

A regular meeting of the Town Board of the Town of Moreau was held on August 26, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Deputy Supervisor Vittengl called the meeting to order at 7:16 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

|                         |                              |
|-------------------------|------------------------------|
| Bob Prendergast         | Councilman                   |
| Todd Kusnierz           | Councilman                   |
| Robert J. Vittengl, Jr. | Councilman/Deputy Supervisor |

**Town Board Members Absent**

|                         |              |
|-------------------------|--------------|
| Gina LeClair            | Councilwoman |
| Preston L. Jenkins, Jr. | Supervisor   |

**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor; Reed Antis, Planning Board Member and Town Resident; Gardner Congdon, Town Resident; Bob Murray, Shelter Planning; Pete Corlew, Recreation Department Laborer; Peter Lemery, Village Resident

Deputy Supervisor Vittengl led the Pledge of Allegiance.

Deputy Supervisor Vittengl welcomed everyone to the meeting and asked everyone to turn off or silence all electronic devices.

**MINUTES**

The minutes of August 12, 2014 were presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – AUGUST 12, 2014 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve the minutes of August 12<sup>th</sup> as prepared.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

**FUTURE MEETINGS/WORKSHOPS SCHEDULED**

Councilman Kusnierz mentioned that a workshop of the Town Board was scheduled for September 16<sup>th</sup> at 6:30 p.m. regarding re-zoning to allow chickens in residential areas.

**15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis asked about the NYS Woodland Real Property Tax and if Excess Holdings paid the Town the 6% yield tax on property that was forested down on Butler Road.

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Peggy Jenkins, Assessor, replied that they did and the Town normally receives this tax money each year.

Reed Antis asked about a parcel of land down on Old Bend Road that was forested about two or three years ago.

Peggy Jenkins responded saying that parcel was not part of the Fisher Act.

Reed Antis asked about the highway garage building and where the Town was at with the bonding company and if any repairs were scheduled to be made to the roof and cracked blocks.

Attorney Buettner replied that a letter has been sent to the bonding company and she is awaiting a response.

Reed Antis mentioned how at the last meeting a comment was made about the old Town Hall having historical value. He stated again that the Town Hall was built in 1941 as the first Town Hall and it is going to be expensive to maintain. He encouraged the Town Board to get rid of the property a.s.a.p. He said the bathrooms are in the basement and to bring it up to code will be expensive and there is no practical reason to keep it.

Councilman Vittengl advised Reed Antis that an undisclosed client has expressed some interest in the building for a professional use. If they aren't able to sell it then maybe they can lease it or figure out how to use it to bring in some sort of revenue.

Gardner Congdon stated that commercial values have been going down in the Village of South Glens Falls. He asked, realistically, what would it cost the Town to keep it? He didn't agree with the comment made by Reed Antis about getting rid of it.

Gardner Congdon said he received some documents from the Town Clerk about the \$400.00 water hookup fee that the Michael's Group paid for each hook up in Woodscape. He said he saw in the minutes where the water hookup fee was \$700.00 or \$900.00 depending on which side of the road the tap was on and that fee was in place when people had to pay \$3,100.00 per hook up. He has not been able to find any record where the \$400.00 fee was grandfathered in for the Michael's Group.

Councilman Vittengl stated that he misspoke at the last meeting about the amount that the Michael's Group paid and he wanted to clarify it. He stated that the 93 number he used at the last meeting ended up being 108. They paid \$115,000 for the Reservoir Road hook up. \$79,580 for the Route 197 hook up and if you multiply 108 hook ups times \$400.00 you get about \$40,000 +/- . They spent in total about a quarter of a million dollars to run the water lines and hook up the houses in their development to the water lines. This was the reason probably that the prior Board had the mindset they had about the \$400.00 fee.

Gardner Congdon stated the minutes show that it was an unprecedented cluster development. He asked the Board what they had to gain by putting in the water line. He said the Board isn't giving the total picture. They are saying that the Michael's Group paid \$200,000 so they only had to pay \$400.00 per hook up.

Councilman Vittengl told Gardner Congdon that if he paid \$200,000 to run the water lines then he would have only paid \$400.00 per hook up too and not the \$1,700.00.

Gardner Congdon said the Michael's Group couldn't get their undersized lots approved without the "circulation" in the subdivision, per NYS DOH.

Councilman Vittengl told Gardner Congdon that the 15 minute public comment period was over.

Gardner Congdon stated that he didn't expect to get anywhere with the Board at this meeting anyway.

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Bob Murray from Shelter Planning was next to speak.

Bob Murray said the Town Board had before them a resolution to adopt that serves as a grant award. They received over 100 requests for assistance. 65 applications were complete and eligible. They have never been in this position before where there are so many qualified applicants and they struggled to figure out what to do with the 65 qualified applicants. They reduced the number to 24 of the most deserving applicants and from the 24 they picked seven and ended up only having enough money for five applicants. He explained how they submitted the five applications to the State for approval and didn't receive any questions back from the State. They have to do a risk assessment for lead based paint and then they will be ready to go out to bid for a contractor. Once the money is spent they will rethink what to do with the other pending applications. They will inspect the contractor's work. His only fear now is that the contractors will be busy and not able to bid.

Councilman Kusnierz asked who selects the contractor.

Bob Murray replied that there is a list of about nine or ten contractors that they know are certified to do this project and who have certificates of insurance. They will send them an invitation to bid and the lowest responsible bidder will get the job.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adopt the following resolution:

WHEREAS, the Town of Moreau has established a Housing Rehabilitation Program funded by New York State Affordable Housing Corporation (NYS AHC) Affordable Home Ownership Development (AHOD) Home Improvement Program; and

WHEREAS, this program provides grants to the homeowners to cover 100% of eligible costs, including rehabilitation construction, grant administration, project delivery, and associated soft costs, up to a maximum of \$40,000 per project, and

WHEREAS, five (5) single family property Case Files #2014 1-5 has been determined to be eligible for this grant assistance and the owners of the property have requested such assistance, and

WHEREAS, the Town has engaged Shelter Planning and Development to provide program delivery and administration services related to the NYS AHC grant award, and

WHEREAS, Shelter Planning and Development, Inc. has overseen the program outreach application and evaluation process and recommends approval of grants to Case File #2014 1-5, and

WHEREAS, in connection with this grant award, the owner or owners will be required to execute a Note and Mortgage affecting the property for ten (10) years from the date of completion of the rehabilitation and the Mortgage will be recorded in the Saratoga County Clerk's Office for the benefit of the New York State Affordable Housing Corporation, and

WHEREAS, this constitutes a Type II Action pursuant to the State Environmental Quality Review Act and therefore, no environmental review is required, and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Moreau approves a total grant award not to exceed the per unit grant maximum as established by AHC, for all eligible costs for Case Files #2014 1-5, Moreau, New York, with total grant assistance approved for the five (5) projects combined not to exceed the funds available through the AHC grant award to the Town, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board further authorizes and directs the Town Supervisor to execute the Grant Award agreements and take such other and further action as may be necessary to effectuate the terms of this Resolution.

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Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

### **HIGHWAY DEPARTMENT REQUESTS**

Paul Joseph, Highway Superintendent, informed the Town Board via a memo that he will be advertising for winter sand bids and provided the board members with a copy of the bid specifications. He noted in his memo that the balance in the DB5142.491 account is \$8,759.93 as of 8/4/14.

Councilman Kusnierz asked how much he spent last year.

Paul Joseph replied about \$6,000.00, but he ran low on sand in January and ended up going into this year's budget.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the Highway Superintendent to go out to bid for winter sand.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Kusnierz        | Yes    |
| Councilman Prendergast     | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

Paul Joseph, Highway Superintendent, submitted a memo to the Town Board advising them that he would be going out to bid for tree removal and stump grinding. He submitted a copy of the bid specifications. He noted in his memo that the balance in the DB5110.457 account is \$14,635.00 as of 8/4/14.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the Highway Superintendent to go out to bid for tree removal and stump removal.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

Paul Joseph, Highway Superintendent, submitted a quote from Vanair in the amount of \$1,100.00 plus freight for an in-tank coalesce system for Truck #8, the 1999 International Step Van. This is a dealer only item. The purchase would come out of account DB5130.405 that had a balance of \$17,184.03 as of 8/4/14.

Deputy Supervisor Vittengl asked if he had an estimate of what the freight would be.

Paul Joseph replied no and that it was coming from Michigan.

Councilman Kusnierz thought he must be able to get an estimate.

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Paul Joseph replied that he thought it would be less than \$100.00.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the purchase of an in-tank coalesce system for Truck #8 the 1999 International Step Van from Vanair out of account DB5130.405 at a cost not to exceed \$1,200.00.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Kusnierz        | Yes    |
| Councilman Prendergast     | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

Paul Joseph, Highway Superintendent, submitted a memo to the Town Board indicating that he was going to send his employees to a free training program offered to municipalities by The Wright Insurance Group on October 27<sup>th</sup> in Fort Edward or October 28<sup>th</sup> in Lake George. The theme of the training is “Drive to Survive” and it is a 2.5 hour long session. NYMIR suggested that the highway department employees attend this training session. He will split up his crew and send 1/2 of his crew to one session and the other 1/2 to the other session.

#### **RECREATION DEPARTMENT REQUESTS**

Tim Johnston, Recreation Maintenance Supervisor, submitted the following quotes for the purchase of a flammable liquid safety cabinet (43” w x 18” d x 65” h) to safely store fuel and other flammable liquids in.

|                   |          |
|-------------------|----------|
| Home Depot        | \$699.00 |
| Uline             | \$801.00 |
| Global Industries | \$832.50 |

A transfer of funds is needed to make this purchase.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the transfer of \$1,200.00 from A7140.1 – General – Playgrounds/Recreation Center – Personal Services into A7140.2 – General – Playgrounds/Recreation Center – Equipment.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the purchase of a flammable liquid safety cabinet from Home Depot at a cost not to exceed \$699.00 out of account A7140.2.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Kusnierz        | Yes    |
| Councilman Prendergast     | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |

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Supervisor Jenkins                      Absent

Deputy Supervisor Vittengl noted that Tim Johnston also wants to purchase LED lights for the top of the recreation department's plow truck at a cost of \$159.99 and an aluminum low profile tool box for the truck at a cost of \$269.99. Per the Town's procurement policy, Town Board approval is not required for these purchases as they are under \$500.00. They will be purchased out of account A7140.2 also. The transfer above covers these purchases also.

**WATER DEPARTMENT REQUESTS**

None

**COURT REQUEST**

Town Justices: Jeff McCabe and Tim Alden, submitted a memo to the Town Board requesting permission for Court Clerks: Colleen Nichols, Linda Blackburn, Sue MacMore and Jennifer Miller, to attend the Annual Court Clerk's Training Conference in Albany on September 28 through October 1, 2014 and for the registration fee of \$40.00 per court clerk to be a proper town charge.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing Colleen Nichols, Linda Blackburn, Sue MacMore and Jennifer Miller, Court Clerks, to attend the Annual Court Clerk's Training Conference in Albany on September 28 through October 1, 2014 and for the registration fee of \$40.00 per court clerk to be a proper town charge.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Kusnierz        | Yes    |
| Councilman Prendergast     | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

Councilman Kusnierz had a resident ask him why the court employees have a 1/2 dozen parking spaces allocated to them and why they have specialized parking.

Councilman Vittengl said it was for safety reasons. The parking spots are close to the entrance and exit door to their offices.

**HIRE AMY ALFONSO AS REC. SPECIALIST @ \$10.61 PER HOUR**

Deputy Supervisor Vittengl said that Amy Alfonso would like to assist with the basketball and wrestling program and approval is needed to hire her as a rec. specialist at \$10.61 per hour.

Councilman Kusnierz asked how many hours would be involved and is there going to be a cap on the hours.

Deputy Supervisor Vittengl replied that there won't be many hours involved.

Councilman Prendergast stated that she would have to stay within the budget.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to hire Amy Alfonso as a Rec. Specialist at \$10.61 per hour to assist with the basketball and wrestling programs on a temporary, part-time, basis.

Roll call vote resulted as follows:

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|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

### **COLD STORAGE BUILDING**

Deputy Supervisor Vittengl had updated quotes for a cold storage building for the rec. park as follows:

|              |             |
|--------------|-------------|
| S&L Builders | \$26,900.00 |
| Garden Time  | \$26,760.00 |

The building would be 24' x 48' with 10' walls and doors front and rear.

Deputy Supervisor Vittengl reported that there is \$83,211.00 in the capital project account and another \$20,000.00 in the regular budget. He advised that a transfer of funds would be needed to move forward with the cold storage building. The Town Board awarded a bid last year for this, but the company couldn't move forward as they couldn't pay prevailing wage.

Attorney Buettner reminded the Board Members that if the money is spent from the Town-Wide Capital Projects Fund then the expenditure is subject to permissive referendum.

Deputy Supervisor Vittengl said he thought it was their intent to pay for this building out of the Recreation Capital Project Fund.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the transfer of \$20,081.00 from HP7180.4 – Recreation Capital Project – Administration – Contractual into HP7180.2 – Recreation Capital Project – Administration – Equipment and increase appropriations by \$10,000.00 in HP7180.2 – Recreation Capital Projects – Administration – Equipment.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

Deputy Supervisor Vittengl asked if he could get a motion and second to accept a quote for a cold storage building that would be 24' x 48' x 10', with 12' x 10' split sliding doors, on a slab, from Garden Time at a cost not to exceed \$26,760.00 out of account HP7180.2 – Recreation Capital Projects – Administration – Equipment Account.

Councilman Kusnierz said the quotes weren't apples to apples. One was for a 2" x 6" vs. 2" x 4" inside. The 2" x 6" construction would probably be better.

Councilman Vittengl agreed, but said the intent for this building was to just get equipment under cover.

Pete Corlew, Recreation Department Laborer, stated that for the \$300.00 difference in price the 2" x 6" construction would be better in case down the road they wanted to insulate the building.

Paul Joseph stated that they should consider snow load too on the roof and Deputy Supervisor Vittengl said that is why he preferred the higher pitch.

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Deputy Supervisor Vittengl asked if the Board Members wanted him to ask Garden Time to quote on 2" x 6" construction and a 6 x 12 pitch.

Councilman Kusnierz asked if both quoted on steel roofs and the answer was yes. He said that his farm buildings are 5" x 12" construction. He said he could justify the additional amount by going with the 2" x 6" construction.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to accept the quote from S&L Builders at a cost not to exceed \$26,900.00 for a cold storage building for the rec. park and authorizing the Supervisor to sign a contract with S&L Builders for this purchase.

Roll call resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Kusnierz        | Yes    |
| Councilman Prendergast     | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

#### **15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis asked for an update on the Hillman claim.

Attorney Buettner stated that the ball is in his court. He hasn't sued the Town yet. He has only filed a claim.

#### **COMMITTEE REPORTS**

Councilman Prendergast stated that he was going to tour the cemeteries in a couple of weeks.

#### **SUPERVISOR'S ITEMS**

Deputy Supervisor Vittengl asked for authorization for the Supervisor to sign a contract with Saratoga Land Management for timber removal off Potter Road in the amount of \$24,175.33. He said they will thin the trees and put in a trail system and chip up the wood as they go. They will create a vista. They sent out nine bid packets and this was the only bid they received back.

Councilman Kusnierz asked if there was any speculation as to why there was only one bid.

Councilman Vittengl said that two companies were already creating parks elsewhere and the rest must have been busy also.

There was another name on the bid proposal of Prentiss & Carlisle Management Company and Attorney Buettner asked which one the contract was going to be with. She reminded the Board that they already have a contract with Saratoga Land Management Corp.

Councilman Prendergast asked where the money will go once received.

Deputy Supervisor Vittengl replied the general fund and then the Town Board can earmark the money for whatever they want.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the Supervisor to sign a contract with Prentiss & Carlisle Management Company subject to legal counsel's review in the amount of \$24,175.33.

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Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

Deputy Supervisor Vittengl stated that the Town's industrial park is an asset that is non-performing and a first step in trying to market the park would be to change the name to "Tech Park" or "Innovation Park" and he said this was something that Councilman Kusnierz had suggested a while back.

Councilman Kusnierz stated that if we advertise a more modern name it may help with what is going on in Saratoga County with technology. It may peak some interest.

Deputy Supervisor Vittengl said they could rebrand the park and remarket it through SEDC and hopefully it will get us on the map for jobs and an increased tax base. They should work as a Board to try and market it and bring money back into the general fund.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to change the name of the Moreau Industrial Park to Moreau Technology Park.

Attorney Buettner asked if don't they need the approval of the LDC and Deputy Supervisor Vittengl said they are aware of what they are doing and agree with it.

Councilman Prendergast advised that they had a meeting with them.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Kusnierz        | Yes    |
| Councilman Prendergast     | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

Councilman Kusnierz advised that there is a property owner on Clark Road who is not satisfied with the reclamation work done by the company who worked on the FEMA culvert project. At the last meeting Supervisor Jenkins said he was going to look into this. No money has exchanged hands regarding the easement these people signed, like in other projects, and it is only right to try and correct the problem. It is his understanding that there are ruts in their lawn and that they would like the bank put back to the same angle that it was before the project and their lawn hydro-seeded this fall. There may be some retainage to do this. Something needs to be done. It was his understanding that the property owner talked with Tim Burley about four weeks ago and Tim was going to do a report and he hasn't seen any report.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn to executive session at 8:25 p.m. to discuss pending litigation.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

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The Town Clerk did not sit in on the executive session.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the executive session and re-open the regular meeting and adjourn the regular meeting at 8:35 p.m.

Roll call vote resulted as follows:

|                            |        |
|----------------------------|--------|
| Councilman Prendergast     | Yes    |
| Councilman Kusnierz        | Yes    |
| Deputy Supervisor Vittengl | Yes    |
| Councilwoman LeClair       | Absent |
| Supervisor Jenkins         | Absent |

No action was taken in or as the result of the executive session.

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk