

TOWN BOARD
JANUARY 9, 2008

The Organizational and Regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Mark Hennessey, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to the Organizational and Regular Meeting of the Town Board. He invited new Town Board Member Mark Hennessey to lead the pledge of allegiance.

Supervisor Cunningham explained this was the Organizational meeting part of the agenda and asked if there was any public comment. There was none.

The Supervisor proceeded to go to the agenda items. The first item was in accordance with Town law Section 42, to appoint a Deputy Supervisor. He asked for a motion to appoint Daniel G. Plummer. Councilman Messina said this is a Town Board action not a Supervisor action. He said he does not think this is a correct statement on the agenda and he thought the item should be tabled and further discussion ensue. Supervisor Cunningham said the motion is to appoint Dan Plummer as Deputy Town Supervisor. He said he was putting the motion forward.

Councilman Messina asked if motions were supposed to be accurately described on the agenda before they get them, completely. Town Attorney Potter said he did not have an opportunity to look at Section 42 of the Town Law. He said he assumed as stated that if the Supervisor fails to appoint within 5 days, that it would be a determination of the Town Board. He said the agenda does state that it is to be the Supervisor, however, he does not think it is a material discrepancy between the notice and what the Board is being asked to do at this meeting. He said on the basis of that, he thought the Board could vote. Councilman Messina said he thinks out of respect, there is a material discrepancy because what is before us to act is not what is required in the law even though the Supervisor has made a change there. He said he thought there should be further discussion of this point because now it gets to be a Town Board issue rather than the Supervisor. He said it would seem that the 5 Board Members Or at least 4 of them are expecting according to this the Supervisor appoints and he does not. Councilman Messina further said some communities do not have a Deputy Supervisor and others do. He said generally it is a Town Board Member who is made the Deputy Supervisor and he thinks, given that it might be appropriate to take a little while to discuss this further.

Supervisor Cunningham said he was going to go ahead and ask for vote at this point. He asked for a vote from the Board.

The motion was made by Mr. Cunningham and seconded by Mrs. Dawson to approve the appointment of Daniel G. Plummer to the position of Deputy Supervisor. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: Mr. Messina.

Absent: None.

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Supervisor Cunningham thanked the Board.

The next item was Pursuant to Sections 20 and 24 of the New York State Town Law appoint Town Attorney, James Potter.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of James Potter, Town Attorney. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The following item was to acknowledge that no formal action needs to be taken at the organizational meeting to further approve salaries for employees and other officials. In accordance with the established policies within the employee handbook, and as per the terms of any applicable bargaining unit agreements, the salaries for 2008 have been provided for within the 2008 budget. The Town Board has approved 2008 salaries by its action to approve the final budget on November 14, 2007.

The next item was to appoint Commissioner of Public Works, Joseph Cansler.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the appointment of Commissioner of Public Works, Joseph Cansler. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to authorize Highway Department salaries according to approved grade/step schedule for 2008, as follows:

<u>TITLE</u>	<u>GRADE LEVEL</u>
Assistant Director of Highway Operations	20
Highway Foreman II	17
Highway Foreman I	16
Equipment Operator II – Maintenance Mechanic	15
Automotive Mechanic	14
Equipment Operator II	13
Equipment Operator I	12
Laborer II	10
Laborer I	7
Part-time Laborer	\$9.00/hour \$8.50/hour

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to approve the Highway Department salaries according to the approved grade/step schedule for 2008. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to authorize Public Works Department salaries according to approved grade/step schedule for 2008, AS FOLLOWS:

<u>TITLE</u>	<u>GRADE LEVEL</u>
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Town Engineer	25
Director of Field Operations	23

<u>TITLE</u>	<u>GRADE LEVEL</u>
Chief Water Treatment Plant Operator	23
Deputy Chief Water Treatment Plant Operator	19
Chief Sewage Treatment Plant Operator	22
Assistant Chief Sewage Treatment Plant Operator	18
Foreman II	18
Foreman I	16
Instrumentation Mechanic/Pump Station Mechanic	14
Senior Water Treatment Plant Operator	16
Utility Locator	14
Manager of Clerical Operations	14
Administrative Asst. I	12
Administrative Aide	10
Senior Sewage Treatment Plant Operator	16
Water Treatment Plant Operator	13
Sewage Treatment Plant Operator	13
Instrumentation Technician	14
Water Treatment Plant Operator Trainee	9
Senior Water & Sewer Maintenance Person	13
Water & Sewer Maintenance Person	11
Utility Service Helper	7
Equipment Operator II - Maintenance Mechanic	15
Equipment Operator II	13
Equipment Operator I	12
Utility Billing Clerk	8
Senior Utility Billing Clerk	11
Clerk-Typist II	8
Clerk-Typist I	6
Temporary Employee	- Hourly Rate Range from
Meter Reader	Minimum wage to \$17.00/hour
Temporary Clerk - Typist	-commensurate with duties performed.
Senior Engineer	21
Assistant Engineer	19
Principal Engineering Technician	17
Senior Engineering Technician	14

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Engineering Technician	11
Engineering Aide I	7
Draftsman	7

(Longevity pay to be added to above salary rates in accordance with Town Board policy.)

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the Department of Public Works salaries according to the approved grade/step schedule for 2008. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
 Noes: None.
 Absent: None.

The following list of part time employees is presented for approval.

FULL TIME

<u>TITLE</u>	<u>NAME</u>	<u>F-T GRADE</u>
Clerk Typist I	Vadney, Lois	6
Clerk Typist I	McCarroll, Bella	6
Clerk Typist I	Boughton, Karen	6
Clerk Typist I	Hahn, Patricia	6
Youth Employ.	Lackner, Susan	14
Recycling Coord.	Fisher, Sharon	11
Asst. Bldg. Insp.	Dominelli, Edward	15
Temporary Senior Assessment Clerk	Granito, Karen	11

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the above list of part time employees. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
 Noes: None.
 Absent: None.

The next item was to authorize the appointment of Susan Leath, Town Historian.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the appointment of Susan Leath as Town Historian. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
 Noes: None.
 Absent: None.

The next item was to approve the appointments for the Board of Appeals.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the following appointments:

Chairman	Michael Hodom
Member (Term expiring 12/31/11)	Matthew C. Watson
Member (Term expiring 12/31/12)	David R. DeCancio

Councilman Messina asked for discussion on this item. He said he had a chance to go out and talk with the candidates, Mr. Watson and Mr. DeCancio, both of which have contributed to our community and he thinks are great people. He said he would like to have a little dialogue at this point. He said the dialogue relates to the fact that the Zoning Board of Appeals is a quasi judicial entity, is one where experience really counts. He said in making 2 appointments of people who with all due respect have excellent backgrounds in legislation, in public affairs, in advocacy and he would like to suggest a little different direction for the Board to consider.

Mr. Messina said he realizes these are 5 year appointments and he subscribes to and support the notion of bringing new perspective and new philosophies into our Boards. He said he wanted to suggest that they consider making 1 new appointment and reappoint someone he also interviewed and is on the Zoning Board now, Gilbert Brookins. He said he asked for consideration of this noting that Mr. Brookins has been on the Board for 10 years, noting he has filled in for the director when the director is not there and is well steeped in lots of planning and zoning areas. He also noted Mr. Brookins is a professor at Siena College and his background is business. He said he thinks it stands as well to have someone on the Board with a background in business and also he talked with Mr. Brookins whether or not rather than a 5 year appointment he consider a 1 to 2 year appointment to help with the transition. He said he thinks this makes sense. Councilman Messina said since he is bringing new information in the interviews that he has done with all of the Board members or perspective Board members.

Supervisor Cunningham asked if there was any further discussion. Councilman Kotary said 2 things, one that he wanted to go on the record as supporting Mike Hodom for Chairman and Mr. Watson and Mr. DeCancio for the Zoning Board and in terms of the terms, he wanted to check with Counsel. He said he thought the terms are set at 5 years, not sure that the Board has the authority to change that. Town Attorney Potter said this was correct. He said it would be in Article 16 of the Town Law. He said he believes, subject to check, that it does establish the term there. He said there would be an elaborate procedure that the Board might use to supersede State law, noting they would not be able to do it at this meeting.

Supervisor Cunningham asked if there was any further discussion. Councilman Messina said for the rest of the Board without getting into additional statutory revisions, he asked the Town Attorney if a person could agree to serve for 2 terms on their own volition. Town Attorney Potter said he thought a person could, of course, indicate that it is their intention to resign after 1 or 2 years but there would be no ability on the part of the Board to hold them to that. He said they would be appointed to a 5 year term and would have the ability to serve out that term if they so chose. Councilman Messina said he would take, frankly, a person's written word like Mr. Brookins on a point like that as good faith and intention. He said he does not think he would go back at his word.

Supervisor Cunningham asked for a vote.

Councilman Dawson asked if the 2 new members would be filling previous positions. Supervisor Cunningham said Mr. Watson's nomination was to fill the unexpired term of Mark Hennessey who resigned to take a seat on the Board. He said Mr. DeCancio is being appointed to fill the vacancy created at the end of Mr. Brookins term. Mrs. Dawson asked about the length of term. The Supervisor noted Mr. DeCancio's is a 5 year term. Mrs. Dawson thanked the Supervisor.

The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: Mr. Messina.

Absent: None.

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Councilman Messina explained that he was opposed not that it has anything to do with the qualifications of the 2 individuals or their interest or their capability. He said it is a process issue and frankly lack of dialogue on this issue. He said that was why he was opposed.

The next item was to approve appointments for the Planning Board. The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the following appointments:

Chairman	Parker Mathusa
Member	Nicholas A. Behuniak

Planning Board
(Term expires 12/31/2014)

The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to approve the appointment of the following Counsel to serve at the pleasure of the Town Board, in the following capacities but subject to the direction of the Town Attorney who may assign them to any additional subject matter or capacity, as and where needed.

Water & Sewer District	Thomas Newman	Claim Basis
Town Court Attorneys	Andrew Kirby	\$15,355
	Thomas Newman	\$15,355
Planning Board	Keith Silliman	\$20,961
Zoning Board of Appeals	Michael Moore	\$20,961
Labor/Police	Michael Smith	Claim Basis

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the prior appointments. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The following item was to approve the appointment of Director of Economic Development and Planning, George Leveille.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of George Leveille to the position of Director of Economic Development and Planning. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to approve the appointment of the following School Crossing Guards:

Hugh Tuohey
Isabel D. Glastetter
William Gathen
Lawrence Becker
Raymond Linstruth
Bertie C. Reed

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the previous School Crossing Guards. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.
Absent: None.

The next item was in accordance with Public Health Law to appoint Kathleen A. Newkirk as Registrar of Vital Statistics for period January 1, 2008 through December 31, 2009.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the appointment of Kathleen A. Newkirk as Registrar of Vital Statistics. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

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The next item was to acknowledge receipt of a communication from Town Clerk/Registrar, Kathleen A. Newkirk, MMC, RMC, regarding appointment of Deputy Registrar of Vital Statistics, Colleen Hummel and Sub-Registrar of Vital Statistics, Julie McNeil for the period January 1, 2008 through December 31, 2009.

The following item was a recommendation from Commissioner of Public Works, Joseph Cansler, regarding appointment of Kenneth E. Drautz as Consultant Chemist and Special Consultant for Water Division of the Department of Public Works.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the appointment of Kenneth E. Drautz, Consultant Chemist and Special Consultant for Water Division of the Department of Public Works. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to approve the appointment of Supervisors for the Fire Training Ground for 2008:

Richard Webster
Dan Ryan
Gregory Gould
Joe Michaniw
Craig Sleurs

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the appointment of the previously named Supervisors for the Fire Training Ground for 2008. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to adopt a resolution authorizing membership dues for Town of Bethlehem employees as per the list attached to the resolution.

RESOLUTION No. 1

WHEREAS, the Town Board has held an organizational meeting for the year 2008, according to law,

NOW, THEREFORE, BE IT RESOLVED, that the attached list (on file in the Town Clerk's office) of membership dues for various Town departments are hereby authorized to be paid.

The foregoing resolution was presented for adoption by Mrs. Dawson, seconded by Mr. Kotary and duly adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was to authorize Town Superintendent of Highways, Gregg Sagendorph, to make highway purchases in an amount not to exceed \$10,000.00 without prior approval of the Town Board.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve Gregg Sagendorph, Superintendent of Highways, to make highway purchased in an amount not to exceed \$10,000.00 without prior approval of the Town Board. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was in accordance with provision of Section 303 Multiple Residence Law, authorize following appointments:

Fire Marshal	Gil Boucher
Bethlehem Emergency Management Office Director	John E. Brennan
Fire Inspectors	Jason Tice Greg Gould Bill Webb Bill Borger Bob Miller

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the previous appointments. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was to approve the appoint Jacqueline Conti, Member of the Board of Assessment Review for the term 01/09/08 through 9/30/2012.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to appoint Jacqueline Conti, Selkirk, NY to the position of Member Board of Assessment Review for the term 01/09/2008 through 09/30/2012.

Councilman Messina noted he did not see a resume for this appointment in the packet. He said he did not know if one exists or if the Supervisor has one. He said with respect to things like the Assessment Review Board, the resume, the person's background is important to consider. He said he did not know if the Supervisor has seen the resume but he has not. Supervisor Cunningham said unfortunately he did not ask for it prior to the meeting. He said he knows Mrs. Conti for probably 15 years noting she is an appraiser and attorney and has a practice here in Bethlehem. Councilman Messina thanked the Supervisor and asked if this was going to be discussed. Supervisor Cunningham said he guessed so.

Councilman Messina said he did not believe he had to ask for the resumes because normally they are in the package noting that is how the Town Board operates. He said it would help particularly since with the Assessor there was an

issue that he called about and told the Supervisor to check on that to do the right thing. He said when this was questioned, Mrs. McVee did the right thing and indicated she would not do real estate brokerage work in this Town. He said what he is asking for is a resume. Supervisor Cunningham thanked Mr. Messina.

The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The following item was to set the mileage rate of \$.505 per mile (standard IRS mileage rate) for personnel who use their automobiles in the performance of the duties of their offices to be paid on presentation of duly itemized claims for audit by the Comptroller in accordance with Town Law, Section 102, Subdivision 1.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the mileage rate of \$.505 per mile (standard IRS mileage rate) for personnel who use their automobiles in the performance of the duties of their offices to be paid on presentation of duly itemized claims for audit by the Comptroller in accordance with Town Law, Section 102, Subdivision 1. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

PETTY CASH FUNDS - Establish in accordance with Town Law,

Section 64, Subdivision 1 (a)

Receiver of Taxes and Assessments	\$300.00
Town Clerk	200.00
Comptroller	200.00
Water District No. 1	200.00
Town Justice Department	200.00
Police Department	400.00
Recreation Department Office	150.00
Parks Pool	200.00
Highway Department	200.00
Sanitation Department	200.00

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the previous Petty Cash Funds as per Town Law, Section 64, Subdivision 1(a). The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

Designate Holidays for Town of Bethlehem employees:

2008

January 1	New Years
January 21	Martin Luther King's Birthday
February 18	President's Day
May 26	Memorial Day
July 4	Independence Day

September 1	Labor Day
October 13	Columbus Day
November 4	Election Day
November 11	Veterans' Day
November 27,28	Thanksgiving Day
December 24	½ day Christmas Eve
December 25	Christmas Day

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the previous list of holidays for the year 2008 for the Town of Bethlehem. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was to designate banks as the depositories in which all Town officers shall deposit all money coming into their hands by virtue of their offices:

Key Bank, N.A. Albany, NY	M and T Bank Albany, NY	T. D. Bank North Glens Falls, NY
J.P. Morgan-Chase Albany, NY	Citizens Bank Albany, NY	Bank of America Albany, NY
HSBC Bank Albany, NY	Pioneer Savings Bank Troy, NY	First Niagara Bank Albany, NY

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the previously listed banks as depositories in which all Town officers shall deposit all money coming into their hands by virtue of their offices. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was to acknowledge receipt of Notice from Association of Towns regarding 2008 Annual Meeting in New York City to be held February 17, 18, 19 and 20, 2008.

The next item was to set the Regular Town Board Meetings for the 2nd and 4th Wednesdays of each month beginning at 6:00 p.m. The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve setting the regular Town Board Meetings on the 2nd and 4th Wednesdays of each month beginning at 6 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was to set the Official Hours for business at Town Hall 8:30 A.M. – 5:00 P.M. The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the setting of Official Hours for business at Town Hall, 8:30 a.m. to 5:00 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

Designate an Official Newspaper of the Town - THE SPOTLIGHT and also designate the Times Union, and the Ravena News Herald as additional newspapers for the publication of notices, resolutions and ordinances.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the Official Newspaper of the Town - THE SPOTLIGHT and also designate the Times Union, and the Ravena News Herald as additional newspapers for the publication of notices, resolutions and ordinances. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

Authorize the Supervisor to execute the following Leases for 2008:

Water District No. 1 - Town Hall	\$10,000
Sewer District - Town Hall	\$10,000
Sewer District - Town Garage, Adams St.	\$30,000
157 Lyons Road (Henry Hudson Park residence)	
27 Patton Road (New Salem Treatment Plant residence)	

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the Supervisor executing the following Leases for 2008:

Water District No. 1 - Town Hall	\$10,000
Sewer District - Town Hall	\$10,000
Sewer District - Town Garage, Adams St.	\$30,000
157 Lyons Road (Henry Hudson Park residence)	
27 Patton Road (New Salem Treatment Plant residence).	

The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following Item was to authorize the Supervisor to execute an Agreement with Callanan Industries - Firearms Training Site - Quarry – 2008 - \$1.00.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the Supervisor executing an Agreement with Callanan Industries for the Firearms Training Site, Quarry for 2008 at a cost of \$1.00. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was a request from the Town Engineer to modify the hourly rate fee schedule for Engineering Division field inspections and review according to attached.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the modification of the hourly rate fee schedule for the Engineering Division as submitted by Town Engineer, Erik Deyoe dated 2 January 2008. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was to consider adoption of a change in Building Permit fees and Fire Inspections according to attached schedule.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the adoption of a change in Building Permit fees and Fire Inspections according to the schedule submitted by Deputy Director of Economic Development and Planning, Michael Morelli, and Assistant Building Inspector, Gil Boucher, dated December 20, 2007.

Councilman Messina said he was interested in the fire inspection program in terms of our coverage. He said he noted the memorandum says it is done on an annual basis and takes about 1 full time personnel's time and inquired as to how this is going and what the future looks like given the health, safety issue. Mr. Boucher said there is one fire inspector doing the job. He said she is out there every day putting all the items on the computer so everything is computerized. He said right now they are keeping up with it but there are a lot of new things coming up. He said he thinks they will be all right for this year and see how they do for the next year.

Councilman Messina asked from the new fees, the additional amount of revenue, a range that might be seen from this. Mr. Boucher said they are looking at approximately \$20,000 to \$25,000 a year. Mr. Messina thanked Mr. Boucher.

The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc. - 2008 - \$3,000.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Supervisor executing an Agreement with Albany Honor Court Program, Inc. for the year 2008 at a fee of \$3,000. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was to adopt Resolutions for facsimile signature for checks drawn on accounts at Key Bank, N.A. and J. P. Morgan Chase. The following resolutions were presented:

RESOLUTION No. 2

RESOLUTION NECESSARY FOR FACSIMILE SIGNATURES

RESOLVED: That checks of this corporation, drawn on Key Bank, N.A., may be signed by the printed facsimile signature of the Supervisor, John H. Cunningham, of this corporation, with like force and effect as if said facsimile signature had been affixed by such officer or either of them, manually, and that said Bank is hereby authorized, empowered and directed to pay said checks so drawn and to charge the same to the account of this corporation, with like force and effect

as if said signature had been affixed by such officer or either of them, manually, and be it

FURTHER RESOLVED: That all of the terms and conditions embodied in the agreement between said Bank and this corporation, as the same appears upon the original signature card of this corporation now in the filed of said Bank, shall apply to all checks of this corporation so signed, and be it

FURTHER RESOLVED: That said Bank shall not be liable for and that this corporation does hereby waive any claim which it may have against said Bank, and does hereby agree to defend, indemnify and save harmless said Bank from any liability, loss or damage incurred by it for paying or charging to the account of this corporation any checks to which such facsimile signature may have been affixed without authority, by the unauthorized use of the machinery and equipment by which such facsimile signatures to such checks other than such die, device, machinery or equipment used by this corporation for that purpose.

The foregoing resolution was presented for adoption by Mr. Kotary, seconded by Mr. Messina and duly adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

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RESOLUTION No. 3

RESOLUTION NECESSARY FOR FACSIMILE SIGNATURES

RESOLVED: That checks of this corporation, drawn on J. P. Morgan Chase, may be signed by the printed facsimile signature of the Supervisor, John H. Cunningham, of this corporation, with like force and effect as if said facsimile signature had been affixed by such officer or either of them, manually, and that said Bank is hereby authorized, empowered and directed to pay said checks so drawn and to charge the same to the account of this corporation, with like force and effect as if said signature had been affixed by such officer or either of them, manually, and be it

FURTHER RESOLVED: That all of the terms and conditions embodied in the agreement between said Bank and this corporation, as the same appears upon the original signature card of this corporation now in the filed of said Bank, shall apply to all checks of this corporation so signed, and be it

FURTHER RESOLVED: That said Bank shall not be liable for and that this corporation does hereby waive any claim which it may have against said Bank, and does hereby agree to defend, indemnify and save harmless said Bank from any liability, loss or damage incurred by it for paying or charging to the account of this corporation any checks to which such facsimile signature may have been affixed without authority, by the unauthorized use of the machinery and equipment by which such facsimile signatures to such checks other than such die, device, machinery or equipment used by this corporation for that purpose.

The foregoing resolution was presented for adoption by Mr. Kotary, seconded by Mr. Messina and duly adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The following item was to approve the charge of 25 cents per page to be charged for all Freedom of Information requests and any other materials that are requested by the general public for copying.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the charge of 25 cents per page to be charged for all Freedom of Information requests and any other materials that are requested by the general public for copying. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to approve the charge of a \$20 fee for dishonored checks, as authorized by Section 85 of General Municipal Law (Section 5-328 of the General Obligations Law sets the maximum fee at \$20.)

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the charge of a \$20 fee for dishonored checks, as authorized by Section 85 of General Municipal Law (Section 5-328 of the General Obligations Law sets the maximum fee at \$20.) The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to authorize the Supervisor to execute an Agreement with the Town's insurance carrier to have a Public Officials Liability Policy, as well as, a Fidelity Bond in effect for the year 2008.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to authorize the Supervisor to execute an Agreement with the Town's insurance carrier to have a Public Officials Liability Policy, as well as, a Fidelity Bond in effect for the year 2008. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to approve the appointment of the firm of Teal, Becker and Chiamonte, CPA's, to conduct the annual audit for the year ended December 31, 2007.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of the firm of Teal, Becker and Chiamonte, CPA's, to conduct the annual audit for the year ended December 31, 2007. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was to authorize the Supervisor to execute Agreements with the Delmar-Elsmere-Slingerlands Ambulance Company, the Bethlehem Volunteer Ambulance Company and the Western Turnpike Rescue Squad.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to execute Agreements with the Delmar-Elsmere-Slingerlands Ambulance Company, the Bethlehem Volunteer Ambulance Company and the Western Turnpike Rescue

Squad. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was to approve authorization to empower the Town Supervisor to declare an emergency situation and close Town of Bethlehem's facilities as deemed appropriate including release of designated personnel.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve authorization to empower the Town Supervisor to declare an emergency situation and close Town of Bethlehem's facilities as deemed appropriate including release of designated personnel. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

Supervisor Cunningham noted this was the end of the Organizational Meeting items and the Board would go into the regular agenda items. He asked if there were any public comments on agenda items.

Mrs. Marie Capone said she has been attending Town Board meetings since 1978, longer than anyone in this Town. She said she has seen them all come and go. She said the first sentence said salary unlisted on the agenda, noting there is not one salary listed here. She said with the Republican everything was open and they had everything. She said with Supervisor Egan she built a pool thing for \$750,000 at the Park and they learned about it when it was there. She said it is the taxpayers money, paying for it and they have the right to know it before not after.

Supervisor Cunningham said all the numbers that she was looking for are published in the budget and noted she was at some of the budget sessions so they are in the papers that she has and all the information is completely FOILable if you contact Town Clerk Newkirk. Mrs. Capone said yes, it was always given to the public. She said they never had to ask for it. The Supervisor again said it is completely available noting to the degree they can provide some privacy to Town employees by not publishing their salaries on an agenda, he thinks it is appropriate. He said it is still completely FOILable information.

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Mr. Robert Jasinski of Bender Lane said this his comment was for Mr. Potter. He said in past years he has always mentioned this agreement with Callanan Industries on the Fire Arms Training. He asked if the Town was liable for the lead content that is put into that land location or covered under the liability. Town Attorney Potter said if it constitutes pollution, the Town is liable for the pollution that is caused. He said he has not checked the policies to see if there is an exclusion for that. He said he knows most policies written now have that type of exclusion but for as long as the Town has used that, the Town would be responsible for that.

Mr. Jasinski said he knows other police agencies also use it. He said it might be something for Mr. Potter to look into to protect the Town. He said it is a minor thing but it could become a major thing. Town Attorney Potter said unfortunately he did not think insurance could be obtained for that risk in today's insurance and environmental climate. He said the Town does remain responsible for any discharges that have occurred in the past. Mr. Jasinski said a little note in small print in the lease or something that someone might not notice could cover the Town. Town Attorney Potter said he did not think they could put that responsibility on Callanan for our dollar a lease payment a year. He said it is a nice idea.

Mr. Jasinski said the other thing is adoption of change in building permit fees and said this may be in the budget but asked to be informed of the difference. He said people here are expertise in this. Supervisor Cunningham said it is a whole schedule and he can get a copy of it. Mr. Jasinski asked if it was going up 5 or 10 percent and noted he thought it was going up and not down. Supervisor Cunningham said he was correct in that and asked Building Inspector Boucher if he had that, asking if it was okay if he just got to the schedule and then discuss this. Deputy Director, Michael Morelli, gave Mr. Jasinski a copy of the schedule. The Supervisor said he did not think it was a set percentage, it was just rounding up numbers.

Mr. Morelli said it is not a rise in any fee, per se. Right now, he explained, the Town is required by State law to conduct fire inspections. He said they have been doing them in accordance with the State Code for free. He said it takes a full time Building Inspector, a full time job, to do the approximately 800 inspections a year. He said they are consistent with other municipalities. He said every other municipality in the area charges for these inspections and they are recommending that in lieu of doing them for free, that they would be done at a fee schedule and only for commercial properties and multi-family residences. He said single family houses are exempt and 2 families are exempt. He said the other fee that is proposed is for roofing. He said the NYS Building Code requires certain performance to be done on roofs; snow and ice shields are now required under the State Code. He said they have no way of verifying if that work is being done and recommending an inspection be implemented, \$35 base fee for inspections and it goes up based on the size and cost of the roof. He noted maximum fee would be \$83.

Mr. Morelli said also for fences, the Town zoning code has a number of requirements for fences – the heights, location, how close to property lines, etc. – but no building permit requirement for that. He said they get calls from residents all the time asking what the requirements are. He said they tell them what the code says but again, they have no way of verifying that the fences are being installed in accordance with the code because there is no inspection fee. He said it is a minimal fee of \$35, maximum for a very expensive fence would \$83.

Mr. Morelli said the important thing is fire inspection fees mandated by the State, noting every other municipality charges and we have been doing them for free. He said they are recommending a fee consistent with what other municipalities charge. Mr. Jasinski asked how much and Mr. Morelli said he would give him a list.

Mr. Jasinski said he also suggests that if the fire inspector is going to inspect a business or something like this, that they send a letter out stating something to the effect that there will be an inspection this year on your property and note the charges. He said it seems like we are starting a fee, lots of expenses, to people under fees to businesses and everything like this. He said he just does not think it is fair to just walk in and then slap a fee. He thanked the Board.

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Supervisor Cunningham asked if there were any other comments on agenda items. There were none.

The first item on the agenda was to approve the Town Board minutes of December 12, 2007. Supervisor Cunningham noted Mr. Hennessey should abstain from this motion.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Town Board minutes of December 12, 2007 as submitted. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: Mr. Hennessey.

The next item was a request from GIS Specialist, Jason Baum, for approval to go to bid for one (1) Trimble 5800 Dual Channel GPS Receiver and Supplemental Equipment. Could advertise January 16, 2008 with bid opening on January 22, 2008. Councilman Hennessey asked for an explanation of what this is. Mr. Baum explained it is a survey grade geographic positioning system receiver. He said it is able to determine the position of objects. Mr. Hennessey asked what this equipment will do, noting it was kind of explained in the memo, for explanation to the public.

Mr. Baum said it is part of a project to locate all Town infrastructure and enter it into the GIS system as part of an overall asset management program. He said it will also comply with other things that make it necessary to locate things in the Town. Mr. Hennessey thanked Mr. Baum. Mr. Baum said it will also allow the engineering department instead of using surveying equipment like transits to do stake out and other construction surveying with that unit which is more efficient. Councilman Hennessey thanked Mr. Baum.

Councilman Messina asked about the location that can be done and if it includes infrastructure which is below ground. Mr. Baum said the way that would be done as part of an overall project that has been going on for about 2 years. He said they have scanned the existing engineering as built drawings, also called record drawings, as part of a New York State Records Management Grant. He said those are being geo-referenced or put into their proper place by giving all 4 corners of that image coordinates and it can then be tied into space by GPSing the above ground things that are visible. He said this gets to be like connecting the dots with the record drawing in the background to get the underground infrastructure, the sub-grade is invisible unless there is a paint mark from UFPO activity but by getting all the above ground infrastructure and then seeing on the record drawing what is below you can draw the below grade infrastructure in.

Councilman Messina asked if aging information can be applied to that to give some sense of where there might be failure rates and things once it is GPS retrievable. Mr. Baum said once the GPS information is entered into the geographic information system all the information from the record drawings that is in background will be key typed in so that the age information is part of the title block of the record drawing. Mr. Messina thanked Mr. Baum.

Supervisor Cunningham asked if there were any other questions for Jason.

The following resolution was offered by Mr. Mr. Messina and seconded by Mr. Hennessey:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) Trimble 5800 Dual Channel GPS Receiver and Supplemental Equipment, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of January, 2008 and that bids be received up to 3:00 p.m. on the 22nd day of January, 2008 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was a request from Director, Senior Citizens Services, Karen Pellettier, for approval of acceptance of \$100 donation to the Bethlehem Senior Chorus from Ohav Shalom Apartments for the program expenses with primary purpose of purchase of sheet music.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to

approve the acceptance of \$100 donation to the Bethlehem Senior Chorus from Ohav Shalom Apartments for the program expenses with primary purpose of purchase of sheet music as requested by Karen Pellettier, Director of Senior Citizens Services. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of going to bid for Pool Chemicals.

The following resolution was offered by Mrs. Dawson and seconded by Mr. Hennessey for adoption of the following resolution:

WHEREAS, the Town desires to advertise for bids for the purchase of Sodium Hypochlorite Solution for the pool at Elm Avenue Park, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of January, 2008 and that bids be received up to 3:00 p.m. on the 30th day of January, 2008 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department, as listed in the Memorandum dated January 9, 2008 at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for various commodities for 2008. Could advertise January 16, 2008 and open bids on January 31, February 1 and February 4, 2008.

The following resolution was presented for adoption by Mrs. Dawson and seconded by Mr. Kotary:

WHEREAS, the Town desires to advertise for bids for the purchase of Gasoline and Diesel Fuel; Heating Oil; Crushed Stone; Gravel; Topsoil; Guide Rail; Rental of Track Excavator; Rental of Construction Equipment; Utility Repair Crews; Milling; In-Place Paving; Plastic Pipe; Corrugated Metal Pipe; Precast Concrete Manholes; and Iron Castings, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of January, 2008 and that bids be received at the various times indicated on January 31, 2008; February 1, 2008 and February 4, 2008 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.
Absent: None.

Supervisor Cunningham said before the public comments, he had 2 items to make note of. One is the fact that notice was received today and noted Primary Day is February 5, 2008 and there are 2 polling locations that will be impacted as far as location because of a musical at the Middle School, he said. He noted District 5 and District 19 will vote at the High School for Primary Day only.

The Supervisor said the other item was to briefly mention the Historic Trolley Tours will return as they did last year. He noted Susan Leath, Town Historian and Kathy McCarthy, Editor of the Spotlight, will be hosting those. He said there were fliers on the table in the back of the room. He recommended that if anyone has the opportunity, take advantage of them and learn a lot about Bethlehem.

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Supervisor Cunningham asked if there were any public comments on non-agenda items. Mr. Robert Jasinski said he had about 5 items. He said he had notes to follow this time. He noted first the budget is based on the economy of the past year and cautioned the Board and the Supervisor to walk and spend very carefully in 2008. He said they are all elected by the majority of the voters who put their trust and confidence in you and he does not like foxes only watching the hen houses. He said they look for everyone to cut expenses, not just to follow the party lines. He said as the economy declines, if it does, in the coming year, be careful of filling appointments of people who retire. He said this may be a means of saving money. He said the news is using words today like recession, housing going down again and different things like this. He said he thinks this is very serious.

Mr. Jasinski said Fred LeBrun of the Times Union writes that towns need to bond an issue to pay for their sewer treatment plants that need major upgrades. He said the Town of Bethlehem was listed among them. He said he questioned the condition of the sewer plant several months ago and was told it was adequate. He said he remembered being told it was something like 4.8 or 5 million gallons and has a capacity of 6 million gallons. He questioned the New Salem water supply and said he sees we are pumping or working on the well pumps. He asked if DEC has approved pumping a greater quantity of water out of this.

Supervisor Cunningham said to address both of these issues, on the wastewater treatment plant, they are putting together an RFP to have an analysis done on the plant. He said they talked about the fact that the plant has reached its useful life and they are aware of that. He said it is still working and the capacity has not overwhelmed it but they are looking at the plant closely. He said as far as the DEC thing, they applied for the permit and are awaiting a response.

Town Attorney Potter added on the consent order issue that it refers to the South Albany Sewer District which is a very small district servicing he thought 29 families. He said that is a District issue rather than a town-wide issue. Mr. Jasinski said all right.

Mr. Jasinski said he knows he has asked the Board to be cautious on spending and then he brought up spending things that might take the money. Supervisor Cunningham said this happens to him all day long and don't feel bad. Mr. Jasinski said the Town landfill needs to be addressed. He said a grant for recycling was given to several nearby towns – Albany and he thinks Knox but not to us – and asked why. He asked if we did not apply and noted this is for recycling and he assumes this is paper, cardboard, glass, plastic and metal. He said the Town might like to look into that. Supervisor Cunningham said he can give an update, noting the Highway Superintendent and he attended a meeting the day before in the City of Albany with other communities and with DEC. He said Bethlehem was cited as one of the highest recycling towns in the County and he knows the Highway Superintendent is very much involved in getting all the grant money we can. Mr. Jasinski said if they need any additional help, they can call

upon him for that too. Supervisor Cunningham told Mr. Sagendorph to mark that down.

Mr. Jasinski said in regard to water, the City of Albany Water Board meets in February and they are talking about a 6 percent hike in the rates. He said he believes we are mandated to buy a set minimum quantity of water and asked if we are prepared for a cost increase. He also asked if we would be looking for a new contract in the near future. He said if we are we are going to have to be careful on this. That was just a question he said.

Mr. Jasinski said ending, he leaves the Board with this statement – people’s welfare in a town comes first, not politics – noting he did not care if someone was Democratic, Republican, Conservative, Liberal or whatever you are – he believes this Board has shown in the past and he hopes they will show in the future the welfare of the people. He thanked the Board. Supervisor Cunningham thanked Mr. Jasinski.

Supervisor Cunningham asked if there were any other comments on non-agenda items. There were none.

The Supervisor asked for a motion to adjourn to Executive Session to discuss various personnel matters.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve adjourning to Executive Session to discuss various personnel issues. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to adjourn the regular Town Board meeting at 6:57 p.m. The motion was carried by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.