

SECTION 5

Transcript of the
October 3, 2022
Landmark Commission
Hearing
4512-4518 Sycamore Street
CA212-354(RD)

IN RE: 10-3-22 CASE: CS212-574(RD) 4512-4518
SYCAMORE STREET

AUDIO TRANSCRIPTION

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2 EVELYN MONTGOMERY: All right.

3 Dr. Dunn, if you'll go ahead and
4 read it into the record.

5 DR. DUNN: Okay. I'm currently
6 addressing Discussion Item 3, also known
7 as D3. The subject property is located
8 at 4512 through 4518 Sycamore Street in
9 Peak Suburban Edition Neighborhood
10 Historic District. The case number is
11 CA-212-574-RD.

12 The requests are as follows: A
13 certificate of appropriateness to paint
14 exterior, body blue, trim white; was
15 done without a certificate of
16 appropriateness. Request number 2, a
17 certificate of appropriateness to
18 replace chain link fence around rear and
19 side yards with an 8-foot high pinewood
20 fence; work done without a certificate
21 of appropriateness. Request number 3, a
22 certificate of appropriateness to
23 install grass in the front and rear of
24 property. Request number 4, a
25 certificate of appropriateness to

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2 replace roofs on two existing carport
3 structures in rear yard. And request
4 number 5, a certificate of
5 appropriateness to replace 31 aluminum
6 windows with wood composite windows;
7 brand, Anderson; material, Fibrex®.

8 We do have speakers here, right?
9 Okay.

10 Yeah. The owner of the property
11 is here to address Discussion Item 3.
12 All right. I have registered to speak
13 Marlin and also Tom.

14 Does anyone have a preference over
15 who goes first?

16 Okay.

17 MARLIN LUNADI: I'll go.

18 DR. DUNN: All right. We just
19 need you to state your name, your
20 address and confirmation that you intend
21 to tell the truth today.

22 MARLIN LUNADI: Hi. My name is
23 Marlin Lunadi. Address, 4512 Sycamore
24 Street, Dallas, Texas 75204. And I
25 affirm to say the truth.

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2 I think most of the materials that
3 we put in with Dr. Dunn have been given
4 to the Board here. If you have any
5 questions regarding any of the requests,
6 I'll be more than happy to answer any
7 questions.

8 EVELYN MONTGOMERY: So you don't
9 have a presentation? You're here for
10 questions?

11 MARLIN LUNADI: Yes.

12 EVELYN MONTGOMERY: Okay. Is that
13 the same for other speaker?

14 MARLIN LUNADI: No, Thomas is here
15 to have a presentation for the windows.

16 EVELYN MONTGOMERY: Got it. Well,
17 if he has a presentation that you'd like
18 to do, let's go ahead and we'll do that
19 before we begin asking questions.

20 MARLIN LUNADI: Okay.

21 EVELYN MONTGOMERY: I just need
22 you to state your name, address and
23 confirmation you intend to tell the
24 truth today.

25 THOMAS DIVERS: Yes, ma'am. My

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2 name is Tom Divers, 4025 Oak Grove
3 Court, Flower Mound, Texas. I'm a
4 representative for Renewal by Anderson,
5 and I do swear to tell the truth.

6 Pretty much, I just brought a
7 window and I'll answer any questions you
8 guys have pertaining to the window
9 installation at the residence. I
10 believe that requirements are wood
11 windows and so wood composite windows
12 are designed, same thing as wood,
13 indiscernible with a wood window. And I
14 did supply photos to Dr. Dunn, which
15 show the window installed. So I'm
16 really here just to answer any questions
17 and if you guys like to see a window, I
18 brought a demo window to show.

19 EVELYN MONTGOMERY: Thank you. Do
20 we have any questions in person?

21 MARLIN LUNADI:

22 UNKNOWN SPEAKER: Pardon me?

23 EVELYN MONTGOMERY: Do we have any
24 questions from any of our commissioners
25 in person?

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2 UNKNOWN SPEAKER: I have a
3 question of the applicant -- of the
4 owner.

5 Sir, this building has a bit of a
6 history. The brick was painted, and
7 this Landmark Commission denied the
8 application. And you're a relatively
9 new owner?

10 THOMAS DIVERS: Yes.

11 UNKNOWN SPEAKER: Have you been
12 informed that the brick was painted
13 without an application, that it is
14 supposed to be stripped back to natural
15 brick?

16 MARLIN LUNADI: We were informed
17 when Dr. Dunn told us. When we first
18 bought the property, we didn't know that
19 it had been painted. And we didn't know
20 it was in the historic district to begin
21 with. So all those -- the painting that
22 was on there and on the brick, we were
23 unaware of.

24 UNKNOWN SPEAKER: Okay. Thank
25 you.

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2 COMMISSIONER ANDERSON: I also
3 have a question. I asked in the
4 briefing, is there a -- thank you --
5 question, the briefing, did the code
6 compliance staff -- is there a case that
7 was activated on this, and, if so, why
8 was the brick not removed?

9 EVELYN MONTGOMERY: Yes. Okay.
10 To address your question, there is a
11 code case existing. And the issue is
12 that -- in other words, the current
13 owner is being given the opportunity to
14 address the former code violations
15 through the certificate of
16 appropriateness process. So that's a
17 part of why he is here and why we're
18 going through this.

19 So it was not ignored. Okay.

20 COMMISSIONER ANDERSON: Right.

21 EVELYN MONTGOMERY: And he has
22 been informed that there was an issue
23 with the brick being painted, but we
24 have decided to give the owner an
25 opportunity to address how to handle

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2 this through the certificate of
3 appropriate -- this process, which is
4 what we're involved in now.

5 UNKNOWN SPEAKER: Madam Chair?

6 COMMISSIONER ANDERSON: Okay. So
7 this is related to the other case then?

8 EVELYN MONTGOMERY: Correct. And
9 if you read the staff report, it does
10 list the history, including the other
11 case.

12 COMMISSIONER ANDERSON: Then what
13 about the steel doors that were also
14 denied at the Landmark Commission?
15 That's not here today.

16 EVELYN MONTGOMERY: That's not a
17 part of this request, no.

18 COMMISSIONER ANDERSON: Why is
19 that not here? That was part of the
20 whole situation.

21 EVELYN MONTGOMERY: That I am not
22 sure of -- on the steel door issue.

23 Does it have steel doors?

24 MARLIN LUNADI: What doors are you
25 referring to?

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2 COMMISSIONER ANDERSON: 12/7/2020:
3 Steel doors, painted brick and
4 landscaping were denied by the Landmark
5 Commission. But we're not talking about
6 the rest of it.

7 EVELYN MONTGOMERY: I think I'll
8 defer to the city attorney, but if it's
9 not posted about the doors and it's not
10 in the application, that's something
11 that we'd have to handle at a later
12 time.

13 COMMISSIONER ANDERSON: Well, my
14 concern is that we're not handling these
15 things ever.

16 EVELYN MONTGOMERY: I understand.

17 COMMISSIONER ANDERSON: But how do
18 we get -- okay. Another time.

19 MR. MILLER: Madam Chair?

20 EVELYN MONTGOMERY: Yes,
21 Mr. Miller?

22 MR. MILLER: I've had a brief
23 moment to review the question raised in
24 the briefing session this morning, and
25 that was in relation to CA 201095 MP

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2 heard by the Landmark Commission on
3 December 7, 2020.

4 In the description, the project
5 included painting the lower half of the
6 front and front side elevations a blue
7 tone that contrasted with the brown
8 painted-wood siding. In the analysis,
9 it was determined that the multicolored
10 brick appears more modern and is
11 unlikely that the brick itself was
12 historic. In this instance, an
13 important consideration is that the
14 proposed work to non-historic materials
15 is more of a visual impact on the
16 character and appearance of the
17 district.

18 The recommendation was to deny
19 without prejudice. There was no
20 mention, nor reason to remove paint from
21 non-historic brick. But if a
22 non-contributor is painted, then the
23 color needs to be compatible. I just
24 wanted to put that out from --

25 COMMISSIONER ANDERSON: What was

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2 the Landmark Commission's action on that
3 item?

4 MR. MILLER: The Landmark
5 Commission's action was to deny without
6 prejudice. In the minutes it says that
7 the request for a certificate of
8 appropriateness to continue painting the
9 brick that has been initiated be denied
10 without prejudice because painted brick
11 would have an adverse effect on the
12 historic overlay district and does not
13 meet the standard in city code section
14 518451.

15 COMMISSIONER ANDERSON: Thank you.

16 UNKNOWN SPEAKER: Madam Chair, if
17 I may, I just want to remind this
18 commission that this commission is
19 quasi-judicial, so therefore, it should
20 be -- everything that's presented at the
21 public hearing and staff report, you
22 should draw your conclusions from the
23 evidence presented today at this
24 hearing. We shouldn't consider past
25 decisions from this commission because

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2 that could be (inaudible), and the
3 applicant really has the burden of proof
4 to prove up his case in a favorable
5 manner.

6 In this instance, because this is
7 the non-contributing structure, we have
8 to follow this, the non-contributing
9 standard, and whether or not the
10 proposed work presented today is
11 compatible with the historic district.
12 So we should just be looking at the
13 request today. And although there may
14 have been a request to deny a steel door
15 in the past, because it's not in this
16 agenda today, we cannot speak about it.
17 That would be a violation of the Texas
18 Open Meetings Act.

19 EVELYN MONTGOMERY: Do I have any
20 questions from any other commissioners
21 in person?

22 Do we have any questions from any
23 commissioners online? We can't see
24 everyone, so if you have something to
25 say, please just give us your name and

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2 begin.

3 COMMISSIONER HOSA: I have a
4 comment. This is Commissioner Hannah
5 Hosa (phonetic)

6 EVELYN MONTGOMERY: Yes. Thank
7 you, Commissioner Hannah Hosa.

8 COMMISSIONER HOSA: Right. I
9 think it was Mr. Anderson that was
10 talking about the painting of the brick
11 that needs to be stripped and go back to
12 the original brick. But in my reading
13 of the staff recommendations, I read
14 that it's either that or painting it --
15 the bottom part of the brick an earth
16 tone color. Am I correct in
17 understanding?

18 COMMISSIONER SHERMAN: Yes,
19 Commissioner. You are correct. Those
20 were my suggestions.

21 COMMISSIONER HOSA: Thank you.

22 EVELYN MONTGOMERY: Okay. Any
23 other commissioners online?

24 All right. Hearing none, I'll --
25 You do have one? Okay.

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2 Commissioner Swan.

3 COMMISSIONER SWAN: I guess this
4 is a question for staff. The condition
5 that the interior -- innermost part of
6 the exterior frames be painted a
7 complementary color, I was just
8 wondering where that condition came
9 from. What it's responding to within
10 the ordinance or within the
11 neighborhood.

12 EVELYN MONTGOMERY: Okay. It's
13 responding to visual compatibility.
14 With respect to the Secretary of the
15 Interior's guidelines on the treatment
16 of properties, it does say that you
17 should, if at all possible, preserve
18 visual relationships.

19 And within the district there
20 is -- and in the ordinance, there is
21 guidelines on paint colors and
22 basically, it's your dominant color,
23 your trim color, your accent color. And
24 your accent color should be on your
25 innermost frames of your windows. So

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2 that's where that was coming from.

3 COMMISSIONER SWAN: Okay. All
4 right, thank you.

5 EVELYN MONTGOMERY: All right.
6 With that, do I have anyone --

7 COMMISSIONER ANDERSON: I have a
8 second question.

9 EVELYN MONTGOMERY: Okay, you got
10 it, Commissioner Anderson.

11 COMMISSIONER ANDERSON: Second
12 question is the wood composite windows.
13 This historic district requires wood
14 windows. We do not allow things such as
15 Hardie Board because it's an imitation
16 material. So I'd like to get more
17 information on what wood composite
18 windows are and how they are to be used
19 in this historic district.

20 EVELYN MONTGOMERY: Can I refer to
21 Mr. Divers?

22 THOMAS DIVERS: The wood composite
23 windows designed by Anderson is designed
24 to replicate a wood window using wood
25 and thermal polymers in a composite

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2 blend. What that does is just prevents
3 the wood window from rotting, so that
4 way you don't have a rotten window in
5 two years. The window is going to last
6 an extended period of time. It's got a
7 20-year warranty that prevents it --
8 that says it won't rot. Is there
9 something I'm not hitting or some
10 specific information looking for?

11 COMMISSIONER ANDERSON: Well, the
12 concern I have is in historic districts,
13 we're very concerned about materials.
14 And I know we don't use Hardie Board or
15 cement fibers board because it's not
16 real wood, and I see this as sort of
17 akin to that. And I have a concern of
18 bringing that forth on this building,
19 even though it may be non-contributing,
20 because it will then be something that
21 will be considered in the rest of the
22 district. And I don't think it's
23 appropriate to not have real wood
24 windows in historic districts.

25 THOMAS DIVERS: The windows are

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2 indiscernible from a wood window, and I
3 supplied photos of two windows. One was
4 installed the next day. And those are
5 the windows that are showing in this
6 photo right there.

7 EVELYN MONTGOMERY: They're just
8 not coming up.

9 THOMAS DIVERS: Yeah, I'm sorry.
10 But there's no difference. When you
11 look at the window, you can't tell if
12 the -- a wood composite windows finish
13 is pretty much looks like smoothly --
14 fine wood that's painted. There's no
15 difference at all. Both are based on
16 wood. It's just one rots and one
17 doesn't. So if you don't go back and
18 paint and stain your windows on a
19 regular basis every year, you're going
20 to have a lot of rot in your historic
21 district.

22 EVELYN MONTGOMERY: Commissioner
23 Cummings.

24 COMMISIONER CUMMINGS: I have a
25 question with the windows. I don't see

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2 a selection made on the sill conditions.
3 I don't see, also, any dimensions on the
4 details, such as the sashes. This being
5 a historic and a -- period, whether it's
6 non-contributor or not, it's still
7 period to the building itself. I'm
8 looking for dimensions, and I'm looking
9 for the thickness that we're going to be
10 needing to be seeing on (inaudible) rows
11 and some of the dimensions on the sash.
12 Where are those dimensions located on
13 what's been submitted?

14 THOMAS DIVERS: The dimensions for
15 the window we did were, like-for-like,
16 are the existing windows that they had
17 in there.

18 COMMISSIONER CUMMINGS:
19 Like-for-like?

20 THOMAS DIVERS: Yes, sir.

21 COMMISSIONER CUMMINGS: Well, to
22 ascertain what like-for-like really is,
23 we need to see what the dimensions are
24 so we can actually compare those
25 dimensions to somebody else. Because I

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2 don't see on the detail that's provided
3 that -- it looks like the meeting sash
4 is the same dimension as the side rail
5 sashes and the top rail sashes. I don't
6 see a difference between your meeting
7 rail sash. That's a very prominent
8 feature on historical windows, interior
9 windows, and I don't see that.

10 THOMAS DIVERS: You're talking
11 about the middle sash, the one where the
12 two windows meet, the up sash and the
13 bottom sash --

14 COMMISSIONER CUMMINGS: No, I'm
15 talking about the bottom sash. There's
16 also indications of differences on the
17 thickness of the meeting sash, but let's
18 just talk about the bottom sash. What's
19 your dimension on your bottom sash? And
20 I also don't see a sill detail that was
21 called out, and you had three choices on
22 the windowsills.

23 THOMAS DIVERS: So the windowsills
24 are actually going to be the same as a
25 wood window. They're going to be sloped

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2 sills. Instead of having a trough, like
3 a plastic window where the water
4 collects. The exterior troughs -- the
5 exterior sill --

6 COMMISSIONER CUMMINGS: What is
7 your dimension of the bottom sash?

8 THOMAS DIVERS: What do you mean?
9 The size of the bottom sash? I have to
10 pull up this file real quick.

11 COMMISSIONER CUMMINGS: Correct.
12 It doesn't seem like there's a
13 difference between the bottom sash
14 dimension and the side dimension.

15 THOMAS DIVERS: Here and here?

16 COMMISSIONER CUMMINGS: Yes.

17 THOMAS DIVERS: I'm so confused.
18 You're talking about the dimensions of
19 this width and the width here.

20 COMMISSIONER CUMMINGS: What's the
21 difference between those two?

22 THOMAS DIVERS: It's pretty
23 indiscernible, but I have a measuring
24 tape.

25 COMMISSIONER CUMMINGS: Wood

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2 windows are usually not -- wood windows,
3 the bottom sash is a different
4 dimension.

5 THOMAS DIVERS: They're thicker.
6 The bottom sash is going to be thicker
7 because the bottom one is two inches.
8 The side sash is going to be an inch and
9 quarter. I don't know if you can see
10 that where you are.

11 EVELYN MONTGOMERY: Yes.

12 Do you have any additional
13 questions, Commissioner Cummings?

14 COMMISSIONER CUMMINGS: No.

15 EVELYN MONTGOMERY: Thank you.

16 Commissioner Rothenberger, do you
17 have a question for staff? No?

18 COMMISSIONER ROTHENBERGER:
19 (Inaudible).

20 EVELYN MONTGOMERY: Okay. All
21 right.

22 Any more questions online?
23 Doesn't appear so.

24 Any questions in person?

25 So with that, do I have someone

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2 that is ready to make a motion?

3 COMMISSIONER ANDERSON: I'll make
4 a motion.

5 EVELYN MONTGOMERY: Okay.
6 Mr. Anderson.

7 COMMISSIONER ANDERSON: In case
8 4512-4518 Sycamore Street in the Peak
9 Suburban Edition Historic District case
10 number CA-212-574-RD, I want to follow
11 the staff recommendation with two
12 changes. On Item Number 1, I'd like to
13 add the paint on the brick is to be
14 stripped. And Number 5 would like to
15 change to Denial without -- Denial.
16 Straight denial. Wood composition
17 windows are not wood, and these windows
18 will have an adverse effect on the
19 historic district. Work is not
20 consistent with 51A-4.501 G6, Romanette
21 1, for non-contributing structures.

22 EVELYN MONTGOMERY: Is there a
23 second?

24 COMMISSIONER CUMMINGS: Second.

25 EVELYN MONTGOMERY: Yes.

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2 Yes, Mr. Anderson?

3 COMMISSIONER ANDERSON: I'd like
4 to add that the proposed work is not
5 compatible with Historic District.

6 EVELYN MONTGOMERY: Under?

7 UNKNOWN SPEAKER: Under Romanette
8 2. Not Romanette 1.

9 COMMISSIONER ANDERSON: Romanette
10 2.

11 EVELYN MONTGOMERY: We have a
12 second by Commissioner Cummings. Does
13 anyone want to speak on this matter.

14 COMMISSIONER HOSA: Yes,
15 Commissioner, I'd like to make a
16 comment.

17 EVELYN MONTGOMERY: Yes. Yes.
18 Thank you, Commissioner Hosa.

19 COMMISSIONER HOSA: Thank you.

20 I am not in agreement with
21 stripping the blue paint. From my
22 reading of the staff report, these
23 owners took on this building. It had
24 yellow paint prior, and so they changed
25 it to blue. I'm afraid that if they

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2 strip it -- I would prefer that they
3 just repainted to an earth tone color,
4 as the staff recommended, rather than
5 strip it, which might damage the brick.

6 Thank you.

7 For that reasoning, I'm not going
8 to support that motion.

9 EVELYN MONTGOMERY: Any other
10 commissioners online? No.

11 Any other commissioners in person?

12 Commissioner Rothenberger?

13 COMMISSIONER ROTHENBERGER: Yes.

14 Thank you.

15 I did just want to read
16 specifically regarding the windows. I
17 would not support this motion. I do
18 believe the wood-look windows are
19 appropriate for a non-contributing
20 structure.

21 I do want to read 3.10 of this
22 ordinance, Where replacement of an
23 original door window is necessary due to
24 damage or structure deterioration,
25 replacement doors and windows must

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2 express a mullion size, like
3 configuration, and material to match
4 original doors and windows.

5 We don't determine what the
6 original material would have been, and
7 I'm sure we would rather a wood-look
8 material as opposed to the continuation
9 of these aluminum windows. And so,
10 therefore, I would not support this
11 motion as stated.

12 EVELYN MONTGOMERY: All right.
13 With that, Commissioner Sherman?

14 COMMISSIONER SHERMAN: Yes, I will
15 support the motion. And I disagree that
16 these windows are not discernible from
17 wood. I could tell from this distance
18 that they are definitely not wood and
19 they have a distinct different
20 appearance from wood. And I think when
21 it comes to whether or not a building is
22 contributing or not, I think that the
23 strategies that are employed as it gets
24 to move forward should make it less
25 non-contributing. And the use of these

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2 windows would, I think, simply
3 exacerbate its non-contributing nature.

4 Thank you.

5 EVELYN MONTGOMERY: Thank you,
6 Commissioner Sherman.

7 Commissioner Swan?

8 COMMISSIONER SWAN: Yeah. I have
9 a question. Does this motion address --
10 or is it pertaining to condition on Item
11 Number 2 the finished side of the fence
12 face out on the other side of that
13 property.

14 COMMISSIONER ANDERSON: It follows
15 the staff recommendation, except for
16 those two changes.

17 COMMISSIONER SWAN: Okay. I was
18 asking because the task force
19 (inaudible).

20 EVELYN MONTGOMERY: Mr. Swan, can
21 you please turn on your microphone?

22 COMMISSIONER SWAN: Yes.

23 EVELYN MONTGOMERY: Thank you.

24 COMMISSIONER SWAN: Certainly.
25 I'm sorry. Thank you.

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2 I was asking the question well,
3 for two reasons. First of all, the
4 staff recommendation seems to be okay
5 with the fence, it says, "as submitted."
6 I presume that means as built. But it
7 also seems that it's not unreasonable
8 since this is in the interior of the
9 block and not a corner side yard
10 condition to go with task force, which
11 seems to be okay with the fence as is,
12 and not required that they be turned to
13 face out.

14 EVELYN MONTGOMERY: Are you
15 intending to make an amendment?

16 COMMISSIONER SWAN: Yes. I'm
17 asking if the maker the motion would
18 entertain an amendment. I'm asking if
19 the maker of the motion would entertain
20 an amendment to permit Item 2 to be an
21 approval without condition.

22 COMMISSIONER ANDERSON: That's
23 fine.

24 COMMISSIONER SWAN: Okay.

25 EVELYN MONTGOMERY: Is that okay

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2 with Commissioner Cummings?
3 COMMISSIONER CUMMINGS: Yes.
4 EVELYN MONTGOMERY: Thank you.
5 All right. If there's no one else
6 that has anything. Let's go ahead and
7 take a vote.
8 All those in favor go ahead and
9 raise your hand so that she can get a
10 count.
11 Okay. It looks like -- did you
12 count nine? Where's Elaine?
13 Can we do a record vote?
14 District 1?
15 DISTRICT 1: Aye.
16 EVELYN MONTGOMERY: District --
17 she is recused.
18 District 4?
19 DISTRICT 4: Aye.
20 EVELYN MONTGOMERY: District 5?
21 DISTRICT 5: No.
22 EVELYN MONTGOMERY: District 6?
23 DISTRICT 6: Nay.
24 EVELYN MONTGOMERY: District 7?
25 DISTRICT 7: Aye.

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2 EVELYN MONTGOMERY: District 8?
3 DISTRICT 8: Nay.
4 EVELYN MONTGOMERY: District 9?
5 DISTRICT 9: Aye.
6 EVELYN MONTGOMERY: District 10?
7 DISTRICT 10: Aye.
8 EVELYN MONTGOMERY: District 12?
9 DISTRICT 12: Nay.
10 EVELYN MONTGOMERY: District 13?
11 DISTRICT 13: Aye.
12 EVELYN MONTGOMERY: District 14?
13 DISTRICT 14: Aye.
14 EVELYN MONTGOMERY: District 15?
15 DISTRICT 15: Aye.
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C E R T I F I C A T E
STATE OF NEW YORK)
: SS
COUNTY OF NEW YORK)

I, Marissa Mignano, a Notary
Public within and for the State of New York,
do hereby certify the within is a
a true and accurate transcription of the
audiotapes recorded.

I further certify that I am
not related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 12TH day of
DECEMBER 2022.

-----*Marissa Mignano*-----
MARISSA MIGNANO