

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES LISTEN TO THE RECORDING

WEDNESDAY, OCTOBER 6, 2021
NORTHWEST OFFICE BUILDING, CONFERENCE ROOM 117, HARRISBURG, PA
TELEPHONE CONFERENCE MEETING

Tim Holden, Chairman
Mike Negra, Board Member
Mary Isenhour, Board Member
Michael Demko, Executive Director
John Stark, Board Secretary

[Office of Chief Counsel](#)
[Bureau of Licensing](#)
[Bureau of Human Resources](#)
[Bureau of Accounting & Purchasing](#)

[Office of Retail Operations](#)
[Bureau of Product Selection](#)
[Financial Report](#)
[Other Issues](#)

PUBLIC MEETING – 11:00 A.M

CALL TO ORDER *Chairman Holden*

Board Secretary John K. Stark indicated that a quorum of the Board was present and Chairman Holden called the meeting to order.

Pledge of Allegiance to the Flag

OLD BUSINESS..... *Secretary Stark*

A. Motion to approve previous Board Meeting Minutes of the September 22, 2021 meeting.

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve previous Board Minutes.

PUBLIC COMMENT ON AGENDA ITEMS

There were no public comments or questions on the printed agenda items.

NEW BUSINESS

From the Office of Chief Counsel *Rodrigo Diaz, Chief Counsel*

(1) **Borough of Lewisburg**
Case No. 21-NE-15

Municipal Petition for Exemption from Liquor Code Statute Regarding Amplified Sound

Note: Board Minutes are not officially approved until all required signatures are affixed.

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve noise exemption from October 7, 2021 through October 7, 2024.

- (2) **City of Allentown** Municipal Petition for Exemption from Liquor Code
Case No. 21-NE-17 Statute Regarding Amplified Sound

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve noise exemption from October 6, 2021 through October 6, 2024.

- (3) **Lower Macungie Township** Municipal Petition for Exemption from Liquor Code
Case No. 21-NE-18 Statute Regarding Amplified Sound

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve noise exemption from October 7, 2021 through October 7, 2024.

- (4) **Borough of Wrightsville** Municipal Petition for Exemption from Liquor Code
Case No. 21-NE-19 Statute Regarding Amplified Sound

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve noise exemption from October 28, 2021 through October 28, 2024.

- (5) **Limited Wineries** Proposed Regulatory Change

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Board Member Negra requested Chief Counsel Diaz to provide some background on the process for regulatory changes. Chief Counsel Diaz advised that this is a proposed regulatory change to update the Board’s regulations dealing with limited wineries. Since 2011, there have been numerous Liquor Code changes that have made our regulations inaccurate. For example, our regulations articulate certain food items that limited wineries can sell, when in fact the legislature amended the statute to allow food items generally to be sold by limited wineries. Currently, if you were a limited winery and you looked at our regulations, you would have an inaccurate sense of what you can and cannot do.

Chief Counsel Diaz further explained that the changes are principally that and we aren’t trying to make any substantive changes. One thing discussed internally was our regulation that does not allow a limited winery to accept credit cards from other licensees. We left that as-is because the legislature amended the Liquor Code to let beer distributors accept credit cards from other licensees, but didn’t change the rules for limited wineries. Therefore, Chief Counsel Diaz had recommended that that is the type of change the legislature should do by statute, rather than by us by regulation. He noted that copies of the proposed changes were provided to the winery association for their feedback.

Finally, Chief Counsel Diaz explained that this action, if approved, is just the first step of the proposed regulatory change. It will then be published in the Pennsylvania Bulletin. The public and any interested parties will have an opportunity to comment and those comments will go to IRRC. IRRC will then reach out to the PLCB with their comments and any additional comments, to which the PLCB will be required to respond. After that, his office will come back to the Board for its approval of a final form regulatory change.

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve proposed regulatory change.

*From the Bureau of LicensingTisha Albert, Director of Regulatory Affairs
Barbara Peifer, Director, Bureau of Licensing*

(1) **Kingfly Spirits, LLC** Limited Distillery Additional
t/a Kingfly Spirits Board-Approved Location &
AL-34087 (LID No. 84444) Request for an Interior
2611-2613 Smallman Street Connection with Other
Pittsburgh, Allegheny County Businesses – Limited Distillery

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the limited distillery additional Board-approved location and request for an interior connection with other businesses.

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- (2) **Off the Wall Tavern, Inc.** Place-to-Place Transfer &
t/a Off the Wall Tavern Request for Dual Employment –
R-14988 (LID No. 65424) Case No. 21-9008 Restaurant
1137 East 11th Street
Erie, Erie County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the place-to-place transfer and request for dual employment.

- (3) **Topgolf USA Pittsburgh, LLC** Request to Conduct Another
t/a Topgolf Business on the Licensed
R-12402 (LID No. 90371) Premises - Restaurant
400 Presto-Sygan Road
South Fayette Township
Bridgeville, Allegheny County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve request to conduct another business on the licensed premises.

- (4) **1822 KM, Inc.** Conditional Licensing
R-15632 (LID No. 72754) Case No. 2020-72754 Agreement
1822-24 South 18th Street Renewal – District 10
Philadelphia, Philadelphia County
HOLD – 9/1/21 SESSION

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the renewal with conditional licensing agreement.

- (5) **J.K. Saxion, LLC** Conditional Licensing
t/a The Edge #Sax4th Ave Agreement
R-10328 (LID No. 70983) Case No. 2020-70983 Renewal – District 6
501 4th Avenue
Ford City, Armstrong County
HOLD – 7/14/21 SESSION

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the renewal with conditional licensing agreement.

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*From the Bureau of Human Resources Jason Lutcavage, Director of Administration
Jennifer Haas, Director, Bureau of Human Resources*

Personnel Actions- There were 9 personnel actions presented for consideration.

- (1) **Natira Brown – Affirm Removal**
- (2) **Jennifer Callenberger – Removal**
- (3) **Anthony Gallo – Removal**
- (4) **Marcina Ianovale – Affirm Removal**
- (5) **Kathleen Kasperitis – Removal**
- (6) **Shawanna Melendez – Affirm Removal**
- (7) **Steven Pesce – Affirm Removal**
- (8) **Adam Spina – Affirm Removal**
- (9) **James Stewart – Removal**

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve all Personnel Actions.

*From the Bureau of Accounting & Purchasing Michael Demko, Executive Director
Koppolu Ravindraraaj, Director, Bureau of Accounting & Purchasing
Mike Freeman, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **Point-of-Sale (POS) Registers** – Provide 25 Toshiba 6200-137 TCX 800 registers with accessories that will primarily be used in the lab to set up stores in the Oracle test environments to test the interfaces that get sent back to on premise systems such as POS that will still be in use after Release 2 Go Live on 7/1/2022 until we get to Release 4 in 2023. They will also be used in stores on an emergency basis for expansions of existing TCX 800 converted stores.

Procured via Invitation to Bid #260368 – **VENDOR: Pomeroy IT Solutions Sales Company, Inc. - \$104,811.00 estimated cost (25 @ \$4,192.44 each).**

- (2) **Lenovo ThinkSystem SR850 Servers with Four-Year Support** – The acquisition of these Lenovo ThinkSystem SR850 servers accomplishes the following goals: assisting with the Northwest Office Building to Office of Administration Enterprise Data Center (EDC) hardware relocation by providing

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a full complement server cluster at the EDC to migrate our entire VMware Virtual Machine (VM) infrastructure; and, refreshing aging hardware within our NWOB VMware cluster as five of our six ESX hosts are End-of-Life with IBM as of 12/31/2021.

Procured via Contract #4400018006 – VENDOR: **Pierson Computing Connection** – TERM: Four years for period 10/15/2021 through 10/14/2025 - **\$103,317.00 estimated cost.**

- (3) **Steel Shelving for Store #1804** – Steel shelving for Fine Wine & Good Spirits Store #1804 in Lock Haven.

Procured via Contract #4400016767 – VENDOR: **Kent Fixtures Corp.** –**\$53,412.21 estimated cost.**

- (4) **Steel Shelving for Store #5156** – Steel shelving for Fine Wine & Good Spirits Store #5156 in Philadelphia.

Procured via Contract #4400016767 – VENDOR: **Kent Fixtures Corp.** –**\$55,168.78 estimated cost.**

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve all Procurement Actions.

Inter-Agency Charges:

- (1) **Department of General Services (DGS) Property Costs (JOB 7)** – Billing of \$85,787.09 for Q4 of FY 2020-21 for Commonwealth property costs. The total FY 2020-21 costs were \$442,213.94 or \$25,485 (-5.4%) lower than FY 2019-20’s charges. This is for the property costs for the Northwest Office Building (NWOB), which includes direct costs paid by DGS (electricity charges), as well as a pro-rated share of the cost for Capital Police services and City of Harrisburg Fire Protection.
- (2) **Department of General Services (DGS) Property Costs (JOB 7)** – Billing of \$115,307.28 for Q1 of FY 2021-22 for Commonwealth property costs. The Q1 billing is \$3,502 (-3.0%) lower than last year’s Q1 billing. This is for the property costs for the Northwest Office Building (NWOB), which includes direct costs paid by DGS (electricity charges), as well as a pro-rated share of the cost for Capital Police services and City of Harrisburg Fire Protection.
- (3) **Department of General Services (DGS) Real Estate MOU charge** – Billing of \$494,148.90 for estimated services for July 1, 2021 through June 30, 2022. The billing amount reflects \$500,000 for projected FY 2021-22 expenses and includes a \$5,851 credit adjustment for the true-up adjustment for FY 20-21 actual expenses.

The Bureau of Financial Management and Analysis has reviewed these charges and determined that they are reasonable based on billing methodology and previous experience.

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Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve Inter-Agency Charges.

From the Office of Retail Operations.....Michael Demko, Executive Director

1. #1801 – 137 East Main Street, Lock Haven
Amendment
2. #3904 – South Mall Shopping Center, 3300 Lehigh Street, Allentown
Amendment
3. #3916 – The Shoppes at Trexler, 6900 Hamilton Boulevard, Trexlertown
Amendment

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve all Retail Operations actions.

From the Bureau of Product SelectionTom Bowman, Director of Product Selection

VENDOR – ITEM NAME

BOARD ACTION REQUESTED

Various
Various

1. Regular PA New Items Accepted
2. Regular Recommended Delist

1. Regular PA New Items Accepted

BRAND NAME AND SIZE

REASON

This Life Forever Inc

Mishka Cranberry Vodka 80 Proof 375 mL	16
Mishka Honey Vodka 80 Proof 375 mL	16
Mishka Premium Vodka 80 Proof 375 mL	16

RECOMMENDED ACTION: We recommend the Board approve this action

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New Items – Recommended Listings

Reason Codes

1. Strong marketing support
2. High brand recognition
3. Line/Size extension of successful brand
4. Trade up opportunity
5. Growing category
6. Growing segment
7. National rollout
8. Niche item / Limited distribution
9. High dollar profit potential
10. Trade out
11. High quality for the value
12. Innovative product/flavor
13. High sales through other PLCB channels (Luxury, Online, SLO)
14. Underrepresented category/segment
15. Hole in selection – consumer/store requests
16. PA Spirits
17. PA Wines
18. Licensee only
19. Probationary listing

2. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Midstate Distillery Inc</u>	
Midstate Distillery Pennsylvlucky Brandy 80 Proof 750 mL	98908
Midstate Distillery Vanilla Vodka 70 Proof 750 mL	98008
<u>Sazerac Company Inc</u>	
Drinkworks Signature Series Chambord Royale 32 Proof 4x50 mL	98961
Drinkworks Simply Refreshing Collection Gin and Tonic 42 Proof 4x50 mL	98239
Drinkworks Wandering Vine Collection Lemon Bubbly 33 Proof 4x50 mL	98240
Drinkworks Wandering Vine Collection Peach Sangria 37 Proof 4x50 mL	98244
Drinkworks Wandering Vine Collection Rosé Spritzer 22 Proof 4x50 mL	98246
<u>Southern Glazers Wine and Spirits of PA</u>	
Oyster Bay Rosé Malborough 750 mL	98677

EFFECTIVE DATE: The transference to closeout will become effective November 5, 2021

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Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve all Product Selection actions.

FINANCIAL REPORT *Michael J. Burns, Comptroller Operations, Office of Budget*

None

OTHER ISSUES

Pennsylvania Wine Marketing and Research Board & Pennsylvania Malt and Brewed Beverages Industry Promotion Board.....Elizabeth Brassell, Director of Policy and Communications

Act 39 of 2016 created the Pennsylvania Malt and Brewed Beverages Industry Promotion Board and expanded the Pennsylvania Wine Marketing and Research Board, authorizing the PLCB to approve up to \$1 million annually in grants for development and marketing of the Pennsylvania wine industry, and another \$1 million in grants for the Pennsylvania beer industry. The Pennsylvania Wine Marketing & Research Board and the Pennsylvania Malt and Brewed Beverages Industry Promotion Board, through the Department of Agriculture, have recommended a number of grant projects for PLCB funding, including a cider promotion project recommended by both Boards for joint funding. The projects are intended to enhance the Pennsylvania wine and beer industries through promotion, marketing and research initiatives, as well as increase production of Pennsylvania-made beers and wines.

Elizabeth Brassell explained that there was a proposal for full funding of all the grants recommended for funding to the PLCB by the PA Wine Marketing and Research Board and the PA Malt and Brewed Beverage Industry Board that includes 7 beer projects and 8 wine projects. This also includes the first-ever jointly funded project in support of the PA cider industry that both the Beer Board and the Wine Board recommended funding in full, splitting the costs between the two.

Board Member Negra thanked Ms. Brassell for the detailed report and noted that it gives the Board a lot to think about from a motion standpoint. He acknowledged that the Board had requested a number of proposal clarifications, revisions, and the amount of time spent in recent weeks by our Procurement and Legal teams in talks with grant project teams that are also applicants in this round regarding the need for audit-proof invoices and substantiating details so that the audits are correct. He then made a motion to approve the beer and wine grant projects contingent upon receipt of the complete grant proposals and sufficient invoice documentation, compliant with the requirements of the competitive solicitation.

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The following seven beer projects totaling \$925,319 were recommended for approval to the PLCB by the Pennsylvania Malt and Brewed Beverages Industry Promotion Board:

GRANT PROJECT	GRANTEE	GRANT AMOUNT
<p><i>Advertising for Each PA's Breweries in the PA:</i> Building upon the success of Poured in PA, grant funds will be used to create another 12 episodes of the award-winning web series that shares Pennsylvania's craft beer story, as well as to produce 1- to 2-minute promotional videos for up to 400 Pennsylvania breweries. These videos will be marketing tools that can be used by breweries, tourism organizations, and beer trails.</p>	GK Visual, LLC	\$498,000
<p><i>Greater Philadelphia Tourism and Marketing Corporation dba Visit Philadelphia:</i> Grant funds will continue to support promotion of the greater Philadelphia region's craft breweries by branding the region as a premier destination for craft beer and brewery experiences, thereby supporting the economic recovery of Pennsylvania craft brewers by driving more people to visit regional breweries, increasing the number of breweries consumers visit, and boosting sales at those businesses.</p>	Visit Philadelphia	\$150,000
<p><i>Characterizing the Potential for High Sulfite Producing Yeast Strains to Improve Beer and Hop Thiol Aroma Stability:</i> In an effort to explore effective ways to preserve beer quality after packaging and during storage, this project will use a new instrument to quantify thiols, experiment with various yeast strains and resultant sulfur dioxide amounts produced, investigate using yeast strains in conjunction with traditional brewing strains and further evaluate how high sulfur dioxide-producing yeast strains may maintain thiol character, prevent beers from spoilage, and minimize aroma and flavor declines over time.</p>	Penn State University	\$94,341
<p><i>Hops Pelletization for Small Hop Growers in Pennsylvania:</i> While Pennsylvania is one of the top craft beer producers in the country, its hops industry is just emerging. This project will study hop pelletization in a Pennsylvania hop yard to assess pelletization's impact on hop quality, as well as evaluate costs associated with pelletization processes, in order to provide technical and economic</p>	Penn State University	\$78,603

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<p>information about on-farm hop pelletization to Pennsylvania growers.</p>		
<p><i>Opportunity Scan and Acceleration Strategy Plan for Post-Pandemic Recovery, Resilience, and Growth for the PA Wine and Beer Industries:</i> Fox Management Consulting, at the Fox School of Business at Temple University, will work with the PLCB to identify and implement strategies to allow the state’s beer and malt beverage industry to successfully emerge from the disruption of the COVID-19 pandemic and accelerate opportunities for three key segments: producers and sellers, distributors, and tourism. The grant-funded project will deliver strategic initiatives for long-term growth for each segment, a financial model that fully supports the initiatives, and a detailed timeline for implementation of the recommendations.</p>	<p>Temple University</p>	<p>\$45,000</p>
<p><i>Visit Luzerne County:</i> Luzerne County, home to about 10 local breweries, will promote the county's breweries by producing an enhanced beer trail guide and distributing 20,000 copies to area businesses, tourism partners, and adjoining states, as well as engaging two local television stations to promote the breweries.</p>	<p>Visit Luzerne County</p>	<p>\$40,500</p>
<p><i>PA Cider Tourism Campaign:</i> In the first project recommended by both the Wine Board and the Beer Board for joint funding, the PA Cider Guild will increase awareness of local cider and craft beverage industries through development of an interactive website, a first-ever PA Cider Trail guide, and other educational and marketing materials. The project also aims to grow membership in the PA Cider Guild for greater collective impact in promoting and educating the public about cider.</p>	<p>PA Cider Guild</p>	<p>\$18,875</p>

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The eight wine projects totaling \$1 million, summarized below, were recommended for approval by the Pennsylvania Wine Marketing and Research Board:

GRANT PROJECT	GRANTEE	GRANT AMOUNT
<p><i>Pennsylvania Wines Statewide Winery Visitation and Wine Sales Marketing:</i> The Pennsylvania Winery Association plans to continue its efforts to engage the public and provide valuable support to the wine industry with a focus toward recovery and long-term sustainability. Partnering with PA Media Group and Momentum Digital, the PWA will use this grant to engage both consumers and industry members in efforts to attract new visitors to wineries and tasting rooms, raise the visibility and reach of Pennsylvania's diverse and high-quality wines, and provide useful marketing and engagement tools for the Pennsylvania wine industry and its partners.</p>	<p>Pennsylvania Winery Association (PWA)</p>	<p>\$531,220</p>
<p><i>Assessment of Economic Decision Levels for Spotted Lanternfly in Vitis Vinifera:</i> This project aims to study spotted lanternfly economic thresholds and impacts on cabernet franc, measuring how insect density and number of yearly infestations impact yield losses, plant decline, and vine death. This research will inform management of spotted lanternflies and usage of insect-suppressing techniques.</p>	<p>Penn State University</p>	<p>\$108,161</p>
<p><i>Exogenous Acetaldehyde as a Tool for Improving Pennsylvania Red Wine Color and Quality:</i> This project aims to take a novel oxygenation technique demonstrated as effective in a previously completed PLCB-funded project, and move this concept to application and industry use, allowing wineries an additional tool to improve wine color and quality as an alternative to barrel aging without the sanitation risks and costs associated with barrels.</p>	<p>Penn State University</p>	<p>\$88,747</p>
<p><i>Assessing and Addressing Vineyard Herbicide Drift Challenges in PA:</i> By studying herbicide use, drift, and damage on grapevines, this study aims to inform wine and grape industry stakeholders about the scale of herbicide drift issues in Pennsylvania so that neighboring vineyards, farms, and herbicide application industries like landscaping and rights-of-way may increase communication and support of Pennsylvania wineries.</p>	<p>Penn State University</p>	<p>\$79,310</p>

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<p><i>Understanding Vine Declamation to Mitigate Spring Front Damage Across Pennsylvania:</i> Frost damage in late winter and early spring can hamper grape production in Pennsylvania, but the effects of winter and spring temperature on budbreak timing are not well understood. This project will study and document how temperatures impact phonological development in order to help growers predict loss of cold hardiness and effectively implement frost protection strategies.</p>	<p>Penn State University</p>	<p>\$74,003</p>
<p><i>Economic Impact and Model Evaluation for Optimum Management of Grapevine Leafroll Associated Viruses in Pennsylvania:</i> Previous funding from the Pennsylvania Wine Marketing and Research Board and the PLCB enabled Penn State researchers to reveal a significant presence of damaging grapevine leafroll associated viruses in the state. This grant project will complete data collection at four commercial vineyards to determine the economic and longevity impact of grapevine leafroll disease, determine the role weather may play in the expression of grapevine leafroll disease, and inform recommendations for cost-effective management strategies to strengthen Pennsylvania grape industry production.</p>	<p>Penn State University</p>	<p>\$57,192</p>
<p><i>Evaluation of a Novel Grid Shoot Positioning System's Impacts on Canopy Management Efficiency, Crop Yield, and Fruit Composition:</i> This project will explore a novel vertical and lateral shoot positioning apparatus for canopy management and shoot positioning to determine if it reduces labor costs and fruit-zone shading to improve fruit composition and decrease bunch rot. Improved canopy health and fruit quality, combined with reduced labor costs could improve economic sustainability for small vineyards and wineries.</p>	<p>Penn State University</p>	<p>\$42,492</p>
<p><i>PA Cider Tourism Campaign:</i> In the first project recommended by both the Wine Board and the Beer Board for joint funding, the PA Cider Guild will increase awareness of local cider and craft beverage industries through development of an interactive website, a first-ever PA Cider Trail guide, and other educational and marketing materials. The project also aims to grow membership in the PA Cider Guild for greater collective impact in promoting and educating the public about cider.</p>	<p>PA Cider Guild</p>	<p>\$18,875</p>

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Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the beer and wine projects.

CITIZEN COMMENT/BUSINESS FROM THE FLOOR

None

NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, October 27, 2021 beginning at 11:00 A.M. Prior to the public meeting, there will be an Executive Session to discuss matters of personnel and to engage in non-deliberative informational discussions, some of which are regarding actions and matters which have been approved at previous public meetings.

ADJOURNMENT

On a motion by Board Member Negra, seconded by Board Member Isenhour, the meeting was adjourned.

The foregoing actions are hereby officially approved.

Chairman

Member

Member

ATTEST:

Secretary