Motion carried.

18 My apologies for having this -- I'm not sure
19 what the technical difficulties were, but we can get to
20 the bottom of this a little more and get it explained
21 to everyone, and we'll get the information to the
22 Zoning Board in plenty of time for your consideration.

1 So thank you.

2 Applicants, hopefully we're not messing up
3 your timeline here but...

4 MR. ZEMAN: It's all good. If the Village has
5 questions or concerns, obviously we want you guys to
6 address it, so we understand.

7 MR. SCOTT: We'll be in touch.

8 MR. JURUSIK: Address other business and then
9 adjournment.

10 CHAIRMAN TURNER: I don't believe we have any other
11 business.

12 MR. SCOTT: No.

13 CHAIRMAN TURNER: Did any of the board members have
14 any other business they need to introduce?

15 MEMBER CALVERT: No.

16 MEMBER FUS: No.

17 CHAIRMAN TURNER: Hearing none, I would entertain a
18 motion to adjourn.

19 MEMBER CALVERT: Calvert. So moved.

20 CHAIRMAN TURNER: Is there a second?

21 MEMBER VESPA: Second.

22 CHAIRMAN TURNER: Marty, can you handle the roll

1 call vote?

2 MR. SCOTT: Member Fus?

3 MEMBER FUS: Yes.

4 MR. SCOTT: Member Johnson?

5 MEMBER JOHNSON: Yes.

6 MR. SCOTT: Member Calvert?

7 MEMBER CALVERT: Yes.

8 MR. SCOTT: Member Pabian?

9 MEMBER PABIAN: Yes.

10 MR. SCOTT: Chairman Turner?

11 CHAIRMAN TURNER: Yes.

12 MR. SCOTT: Member Vespa?

13 MEMBER VESPA: Member Vespa. Yes.

14 MR. SCOTT: You're adjourned at 8:31 p.m. Thank
15 you for your patience everyone.

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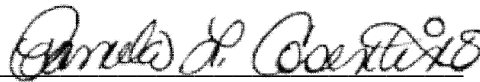
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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)
3

4 I, PAMELA L. COSENTINO, being first duly
5 sworn on oath says that she is a court reporter doing
6 business in the City of Chicago; that she reported in
7 shorthand the proceedings given at the taking of said
8 meeting and that the foregoing is a true and correct
9 transcript of her shorthand notes so taken as
10 aforesaid and contains all the proceedings given at
11 said hearing.

12 IN TESTIMONY WHEREOF: I have hereunto set my
13 verified digital signature this 23rd day of June,
14 2021.

15
16
17 

PAMELA L. COSENTINO, CSR



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21
22

A	back 8:5 9:19	3:1,11,22 4:1	Cosentino 1:14	environment
account 8:9 9:11	background	5:4,8,20,21 6:9	17:4,17	8:18
Act 13:6	4:11	6:18 9:4,22	count 12:15	especially 8:17
action 4:6	behalf 10:1,15	10:15 11:15	counted 9:9	essentially 9:9
add 9:4	believe 15:10	12:7,20 13:12	COUNTY 17:2	establish 11:4
address 15:6,8	beneficial 8:1	13:16,19 14:1	court 17:5	evening 4:18
adieu 3:6	best 7:10 11:8	14:3,13,14,17	coverage 7:4	everybody 8:13
adjourn 15:18	bit 7:17 8:18	15:10,13,17,20	9:10,11	9:2
adjourned 16:14	11:12	15:22 16:10,11	COVID 4:4	existing 9:15
adjournment 4:8	board 1:2,12 2:2	chance 4:10 6:4	CSR 17:17	explained 14:20
4:20 15:9	3:1,8 4:6 5:1	change 12:14	D	F
advance 8:13	8:5,12 11:17	changed 4:4	date 6:16 8:6	far 7:7
aforsaid 17:10	13:19 14:22	Chicago 17:6	10:21 11:10	favor 6:20
agenda 4:13,14	15:13	City 17:6	12:3	feel 11:17
4:18 12:10	bottom 14:20	clear 9:5,20	dated 10:6,8	final 8:7,14 9:3
ahead 6:8	BRANDON 2:5	code 7:14	dates 11:11	findings 9:19
allotted 7:15	brought 9:8	come 8:5 9:19	day 17:13	fine 13:3
allowed 13:6	building 7:4 9:9	comment 4:16	days 6:20 7:16	first 10:6 17:4
allows 6:4	built 9:13	6:3	decision 6:15 9:3	five 10:13
amount 9:11	business 4:19	comments 7:21	deep 8:2	fly 8:17
Ann 10:16	13:4 15:8,11	Community 2:10	deliberation	follow 10:12
apologies 14:18	15:14 17:6	concern 7:12	8:18	foregoing 17:8
Appeals 1:2,12	C	10:13	Development	formal 13:16
3:2,8	C 2:1 17:2	concerns 15:5	2:10	forth 8:4
applicants 10:2	calculation 9:10	conducted 4:5	different 6:21	forum 7:6
11:17 15:2	calculations 8:3	4:16	difficulties 14:19	fronts 6:21
applies 7:4 9:7	call 3:7,10 4:7,8	consider 7:11	digested 8:20	further 3:6
appreciated	5:9 7:1 13:17	consideration	digital 17:13	Fus 2:5 3:14,15
12:17	14:4 16:1	4:17 14:22	Director 2:10	5:14,15 11:4
approval 4:14	calls 12:13	considerations	discuss 7:11,18	12:9 13:8 14:5
approve 4:22 5:2	Calvert 2:5 3:16	4:17	dive 6:7 8:2	14:6 15:16
approved 6:2	3:17 5:10,11	considered 6:13	documents 7:16	16:2,3
as-is 6:13	11:4,20 12:21	construction 7:7	doing 17:5	future 8:6
asked 7:2	12:22 14:15,16	contains 17:10	duly 17:4	G
asking 6:11	15:15,19,19	continuance	E	garage 9:11,15
assertions 8:4	16:6,7	10:22	E 2:1,1	given 17:7,10
attorney 2:10	Caplis 2:15 7:1	continue 6:16	efficient 8:19	Go 6:8
6:11 7:1,9 9:17	9:8 10:1,7	8:6 12:13	either 11:20	goes 12:3,16
10:1	carried 14:17	13:20	12:11	going 10:19 11:8
attorney's 10:11	certainly 13:4	continued 6:14	elaborate 7:17	12:9 13:8,9
available 12:6	Certified 1:14	continuing 10:20	entertain 4:21	good 12:5,19
Avenue 1:5 2:12	chair 11:5	11:9 12:11	13:19 15:17	15:4
B	Chairman 2:3	correct 7:20		
		17:8		

<p>great 11:15 14:17 grounded 9:3 guess 6:6 10:19 guidelines 4:6 guys 15:5</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>Hall 12:6 Hampton 1:5 2:12 4:19 handle 3:10 5:8 14:3 15:22 Harrow 10:8 haywire 12:16 heard 6:5 hearing 3:2 6:4,7 6:12 8:2,7,10 8:13,20 13:20 15:17 17:11 help 4:11 9:2 hereunto 17:12 holiday 11:12 home 9:13 hopefully 15:2</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>ideal 8:17 ILLINOIS 17:1 important 9:18 includes 4:8 information 6:19 8:4,9,20 11:10 14:21 interpretation 7:3 9:12,14,20 interpreted 7:14 intro 6:10 introduce 15:14 issue 8:7 9:18 issues 7:19 10:18 item 4:13 items 6:22 7:11</p>	<hr/> <p style="text-align: center;">J</p> <hr/> <p>J 2:15 10:7 JEFFREY 2:5 Johnson 2:4 3:18 3:19 5:12,13 11:4 13:10,11 14:7,8 16:4,5 joining 11:7 Juanguang 2:14 June 11:11,11 12:1,8,14,15 13:20 17:13 Jurusik 2:10 6:8 6:11,14 7:9,20 9:17 10:22 11:3,7 12:2,5 13:3,18 15:8</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>K 17:2 keeping 4:5 Kevin 2:15 10:7 kind 8:8 know 6:18 8:16 10:4</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 1:13 17:4,17 lead 8:21 leading 8:9 legally 7:9 let's 3:6,7 11:3 letter 10:5,6,8,8 10:10,11 level 7:13 8:19 light 8:3 limited 13:7 Lin 2:14 listening 7:1 little 7:17 8:18 11:12 14:20 live 10:17 look 10:9 looked 11:22</p>	<p>looking 7:21 11:11 looks 3:3 lose 11:1 lot 6:19</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>Mark 10:16 MARTIN 2:10 Marty 3:10 4:2 5:8,22 6:9 7:22 9:22 13:13 14:3 15:22 MATTERS 1:4 meeting 3:8 4:9 4:15,22 5:3 6:1 7:10 17:8 meetings 4:4 13:6 Member 2:3,4,4 2:5,5 3:12,13 3:14,15,16,17 3:18,19,20,21 5:2,6,6,10,11 5:12,13,14,15 5:16,17,18,19 11:20 12:9,18 12:19,22 13:8 13:11,22,22 14:2,5,6,7,8,9 14:10,11,12,15 14:16 15:15,16 15:19,21 16:2 16:3,4,5,6,7,8 16:9,12,13,13 members 2:2 15:13 mention 9:10 mentioned 9:6 messing 15:2 MICHAEL 2:3 2:4,10 Mike 3:10 6:6 7:17 9:6 10:19</p>	<p>11:22 12:1 minutes 4:15 5:3 6:1 MITCH 2:4 motion 4:7,7,21 5:2,5 13:16,20 13:21 14:17 15:18 move 11:9 moved 13:22 15:19</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:1 near 8:6 need 13:16 15:14 new 6:19 8:9,20 9:13 noise 4:11 normal 13:15 note 4:3 notes 17:9 number 6:21 numerous 7:15</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 17:2,2 o'clock 3:3 oath 17:5 objecting 6:20 objections 7:22 10:14 objectors 8:5,12 8:22 obviously 3:5 15:5 officially 3:7 6:1 okay 6:17 12:20 13:10,16 old 13:6 once 8:20 open 6:13 Opening 13:6 opens 13:5</p>	<p>order 3:7 ordinance 7:4 9:6</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 2:1,1 p.m 1:8 13:14,21 16:14 Pabian 2:4 3:12 3:13 5:6,6,16 5:17 11:4 12:19,21 13:22 13:22 14:9,10 16:8,9 Pamela 1:13 17:4,17 part 7:12 participants 3:4 participate 13:5 participation 13:7 parties 8:15 patience 16:15 PATRICK 2:3 person 12:9,11 12:12 13:1 petition 8:8,22 9:2 petitioner 2:12 8:12 pick 10:20 11:10 12:3 please 4:11,12 plenty 14:22 Plichta 2:13 point 4:21 6:6 policy 12:12 position 8:14 9:1 possible 11:1 Poster 2:14 prefer 11:16 prescribed 4:5 PRESENT 2:2,9 2:12</p>
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<p>presentation 8:21,22 9:1 probably 8:1 10:20 proceed 8:1 proceedings 1:7 1:11 17:7,10 project 9:7 properly 7:14 property 7:5 provided 8:9 10:5 public 4:4,16 6:3 6:12 8:2,7,10 8:13,19 13:20 punish 9:15 push 12:12 put 7:8 8:4 10:8</p> <hr/> <p style="text-align: center;">Q</p> <p>Querrey 10:8 question 6:12 questions 7:2 15:5 quick 4:3 6:12 12:15 quickly 10:22 quite 3:4 quorum 11:1,3</p> <hr/> <p style="text-align: center;">R</p> <p>R 2:1 re-evaluate 8:3 reading 4:13 received 10:11 recommendati... 8:8,11 9:1 record 9:22 13:21 reduce 9:14,15 reduced 4:11 reducing 9:10 regardless 13:5 regards 4:9 7:3</p>	<p>relates 7:7 9:9 9:13 relation 7:4 relook 9:18 reminder 6:4 remote 13:6 reopened 6:13 REPORT 1:7,11 reported 17:6 reporter 1:14 17:5 representing 10:2,3,4 request 4:18,18 6:21 require 4:6 responding 8:16 response 8:14 retained 10:5 return 13:14 review 7:15 11:13 reviewed 7:14 reviewing 6:22 right 6:7,7 10:6 11:2 12:12 risk 7:8 road 3:7 roll 3:10 4:7,8 5:8 13:17 14:3 15:22</p> <hr/> <p style="text-align: center;">S</p> <p>S 2:1 says 17:5 SCOTT 2:10 3:11,14,16,18 3:20,22 5:10 5:12,14,16,18 5:20 6:11,17 9:4 10:3,16,19 11:2,6,8,22 12:3,6,8,10,21 13:10,14 14:5</p>	<p>14:7,9,11,13 14:15 15:7,12 16:2,4,6,8,10 16:12,14 scrutinized 7:7 second 4:7 5:4,7 14:1,2 15:20 15:21 see 8:13 sense 11:14 sentence 10:6 set 6:15 12:10 17:12 shared 8:11 shorthand 1:14 17:7,9 show 3:6 signature 17:13 situation 8:17 sorry 10:5 speaker 4:10 speaking 4:9 10:1,15 specific 9:8 Springs 1:1,12 3:9 SS 17:1 staff 7:13 8:3,7 8:19 staff's 8:10,14 9:1 stamped 10:11 STATE 17:1 statements 7:2 10:13 straightforward 8:21 submitted 7:12 suggesting 13:12 sure 3:11 7:13 10:3 11:16 12:10 14:5,18 sworn 17:5</p>	<hr/> <p style="text-align: center;">T</p> <p>T 2:10 T-y-s-i-a-k 10:16 table 6:15 taken 1:11,13 17:9 talked 9:17 talking 7:10,22 9:5 technical 10:18 14:19 testimony 1:11 17:12 thank 4:2 5:22 15:1 16:14 thing 9:4,8 11:8 think 7:20,20,22 8:19 9:2 12:14 time 6:3 7:15 11:12,13,22 13:12,15 14:22 timeline 15:3 titled 10:7 today 6:14 tonight 7:2 8:2 top 10:10 touch 15:7 town 11:18,20 13:1,4,8 transcript 4:15 4:22 5:22 17:9 true 17:8 Turner 2:3 3:1 3:22 4:1 5:4,8 5:20,21 6:9 9:22 10:15 11:5,15 12:7 12:20,21 13:12 13:16,19 14:1 14:3,13,14,17 15:10,13,17,20 15:22 16:10,11 two 11:11</p>	<p>Tysiak 10:16</p> <hr/> <p style="text-align: center;">U</p> <p>undated 10:7,10 understand 15:6 unfortunately 11:21 unmuted 4:10</p> <hr/> <p style="text-align: center;">V</p> <p>variation 4:18 6:20 verified 17:13 Vespa 2:3 3:20 3:21 5:2,18,19 11:4 12:18,21 14:2,11,12 15:21 16:12,13 16:13 videoconference 1:13 Village 1:1 2:10 3:8 7:9 12:6 15:4 vote 5:9 13:17 14:4 16:1 votes 4:8</p> <hr/> <p style="text-align: center;">W</p> <p>want 6:9 7:8,13 7:17 15:5 way 13:5 ways 13:7 we'll 6:15 14:21 15:7 we're 9:5 10:19 11:8,11 15:2 Wednesday 3:2 week 11:18,20 12:1,6 welcome 3:1,3,4 4:3 Western 1:1,12 3:9</p>
---	--	--	--	---

WHEREOF	4			
17:12	41 10:17			
wind 10:19	4150 1:5 2:12			
work 7:6 11:13	4:19			
13:11	440 9:11,15			
wouldn't 9:13,15				
wrong 12:4	5			
X	6			
Y	6 4:22 5:3 6:1			
years 9:12	6th 4:16			
Z	7			
Zeman 2:13	7:00 1:8 13:14			
11:18 15:4	13:21			
Zemans 11:18	7th 11:11,15,19			
zoning 1:2,12	8			
3:2,8 7:3,8	8 3:3			
8:12 14:22	8:31 16:14			
Zoom 8:17 12:12	9			
12:13,22 13:2	9th 11:11,15			
13:9				
0				
1				
11th 12:14				
14th 10:9				
2				
2021 1:7 3:2,9				
4:22 5:3 6:1				
10:7 17:14				
21st 12:1,2,5				
23rd 12:5,7,8,15				
12:18,20 13:9				
13:20 17:13				
24 10:6				
24th 10:9				
25th 10:11				
26 1:7 3:2,9				
3				