

**WALWORTH TOWN BOARD – ORGANIZATIONAL MEETING  
5 JANUARY 2012**

Presiding Supervisor Plant called the Organizational Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:30 PM with the Pledge to the Flag.

**PRESENT:**

Robert Plant	Supervisor
Patricia Marini	Councilwoman
Vaughn Pembroke	Councilman
Larry Ruth	Councilman
Tom Yale	Councilman
Michael Frederes	Highway Superintendent
Susie Jacobs	Town Clerk

**OTHERS PRESENT:** Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Karen Ambroz, Sole Assessor; Denise Munson, Attorney for the Town; Edward Parrone, Engineer for the Town; Mary Zingerella, Library Director and fifteen (15) attendees.

**RESOLUTION 01-12 - TOWN BOARD APPOINTMENTS:**

Councilwoman Marini offered the following Resolution 01-12 to appoint the following:

Seconded by Councilman Pembroke to wit:

Assessment Review Board	Mike Kunzer	term expires	09/30/2014
Assessment Review Board	Kenneth M. Cigna, Sr.	term expires	09/30/2016
Zoning Board	Suzi Hawkins-Mance	term expires	12/31/2014
Zoning Board	Jim Hinz	term expires	12/31/2016
Zoning Board Counsel	Denise Munson	term expires	12/31/2012
Planning Board:	Steve MacNeal	term expires	12/31/2016
Planning Board Counsel	Denise Munson	term expires	12/31/2012
Parks Committee	Joe Leone	term expires	12/31/2014
Town Historian	Eugene Bavis	term expires	12/31/2012
Dog Control Officer	Lea Dill	term expires	12/31/2012
Rabies Responder	Lea Dill	term expires	12/31/2012
Attorney for the Town	Denise Munson	term expires	12/31/2012
Sewer Superintendent	Robert Burns	term expires	12/31/2012
Budget Officer	Robert Plant	term expires	12/31/2012
Fire Marshall	Norman Druschel	term expires	12/31/2012

Code Enforcement Officer Philip Williamson term expires 12 /31/2012  
 Recreation Committee term expires 12/31/2012  
 Recreation Committee Suzi Hawkins-Mance term expires 12/31/2016

Adopted this 5<sup>th</sup> day of January 2012 at the meeting of the Town Board.

Roll call vote: Supervisor Plant Aye  
 Councilwoman Marini Aye  
 Councilman Pembroke Aye  
 Councilman Ruth Aye  
 Councilman Yale Aye

Resolution carried.

**SUPERVISOR APPOINTMENTS:**

Supervisor Plant made the following appointments for 2012:

Thomas Yale Deputy Town Supervisor  
 Barbara Kuelling Secretary to the Supervisor

**RESOLUTION 02 -12 - JUSTICE COURT:**

Councilwoman Marini offered the following Resolution 02-12 and moved its adoption.

Seconded by Councilman Yale to wit:

**BE IT RESOLVED**, that the Justice Court will be held at the Walworth Town Offices as follows:

1<sup>st</sup> & 3<sup>rd</sup> Wednesday - Regular Court at 7:30 PM  
 2<sup>nd</sup> & 4<sup>th</sup> Tuesday - Regular Court at 7:30 PM  
 1<sup>st</sup> Tuesday - A.D.A. Court at 6:00 PM  
 4<sup>th</sup> Tuesday - A.D.A. Court at 1:00 PM  
 5<sup>th</sup> Tuesday - No Court

Dated this 5<sup>th</sup> day of January, 2012 at the meeting of the Town Board.

Roll call vote: Supervisor Plant Aye  
 Councilwoman Marini Aye  
 Councilman Pembroke Aye  
 Councilman Ruth Aye  
 Councilman Yale Aye

Resolution carried.

**RESOLUTION 03 -12 - LEGAL PAPER DESIGNATION:**

Councilwoman Marini offered the following Resolution 03-12 and moved its adoption.

Seconded by Councilman Ruth to wit:

**BE IT RESOLVED**, that the *Times of Wayne County* shall remain the legal newspaper for the Town of Walworth for 2012.

Adopted this 5<sup>th</sup> day of January 2012 at a meeting of the Town Board.

Roll call vote: Supervisor Plant Aye  
 Councilwoman Marini Aye  
 Councilman Pembroke Aye  
 Councilman Ruth Aye  
 Councilman Yale Aye

Resolution carried.

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**RESOLUTION 04-12 - TOWN BOARD MEETINGS:**

Councilman Yale offered the following Resolution 04-12 and moved its adoption.  
Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED**, that the Town Board meetings will be held the first and third Thursday of each month at the Walworth Town Offices, 3600 Lorraine Drive, Walworth, at 7:30 PM.

Dated this 5<sup>th</sup> Day of January, 2012 at a meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**MOTION TO AMEND RESOLUTION 05-12:**

Motion by Councilman Yale amending Resolution 05-12.

Seconded by Councilman Pembroke to wit:

Adopted: Vote Ayes 5 Nays 0

Motion carried.

**RESOLUTION 05-12 – EXPENDITURES:**

Councilman Yale offered the following Resolution 05-12 and moved its adoption.  
Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED**, that the following expenditures by department heads be authorized without Town Board approval.

Supervisor	\$1,000.00	Highway Superintendent	\$4,000.00
Town Clerk	\$1,000.00	Sewer Superintendent	\$4,000.00
Recreation	\$2,500.00		

Dated this 5<sup>th</sup> Day of January 2012 at a meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**RESOLUTION 06-12 – OFFICIAL DEPOSITORIES:**

Councilwoman Marini offered the following Resolution 06-12 and moved its adoption.

Seconded by Councilman Yale to wit:

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**BE IT RESOLVED**, that the following banks be declared official depositories for Town Officials:

SUPERVISOR:	HSBC, JP Morgan Chase, KeyBank
JUDGE YOUNG:	Citizens Bank (Charter One)
JUDGE MAJCHRZAK:	Citizens Bank (Charter One)
TOWN CLERK:	JP Morgan Chase
RECEIVER OF TAXES:	JP Morgan Chase
SEWER SUPERINTENDENT:	JP Morgan Chase

Dated this 5<sup>th</sup> day of January, 2012 at a meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**RESOLUTION 07-12 ADOPTION OF THE TOWN OF WALWORTH FEE  
SCHEDULE – 2012:**

Councilman Yale offered the following Resolution 07-12 and moved its adoption. Seconded by Councilwoman Marini to wit:

**WHEREAS**, the Town of Walworth has established a Local Law Article III – to Chapter 1 of the Walworth Town Code – Establish and Modify Town Fees by Resolution, Adopted 5<sup>th</sup> of March, 2009; and

**WHEREAS**, the Town Board of the Town of Walworth has reviewed and approved the Town Walworth Fee Schedule – 2012, and

**BE IT RESOLVED**, the Town of Walworth Fee Schedule – 2012 be adopted and become effective immediately upon the approval of this Resolution.

Adopted this 5th day of January, 2012 at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**RESOLUTION 08-12 - CHECK-SIGNING:**

Councilwoman Marini offered the following Resolution 08-12 and moved its adoption.

Seconded by Councilman Ruth to wit:

**BE IT RESOLVED**, that Supervisor Plant and Deputy Supervisor Yale be authorized to sign checks for monies deposited in the Official depositories Banks.

Dated this 5<sup>th</sup> day of January, 2012 at a meeting of the Town Board.

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Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**RESOLUTION 09-12 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS:**

Councilwoman Marini offered the following Resolution 09-12 and moved its adoption. Seconded by Councilman Yale to wit:

**WHEREAS**, various sections of New York State Town Law and Public Officers Law require that certain officials execute an Official Undertaking; and

**WHEREAS**, we the Town Board of the Town of Walworth hereby require the Supervisor, Town Clerk, Receiver of Taxes, Town Justice(s), and Highway Superintendent to execute said Official Undertaking as required by said law;

**NOW, THEREFORE BE IT RESOVED**, that we, the Town Board of the Town of Walworth approve the document entitled “Town of Walworth Official Undertaking of Municipal Officers” as to its form and manner of execution and the sufficiency of the insurance, and

**BE IT FURTHER RESOVED**, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

Adopted this 5<sup>th</sup> day of January, 2012 at a meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**RESOLUTION 10-12 CAREY LAKE, LLC FIREWORKS:**

Councilwoman Marini offered the following Resolution 10-12 and moved its adoption.

Seconded by Councilman Ruth to wit:

**WHEREAS**, that the Town of Walworth recognizes the need to encourage and foster existing businesses within the Town. As such, the Town recognizes that Carey Lake, LLC, operates a party and banquet facility located within the Town; and

**WHEREAS**, the property on which the business is located has very unique characteristics not found on other properties within the Town; and

**WHEREAS**, the property is 210 acres of mostly undeveloped land with a large body of water; and

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**WHEREAS**, the property is located in a relatively low developed portion of the Town on Route 441 and is readily accessible and open to the public at large; and

**WHEREAS**, Carey Lake, LLC has contracted with Young Explosives Corporation for fireworks displays for the past 10 years. The displays are requested/contracted for activities such as wedding parties being held at the banquet house but have been available for general public enjoyment by anyone in the public wishing to view; and

**WHEREAS**, Carey Lake, LLC has applied for a Fire Works Permit for a period not to exceed ONE YEAR, commencing the 1<sup>st</sup> day of January, 2012 and terminating on the 31<sup>st</sup> day of December, 2012, and

**WHEREAS**, the unique nature of the property affords public safety not readily available at other properties within the Town during the displays;

**NOW, THEREFORE, BE IT RESOLVED**, that both parties have made it known to the Town Board that they wish to continue the contractual relationship;

**BE IT RESOLVED**, that given the unique property characteristics, its location available for general public enjoyment, the willingness of Carey Lake, LLC to publicly post notice in its restaurant and Town Hall regarding dates and times of displays, and provide copies of appropriate insurances to the Town Clerk, it is resolved that the Town of Walworth acknowledges the existence of and generally approves of such contractual relationship between these two parties in the year 2012.

Discussion: Councilmember inquired as to the hours that the displays would take place. Councilwoman Marini replied, “ it is consistent with our code until 11PM”.

Adopted this 5<sup>th</sup> day of January 2012 at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**RESOLUTION 11-12 – ENGINEER FOR THE TOWN:**

Councilman Yale offered the following Resolution 11-12 and moved its adoption. Seconded by Councilman Pembroke to wit:

**BE IT RESOLVED**, that LaBella Associates PC be appointed as the Engineering Firm for the Town of Walworth for 2012:

Discussion:

**Councilwoman Marini** read the following statement: I do not believe that it is in the Town’s nor the town residents best interest to change engineering firms due to pending applications before the Board and for the quality service that we have been provided.

I know that there have been questions raised about billing by Parrone Engineers, but I believe that since they are appointed by the Town Board, that the Town

Board should have provided the courtesy of meeting with Mr. Parrone and bring any questions to light.

Interviews with other engineering firms were scheduled, and I feel that we should have taken that opportunity to meet with the representatives from Parrone Engineers and discussed any of those issues at that time.

The Town has not paid for the services that we had not authorized and I still support Parrone Engineers to continue to be Engineers for the Town of Walworth. They have provided a great service to us and stepped in when we were without an Engineer for the Town.

I therefore cannot support the resolution appointing another engineering firm to represent us.

**Councilman Ruth** commented that he does not feel it is in the best interest of the Town at this time.

**Councilman Pembroke** commented that the Town is a customer to Parrone Engineering and we gave the business a chance to change and they did not change. The taxpayers are our customers and when they vote we do not get a second chance to change and therefore I support the change in Engineers.

Adopted this 5<sup>th</sup> day of January 2012 at a meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	No
	Councilman Pembroke	Aye
	Councilman Ruth	No
	Councilman Yale	Aye

Resolution carried.

**RESOLUTION 12-12 AUTHORIZATION TO ISSUE PETTY CASH FUNDS TO THE RECEIVER OF TAXES FOR THE 2012 TAX COLLECTION:**

Councilwoman Marini offered the following Resolution 12-12 and moved its adoption.

Seconded by Councilman Yale to wit:

**WHEREAS**, the Town of Walworth will provide the Receiver of Taxes with a Petty Cash Funds for 2012 Tax Collection in the amount of \$200.00.

**BE IT RESOLVED**, the funds for Petty Cash is given to the Receiver of Taxes and Assessments for the 2012 Tax Collection in the amount of \$200.00.

Adopted this 5<sup>th</sup> day of January 2012 at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

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**MINUTES:**

Motion by Councilwoman Marini to approve the Minutes of December 15, 2011 as presented.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**PUBLIC PARTICIPATION:**

Mr. Rick Nudd, from Arbor Road addressed the Town Board and asked that the Town show him the information he is requesting. He stated that a representative from Parrone Engineering, Carl S. Hewings, has been giving engineering analysis and opinions to the Walworth Planning Board and claims that he is an engineer. Mr. Nudd would like to see that he is an engineer with credentials that would stand in the Court of Law and testify that he is an engineer and that his opinions would not stand up. I have found that he is not registered as a professional engineer in the State of New York and other information has led Rick to believe that he is not an E.I.T. engineer. I would like the Town to have Parrone Engineering submit an unofficial transcript and credentials from Mr. Hewings to show that he has some certifications of engineering.

Mr. Ed Parrone, Parrone Engineering responded. Parrone Engineering was the Town Engineer. Carl Hewings represents Parrone Engineering and works for me and is under my direction. To clear the record, I am registered in five (5) states including New York. So I can clearly testify that he is working under my direct supervision. I wish you would have checked the requirements of the State Education Law. I do take offense that individuals are requesting certain information about our staff. We are a private company; you are not entitled to it and you will not be getting it.

**COMMITTEE REPORTS:**

**LIBRARY BOARD OF TRUSTEE – APPOINTMENT:**

Motion by Councilman Ruth to appoint Judith Markowski as a Library Board of Trustee for a 5 year term.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

**RECREATION – WALWORTH THUNDER SOCCER CLUB TO USE  
SHERBURNE ROAD PARK:**

Motion by Councilwoman Marini to approve the Walworth Thunder Soccer Club to use the Sherburne Road Park for practices and games, from April through August, on Wednesday nights and Saturday mornings with field discretion by the Recreation Director.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

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TOWN CLERK – AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH WILLIAMSON LAW BOOK:

Motion by Councilwoman Marini to authorize the Supervisor to sign a contract with Williamson Law Book Company for the renewal of Software Support for the Town Clerk Plus program. This is a 2012 budgeted item from A1410.45 (Contractual Software Support) in the amount not to exceed \$665.50.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0  
Motion carried.

HIGHWAY – APPOINTMENT OF DEPUTY HIGHWAY SUPERINTENDENT:

Councilman Yale stated that Michael Frederes, Highway Superintendent, has appointed Kevin Switzer as the Deputy Highway Superintendent for the 2012.

**MOTION TO AMEND RESOLUTION 13-12:**

Motion by Councilwoman Marini amending Resolution 13-12.

Seconded by Councilman Yale to wit:

Adopted: Vote Ayes 5 Nays 0  
Motion carried.

**RESOLUTION 13-12 PUBLIC HEARING NOTICE FOR THE PARKS AND RECREATION MASTER PLAN:**

Councilwoman Marini offered the following Resolution 13-12 and moved its adoption. Seconded by Councilman Yale to wit:

**WHEREAS**, the Walworth Parks and Recreation Master Plan Committee met, prepared, reviewed and held a public hearing for the Parks and Recreation Master Plan Draft submitted to the Town Board on December 15, 2011, and

**WHEREAS**, the Acting Board on the Recreation Master Plan is the Town of Walworth Town Board, and

**WHEREAS**, the next course of action in this process is for the Town Board to hold a Public Hearing.

**BE IT RESOLVED**, that copies of the aforesaid Parks and Recreation Master Plan be laid upon the desk of each member of the Town Board, and

**BE IT FURTHER RESOLVED**, that the Town Board holds a Public Hearing on said Master Plan at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **8:00 PM on Thursday, January 19, 2012**, and

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said public hearing at least five (5) days prior thereto.

Adopted this 5<sup>th</sup> day of January 2012 at the meeting of the Town Board

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

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**GALVIN MOBILE HOME PERMIT:**

Town Board acknowledged that the Town Clerk has received an application for Galvin's Mobile Home Park. Susie Jacobs, Town Clerk, stated that Norm Druschel, Building Inspector, has inspected the property and found it satisfactory; she stated that no complaints have been filed.

**SURPLUS EQUIPMENT AND DISPOSITION – OUTDATED PHONE SYSTEM:**

Motion Councilman Yale to declare the outdated phone system surplus equipment and disposed of.

Seconded by Councilwoman Marini to wit:

Adopted: Vote Ayes 5 Nays 0

Motion carried.

**SURPLUS EQUIPMENT AND DISPOSITION – SAMSUNG LASER FACSIMILE SF-560 MACHINE:**

Motion by Councilwoman Marini to declare the Samsung Laser Facsimile surplus equipment and disposed.

Seconded by Councilman Yale to wit:

Adopted: Vote Ayes 5 Nays 0

Motion carried.

**AUTHORIZATION TO REMOVE PAY PHONE FROM TOWN COMPLEX BUILDING AND DISPOSITION:**

Discussion ensued.

Motion by Councilwoman Marini to remove the pay phone from the Town Complex building and disposed. She authorized quotes be obtained for installing a phone line in the elevator to bring us up to code.

Seconded by Councilman Ruth to wit:

Adopted: Vote Ayes 5 Nays 0

Motion carried.

**AUTHORIZATION FOR TOWN COMPTROLLER TO SEND SEPARATION AGREEMENT TO MR. JAMES JOHNSTON JR:**

Motion by Councilwoman Marini indicating the Town Board has reviewed the separation agreement prepared by the Town Comptroller and authorized her to send a Separation Agreement to Mr. James Johnston Jr.

Seconded by Councilman Yale to wit:

Adopted: Vote Ayes 5 Nays 0

Motion carried.

**ACKNOWLEDGMENT OF JAMES JOHNSTON JR. FOR SERVICE TO TOWN:**

Mike Frederes, Highway Superintendent expressed his sincere gratitude to Mr. James Johnston, Jr. for his 31 years of service to the Highway Department; Mr. Frederes requested a note be sent to Mr. Johnston.

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**RESOLUTION 14-12 FINANCIAL TRANSFERS:**

Councilman Yale offered the following Resolution 14-12 and moved its adoption. Seconded by Councilman Ruth to wit:

Jean Johnson, Town Comptroller submitted the following:

Transfer Requests – Abstract #13

BE IT RESOLVED that the Town Comptroller be authorized to modify budget as follows: \$907.22 from Records Management Reserve A232RM to A1410.21R Equipment to cover cost of

Computer Software Cemeteries.

\$384.67 to A1410.46 Town Clerk Mileage from A1410.41 Town Clerk Conferences and Training for

\$25.00, A1410.42 Town Clerk Office Expense for \$13.97 and A1410.43 Town Clerk Codification for

\$345.70.

\$6,826.91 from A1990.41 Contingent Account to A1620.21 Town Office Computer Equipment. To

cover cost of new Server Town Hall.

\$52.78 from CM1 Fund Balance to CM1-7110.43 Parks – Lodge General Expenses. To cover current

expenses.

\$208.60 from DA5112.21 Highway Equipment to DA5110.41 Highway General Repairs. To cover current

expenses.

\$18.41 from SS8130.401 Sewage Treatment & Disposal to SS8130.402 Sewer Office Expense. To cover

current expenses.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

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**COMMITTEE APPOINTMENTS:**

Supervisor Plant appointed Council members to the following Committees for 2012:

**Councilman Yale:**

Assessment  
Building  
Planning  
Highway (Ch)  
Personnel

**Councilwoman Marini:**

Recreation  
Zoning  
Town Clerk  
Personnel (Ch)  
Historical Society

**Councilman Pembroke:**

Insurance  
Sewer (Ch)  
Cable TV  
Safety  
Library  
Drainage  
Highway

**Councilman Ruth:**

Drainage & MS4 (Ch)  
Justice Court  
Library  
Animals  
Cemetery  
Sewer

**TOWN COMPTROLLER REQUESTED TOWN BOARD ACKNOWLEDGE THE ABSTRACT AS PROVIDED:**

Supervisor Plant has indicated that Jean Johnson, Town Comptroller, has requested the Town Board acknowledge the Abstract as provided by her; he stated that this abstract includes one (1) voucher #1922 has been pulled for Board review as requested.

Motion by Councilman Yale to accept and file.  
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0  
Motion carried.

**EXECUTIVE SESSION:**

Motion by Councilwoman Marini to enter into Executive Session to discuss proposed, pending or current litigation.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Time: 8:00 PM.

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**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:07 PM.

**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Yale and unanimously carried.

Time: 8:08 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC  
Town Clerk