January 7, 2016

A regular meeting of the Town Board of the Town of Livonia, County of Livingston and the State of New York was held at Livonia Town Hall, 35 Commercial Street, Livonia on January 7, 2016.

PRESENT: Eric Gott, Supervisor

Andy English, Councilmember Matt Gascon, Councilmember Frank Seelos, Councilmember Colleen West Hay, Clerk

Jim Campbell, Attorney, Town of Livonia

ABSENT: Angela Grouse, Councilmember

OTHERS PRESENT: Building & Zoning Director Adam Backus; Village Mayor Cal Lathan; Village Trustees: Bob Leader, Chris Genthner, and Bill Kurtz, Jr.; Several Residents.

The Town Board meeting was called to order by Supervisor Gott at 7:00 PM. Adam Backus led the pledge.

OATHS OF OFFICE

Clerk Hay administered the Oath of Office to Councilmembers Seelos and English.

VILLAGE BOARD MEETING CALLEDTO ORDER

The Village Board meeting was called to order by Mayor Lathan at 7:06 PM.

RESOLUTION 1-2016

APPOINT FIRE COMMISSIONER

Councilmember Seelos updated the board regarding the Commissioner vacancy for the Livonia Joint Fire District. He reminded the board that John Bair resigned in September of last year, and although the position was advertised, there were no applicants. In the meantime, Mr. Bair called to say that his situation has changed, and if there were no applicants, he would be interested in being re-appointed.

In addition, Bill Hitchcock's term ended December 31, 2015, and the committee recommends that the board re-appoint him for a new term.

On motion of Councilmember Gascon seconded by Councilmember English the following resolution was

ADOPTED Ayes - 4 (Gott, English, Gascon, Seelos) Nays - 0

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Resolved to appoint William Hitchcock to the position of Commissioner for the Livonia Joint Fire District for a full term to expire on 12/31/2020; and further resolved to reappoint John Bair to fill the vacancy, with his term expiring December 31, 2016.

VILLAGE RESOLUTION TO APPOINT FIRE COMMISSIONERS

On motion of Trustee Kurtz seconded by Trustee Leader the following resolution was ADOPTED Ayes - 4 (Lathan, Genthner, Kurtz, Leader)

Nays –

Resolved to appoint William Hitchcock to the position of Commissioner for the Livonia Joint Fire District for a full term to expire on 12/31/2020; and further resolved to reappoint John Bair to fill the vacancy, with his term expiring December 31, 2016.

VILLAGE BOARD ADJOURNS

With no further business, the Village Board meeting was adjourned at 7:06.

OPEN SESSION/PRIVILEGE OF THE FLOOR

Highway Department Replacing Conesus Driveway Culverts

Jim Smith asked to address the Board regarding an issue at the Livonia Highway Department. Mr. Smith is an employee of the Highway Department and resides in the Town of Conesus. He wished to make the Town Board aware that the Livonia Highway Department is spending thousands of dollars to install driveway culverts for residents of the Town of Conesus who reside on roads that border the two towns, such as Holmes Hill Road and Niver Road. The Town of Livonia is paying for culvert pipe, gravel and man hours, and he estimates the cost to be eight to ten thousand dollars. He stated that he has worked at the Highway Department for a number of years, and they never used to do this. This is a recent change.

Councilmember Gascon asked if this was Highway Superintendent Dave Coty's decision to do this. Supervisor Gott replied that it is. Supervisor Gott thanked Mr. Smith for coming to the Board with his concern and stated that he understands that this puts him in an awkward position. He assured Mr. Smith that the Town Board would address the issue.

Dawn Woodburn asked if the cost should be shared between the Town of Conesus and the Town of Livonia, since the roads are half Conesus and half Livonia.

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Court Grant for Security Measures

Supervisor Gott informed the Board that Kolleen Redman should be commended for writing a successful JCAP grant application. Of the approximately \$9,300 she requested, we were granted just over \$8,800 for cameras and security upgrades. The local share is only about \$500. Supervisor Gott authorized Ms. Redman to move forward with purchasing the equipment and scheduling the installation. He informed the Board that there is an annual fee for monitoring.

Jack Evans Community Center (JECC)

Supervisor Gott reported that there are folks in the community who are discussing the Jack Evans Community Center on social media and are not being straightforward with the facts. People are saying that calls are not being returned, and that the Town Board is inflating costs.

Supervisor Gott presented the Final Statement of Revenue and Expenditures, which showed \$11,612 in revenue from the Center thru 12/23/15, and expenses totaling \$34,570 for that same time period. That is a shortfall of \$23,000. He reminded the Board that our biggest tenant paid \$19,000 a year, and he is no longer there. (He was there for about half of the year.) Combining the annual shortfall with the loss of revenue from the one tenant, adds up to a shortfall of about \$35,000/year. Supervisor Gott just wanted to set the record straight with the facts.

Supervisor Gott reported that he has spoken to Mark Erdle, who is the tenant that has been at the JECC the longest. Mr. Erdle understands the position that the Town is in and is planning on moving his business to his home.

Councilmember Gascon remarked that he asked the person who has been complaining on social media to come to the Town Board meeting to address his concerns, but he declined.

Zoning Change Request

Mark Thielges addressed the board regarding a zoning change request. Mr. Thielges shared that the situation that is prompting his request started six months ago, when the D&C decided not to renew their lease of his building. He explained that the newspaper business is declining, and the D&C decided that they were no longer going to use his building for a distribution hub for the region. Mr. Thielges liked the fact that they were there 24 hours a day, feeling that that gave some protection for his other 160 tenants. He has not been able to find another tenant.

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He had asked Sign Blazer to make a for rent sign for him, and asked the owner if he would like to rent the building. The owner answered that he was interested, but that he needs to live where he works. Mr. Thielges did not realize that that was not a permitted use of the building, until Mr. Backus stopped and informed him of that.

Mr. Thielges applied for a use variance. Although they felt that Mr. Thielges presented a good case for the variance, the Zoning Board of Appeals (ZBA) was not comfortable granting one because of the potential to create complications in the future. They recommended that Mr. Thielges approach the Town Board to request a change in the code to allow for an accessory dwelling with a Conditional Use Permit within the commercial/limited industrial district.

Supervisor Gott read the memo from the ZBA. They state that if the zoning is changed, they recommend that the residential use be secondary to the commercial and/or industrial use.

Discussion followed:

Attorney Campbell stated that Mr. Thielges has followed proper procedure by applying to the ZBA for a variance. He advised that the Town Board needs to decide if they want to amend local zoning and change the language of the law to give consideration to these types of situations. He cautioned that changing the law would mean that it would be applicable to others as well, not just Mr. Thielges. He suggested that if the Board likes this idea, it makes sense to be specific in order to limit it. Circumstances where it would be permitted should be finite, for example if it provides added security on the site, etc., and the use should clearly be secondary to the principal use of the property. By making it subject to a special use permit there would be a level of review for the board to determine any unique factors that would make it appropriate.

Attorney Campbell stated that there is a process involved in this. If the Board is in favor of considering this, he and Mr. Backus could draft a local law for the Board's consideration. He reminded everyone that the draft would have to be sent to the county planning board, then they have to make a recommendation. In addition, there would have to be a public hearing and a SEQR review.

Councilmember English asked Mr. Backus if he is comfortable with this. Mr. Backus answered that he is, if we have the right language. He wants to have control to make sure that it is only applicable when it is appropriate to the situation. He feels that this use is consistent with the area.

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Supervisor Gott shared that he likes the idea of the special use permit. Attorney Campbell cautioned that you have to keep in mind that it is a permitted use. Having to have a conditional use permit does not allow you to categorically deny that use. It is more likely to allow you to put conditions on it and do ongoing reviews. Once you change the code and make it allowed, even with a permit, it is allowed.

Supervisor Gott stated that he would like to see Attorney Campbell and Mr. Backus move forward with drafting a local law which includes conditional use permit language. Supervisor Gott supports small business and thinks this is a good fit.

Councilmember Gascon agreed that he would like to see a draft local law. He asked if it would be possible to grant a permit to Mr. Thielges, until this law is changed. Supervisor Gott answered that we need to move forward with the process.

Dawn Woodburn asked if there could be a limit on the square footage of the living space. Mr. Backus replied yes, and we also need to think about school busses, etc.

RESOLUTION

2-2016

<u>DIRECT ATTORNEY TO WORK WITH BUILDING AND ZONING DIRECTOR</u> <u>TO DRAFT LOCAL LAW</u>

On motion of Councilmember Gascon seconded by Councilmember Seelos the following resolution was

Resolved to direct Attorney Campbell and Building & Zoning Director Backus to draft a local law for the Board's consideration to amend the zoning to allow limited residential use in the commercial/limited industrial district.

RESOLUTION

3-2016

APPROVE MEETING MINUTES FROM 12/3/2015

On motion of Councilmember Gascon seconded by Councilmember Seelos the following resolution was

Resolved to approve the meeting minutes from December 3, 2015.

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TOWN CLERK'S REPORT – DECEMBER 2015

Clerk Hay gave the following financial report for December 2015:

Paid To	Amount Remitted
Supervisor (General Fund)	\$2,723.99
NYS Comptroller's Office (Bingo and Games of Chance)	\$618.75
County Treasurer for Dog Licenses	\$122.50
NYS Ag & Mkts for Spay/neuter Program	\$49.00
NYS DECALS	\$151.14
State Health Department (Marriage Licenses)	\$0.00
Total Disbursements	\$3,665.38

TOWN CLERK 2015 ANNUAL REPORT

Clerk Hay gave the following Annual Report for 2015:

Paid To	2014	2015	+/-
Supervisor (General Fund)	\$31,920.77	\$32,046.22	+\$118.45
County Treasurer for Dog Licenses	\$3,013.50	\$3,027.50	+\$21.00
NYS Comptroller's Office	\$645.00	\$667.50	+\$22.50
NYS Ag & Mkts for Spay/neuter Program	\$1,182.00	\$1,207.00	+\$25.00
NYS DECALS	\$19,608.86	\$20,248.07	+\$639.21
State Health Department (Marriage Licenses)	\$990.00	\$900.00	-\$90.00
Total Disbursements	\$57,360.13	\$58,096.29	+\$736.16

Taxes

2016 Town and County tax bills were all mailed on December 30, 2015. There was a glitch with the county printing the bills, however. There is supposed to be a message printed on the bills indicating if prior years taxes are owing on the parcel, but it failed to print on the bills. The County is researching why this happened. The County provided a list to Clerk Hay of those who are delinquent on prior years, and she has made a notation on each record in the system.

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The new BAS software is working well. So far, no one has paid their taxes via the web site. We have been very busy in the office collecting payments and opening mail.

Town Clerk Updates

• Records Management Grant

 Clerk Hay will be attending a grant training workshop on Tuesday of next week. She plans on writing a grant to pay for Document Content Management Software.

• Workplace Violence

- There will be a Workplace Violence Training at the Town Hall in the Court Room at 9 AM on Monday. Staff who are unable to attend will be able to review a PDF of the training slides.
- The committee hopes to have a policy for the Town Board to consider at the next meeting.

Newsletter

o The next newsletter will be a combination January /February edition.

Laptop

o The Clerk laptop died in December. Clerk Hay purchased a new laptop.

2015 Town Clerk Accomplishments

- **Training** Attending Annual Town Clerk conference, as well as a Records Management Program training offered by the state archives.
- Marriage Officer Clerk Hay performed eleven weddings last year some at the Town Hall and some at the parks or private residences.
- Records Shredding Contracted with Certified Document Destruction & Recycling to provide confidential shredding of records that have met their retention. They will also destroy hard drives, such as the one from the laptop that was recently replaced. The Court Clerk also is taking advantage of this service.
- **AED** An AED was installed at the Town Hall and employees received training. Monthly inspections are completed and documented to keep us up-to-date.
- **Newsletter** Created a monthly newsletter that people can subscribe to receive electronically.
- Adding Village to Web Site Working with DesignFM and Chris Genthner to create new pages for the web site that will feature village information. That process is almost complete. (Hoping to make the switchover next week.)
- Credit/Debit Cards Instituted online dog payments, and started accepting credit/debit at the counter for all clerk fees.

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- Taxes Purchased BAS iTax program, completed training, uploaded 2016 Town & County taxes to web site for viewing, printing and paying online. Discontinued contract with Five Star Bank for tax collection.
- Livingston County Town Clerks Association Elected president (two-year term).
- Livingston County Board of Ethics Appointed to serve.

Councilmember Seelos asked Clerk Hay if she ever got quotes for glass for the Town Clerk counter area. Supervisor Gott answered that she did and the quotes were astronomical.

Deputy Mayor Chris Genthner extended his thanks to Clerk Hay on behalf of the Village for her work to develop the Village pages for the web site. He also thanked the Town Board for their support. He remarked that Clerk Hay and Becky Price (DesignFM) have been professional and easy to work with. Supervisor Gott informed Mr. Genthner that he made the same comment about Mr. Genthner at the last Town Board meeting.

RESOLUTION

4-2016

APPROVE TOWN CLERK'S REPORT FOR DECEMBER 2015

On motion of Councilmember English seconded by Councilmember Seelos the following resolution was

Resolved to approve the December 2015 Town Clerk's Report.

RESOLUTION

5-2016

APPROVE TOWN CLERK'S 2015 ANNUAL REPORT

On motion of Councilmember Seelos seconded by Councilmember Gascon the following resolution was

Resolved to approve the Town Clerk's 2015 Annual Report.

DISCUSSION REGARDING 2016 MEETING SCHEDULE

Clerk Hay asked the Board to consider adopting a meeting schedule for the year that would list all the meeting dates, rather than adopt a schedule of first and third Thursdays. This way, she could publish the schedule once and post it, which would save on legal notice fees. Supervisor Gott agreed that that would be a good idea, and he and Clerk Hay will work on that and present a schedule for consideration at the next meeting.

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RESOLUTION 6-2016

APPROVE 2016 TOWN BOARD APPOINTMENTS

On motion of Councilmember English seconded by Councilmember Seelos the following resolution was

ADOPTED Ayes - 4 (Gott, English, Gascon, Seelos)

Nays – 0

Resolved to approve the following 2016 Town Board Appointments:

DEPUTY SUPERVISOR FRANK SEELOS
TOWN HISTORIAN DOROTHY WILKINS
REGISTRAR COLLEEN WEST HAY

DEPUTY REGISTRAR LEANNE HOLT DEPUTY TOWN CLERK LEANNE HOLT

RECORDS MANAGEMENT OFFICER COLLEEN WEST HAY

MILEAGE RATE 57.5cents /MILE

TOWN ENGINEER CLARK PATTERSON LEE

MEETING DATES TBD

TOWN ATTORNEY
PLANNING BOARD APPOINTMENT
ZONING BOARD APPOINTMENT
CHAIRMAN OF JOINT ZONING BOARD
CHAIRMAN OF JOINT PLANNING BOARD
RICHARD BENNETT

OFFICIAL BANK FIVE STAR BANK/COMMUNITY BANK

PLANNING BOARD SECRETARY TBD

OFFICIAL NEWSPAPER LIVINGSTON COUNTY NEWS

COUNTY TRAFFIC SAFETY BOARD ERIC GOTT

" "ALTERNATE ANGELA GROUSE

OFFICIAL RADIO STATION 1040 WYSL

SUPERVISOR'S APPOINTMENTS

SECRETARY TO SUPERVISOR MIKE LAWTON

TOWN BOARD COMMITTEE APPOINTMENTS

HIGHWAY
RECREATION/YOUTH/ BASEBALL
VITALE AND HEMLOCK PARK LIASON
LIBRARY
EMERGENCY SERVICES LIASON
ANDREW ENGLISH
ANGELA GROUSE
FRANK SEELOS

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JOINT WATER WORKS CLA LIASON TRAIL LIASONS ERIC GOTT AND FRANK SEELOS FRANK SEELOS MATT GASCON

RESOLUTION

7-2016

HIRE JACK SCOTT AS PART-TIME CLERK/PROGRAM COORDINATOR

Supervisor Gott reported that Councilmember Grouse has asked that the Town Board approve the hiring of Jack Scott as part-time clerk/program manager for the library. Councilmember English asked if that is a new position or an existing one, as he has not heard of that yet. Supervisor Gott stated that his assumption is that they are replacing someone. The request originally came from Library Manager Frank Sykes, and then Councilmember Grouse asked to have it on the agenda.

On motion of Councilmember English seconded by Councilmember Gascon the following resolution was

Resolved to hire Jack Scott as part-time clerk/program manager at a rate of pay of \$9/hour for the Livonia Public Library effective 12/23/2015.

DISCUSS UNION CONTRACT

Supervisor Gott reported that Councilmember English and he negotiated the Highway Union contract on behalf of the Town Board. Jim Smith and Ray Gascon negotiated on behalf of the Highway employees, and Attorney Campbell was our representation. He thinks the contract is a good one, and it includes health care and raises in line with what we have offered town employees in the past. He reported that the Highway employees had asked for two additional sick days, but ended up agreeing to the use of the Town dumpster instead. Supervisor Gott contacted Shanks, and learned that we pay the same amount whether the dumpster is full or empty. It does not cost us any more, and the employees were happy with that. Councilmember English thanked Attorney Campbell for representing the Town, which saved the Town money.

RESOLUTION

8-2016

APPROVE UNION CONTRACT

On motion of Councilmember Seelos seconded by Councilmember Gascon the following resolution was

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Resolved to accept the terms that have been negotiated for the Union Contract.

RESOLUTION

9-2016

APPROVE EXTREME LAWN CARE TO SHOVEL AND SALT TOWN HALL AND LIBRARY

Supervisor Gott reported that the park employees no longer wish to shovel and salt the Town Hall and the Library. Clerk Hay placed ads in the County News and the Penny Saver for someone to shovel and salt, but no one applied. Extreme Lawn Care has agreed to perform that service at a cost of \$75 each time, with the Town Hall and the Library considered two separate trips. Extreme Lawn Care provides the ice melt. Dawn Woodburn asked if Supervisor Gott could ask them not to block the handicapped parking when they come.

On motion of Councilmember English seconded by Councilmember Gascon the following resolution was

Resolved to approve Extreme Lawn Care to shovel and salt Town Hall and Library sidewalks at a cost of \$75 per trip per location.

RESOLUTION

10-2016

APPROVE TWELVE MONTH EXTENSION FOR INTERMUNICIPAL AGREEMENT FOR MACHINERY, TOOLS, EQUIPMENT AND SERVICE SHARING

On motion of Councilmember Seelos seconded by Councilmember Gascon the following resolution was

WHEREAS, New York State Highway Law §133-a authorizes the County to enter into agreements to permit the use of County-owned machinery, tools or equipment by other municipal corporations; and

WHEREAS, it would be in the Town's interest to enter into such an agreement with Livingston County, now, therefore, be it

RESOLVED, that the Supervisor of the Town of Livonia is hereby authorized to sign a contract extension for the joint services agreement, the format of which is attached to this

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resolution, with Livingston County, to terminate on December 31, 2016.

DISCUSS METAL DETECTOR

Supervisor Gott mentioned that Kolleen Redman approached him regarding an opportunity to obtain a metal detector from Monroe County for use on Court nights. He asked the Board if they were interested. The Board asked him to look into it. Dawn Woodburn asked if it would be possible to use it on grievance nights. Supervisor Gott said that if we get it, we would have to look into the logistics because someone has to operate it.

RESOLUTION

11-2016

APPROVE TOWN OF LIVONIA 2016 SALARY SCHEDULE

On motion of Councilmember Gascon seconded by Councilmember English the following resolution was

Resolved to approve the following Town of Livonia 2016 Salary Schedule:

TOWN OF LIVONIA 2016 Budget

SCHEDULE OF SALARIES AND HOURLY RATES (Article 8 of Town Law)

<u>POSITION</u>	<u>SALARY/RATE</u>	
ELECTED OFFICIALS		
Councilman	6,995	
Supervisor	36,830	
Highway Superintendent	62,439	
Justice	12,928	
Town Clerk	41,275	
GENERAL STAFF		
Clerk to Justice	14.52/hr.	
Deputy Town Clerk	15.32/hr.	
Assessor (part-time)	35,435	
Clerk to Assessor	14.52/hr.	

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Secretary to Supervisor Cleaner (Shelia)	41,346 13.06/hr.	
HIGHWAY DEPARTMENT M.E.O. Deputy Highway Supt.	23.26/hr. 24.26/hr.	(contract)
LIBRARY		
Library Manager Senior Library Clerk Library Clerk (Pam) Clerk (Lysa) Clerk (Marian) Clerk (Eileen) Page (Jeanne) Clerk (Jack) Cleaner (Pam) BUILDING & ZONING	43,203 19,627 21,972 9.78/hr. 9.65/hr. 10.60/hr. 9.00/hr. 11.42/hr.	
Code Enforcement Officer	57,793	
Clerk (Betty)	14.05/hr.	
PARKS & RECREATION		
Recreation Director Recreation Leader(s) Recreation Aides Baseball Commissioners Park Manager (Maurice) Cleaners Historian	17,717 TBD TBD TBD 14.90/hr. 10.81/hr. 4,121	
JOINT ZONING BOARD OF APPEALS ZBA Member	520/annum.	
7RA Chairnerson	1.560/annum	

ZBA Chairperson 1,560/annum.

JOINT PLANNING BOARD

Board Member 520/annum Board Chairperson 2,080/annum

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WILKINS CREEK STUDY

Supervisor Gott announced that the grant application for a study to determine where the water is coming from that floods Wilkins Creek and how to mitigate the storm water runoff has been funded. The Town, Village and County applied jointly.

2015 BUDGET UPDATE

Supervisor Gott revealed that the Town continues to be in good shape financially. As of 12/23/2015, with one payroll left and one abstract to pay, revenues in the A Fund were \$150,000 above where we anticipated and expenditures were \$250,000 less. All funds had similar results. He will report the final results at the first meeting in February.

CORRESPONDENCE

o Letter from NYMIR regarding inspections.

LIBRARY PROJECT

Supervisor Gott explained that the Board is not going to discuss the library project because Councilmember Grouse was not able to be at the meeting tonight. He plans to discuss it at the next meeting.

RESOLUTION

APPOINT COUNCILMEMBER GASCON AS MARRIAGE OFFICER FOR A DAY

12-2016

Councilmember Gascon asked the Board to appoint him as a temporary Marriage Office for one day – January 20, 2016. He would like to officiate a wedding for friends that had to move their wedding day up due to the health of a family member.

On motion of Councilmember Seelos seconded by Councilmember English the following resolution was

Resolved to appoint Councilmember Gascon as temporary marriage office for the day of January 20, 2016.

PRIVILEGE OF THE FLOOR

A resident asked what the Town Board was going to do with the JECC. Supervisor Gott answered that the Board will have to discuss it. He thinks that the Council on Alcohol Abuse might be interested in purchasing it.

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RESOLUTION 13-2016
AUDIT OF CLAIMS
On motion of Councilmember English seconded by Councilmember Gascon the
following resolution was
ADOPTED Ayes - 4 (Gott, English, Gascon, Seelos)
Nays – 0
Resolved to pay claims 2833-2890 in the amount of \$65,198.10 from the Abstract dated 12/21/2015.
RESOLUTION 14-2016
AUDIT OF CLAIMS
On motion of Councilmember Gascon seconded by Councilmember Seelos the following
resolution was
ADOPTED Ayes - 4 (Gott, English, Gascon, Seelos)
Nays – 0
Resolved to pay claims 1-30 in the amount of \$174,439.81 from the Abstract dated $1/7/2016$.
With no further business, on a motion of Councilmember Seelos seconded by
Councilmember Gascon the meeting was adjourned at 8:05 PM. Carried unanimously.
z j

Colleen West Hay, Town Clerk

Respectfully Submitted,