

June 4, 2007

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG BY BOY SCOUT TROOP 42

Present: Councilman Paolucci
Councilman Hughes
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator
Elaine Sausville, Deputy Highway Superintendent

MOTION BY Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the May 14 and 21, 2007 meetings at presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Paolucci reported today there are 182 seasonal memberships for the Action Park. The budget shows \$20,700 in expected revenues from both annual memberships and daily passes and, at this point, \$15,354 has been received which is almost enough to cover expenses. The fob system is now in use and the park has been staffed since April. He reported the town has been in conversation with mall management over some issues which have been worked out. Councilman Paolucci reported conversations are being held with the Town of Halfmoon regarding Halfmoon residents using the park at Town of Clifton Park rates. If the Town of Halfmoon agrees to contribute toward the difference in rates, agreement may be reached by the end of the year.

Justin Ochrym reported on his project surrounding a nature trail in Country Knolls. He noted the Desrochers family originally started the trails. Peter Desrochers said over a period of time Scouts and families have built about five miles of trails in Country Knolls and maintain them as well. Supervisor Barrett presented the following resolution to Justin George Ochrym and commended him for his efforts in obtaining the rank of Eagle Scout.

Resolution No.164 of 2007, a resolution honoring Justin George Ochrym for attaining the rank of Eagle Scout.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

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WHEREAS, Justin George Ochrym, Clifton Park of Boy Scout Troop 42, has attained the rank of Eagle Scout, and

WHEREAS, Justin's Eagle Scout Project consisted of the cleaning up and upgrading of an existing mile-long nature trail in Clifton Park, and

WHEREAS, Justin coordinated the construction of two bridges, trail markers, and a kiosk to make the trail easier for residents to enjoy, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor Justin's achievements, including his Eagle Scout Service Project which consisted of cleaning up and upgrading an existing mile long nature trail in Clifton Park; now, therefore, be it

RESOLVED, that Justin George Ochrym of Boy Scout 42 is hereby recognized and honored for having attained the rank of Eagle Scout.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 152 TO REFER ONLY TO NATURE PRESERVES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 28, 2007.

Town Attorney McCarthy summarized the proposed local law explaining the current Chapter 152 addresses Parks and Preserves. This proposed legislation separates Parks and Preserves into separate chapters and recognizes all Nature Preserves: Vischer Ferry, Dwaas Kill, North Woods (formerly known as Round Lake Reservoir Lands) and the Riverview Nature Preserve. The proposed legislation addresses firearms, town security authority, as well as hours,

The public hearing was opened for comments from the audience at 7:20 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:24 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW ADDING
CHAPTER 153 – PARKS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 28, 2007.

Town Attorney McCarthy explained this legislation calls for dogs to be leashed at Collins Park and codifies rules and regulations for the Action Park, town-owned pools and gives Department of Parks, Recreation and Community Affairs authority to implement and security officers ability to enforce rules. Parks legislation in Chapter 152 will be incorporated into Chapter 153.

The public hearing was opened for comments from the audience at 7:25 p.m.

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Norman Goldman, London Square Drive, stated the language in Chapters 152 and 153 is repetitious and inconsistent. He questioned why language for the Clifton Common wasn't incorporated in the Collins Park legislation, as well as Kinns Road Park.

Bob Gauvreau, Oakwood Blvd., said he is concerned with the leash requirement only on the Common and Collins Park. He stated there should be a town-wide leash law.

Lorna Kircher, Lilac Court, ask what the difference is between a nature preserve, park and trail.

Mr. McCarthy responded there is a difference in the definition of a nature preserve in the state-wide parks law and a different approach to preserves under DEC regulations and statutory authority. The proposed legislation recognizes the difference in terms of habitat in bird, plant and animal, flora and fauna. He stated state-wide definitions were drawn upon to define public owned nature preserves.

Councilwoman Walowit asked that the smoking ban be included in the pool legislation.

Mr. McCarthy said the smoking ban will be included in the administrative rules and as long as posted can be enforced.

Pete Desrochers, Tanglewood Drive, asked if a provision can be made to allow people in the parks after 10 p.m. He explained scouts study astronomy and it would be advantageous for them to be in the park after 10 p.m.

Supervisor Barrett responded this can be reviewed on a case by case basis by contacting the Town Board.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

PUBLIC HEARING, 7:30 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 59 – ALCOHOLIC BEVERAGES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 28, 2007.

Town Attorney McCarthy summarized the proposed local law explaining this includes the restriction of alcohol use in publicly owned nature preserves.

The public hearing was opened for comments from the audience at 7:43 p.m.

Lorna Kircher, Lilac Court, asked why this doesn't refer to drugs as well. Supervisor Barrett and Mr. McCarthy responded it isn't necessary as drugs are illegal.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:45 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

Resolution No. 165 of 2007, a resolution authorizing the Highway Department to purchase a 2008, Mack Granite GU812 truck, with stainless steel body and plow equipment, from New York State Contract.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, Richard Kukuk, Superintendent of Highways, has identified a need for a new truck for use by the Highway Department, and

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WHEREAS, Richard Kukuk has requested authorization to purchase a Model Year 2008 Mack Granite GU812 truck under State Contract as described in Schedule A; now, therefore, be it

RESOLVED, that Richard Kukuk, Highway Superintendent, is hereby authorized to purchase a Model Year 2008 Mack Granite GU812 truck with options under State Contract Group PC62374, from Beam Mack Sales and Service, Inc., 2674 W. Henrietta Road, Rochester, New York, as described in Schedule A, at a cost of \$163,955.10, to be paid with a transfer of \$163,955.10 from DA 909 (Undesignated Fund Balance) into DA 5130-00219 (Highway Account -Truck).

Comptroller Heggen reported money will come from the Highway undesignated fund balance carried over from 2006, not the town general fund.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 166 of 2007, a resolution authorizing the promotion of an employee in the Highway Department.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, Richard Kukuk, Highway Superintendent, recommends that Michael Traider be promoted from a Laborer to an MEO in the Highway Department, and

WHEREAS, the above referenced employee has met the requirements for this position; now, therefore, be it

RESOLVED, that Michael Traider is hereby appointed to the position of MEO, Grade 5, Step 1, in the Highway Department, effective retroactive to May 13, 2007; and be it further

RESOLVED, that the \$1,218.36 additional money required, be transferred from DA-5110-E1500 (Highway Budget-Construction) to DA-5110-E0156 (Highway-Employee) to accomplish the promotion.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 167 of 2007, a resolution in connection with a block party to be held in Clifton Knolls.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Hughes.

WHEREAS, the residents of Clifton Knolls wish to conduct a block party within the subdivision on June 9, 2007, between the hours of 2:00 pm and 7:00 pm and have requested

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permission to use El Dorado Drive from Colina Lane down to Broadleaf Drive for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use El Dorado Drive from Colina Lane down to Broadleaf Drive, June 9, 2007 from 2:00 pm to 7:00 pm for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 168 of 2007, a resolution authorizing the Supervisor to enter into a lease agreement with Electronic Business Products for a copier for use by the Highway Department.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Highway Superintendent has requested that a new copier be leased for use by the Highway Department, and

WHEREAS, the cost to lease the copier is \$66 monthly with a thirty-six month lease; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign an equipment lease agreement with Electronic Business Products for a Lanier LD320D Digital Copier, for thirty-six (36) months, at a cost of \$66 per month plus \$.01 per copy for service and supplies, to be budgeted from A05010-00003 (Copier-Computer).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 169 of 2007, a resolution authorizing Congregation Beth Shalom to hold a parade on June 10, 2007, to celebrate the restoration of the Congregation's Holocaust Torah.

Introduced by Councilman Hughes, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the members of Congregation Beth Shalom wish to conduct a parade on a portion of Clifton Park Center Road on June 10, 2007, and

WHEREAS, traffic may be disrupted for a short period of time and therefore it is anticipated that Congregation Beth Shalom will receive the full cooperation and assistance of the

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Saratoga County Sheriff's Department to aid in traffic control as this law enforcement agency has done in past years for other parades; now, therefore, be it

RESOLVED, that Congregation Beth Shalom shall be permitted to use a portion of Clifton Park Center Road on Sunday, June 10, 2007 for a parade to celebrate the restoration of the Congregation's Holocaust Torah, which shall commence at approximately 10:00 AM at the Clifton Park Town Hall and proceed to the Synagogue on Clifton Park Center Road; and be it further

RESOLVED, that Congregation Beth Shalom shall obtain and file proper insurance and employ all relevant traffic enforcement agencies and Emergency Corps.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 170 of 2007, a resolution authorizing the hiring of a Program Assistant for the Tiny Hands Summer Club preschool camp.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, a need exists for a Program Assistant for the Tiny Hands Summer Club preschool program, being presented as part of the Summer Recreation Program, and

WHEREAS, Myla Kramer has recommended that Keri Ranagan, 36 Evergreen Avenue, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Keri Ranagan, 36 Evergreen Avenue, Clifton Park, as Program Assistant for the Tiny Hands Summer Club, effective immediately through August 15, 2007, to be paid a total of \$700, from A7310-E4520 (Summer Recreation-Other Program Salary).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 171 of 2007, a resolution authorizing the Clifton Park Action Park to participate in the Vitaball "Great SK8 Giveaway".

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Clifton Park Action Park has been chosen from hundreds of applications from across the country to be one of one hundred skate parks to participate in the Vitaball, "Great SK8 Giveaway", and

WHEREAS, the Clifton Park Action Park will be competing against skate parks from across the country to win one of five monthly grants offering \$10,000 worth of products and services from the American Ramp Company or a check for \$5,000 on behalf of Vitaball, and

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WHEREAS, the contest will have our skaters design a deck online and then seek votes for the Clifton Park Action Park online, and

WHEREAS, each month the most number of votes will determine who wins the prize; now, therefore, be it

RESOLVED, that authorization is hereby given for the Clifton Park Action Park staff and the Office of Parks, Recreation and Community Affairs, to participate in the Vitaball Great SK8 Giveaway Contest, from June through November, 2007 with the hope of receiving one of five grants to benefit Action Park activities and users.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 172 of 2007, a resolution appointing Thomas Werner to the Planning Board.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, due to the resignation of Scott Hughes, an opening exists on the Planning Board, and

WHEREAS, Thomas Werner, 7 Eagle Trace, Ballston Lake, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Thomas Werner, 7 Eagle Trace, Ballston Lake is hereby appointed to the Planning Board to fill the unexpired term of Scott Hughes, term to expire December 31, 2011.

Supervisor Barrett reported Mr. Werner is retired from DOT where he held the position of Director of Region 1.

Councilman Roth spoke in favor of Mr. Werner's appointment.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 173 of 2007, a resolution scheduling a Public Meeting regarding the Town of Clifton Park's compliance with the MS4 program.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Town continues to upgrade its systems for compliance with NYSDEC'S General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permits, (MS4 Permits), and

WHEREAS, the Town is currently on year 4 of the Permit Program, and

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WHEREAS, the Town's Annual Report documenting compliance with NYSDEC has been prepared in conjunction with that of the County of Saratoga, and

WHEREAS, the Town wishes to advise the public of an opportunity to comment publicly on the Town's MS4 compliance program; now, therefore, be it

RESOLVED, that the Town Board hereby schedules a Public Meeting for June 11, 2007 at 7:10 P.M. in the Wood Memorial Room, Town Hall, Clifton Park, New York, to receive input from the public regarding the Town's compliance with the MS4 Program.

Mr. Myers reported this is a requirement of DEC.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 174 of 2007, a resolution increasing the budget to account for revenue and expenditures under the Citizen Corp Grant.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, in October of 2006 the Citizen Corps/CERT programs were awarded \$29,567 for the period January 2007 through July 2008 through the Office of U.S. Homeland Security, and

WHEREAS, it is necessary to increase the Citizen Corps budget to account for the awarded funds; now, therefore, be it

RESOLVED, that the Citizen Corps 2007 Budget be increased per Appendix "A", to account for revenue and expenditures under the Citizen Corp Grant.

Ms. McHugh explained more grant monies than anticipated so it is necessary to add funds into the budget.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 175 of 2007, a resolution authorizing an increase in the budget for the Dutch Meadows Sewer District.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, it is necessary to increase the current annual budget of the Dutch Meadows Sewer District due to expenditures spent on unforeseen sewer emergencies and repairs, and

WHEREAS, Michael O'Brien has recommended that funds be transferred from the Dutch Meadow Sewer District Fund Balance to the General Maintenance Account, to cover operating expenses through the balance of 2007; now, therefore, be it

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RESOLVED, that the Comptroller is authorized to transfer an amount not to exceed \$13,000 from G5-909 (Dutch Meadows Sewer District Fund Balance), to G5-8111-24 (Dutch Meadows Sewer-Sewer Contractual General Maintenance).

Mr. O'Brien reported a storm in the early spring overwhelmed the Dutch Meadow Sewer System and the unexpected repairs to the system used the entire year operating budget.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 176 of 2007, a resolution authorizing the Supervisor to accept a bid for municipal lease financing for the purchase of highway equipment.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, on May 23, 2007 bids were received for the leasing of highway vehicles, and

WHEREAS, after reviewing the bids, Comptroller Mark Heggen has recommended that the bid of Municipal Leasing Services be accepted for municipal lease financing for the purchase of highway equipment at an interest rate of 4.11% for a ten (10) year period; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to accept the bid of Municipal Leasing Services for the purchase of highway equipment at an interest rate of 4.11% for a ten (10) year period.

Mr. Heggen explained this will cover three pieces of equipment and this resolution is to solidify the financing. Three bids were received.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 177 of 2007, a resolution establishing the summer schedule for Town Board Meetings.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Town Board wishes to set the summer meeting schedule at two meetings per month consistent with past practice; now, therefore, be it

RESOLVED, that the Town Board hereby establishes the following summer schedule for July and August 2007:

Monday	July 2, 2007
Monday	July 16, 2007
Monday	August 6, 2007
Monday	August 20, 2007

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Ted and Colleen Kunker, Bay Hill Court, Country Knolls residents for 22 years, read a prepared statement, attached, regarding the condition of the house next to their home. Director of Building and Development Myers reported there was a fire in the home in December and the resident has been ticketed for unregistered vehicles but the resident then registers the vehicles and they become legal. He said there is a state building code section that may be enforceable. Mr. Myers further reported the Town Health Officer has been involved at this house. Supervisor Barrett said the Town Attorney and Mr. Myers are working to come up with a solution. Mr. Kunker said he has been discussing this over the years with Messrs. Clemens and Myers and the issue comes down to there is no local governmental teeth to address these issues. Ms. Kunker said many of these cars are not drivable but are registered.

Norman Goldman, London Square Drive, questioned specific contract agreement provision omissions, notably an audited report or certified audited report that are shown as requirements in the Organization Meeting minutes for certain organizations but omitted in the contracts. He asked, with these omissions, are the contracts legitimate.

Art VanderVoort, Gloucester Street, reminded residents of the vacancy on the Planning Board stating the Town Board should be announcing these vacancies to all residents. He recommended the Town Board announce this vacancy to all media outlets. He said it is imperative at this point in time to mix views and backgrounds of members of the Planning Board.

Patty Keelan, Waterford, President League of Humane Voters, expressed appreciation for the "Geese Crossing" signs at Village Plaza. Supervisor Barrett noted the owners of the plaza erected the signs. He stated he is not aware of any geese being killed in that area. Ms. Keelan recommended "Do Not Feed the Geese" signs be erected the Village Plaza area. Supervisor Barrett said this would be up to the owners of the property.

Abraham Blum, Parkland Court, expressed concern with the uneven surface of Moe Road near the Library. Deputy Highway Superintendent Sausville said this will be looked into. Mr. Blum recommended upgrading the Locust Lane Clubhouse. Mr. Shahan responded major work has been done in the building; e.g. new roof and windows.

Nancy Bellamy, Eastside Drive, Ballston Lake, reported cars are outside the fence at Lake Auto junkyard. She recommended Building Department trucks be parked in the Highway Garage area in order to keep spaces open for Board meeting attendees. Ms. Bellamy said this situation also occurs at the Public Safety Building. She said repairs are needed at the Kids Korner on the Common. Supervisor Barrett said he has no concerns about safety at the Kids Korner.

Todd Kerner, Spruce Street, reviewed his Freedom of Information request of May 15th. Town Clerk O'Donnell responded the request was not clear and will provide lists of various Boards to Mr. Kerner.

Mr. Goldman stated the \$150 distribution to every household and apartment is not a fair way to go about the tax rebate.

Jim Baisley, Barkwood Lane, said sales tax went into effect in August 1965 and the cost of items today compared to 1965 has greatly increased.

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MOTION by Councilwoman Walowit, seconded by Councilman Paolucci, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 9:05 p.m.

Patricia O'Donnell
Town Clerk