

June 22, 2015

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NEW YORK
JUNE 22, 2015
MINUTES OF MEETING

Present: Supervisor Osborn
Councilman Corcoran
Councilman Koenig
Councilman Baker

Danielle Cherubini, Deputy Town Clerk

Absent: Councilman Molinelli

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

A moment of silence was observed for Phyllis Brooks, Alexa Perri, Sheila Rosenstein, and Robert Young.

ITEM #3 Motion to approve agenda

Councilman Corcoran made a motion to amend the agenda to correct the spelling in Resolution #62 to read Dean-Paul Properties (not Deal-Paul Properties) anywhere necessary and approve the agenda as amended. Motion seconded by Councilman Koenig.

*Yea*s: 4 *Nay*s: 0 *Carried*

ITEM #4 Motion to approve minutes from the June 8, 2015 special meeting

Councilman Baker made a motion to approve minutes from the June 8, 2015 meeting. Motion seconded by Councilman Corcoran.

*Yea*s: 4 *Nay*s: 0 *Carried*

ITEM #5 Authorize payment of bills

Councilman Baker made a motion to authorize payment of the abstract in the amount of \$605,019.34. Motion seconded by Councilman Corcoran.

*Yea*s: 4 *Nay*s: 0 *Carried*

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ITEM #6 Presentation

A). Nick Gallella-Discuss subdivision design change from apartments to 5 houses and discuss sewer entry fees.

Nick Galella asked the Board if they would carry over the same sewer entry fees that they allowed him for the subdivision for apartments that he presented about a year ago. He is now planning 5 houses on the same parcel.

The Board discussed this with Mr. Galella and the Board concluded they will not allow the same entry fees for this type of development.

Supervisor Osborn said that the Board approved Santini's Landscaping to use the Eckerson building and the Board would like to know what the expansion on the property is.

Steve Santini said there was confusion with the small engine repair shop that is on one side of the building that is a separate entity. That business moved with him from the 1108 Route 9W property.

There was a discussion with the Board and Mr. Santini regarding the Planning Board process and the Board encouraged him to find out what he needs for the Planning Board, follow the checklist, and get approval for the whole site.

Councilman Koenig made a motion to allow Steve Santini 90 days beginning June 22, 2015 to get all the items needed for the Planning Board. Motion seconded by Councilman Corcoran.

Yeas: 5 Nays: 0 Carried

The Town Board looked at the plans that Empire Landscaping submitted for their site and had discussion.

Councilman Koenig made a motion to allow Supervisor Osborn to write a letter to the Planning Board letting them know that the Town Board finds the map as complete. Motion seconded by Councilman Baker.

ITEM #7 Comments on the agenda

Supervisor Osborn explained to the residents who were present at the meeting regarding the playground that the school had their insurance company do a walkthrough and the insurance company said that the playground should be moved because it is a liability. The schools attorney also said that a liability exists.

Councilman Koenig said that he doesn't understand how there is a liability for a playground and not police, guns, and criminals.

Richard Gerentine said that last week there was a meeting and a lot of information was exchanged. Since the meeting a committee was formed and there is going to be another

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meeting. There are concerns regarding the lease agreement with the school. He had an attorney look at the lease along with others and when he read it, it said that the Town leases the site and the building. The playground is a permanent structure with concrete footings.

Julie Amodeo said she spoke with the interim Superintendant of Schools and reiterated a conversation she had with him. She also stated that the lease was presented at the meeting last week and the Town leases the building and the site and people voted for the move with the knowledge that the playground would not be moved.

Supervisor Osborn said the speculation of people at a meeting about liability and what insurance companies and lawyers says are very different. Richard Gerentine read from the lease agreement and stated that the building and the site are all one entity. He asked if provisions can be made to make the playground safe where it currently is.

There was discussion about the lease. There was also discussion about what the original intent for the playground was when Town Hall moved.

The majority of the Board members present reiterated from previous meetings that the playground should be moved for safety reasons.

Councilman Baker said that people are saying the park is not safe, he asked everyone to stop disparaging the Town Park, he said that the playground will serve the whole Town of Marlboro at the park and if they need to make the park better they will.

Richard Gerentine and Julie Amodeo asked for reassurance that nothing will be done with the playground until the committee meets with the school. Ms. Amodeo asked the Board to consider that the integrity of the playground will be lost if it is moved.

Some residents gave their opinion on the safety of the playground and the park.

Mark Reynolds asked if the Town's insurance company was advised about the playground. Supervisor Osborn said that the Town's insurance agent is not concerned because they already insure playgrounds, the police station, and parks; he is waiting to hear back from the actual insurance carrier.

Mr. Reynolds asked Councilman Corcoran about his current comments about always intending to move the playground vs. what was said originally when moving to the school. Councilman Corcoran stated that it was always the intent to move the playground but the Town didn't own it then and it cost thousands of dollars to have it moved by a certified installer. It was discussed that the playground might be able to be fenced in but it wasn't the safest option. He stated that things change and explained his personal attachment to the school and the playground. He takes the safety concerns very seriously. The Board offered to compromise and move the playground to Sands Avenue but that was said no to but could still happen. Although, he doesn't think it will be used as much as at the park. The majority of the board feels the best place to put it is at the Cluett Schantz Park which is still in Milton. The current equipment at the park is run down so they can replace it and save the taxpayers' money. They are looking at the Town as a whole with regard to safety, liability, and also financially. They have taken the residents petition and their concerns into consideration and have given ample time for them to go to the school. They didn't just decide to just move the playground, he and Supervisor Osborn have had multiple meetings with the school to see what can be done. The school wants it moved. The Board, over the last few years, has been making the park better in a financially responsible way. He

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explained that the school is not a school anymore and that it is a municipal building that serves us well and that is in Milton.

Councilman Koenig said the group for Sands Avenue feels that it's best to enhance the Hamlet. He is a safety minded person and they can mitigate the dangers of the playground. The people of Milton are affected by the school and pay the same amount of taxes as people in Marlboro. The people of Milton work to make it better and the school, the church, and now the playground are being taken away. He is representing the people and business owners in the Hamlet of Milton.

There was a disagreement about the school being taken away and what the Hamlets of Marlboro and Milton have and don't have.

Mici Simonofsky said this can go on for a long time, she knows how difficult the decision making can be because she sat on the Board. She said that the Board is working hard to solve the issue. She added that the Board assured the residents that nothing will happen until the meeting with the school and she asked if they could continue with the regular meeting.

Eric Santana said he knows there is a liability but the kids love the playground, nothing is 100% safe. He stated that 8-9 people just got shot in a church.

ITEM #8 Workshop topics

A). Design Standards for the overlay district

Supervisor Osborn said the Board has talked about sidewalks, a green space between the sidewalks and the highway, stone walls, certain types of trees and spacing, and facades. Some of the Board members briefly discussed what driveways could be made of and how to word it in the guidelines.

Board discussed stone walls and what percentage of a property should have them and how high they should be. Also discussed-if setbacks don't allow for a stone wall, then stone could be incorporated into the building possibly 3 feet high or 30% of the front of a building. Also, how far of a drop off would there need to be where a stone wall wouldn't be relevant.

Discussion about sidewalks and how wide they should be and what they should be made of.

They discussed that trees would be planted 30 feet apart along Route 9W using approved species and planted behind the stone wall.

They discussed parking lots. Supervisor Osborn said that they could possibly word it to say that the location of parking lots and buildings could fit the topography.

They also discussed how much glass they would like to see on the front and sides of a building.

Discussion about roof pitch, roof style, and roof vents.

Supervisor Osborn took comments from the public regarding the design guidelines that were discussed.

The Board agreed to contact Jen Cocozza to get her opinion on their ideas.

ITEM #9 Old Business

A). Wyms Heights

B). TOMVAC

C). Survey of St. Andrews property for purchase

D). Municipal Parking

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- E). Proposed agreement with Newburgh
- F). Milton Sewer Expansion 9W
- G). Bayside
- H). Town Wide Historical Survey

I). Highway garage
Councilman Corcoran read the bids for the Highway Garage which are incorporated into the minutes as follows:

G. Dan Ros & Son, Inc. - Base - \$126,577.00, Alternate #1 - \$32,550.00, Alternate #2 - \$18,270.00

Vaughan Construction, Inc. – Base \$119,941.00, Alternate #1 - \$55,952.00, Alternate #2 - \$42,422.00

*Zitone Construction & Supply Co. Inc. – Base \$134,000.00, Alternate #1 \$39,600.00,
Alternate #2 - \$16,400.00*

Councilman Corcoran explained that the base amount is for the construction of a new

Councilman Corcoran explained that the base amount is for the construction of a new Highway Storage Facility. Alternate one is for stripping and replacing the bottom exterior of the salt shed, and also fixing the eves, overhangs, downspouts, and painting the whole building. Alternate two is for taking down and replacing the material that holds the salt on the interior. If the Board chooses the Alternate(s) they need to award it to the same bidder as the base. He spoke with Gael Appler and he is willing to do Alternate #2 in house.

The Board members discussed how they would like to award the bids.

Councilman Koenig made a motion to accept the low bid from Vaughn Construction for the Base only in the amount of \$119,941.00. Motion seconded by Councilman Baker.

Councilman Corcoran made a motion to accept the low Base bid and Alternate #1 combination from G. Dan Ros & Son, Inc. in the amount of \$159,127.00. Motion seconded by Councilman Baker.

- J). CFA Inner City Grant proposed for Sewer extension Hamlet of Milton
- K). Local Waterfront Revitalization Program Grant
- L). Design Standards for Overlay District
- M). Estimates for Bocci Court

N). Fueling System for the Town

Councilman Corcoran stated that the Board received the Fellenzer Engineering total package estimate. The engineering costs are \$18,950.00 and will be repaid by the school district over 10 years.

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Councilman Corcoran made a motion to approve Fellenzer Engineering for \$18,950.00 to proceed with the engineering for the fueling system and authorize Supervisor Osborn to sign the agreement. Motion seconded by Councilman Koenig.

Yeas: 4

Nays: 0

Carried

ITEM #10 New Business

A). Town wide clean up day

Supervisor Osborn said that residents have asked about having a cleanup day where people can put their refuse out for pick up. He said Joe Wiles was thinking he would have an event where people run and pick up garbage.

Councilman Corcoran asked that the information for "Concerts in the Park" are included in the minutes as follows:

2015 Friday Night Concerts in the Park

6:30-9:30* **
(FREE to the general public!)

Cluett-Schantz Memorial Park
1801 Rout 9W Milton, NY

July 10th. Alternative Rock Night

Marlboro's own One Day Waiting opening for Obsidian

July 17th. Blues Night

Plattekill's Dylan Doyle Band opening for Alexis P. Suter

July 24th Jazz & Swing music

Milton's own The Joe Carozza Quartet!!

July 31st. "Hootenanny in the Park"

Sponsored by Tractor Supply CO.

Line dancing by "Just Dance with Diane & Jerry".

Bluegrass, Folk and Country music by

Marlboro based trio "Tanager", Black Dirt Bandits, and Plattekill's own The Jason Casterline Band.

August 7th. Classic and Original Rock

by Milton boys "Shanfats" opening for

"Michael J LaFalce jr & the MC3"

* Times subject to change

**SHINE ONLY event w/ possible rain date

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ITEM #11 Correspondence

Supervisor Osborn read correspondence addressed to honorable Michael Hein, Commissioner Brian Cunningham, and Richard Gerentine from himself which is incorporated into the minutes as follows:

Gentlemen,

The Town of Marlborough has been working with Central Hudson, local businesses and Town residents on bringing a gas pipeline down Western Ave. (County Rt. 14) from Prospect St. to King St., including part of King St. (A town road). The distance on Western is about .2 miles. It is a part of an economic development program that the Town is undertaking in the Hamlet of Marlboro. This pipeline would provide much needed infrastructure as well as more affordable energy choices to help attract new businesses to the Hamlet, and sustain existing businesses.

We have been diligently pursuing this project for well over a year. We are in a final push to complete it and Central Hudson has informed us that we are falling just short of the economics to make it work. They have suggested that if the County and the Town can pave the road cuts after the project is complete that they could give it the green light.

I am writing you to ask that you please help us and consider this road cut repavement project. It would be great to have all the parties, the Town, local businesses, the County and Central Hudson working together to help bring economic vitality and sustainability to our Hamlet.

If you have any questions please give either myself or Legislator Gerentine a call.

Thank you,

Stephen Osborn - Supervisor

Supervisor Osborn added that he spoke with Gael Appler about repaving and he thinks it will cost about 5-10 thousand dollars.

Councilman Koenig suggested asking Central Hudson if the Town would get reimbursed if any spurs are added to the gas pipe.

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ITEM #12 Public Comment

Mark Reynolds asked what type of review or check is done on the bidders for the Highway Garage project.

Supervisor Osborn said that the bidders submit performance bonds and the quality of the contractor is checked by the engineer.

Councilman Corcoran added that in the bid package, the engineer asks for all jobs that the contractor has done over a period of time.

ITEM #13 Resolutions

A). Resolution #61 RESOLUTION FOR A CAC INVENTORY ON STREET LIGHTING

B). Resolution #62 MARLBOROUGH TOWN BOARD RESOLUTION

TOWN LAW SECTION 191-a

REGARDING A PROPOSED EXTENSION OF THE MILTON SEWER DISTRICT IN THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK

ITEM #14 Adjournment

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A). Resolution #61 RESOLUTION FOR A CAC INVENTORY ON STREET LIGHTING

Supervisor Osborn proposes the following:

Whereas the Marlborough Town Board established the Conservation Advisory Council (CAC) to investigate and report to the Town Board on issues pertaining to the conservation of resources available to the Town in order to improve efficiency and affordability of those resources, and

Whereas the Town Board has had the opportunity to obtain some data that shows Central Hudson Gas and Electric is cooperative in helping the Town achieve the goal of reduced lighting costs to taxpayers, and

Whereas in recent months the CAC has responded to the Town Board's assigned task of investigating ways to save taxpayer money in regards to improvement of the efficiency of the Town's three lighting districts, and found several areas from research already accomplished via the "Rosendale Town-Wide Street Light and Options for Improving Efficiency" report, the Ulster county "Municipal Street Lighting Forum", and studies independently read by members of the CAC that demonstrate how thousands of dollars could be saved annually by improvements in those districts, and

Whereas it is necessary to create an inventory and study of streetlights within each district including the general lighting district in order to make meaningful recommendations as to how the Town could save money and make more efficient use of its lighting assets, and

Whereas information regarding Town lighting assets such as the Town Park lighting and others that either has been or would be obtained from Central Hudson would need to be included in our data, and

Whereas the inventory and study will be accomplished at no cost to the Town as the CAC is a volunteer group.

Be it resolved that the CAC be tasked: with creating an inventory of the Town's lighting districts beginning with the McLaughlin Street District as the pilot study; obtaining all information from Central Hudson in regard to Town costs in the general lighting district and Town assets; correlating all data from the Town Board already obtained; make a report of its

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findings; and make recommendations to the Town Board for consideration on how to increase efficiency in lighting and save money for the taxpayers of Marlborough, and

Be it further resolved that the assessment methods used as described in the "Rosendale Town-Wide Street Light and Options for Improving Efficiency" (copy of which was previously circulated to town Board members) be adopted as the primary approach used by the CAC

And moves for its adoption

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| Councilman Corcoran | Yes |
| Councilman Molinelli | Absent |
| Councilman Koenig | Yes |
| Councilman Baker | Yes |
| Supervisor Osborn | Yes |

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**B). Resolution #62 MARLBOROUGH TOWN BOARD RESOLUTION
TOWN LAW SECTION 191-a
REGARDING A PROPOSED EXTENSION OF THE MILTON SEWER DISTRICT IN THE TOWN
OF MARLBOROUGH, ULSTER COUNTY, NEW YORK**

WHEREAS, the Marlborough Town Board has received proposals for professional services in connection with the preparation of a map, plan and report for a potential extension of the Milton Sewer District to cover at a minimum the two (2) properties in the Town of Marlborough, Ulster County, New York identified as Marlborough Tax Parcel No. 103.1-1-28 owned by Youngs 9W Plymouth, Inc. and Marlborough Tax Parcel No. 103.1-4-1 owned by Dean-Paul Properties, both located at the intersection of NYS Route 9W and Milton Turnpike in the Town; and

WHEREAS, the proposed map, plan and report would be prepared under Section 191-a of the Town Law, in advance of receipt of petitions for establishment of the sewer district extension, and to be followed by proceedings to establish the sewer district extension and to obtain any necessary approvals of agencies for establishment thereof;

NOW, IT IS HEREBY RESOLVED, as follows:

1. The Town Board hereby approves the preparation of a map, plan and report for the proposed sewer district, pursuant to Town Law Section 191-a by the engineers and the attorneys to the Town of Marlborough, and thereafter to pursue all necessary approvals for establishment of the extension of the sewer district at a combined cost of professional services not to exceed the sum of \$20,000.00.

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2. The map, plan and report for a proposed extension of the sewer district shall cover, at a minimum, the real properties as follows: Marlborough Tax Parcel No. 103.1-1-28 owned by Youngs 9W Plymouth, Inc. and Marlborough Tax Parcel No. 103.1-4-1 owned by Dean-Paul Properties, both located at the intersection of NYS Route 9W and Milton Turnpike in the Town, and such other properties in that vicinity as may be added in the map, plan and report; and

3. (a) The plan for the financing of the specific object or purpose described in paragraphs 1, and 2 above is by the issuance of \$20,000.00 serial bonds of said Town, hereby authorized to be issued therefore, pursuant to the Local Finance Law.

(b) It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to subdivision 62 of paragraph (a) of Section 11 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein will not exceed five (5) years.

(c) The faith and credit of said Town of Marlborough, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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(d) Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent the provision of the Local Finance Law.

(e) All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

(f) The validity of such bonds and bond anticipation notes may be contested only if:

- i) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or
- ii) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or

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proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

 iii) such obligations are authorized in violation of the provisions of the Constitution.

(g) This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

(h) Upon this resolution taking effect, the same shall be published in summary form in the Southern Ulster Times, which is hereby designated as the official newspaper for said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided for in Section 81.00 of the Local Finance Law.

5. This resolution is subject to permissive referendum in accordance with the provisions of Article 7 of the Town Law.

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WHEREUPON, the following vote was taken:

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| Supervisor Osborn | Yes |
| Councilman Molinelli | Absent |
| Councilman Corcoran | Yes |
| Councilman Baker | Yes |
| Councilman Koenig | Yes |

Dated: Milton, New York
June 22, 2015

COLLEEN CORCORAN,
TOWN CLERK

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STATE OF NEW YORK)
) ss.:
COUNTY OF ULSTER)

I, the undersigned Clerk of the Town of Marlborough, Ulster County, New York, DO HEREBY CERTIFY that on the 23 day of June, 2015, I duly caused a copy of the attached Notice of Adoption to be conspicuously posted on the sign-board maintained pursuant to Town Law section 30(6) located at the entrance of Town Hall, 21 Milton Turnpike, Suite 200, Milton, New York.

Colleen Corcoran
Colleen Corcoran, Town Clerk

Sworn to before me this
23rd day of June, 2015

Danielle Cherubini

Notary Public

DANIELLE CHERUBINI
Notary Public, State of New York
Qualified in Ulster County
No. 01CH6284534
Commission Expires June 17, 2017

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TIMES COMMUNITY
NEWSPAPERS

of the Hudson Valley

300 Stony Brook Court, Newburgh, NY 12550
(845) 561-0170 Fax (845) 561-3967.

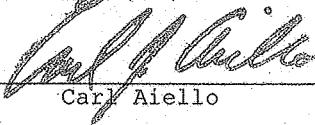
Affidavit of Publication

To: Town of Marlborough, Town Clerk
Rte 9W, Town Hall
PO Box 305
Milton, NY 12547

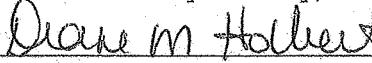
Re: Legal notice #82497

State of New York }
} SS:
County of Orange }

I, Carl Aiello, being duly sworn, depose and say: that I am the Publisher of Southern Ulster Times, a weekly newspaper of general circulation published in Newburgh, County of Orange, State of New York; that a notice, of which the annexed is a printed copy, has been duly and regularly published in Southern Ulster Times once each week for 2 consecutive weeks; and that the dates of publication were as follows: 06/24/15 and 07/01/15.


Carl Aiello

Sworn to before me this 1st day of July, 2015


Diane M. Holbert

Diane M. Holbert
Notary Public, State of New York
No. 4961755

Qualified in Orange County
My commission expires on February 5, 2018

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| Town of Marlborough NOTICE OF ADOPTION OF A RESOLUTION TO AUTHORIZE THE ISSUANCE OF BONDS PLEASE TAKE NOTICE that the Town Board of the town of Marlborough, Ulster County, New York, has on the 22nd day of June, 2015, duly adopted a Bond Resolution, an abstract of which is published here- with, subject to a unanimous referendum. A complete copy of the resolution, including the resolution, available for public inspection during regular business hours at the Office of the Town Clerk of the Town for a period of thirty days from the date of publication of this Notice. Dated: Milton, New York June 22, 2015 |
| Colleen O'Connor Town Clerk Town of Marlborough BOND RESOLUTION DATED JUNE 22, 2015 A RESOLUTION AUTHORIZING THE ISSUANCE OF \$20,000 SERIAL BONDS OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, TO PAY THE COSTS OF A PROPOSED EXTENSION OF THE MIL- TON SEWER DISTRICT IN THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK. Class or objects or purpose: poles and services in connection with the propos- al of a man, party or party to a potential extension of the Milton sewer District. Maximum estimated cost: \$20,000 Period of probable usefulness: Five years Maturity of obligations: Not to exceed Five years Amount of obligations to be issued: \$20,000 bonds. |

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Councilman Corcoran made a motion to enter executive session to discuss personnel matters at 9:41PM. Motion seconded by Supervisor Osborn.

Supervisor Osborn made a motion to end executive session and resume the regular meeting at 9:46PM. Motion seconded by Councilman Corcoran.

No decisions were made.

Supervisor Osborn made a motion to adjourn the meeting at 9:46PM. Motion seconded by Councilman Corcoran.

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*