The regular meeting of the Town Board was held on November 11th, 2011 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella, Daniel Cochran and Walter E. Chandler, Councilman. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss, Budget Officer Joan Stunzi, one reporter and approximately 10 residents.

At 7:20 PM the Board met as a Board of Health.

Unsafe Building – 29 Daniels Road – The Unsafe Building Hearing opened at 7:20 PM. The property owner was not present. Supervisor Rowland reviewed the report dated 11/10/2010 from the Code Enforcement Officer. Supervisor Rowland stated that he also received a letter from the owner of the property who indicated that he spoke with the Fire Chief and they are using the home for fire drills. Supervisor Rowland noted that he contacted Fire Chief John Lant and confirmed that they were using the home for drills. He stated that it was his intention that they would be finished drilling at this home soon. They did go over and secure the building a bit more. Once they finish with their drills, it was their intention to collapse the building into the basement and they would do a controlled burn. Kinsella, C. asked if the homeowner agreed to clean up the property after the controlled burn. He added that he would be okay with the process as long as the basement area was cleaned up and filled in so that there was not a large open hole. Pemrick, C. suggested that a letter be sent to the Fire Chief and property owner indicating that the Town would expect that this would be completed in a timely manner and the debris cleaned up.

Unsafe Building – 47 Main Street - The property owner was not present at the meeting. Supervisor reviewed the report from the Code Enforcement Officer dated 11/10/2010 which indicated that he had received a phone call from Mr. Mangona. He would like to stabilize the structure. The Code Enforcement Officer suggested that he forward a letter of intent to the Town Board. Mr. Mangona agreed and stated that he would attend the 11/11/2010 meeting as well. Supervisor Rowland stated that as of this time, the Board has not received any communication from the property owner. Chandler, C. stated that he spoke with Mr. Mangona and he does want to stabilize the structure. He also asked Mr. Mangona to be at this meeting. Pemrick, C. suggested that a letter be sent to the property owner giving them a final date to be in compliance or the structure will be removed by the Town. Supervisor Rowland noted that it had been 86 days since the originally notification was sent and no action has been taken. Pemrick, C. made a motion to send a letter to the property owner indicating that the building must be stabilized to the satisfaction of the Code Enforcement Officer or taken down by 12/11/2010 or it was the intention of the Town to remove the structure and have all costs incurred by the Town added to the tax bill. Chandler, C. seconded. All Board members voted in favor.

<u>Unsafe Building – 353 Grange Road, Lot 19</u> - Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 11/10/2010 indicating that there has been no change to the property. There has been no communication from the owner of the mobile home park. Supervisor Rowland advised that the Board was still somewhat uncertain as to who actually owns the mobile home. The Park owner had been in the process of selling the home, however he was not sure if that sale went through. Certified letters have been returned as unclaimed, however the regular mail sent to the

same address has not been returned. Kinsella, C. asked if it was clear enough that the Board could take action and send a letter giving a time frame when it must be removed by or the Town will. Town Counsel Schachner was not comfortable moving forward without having more information regarding the ownership status. He suggested the next step may be to have a notice delivered by a process server. Pemrick, C. made a motion to send a letter to the park owner Donald Layman, asking for proof of ownership of the mobile home and indicating that if the home has not been made secure to the satisfaction of the Code Enforcement Officer or removed by 12/11/2010 that the Town will remove the home and all expenses incurred will be assessed against the property. This notice shall be personally served by a process server. Kinsella, C. seconded. All Board members voted in favor.

The Board of Health portion of the meeting closed at 7:33 PM. At 7:34 PM a Public Hearing was opened regarding Proposed Local Law # 2-2010 – Dog Control. Clerk presented proof of legal publication. Post Star Reporter asked what the licensing fees would be. Town Clerk advised that the cost would be \$8.00 for all spayed/neutered dogs and \$15.00 for all unspayed/unneutered dogs. This amount includes the mandated State fee for Animal Population Control. Supervisor Rowland stated that the Town also planned on conducting a Dog Enumeration in the near future. John Bokus asked if dogs still had to be licensed since the State was backing out of this. Town Clerk stated that State Law will still require that dogs be licensed, however the entire process will now be handled at the Town level. Supervisor Rowland stated that this law will also allow the County Shelter to sell a license to anyone adopting a dog from them that lives in the Town. He added that most of the Towns in the area are adopting very similar laws. One of the biggest issues is that there will no longer be a statewide database which helps Dog Control Officers to locate the owners of stray dogs, etc. Town Clerks within the County have been working together to try and put together a system to handle that. Supervisor Rowland stated that the State will continue to do inspections of the Dog Control Officers and shelters. They are doing away with the database and licensing functions. There being no further public comments, the hearing closed at 7:36 PM.

The regular meeting was called to order by the Supervisor at 7:37 PM and opened with the pledge to the flag. Supervisor Rowland asked that everyone take a minute to honor our Veterans and thank them for their service to this country. He noted that this Board was very proud to be able to put up the new Veterans Memorial on the wall in the Board room. This morning there was a brief ceremony at the Veterans Park and a wreath was placed at the memorial. The wreath was donated by Paul VanArnum.

Minutes of 10/14/10, 10/20/10 and 11/4/10 – Chandler, C. had a question regarding the 10/20/10 minutes. He believed that he had also stated that as the health care costs continue to go higher and higher he would like to see the Town pay more towards health care costs rather than give an hourly wage increase. On motion of Kinsella, C. and seconded by Cochran, C., the minutes of 10/14/10, 10/20/10 and 11/4/10 were approved as corrected. All Board members were in favor.

Notice of Public Hearing from the Saratoga County Sewer District to consider the proposed sewer rates for the year 2011.

Copy of the Prestwick Chase newsletter, "The Chase", that thanked the Town for the paving of Denton Road.

Thank you note from former Town Historian Mary DeMarco for plaque that was presented to her upon her retirement.

Butch Duffney, Brigham Road – Mr. Duffney stated that as he commented at the public hearing, his concern regarding the proposed tax increase was for the elderly residents in Town. The State is looking to cut Medicare. Their prescription costs are going up. He just read in the paper that the Saratoga Springs School District is going to have to take over the maintenance of the Recreation Fields, which is going to cause school taxes to go up. He understood that there are exemptions that are available to seniors, however to be hit with another tax increase was wrong. He stated that the Highway Dept. and Town Hall staff is second to none and he fully supports the Town Board. His son is an employee of the Highway Dept. He did not begrudge the employees getting raises, however he did not feel that the elderly could take the hit and what seems to be a little tax increase is too much.

Supervisor Rowland gave an overview of the preliminary budget. The General Budget is \$1.3 million. The Highway Budget is \$2.1 million. For the year 2010 there is a Highway Tax of \$1.13 per thousand of assessment. The proposal for 2011 is to increase the Highway Tax to \$1.23 per thousand. The main purpose is to be able to maintain the roads at a positive level of repair. The Town has been unable to maintain the targeted number of miles of road in the past couple of years due to increased costs. In addition, included in the budget is the purchase of a new truck. One of the trucks is quite old and is starting to cost a lot of money in repairs. The cost of a new truck is approximately \$215,000. The last time the Town purchased a new truck the cost was about \$165,000. Most of the price increase is due to new emissions regulations. The next truck purchase will be delayed until 2014. The proposed budget includes a 3 ½% increase for Town employees and a 2% increase for the Town Board. Supervisor Rowland noted that the average home is assessed at \$180,000. which would mean an increase of \$18.00 for the year. In addition, \$234,378. would be taken out of the Fund Balance. Supervisor Rowland stated that the Town was very lucky that previous administrations had put away money for those rainy days that the Town was now in. He believed that this was a bare bones budget. The Town does not rely on the State for a lot of money, with the exception of CHIPS money - \$165,000., used for highway repairs. In the proposed budget the Highway Department is looking to repair 7.5 miles of road. There have been suggestions to increase the revenues to offset the expenses. You can not count on revenues. Sales Tax revenues, which is what the Town uses pretty much for the General Fund and some of the Highway Fund, has been cut significantly. The slight increase that we have seen this year has brought us barely back up to 2009 levels. The Town has increased expenses just like everyone else. Asphalt costs continue to rise and the public has asked for highway improvements. The Board has reduced the amount being taken out of the fund balance, however even at this level there is only about 8 years left and that is not counting on any increases in expenses. Supervisor Rowland stated that he was very uncomfortable about taking anymore from the fund balance. He added that Health Care costs are a major factor. One of the current plans has quoted a 25% increase.

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They are looking at an alternative plan that would increase the co-pays. No one knows what is going to happen with the National Health Care Plan by the time it kicks in 2014, however we are already seeing increases based upon it. He understood that the proposed increase may have an effect on some people, however people have also asked for more services from this Town. A few years ago the Town reduced the taxes and then the economy fell off. In 2008, the Town had a revenue short fall. He believed that by giving the employees a raise, the Town would be able to maintain a quality work force. We have some long term employees, with many years of experience, who have pride in the Town and the facilities. The Town put in a wood fired boiler to help reduce the heating costs at the garage. The guys will drive by on a weekend, on their own time, and load the fire. Supervisor Rowland stated that he has heard what everyone has said, but in order to continue to uphold the services that we have in this Town, we may have to bit the bullet. Employee salaries in this Town are still at a moderate level compared to other Towns in the area. He is looking toward the future. The Town needs to maintain a level of taxation that can achieve the level of service that needs to be provided or they are going to be behind again and he doesn't want to be there.

Pemrick, C. made a motion to adopt the 2011 Town Budget. There was no second.

Kinsella, C. felt that the Board could easily cut the tax rate at least in half by doing a couple of things and if they stretched even farther they could cut the increase to zero. He stated that they could eliminate the Town Board compensation. In addition, drop the proposed salary increase to the employees to 2 or 2½%. They could take as much out of the Highway repairs as they want. He noted that a \$70,000. cut in the budget would take it down to no tax increase. Kinsella, C. felt that you could take \$35,000. out of road repairs and not have a significant impact on what is happening with the Highway which would cut the tax increase in half. If you adjust some of the salaries a little bit it would take more off. He added that over the years that he has been on the Board, there is often no public input on the budget. This was the first time that there was some significant input and he felt that the Board should act on it. Joan Stunzi, Budget Officer, stated that in 2008 the tax rate was cut dramatically. Because it was brought all the way back down to almost a net gain of nothing, the income generated for that year was only \$20,000. In that year, the cost of gas, fuel, salt, etc. doubled. The Town had no extra money to support that at all. The Town Board acted responsibly and decided to cut down the roadwork that year so that they did not over extend in that situation. As a result of that, the Town does not have any extra money now to support this. Through careful planning and incremental increases in the tax rate, the Town has been able to bring the level back up to where they had hoped it would have been in the past. Joan added that in the past, due to good planning, they have been able to put money aside in reserve funds for highway equipment, the new Town Garage, etc. The Town has not been able to do that for three years now. They have been trying to get back to a level where they could. They have been trying to do it in small doses in order to maintain and achieve those results so that they have money put away so that they do not have to bond out or raise taxes dramatically. Joan stated that if the Town takes a step backwards, they are once again not going to be able to fund the roadwork, highway equipment, etc. There is not

going to be anything extra in the fund balance so that if there is an emergency we would be able to take care of it. We will not be able to plan for the future because there will be no money to put away. She felt that the Town was moving in the right direction by doing it gradually and thoughtfully and by taking a step back it would be putting the Town into an uncomfortable situation. Kinsella, C. stated that he understood what the Budget Officer was saying, however he felt that the proposed tax rate was pretty high. He felt that the proposed increase could be cut in half and still meet many of the objectives that she talked about. Highway Supt. Barss stated that the proposed cut would result in the lose of at least one-third of a mile. He noted that in the Spring residents were here to request that the Town repair more miles of road and the Board did not react to that request. They are starting to make headway with the road conditions and he was afraid that if they start cutting again each year it is going to be back down to where they can not keep the higher condition of the roads. Cochran, C. stated that he would be okay with going down to approximately 7 miles of road. Highway Supt. Barss stated that he was also concerned with cutting the raise to 2%. The guys will be taking home less money again for the 3rd year in a row. Insurance is going up as much as 25 % which means that they could be possibly loosing another \$100. per month out of their paychecks. Supervisor Rowland stated that one of the ideas that was thrown out was to establish a full employee health benefit. It would cost the Town at least an additional \$200,000. for those people who are currently taking the health plan, not counting anyone who would opt into the plan. Supervisor Rowland noted that there would have to be a significant tax increase in order to fund something like this and the trend is to reduce health benefit costs. The proposed 3 ½ % increase would cost approximately \$41,000. Joan Stunzi noted that increasing the amount of money that the Town would pay for employee health insurance brings with it another array of costs because you can not make that benefit available only to people who have health care. There are other people who do not take health care and part time employees who are not eligible for insurance. You have to make it equitable for all employees. Chandler, C. felt that the Town already does things for the people who have health insurance that the employees who do not take health benefits do not get. He stated that if you raise the hourly wage, the guys are going to have to pay more in income tax and that it was just lost revenue for the Town. Joan Stunzi stated that the Town has a benefit package and a pay rate package. A raise for an employee should be based on their performance, experience, dedication, etc. regardless of whether they have health insurance or not. When an employer provides a benefit, such as health insurance, it is totally separate. Those employees who do not take insurance or are not entitled to insurance, still deserve to get a raise. He understood and stated that was why the Town had a stipend that the individuals who do not receive insurance are paid. Joan stated that you can not just ignore the part time employees and their service to the Town. Chandler, C. stated that he was not ignoring anyone's service to the Town and they would get a stipend. Town Clerk explained that the part time employees are not eligible for benefits and they are not entitled to receive the stipend. They would not receive anything. Chandler, C. agreed with Kinsella, C. to cut from the Highway. He did not feel that cutting that amount would be going backwards, they would be holding steady. Residents are really struggling with the economy the way it is. The residents

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came in and spoke against the tax increase. Cochran, C. asked what the cost was for the various percentage of raises. Joan stated that the cost for 2 ½ % would be \$28,000.; 3 % would be \$34,000.; and 3 ½ % \$40,000. Each ½ % would increase the rate by approximately \$6,000. Pemrick, C. stated that budgets reflect 12 months of spending but they also should reflect the long range plan for the Town in terms of making it secure. The important assets are the employees, the reserve fund and the services that we provide to the community as a Town. It is the Boards responsibility to make the budget as modest and fair as they possibly can and he felt that this budget did that. He was happy to live without the proposed 2 % raise for the Board, but felt that the Board needed to stay with the 3 ½ % raise for the employees, the most important asset of this Town. Over the past 12 months, we have received requests and heard comments regarding the need for road repair and improvement. He did not feel that it was unreasonable to do the 7 ½ or 8 miles of road repair that was proposed. The proposed budget also minimizes the amount that has to be taken from the reserve fund. Pemrick, C. would encourage Board members to accept the budget as proposed with the exception of the 2 % raise for the Board. He realized that the proposed average increase of \$18.00 was on top of what the residents were currently paying, however he did not feel that it was that much for over a period of a year. He added that the Board had to reflect on 12 months but plan for 10 years or more. Cochran, C. stated that he was in agreement to cut the proposed increase to 5 % and that there be no raises for the Town Board. He would suggest employees raises be at 3 % to help to offset medical costs. Cochran, C. stated that all of us are in tough times. There are not a lot of opportunities for people. It was their responsibility as a Board to try to keep providing services and to put enough away for a rainy day in case something happens. He believed that the economy was moving on an upward trend and hoped that it stayed that way. Highway Supt. Barss stated that if the Board was happy by cutting back the roads, then he would rather give the guys a raise and do less miles of road. This would help to keep morale up and keep their paychecks from going in the negative. There are some young guys with young families. Supervisor Rowland clarified that what the Highway Supt. was proposing was that the employee raise stay at 3 ½ % and that \$37,000. be taken from the Highway budget. Duane Wright, Highway Clerk, stated that they should be reconstructing approximately 8 miles of road per year. Due to budget problems, they have only been able to do 5 or 6 the past couple of years. If you look at the distribution of pavement based on the road scoring, they finally have 10 to 20 percent more mileage in the higher categories. However, the group that is poor has barely maintained themselves because everything is dropping so fast. The treatments are working, but the less that you put into repair the farther back you are going to go and you are going to start losing some of the progress that has been made. Pemrick, C. stated that unfortunately the Town is primarily residential and the only way to assume the cost is through residential taxation. He believed that it was better to do it incrementally, year by year, as opposed to looking good annually at the risk of damaging the Town by not maintaining that steady residential tax. Chandler, C. felt that everyone was after the same thing. If the economy gets better they can go forward with the paving program. The Town Board has built reserves in the past and hopefully will be able to build them again in the future. Supervisor Rowland stated that you can not build a reserve at this level.

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Al Janik, King Road – He appreciated the effort the Board has put in regarding this budget. He remembers reading in the paper a few years ago about how much the Fire Company was looking to increase their tax rate. There was a dollar and a half swing from one year to the next in the school tax rate. He understood that the 10 cents was an increase to the tax rate, however it was a relatively small amount. He added that the Town does not really have 8 years left in the unappropriated fund balance because you have to have some money left in reserve. He felt that if you were going to do a tax increase it was better to do it in small increments then to wait until you have a calamity and have to raise taxes from \$1.05 or \$1.10 to \$2.05. Mr. Janik felt that what the Board has proposed is realistic. He did not like the idea of taking money out of the Highway Department. He did not want to see the roads cut and sooner or later you were going to have to pay for it. Each year you put them off because you have a budget problem and the number of roads falling apart and in disrepair will grow dramatically. The Town has struggled with this for years and he did not feel that the money should be taken from the Highway. Mr. Janik felt that the relatively modest increase was more than justified. Chandler, C. stated that he was willing to live with a little bit less. The tax money belonged to the people and they needed a fair shake too. He was willing to give the guys a raise, however the Town Board should not take a raise this year. Kinsella, C. stated that he would make a motion that the Town Board receive no pay raise this year, the employee raise would stay the same as proposed and \$37,000. be taken from the Highway Repair Fund.

RESOLUTION # 142 – Adopt 2011 Town Budget

Motion: Kinsella, C. Seconded: Pemrick, C.

WHEREAS, the Town Board has met at the time and place specified in the notice of public hearing on the preliminary budget and heard all persons desiring to be heard thereon, NOW THEREFORE BE IT

RESOLVED, That this Town Board does hereby adopt said preliminary budget as finally compiled, as the annual budget for the year 2011, and that such budget as so adopted be entered in detail in the minutes of the proceedings of the Town Board, and be it

FURTHER RESOLVED, That the Town Clerk of the Town shall prepare and certify a copy of said annual budget as adopted pursuant to section 202A, Sub.2 of the Town Law and deliver thereof to the Supervisor and to the County Board of Supervisors.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

<u>Dog Licensing</u> - Kinsella, C. asked if the dog enumeration was part of proposed law. Town Clerk advised that there was a provision in the law that would allow for an enumeration if the Board wished to conduct one. There was no commitment to do so. Pemrick, C. thanked the Town Clerk for putting the law together so quickly and thoroughly. It was very easy to read and understand. Joan Rowland, North Creek Road – Questioned what role the State was going to have as far as the control of animals now and for what purpose the Town had to continue to pay the State. Town Clerk advised that the

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State has a surcharge on each license, \$1.00 for spayed/neutered dogs and \$3.00 for unspayed/unneutered dogs, which we must collect and forward to them. This money is going to be used for their Animal Population Control Program which provides some funding for the spaying and neutering of dogs. Supervisor Rowland believed that portions of that money would come back to the County. Butch Duffney, Brigham Road – Questioned how much of the money collected would wind up paying for staff and not to the program. Town Clerk stated that it was her understanding that the State has put out a Request for Proposals and plans to contract with an outside agency to run the program. As of this time, it was not clear as to where the money collected was going to have to be sent as of January 1st.

RESOLUTION # 143 – Adopt Local Law # 2-2010 – Dog Licensing

Motion: Cochran, C. Seconded: Chandler, C.

RESOLVED, That the Town Board hereby adopts Local Law #2-2010 entitled "Dog Control".

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

<u>Street Light – Young Road</u> - Highway Supt. Barss stated that he has left messages and has not received a returned call. Supervisor Rowland felt that the Board has done all they can do at this point.

RESOLUTION # 144 - Snowmobile Trail Landowner Permission

Motion: Cochran, C. Seconded: Chandler, C.

RESOLVED, That the Town Board hereby authorizes the Town Supervisor to sign the permission form to authorize Mulleyville Snowmobile Club to cross Town property, and

FURTHER RESOLVED, that this permission shall be granted for those Town highways as designated in Section 84-4 of the Town Code only and shall not apply to any other Town highways or property.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 145 – 2011 Animal Shelter Agreement

Motion: Pemrick, C. Seconded: Cochran, C.

RESOLVED, That the Town Board hereby approves the 2011 Animal

Shelter Contract with the County of Saratoga in the amount of \$1,169.93.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 146 – Advertise for Bids

Motion: Kinsella, C. Seconded: Cochran, C.

RESOLVED, That the Town Clerk be directed to advertise for the opening of bids for #2 Fuel Oil for the Year 2011 with said bids to be opened on December 2nd, 2010 at 7:25 PM.

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VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 147 – Declare Barney Road Seasonal Highway

Motion: Cochran, C. Seconded: Pemrick, C.

RESOLVED, That in accordance with Town Highway Law, the portion of Barney Road from the end of the blacktop to the Town Line with the Town of Providence be declared a seasonal highway from November 15th to April 15th.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 148 – Transfer of Funds

Motion: Kinsella, C. Seconded: Pemrick, C.

RESOLVED, That the Supervisor be authorized to make the following transfer of funds:

\$ 2,085.03	From A1630.4	to	A1620.4
4,656.14	From A1990.4	to	A8160.4
774.04	From A7520.4	to	A7510.4
1,377.62	From A4540.4	to	A3650.1
301.52	From A5010.4	to	A5010.2
159.02	From A8015.2	to	A8010.1
56.70	From A8090.4	to	A8160.45
30,141.41	From DA5142.4	to	DA5110.4

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

<u>PUD Application</u> - Supervisor Rowland advised that he had received an application just prior to the meeting from Rock Hill Realty, LLC. The property was approved as a PUD many years ago by then owner Kerry Karkos. The current owner would like to divide off a 15 acre parcel where he would live and breed race horses and lease the remainder of the farm. He would like the newly created parcel to remain within the original PUD. The Code Enforcement Officer had sent him to the Town Board for a lot line adjustment. Town Counsel advised that he would have to review the original PUD law when the Karkos PUD was approved to determine what action would be necessary by the Town Board. The creation of a lot within the boundary of the PUD may not require an amendment to the PUD.

Highway Supt. Barss advised the Board that the Unsafe Building located at 40 Greene Road had been taken down and the debris has been removed from the site. Pemrick, C. asked what the approximately cost was to remove the structure. Highway Supt. Barss believed the total cost was around \$5,000. Town Clerk advised that she would be sending the appropriate documentation to the County to attach the charges to the tax bill as soon as the invoices were received.

Monthly reports were submitted by Town Justices, Building Department (Aug., Sept. & Oct.), Town Supervisor, Highway Supt and Town Clerk.

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RESOLUTION # 149 – Highway Bills

Motion: Cochran, C. Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 199 to # 216 in the amount of

\$35,253.65 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 150 – General Bills

Motion: Pemrick, C. Seconded: Cochran, C.

RESOLVED, That General Bills # 618 to # 680 in the amount of

\$35,466.48 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

On motion of Chandler, C. and seconded by Kinsella, C., the meeting was adjourned at 8:45 PM.

Town Clerk