

A regular meeting of the Town Board of the Town of Moreau was held on April 26, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:03 p.m.

Town Board Members Present

Mark Stewart	Councilmember
Kyle Noonan	Councilmember
Alan VanTassel	Councilmember
John Donohue, Jr.	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

None

Also present: Barbara Bartlett, Deputy Town Clerk; Lisa Sperry, Supervisor’s Confidential Secretary; Jeffrey Cruz, Principal Account Clerk; Others: Harry Gutheil Jr., Luke Michaels, Steven Cerrone, Gianni Simone, Dominic Tom, Dan Davies, Jen Ball, Ty Hall, Vicki Hall, Justin Grassi, Melissa Shufelt, Pat Killian

The Supervisor asked the Deputy Clerk to call the roll for attendance, and then led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from the April 12, 2022 (Regular Meeting) were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

Resolution #2022-176

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to approve the minutes of April 12, 2022 (Regular Meeting) as prepared.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

ASSESSOR’S OFFICE

Request for Continuing Education at the 2022 Cornell Fall Conference. The Assessor and Senior Assessor Clerk would like to attend NYS Assessors Association meeting in person, from July 17 – July 22. The Supervisor wished to congratulate Riley McGuiggan on winning the scholarship for his conference when his name was drawn at the Fall conference. All expenses will be covered for his attendance. The Assessor is looking for approval to expend \$470 for the Farm Appraisal Course, \$670 for 5 nights lodging, \$242.19 for mileage, and \$365 for food and incidentals, for a total of \$1,750. The topic was also brought up regarding closing the office for the week, and wanted to make sure the Board was aware. Councilmember Noonan commented that this was occurring after their important dates.

Resolution #2022-177

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, to authorize the Town Assessor and the Senior Assessor Clerk to attend the Cornell conference with a reimbursable rate not to exceed \$1,750.00.

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Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Supervisor Kusnierz explained that the other Assessor items will require Executive Session before moving forward.

ANNUAL STORMWATER REPORT

Requires that the following to be read into record: “Annual Stormwater has been completed for the period of March 10, 2021 through March 9, 2022. The draft is available for review on the Town’s website. In addition, copies are available at the Town Clerk’s Office as well as the Highway Department. Should the public have any questions or comments, they should be directed in writing to Maureen Leerkes, Stormwater Management Officer at 1543 Route 9, Fort Edward, NY 12828 or they can be submitted via email to moreauhwy@townofmoreau.org.”

The Supervisor wished to thank Stormwater Management Officer Maureen Leerkes, for continuing to ensure compliance.

WATER & SEWER DEPARTMENT

Supervisor Kusnierz stated that on March 22nd, the Town Board passed a Resolution 2022-148 authorizing a refund to William Freitag in the amount of \$4,300.00, which was paid to the Town on April 22, 2021 for water hook-up. The information at the time was that Planning Board approval was contingent on having the water line installed. Certificate of Occupancy was issued inadvertently. There is a problem in that it is no longer compliant with Planning Board approval. In 2018, the Planning Board granted Contingent Approval requiring water to be hooked up by August 2019. On July 31, 2019 the application was filed with the Water Superintendent, but payment was not made until April of 2021, by which time the rates had also changed. Supervisor Kusnierz recommends rescinding the authority to refund the \$4,300.00. Councilmember Noonan asked whether payment was required with the application. Supervisor Kusnierz replied that it is his understanding that the application is submitted, then signed off by the Water Superintendent, but no action takes place until payment is received. Councilmember Noonan questioned then whether the application was complete at that time on Mr. Freitag’s end. Supervisor Kusnierz replied that the Planning Board required that the water be installed, and we don’t do work without payment. Councilmember Noonan stated he supports rescinding. Councilmember Stewart asked if rescinding would put the cost burden on them or the Town. Supervisor Kusnierz stated that would require further discussion by the Board.

Resolution #2022-178

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart and carried, to rescind the resolution authorizing the issuance of a refund to William Freitag in the amount of \$4,300.00, which was paid to the Town on April 22, 2021 for water hook-up.

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Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Supervisor Kusnierz turned to a memo received from the Town Clerk looking for guidance regarding penalties that were applied to accounts of first-time customers whose bills were returned by the Post Office as undeliverable and therefore they did not receive them, or know they were coming. Supervisor Kusnierz recommends referring to the Water Committee for follow-up prior to the next Town Board meeting. Water Committee members agree to follow-up with the Town Clerk.

RECREATION DEPARTMENT

Supervisor Kusnierz stated there was a request from the Recreation Leader in relation to engaging in service for termite treatment for a current swarm in the courtroom and for monthly maintenance around the entire Town Hall.

Three price estimates:

Mother Earth Pest Solutions, 59 McEchron Lane, Queensbury, NY 12804
Price: Initial termite/interior ant treatment over 6 months - \$2,655.00
Ongoing pest control around building perimeter - \$90/month (Apr.-Sept.)

Terminex, 22 Kairnes Street, Albany, NY 12205-5311
Price: Annual termite treatment - \$4,320.00
Ongoing pest control - \$125 initial fee, then \$75/month

Nature's Way Pest Control, 155 Broad Street, Glens Falls, NY 12801
Price: Initial termite treatment - \$2,247.00
Ongoing termite treatment - \$214/service, 4 services per season
Ongoing pest control around building - \$133.75/month

Bug-U Pest Control, LLC, 162 Main Street, Hudson Falls, NY 12839
Price: NO QUOTE

Department Head recommends using Mother Earth Pest Solutions, from Account A1620.401 with a balance of \$37,500.36 at 3/31/22.

Resolution #2022-179

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to approve request to engage the services of Mother Earth Pest Solutions for pest and termite treatments, to be paid from account A1620.401.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

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Supervisor Kusnierz read the Recreation Leader’s request that the Town Board consider his hiring and rehiring recommendations for staffing at the rec park and the beach, which resulted in the following resolutions:

Resolution #2022-180

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, that the following people be re-hired as full-time, seasonal employees for the Town of Moreau Recreation Department:

<u>Re-Hired Employees</u>	<u>Rate of Pay</u>
Myles Hogan	\$13.20 / hr.
Bradley Mallette	\$13.20 / hr.

And that the following people be hired as full-time seasonal employees for the Town of Moreau Recreation Department, effective immediately and subject to the successful completion of a background check and pre-employment physical within a 2-week period:

<u>Hired Employee</u>	<u>Rate of Pay</u>
Xavier DeRush	\$13.20 / hr.
Joseph Johnson	\$13.20 / hr.
Chris Hughes	\$13.20 / hr.
Bruce Kilmartin	\$13.20 / hr.

Asked if all in favor, the following responses were given:

Councilmember Stewart Aye
 Councilmember Noonan Aye
 Councilmember VanTassel Aye
 Councilmember Donohue Aye
 Supervisor Kusnierz Aye

Resolution #2022-181

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, that the following people be re-hired as Lifeguards for the Town of Moreau Recreation Department:

<u>Re-Hired Employees</u>	<u>Rate of Pay</u>
Megan DePoy	\$13.60 / hr.
Lea Richard	\$14.00 / hr.
Madalynn Harris	\$13.20 / hr.

And that the following people be hired as Senior Lifeguards for the Town of Moreau Recreation Department:

<u>Hired Employee</u>	<u>Rate of Pay</u>
Zackary Smatko	\$14.94 / hr.
Bruce Kilmartin	\$14.20 / hr.

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Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Supervisor Kusnierz moved to the next item, which was a request from the Recreation Leader for Two (2) – 10 Yard dumpsters for Harry Betar Park with weekly pick up between 5/2/-11/12/22 (8 billing cycles) and one (1) - 2 yard dumpster for the Beach with weekly pick up between 5/23-9/17/22 (4 billing cycles). Three quotes were as follows:

Ace Carting Corp., 10913 NY-149 Fort Ann, NY 12827
Price: \$380.00/30 day billing for 10 Yard dumpsters
\$60.00/30 day billing for 2 Yard dumpster

Twin Bridges Waste & Recycling, 1626 U.S. 9 Half Moon, NY 12065
Price: \$ 0/month for 10 Yard dumpsters
\$ 0/month for 2 Yard dumpster

Waste Management of New York, LLC, 100 Ransier Drive West Seneca, NY 14224
Price: \$ 480.93/month for 10 Yard dumpsters
\$193.97/month for 2 Yard dumpster

The Recreation Leader recommends utilizing Twin Bridges using accounts A7140.4 with a balance of \$76,891.14 at 3/31/22 and A7310.4 with a balance of \$9,590.50 at 3/31/22. Amounts budgeted for current year: \$3,000.00 (A7140.4) and \$300.00 (A7310.4).

Resolution #2022-182

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, to approve the request to utilize Twin Bridges Waste & Recycling for Two (2) – 10 Yard dumpsters for Harry Betar Park with weekly pick up between May 2, 2022 – November 12, 2022 (8 billing cycles) and one (1) - 2 yard dumpster for the Beach with weekly pick up between May 23, 2022 – September 17, 2022 (4 billing cycles), to save the Town approximately \$3,300.00 this year.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

PLANNING/ZONING

Supervisor Kusnierz read into the record, the resignation letter from Planning Board Member Gerald Bouchard addressed to the Supervisor stating:

“I hereby submit my resignation from the Town of Moreau Planning Board, effective April 26, 2022. While it has been an honor and a privilege to serve as a Planning Board member, my personal commitments and work schedule make my continued participation untenable. I wish to thank you and the Town Board for the opportunity to serve the Town these past seven years.”

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The Supervisor thanked Mr. Bouchard on behalf of the residents of the Town of Moreau for his time and commitment on the Planning Board, and previously on the Zoning Board, and wished him well in all of his future endeavors.

Resolution #2022-183

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to accept the resignation of Planning Board Member Gerald Bouchard.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Supervisor pointed out that this resignation leaves a vacancy on the Planning Board, and recommends appointing Adam Seybolt, Alternate Planning Board Member, to fill the remainder of Mr. Bouchard's term which expires December 31, 2023.

Resolution #2022-184

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, to appoint Adam Seybolt as Planning Board Member to fill the remainder of Mr. Bouchard's term expiring December 31, 2023.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Supervisor Kusnierz stated, also under Zoning, that the next step in the process for the Ty Hall Application is to set a Public Hearing for a Zoning Amendment. The Supervisor confirmed with Town Counsel that we have not yet heard from County Planning, and that the Town Board needs to declare lead agency.

Resolution #2022-185

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to declare Lead Agency status on this proposed Zoning Amendment.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Councilmember Noonan and Supervisor Kusnierz discussed that the Zoning Amendment is an amendment of the Zoning Map and will require a Local Law, which requires a Public Hearing.

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Councilmember Noonan had heard from neighbors who are not in favor of the project. The Hall's attorney Justin Grassi confirmed that the action is on the Zoning Amendment, not on the PUD.

Resolution #2022-186

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to establish a Public Hearing at 6:45pm on May 10, 2022 for the Zoning Amendment.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

SUPERVISOR ITEMS

Supervisor Kusnierz read from the monthly report from the County Treasurer's Office regarding Sales Tax Distribution and noted that it is a 1.25% increase over last year at this time at \$14,199,948, and the Town of Moreau Sales Tax Year-to-Date is now \$632,616, which is about a 2 1/2% increase over last year at this time. The Supervisor wanted to point out that this is being driven by the higher cost of consumer goods, as a caveat, as well as interest rates rising, which will likely cause vehicle sales to drop.

Supervisor Kusnierz also stated that he and Councilmember Noonan attended the South Glens Falls Fire Company Installation Banquet held on April 23, 2022, which was well-attended, and swore in representatives for the Fire Company Officer positions.

Supervisor Kusnierz reported that the Town of Moreau collected and will be receiving \$53,485.50 in Mortgage Tax Receipts, the 5th largest in the county.

The Annual Report for ARPA filing describing the use of ARPA funding, showing that the Town has used \$146,983.00 to reimburse the General Fund for estimated revenue losses due to the COVID-19 Public Health Emergency.

The Supervisor reported that Saratoga County Senior Luncheon tickets are now on sale. The event will be held on Friday May 6th from 11:00 am – 3:00 pm at the Saratoga Springs City Center and the theme is "The Wonderful Wizard of Oz". Tickets are \$4 in advance.

Supervisor Kusnierz also remarked on the NYS Budget adoption as it includes \$100Million annually for a "Pave Our Potholes" program through the NYSDOT, which will mean \$33,468.18 annually for the Town.

COMMITTEE REPORTS

Supervisor Kusnierz stated that it had been brought to his attention that the Zoning Map has not been updated with some of the recent changes, such as the 2 parcels in the Agricultural District on Selfridge Rd which are not included on the map. The Supervisor stated that he knows that County GIS Department can do that for us. The Supervisor asked Councilmembers Stewart and Noonan as Zoning Liaison, to work with them and Jim Martin on that.

Councilmember Noonan has been working on proposed branding for the Town and states that they are almost there. The design is set, they just need to decide on the colors. This will appear on Town trucks, doors, flags, etc. The current design is antiquated.

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Councilmember Donohue gave an update on the Transfer Station and stated that they are running out of room with the pile of black mulch. Could it go out to bid, to have a bulldozer move it around? Supervisor Kusnierz stated that in November 2021, O'Connor's Sand and Stone expressed interest. He will pass on the information. The Supervisor stated that the way it was left, was that the Transfer Station was going to come up with an RFP. Councilmember Donohue stated he would follow up.

EXECUTIVE SESSION

Supervisor Kusnierz stated that the Town Board would need to enter into Executive Session to provide and update on; 1) Schermerhorn Tax Certiorari that is before the Court, 2) Contract negotiations in relation to the sale of 61 Hudson St., and 3) Potential contract negotiations for sale of Town lots in the Industrial Park.

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart and carried, to enter into Executive Session at 7:43 p.m.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Deputy Town Clerk did not sit in on the executive session. The Town Board returned from executive session at 7:59 p.m. with the Supervisor making note for the record that no action was taken in executive session.

OTHER BUSINESS

The Supervisor explained that there is a filing in Supreme Court in Saratoga County for a Tax Certiorari case in relation to Bluebird Village, LLC; Harrison Place, LLC; and Harrison Terrace, LLC, and Real Property Tax Law Tax Assessment Litigation against the Moreau Town Assessor and Board of Assessment Review, and the Village of South Glens Falls Assessor and Board of Assessment Review and the Village of South Glens Falls. Supervisor Kusnierz explained that they have engaged Special Counsel and offers have gone back and forth. The Supervisor presented the Board with the recommendation from Special Counsel, which recommended settlement. The costs to the Town of the appraisals necessary would outweigh the lost revenue, so it is in the best interest of the Town to settle. Councilmember VanTassel remarked that legal fees aren't even factored in, and he supports the recommendation.

Supervisor Kusnierz asked the Deputy Town Clerk to read the proposed resolution. The following resolution was read into the record:

RESOLUTION

**SUBJECT: BLUEBIRD VILLAGE, LLC; HARRISON PLACE, LLC;
HARRISON TERRACE, LLC RPTL TAX ASSESSMENT LITIGATION**

WHEREAS, Bluebird Village, LLC; Harrison Place, LLC; and Harrison Terrace, LLC ("Petitioners") commenced litigation pursuant to RPTL Article 7 challenging its assessment for tax year 2021 for the following properties located within the Town of Moreau ("Subject Properties"):

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Tax Map Number	Address
50.-2-1.11	284-298 Fort Edward Road
37.-1-19	108 Harrison Avenue
37.63-1-3	47-49 Harrison Avenue

WHEREAS, the Town has determined it to be in its best interest to enter into a Consent Order and Settlement Stipulation;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Moreau hereby approves the settlement of the Real Property Tax Law Article 7 proceeding entitled *Bluebird Village, LLC; Harrison Place, LLC; and Harrison Terrace, LLC v. Assessors of the Town of Moreau; Board of Assessment Review of the Town of Moreau, New York, And Assessors of the Village of South Glens Falls; Board of Assessment Review of the Village of South Glens Falls; Village of South Glens Falls, New York* as follows:

Tax Map Number	Address	2022 Assessed Value	2022 Reduced AV
50.-2-1.11	284-298 Fort Edward Rd	\$18,000,000	\$17,550,000
37.-1-19	108 Harrison Avenue	\$1,950,000	\$1,901,250
37.63-1-3	47-49 Harrison Avenue	\$5,925,000	\$5,776,875

1. All proceedings will be discontinued.
2. Reduced assessed value will remain through 2024
3. No refunds will be paid by the Town.

and be it further

RESOLVED, that the Town Board hereby authorizes Lewis & Greer, P.C., Dylan Harris, Esq. Special Counsel to the Town, to sign the appropriate Consent Order and Settlement Stipulation resolving these matters.

Resolution #2022-187

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to adopt the foregoing resolution as read into the record by the Deputy Town Clerk.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

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Still under Other Business, Councilmember Donohue stated that he hasn't received any emails regarding questions before a solar workshop is scheduled and assumes everyone has their answers. He would like to set a date for a workshop. The Supervisor and Councilmembers agreed that they did not have questions. A lengthy discussion ended with most members stating that they did not feel a workshop was necessary, but that the information Councilmember Donohue provided was helpful. Councilmembers VanTassel and Stewart did state however, that they would still like answers regarding the potential of an overlay district, and Councilmember Donohue agreed that it could be a good compromise.

PRIVILEGE OF THE FLOOR

Luke Michaels, of Michaels Group Homes, addressed the Board regarding the Bluebird Rd Winterberry project, stating that some activity on the site (on Town property and 3 pieces of private property) after the work was completed, became a SWWWP issue. He presented to the Planning Board on December 15, 2021 and they stated they would need to discuss with Town Counsel, but he has not heard anything more about it. Mr. Michaels stated that he submitted 3 building permit applications in December that are still not approved. He was told that no permits would be issued until the SWWWP issue is dealt with. The issue is on Town property, yet he is being asked to be involved. He stated he is asking the Town Board for help with these 3 permits, as he is not getting answers from the Building Inspector or the Zoning Administrator, or Town Counsel. Supervisor Kusnierz stated that Town Counsel provided an update yesterday that provided a pathway for 2 of the 3 occupancy permits. Mr. Michaels had not heard this, and understood the SWWWP to be separate from building permits. He stated that people are waiting to get into their homes. The Supervisor stated that the Town Board does not have the authority to issue permits, but that he will reach out to Town Counsel to find out what needs to happen on either side to successfully address the issues.

Pat Killian, 69 Burt Rd, addressed the Board regarding solar coming in and the influx of information from Ag & Markets, and that of the people included on the petition with Moreau, South Glens Falls and Fort Edward zip codes, 92% were for solar, and only 8% were against. How can the Town move forward, could there be a re-do of the vote, a moratorium, workshop, something for public input? Mr. Killian asked about T-Bird South project and the Industrial Park, how did the Board come to allow that, or possibly allow that? The Supervisor stated that they are required by law to follow a process, there is no more for the Town Board to do without comments from the Planning Board. Councilmember Noonan stated, within the Industrial Park, commercial solar is allowed, and has nothing to do with the Town Board. Mr. Killian requested that the Town Board think about the possibilities, and for overlay, as opposed to just "not moving forward".

MOTION TO ADJOURN

A motion was made by Councilmember Donohue, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 8:32 p.m.

Asked if all in favor, the following responses were given:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Barbara Bartlett
Deputy Town Clerk