

TOWN BOARD MEETING
TOWN HALL, MAHOPAC, N.Y.

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 15th day of August 2018 at 7:08 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilwoman McDonough and Supervisor Schmitt. Councilman Lupinacci was absent.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces as well as for the emergency first responders supporting the community.

POLICE DEPARTMENT - PROBATIONARY PROMOTIONAL APPOINTMENT OF SERGEANT MADE - JAMES TERRAZAS

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department hereby appoints James Terrazas to the position of Sergeant, effective immediately, on a promotional probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Police Chief Michael Cazzari spoke regarding former United States Army Ranger James Terrazas's outstanding career with the Carmel Police Department. Supervisor Schmitt administered his oath of office and the members of the Town Board congratulated him on his promotion to the rank of sergeant.

POLICE DEPARTMENT - PROBATIONARY APPOINTMENT OF POLICE OFFICER MADE - BRIAN FORDE

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Brian Forde to the position of Police Officer in the Town of Carmel Police Department, effective August 27, 2018, at an annual salary of \$60,156.00, on a probationary basis, subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt welcomed Brian Forde from the Town of Kent Police Department and administered his oath of office. The Town Board members expressed congratulatory wishes.

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**POLICE DEPARTMENT - PROBATIONARY APPOINTMENT OF POLICE OFFICER
MADE - BRIAN SILLERY**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Brian Sillery to the position of Police Officer in the Town of Carmel Police Department, effective August 27, 2018, at an annual salary of \$45,117.00, on a probationary basis, subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt welcomed Rockland County Police Academy graduate Brian Sillery and administered his oath of office. The Town Board members expressed congratulatory wishes.

Councilman Barile expressed his hope that the recent appointments made over the last several months would dispel any misconceptions about the Town Board’s support of the Carmel Police Department.

**RESOLUTION FROM 8/19/15 AMENDED REQUIRING CONTRACTORS TO UTILIZE
APPRENTICESHIP PROGRAM**

WHEREAS the New York State Legislature has previously declared it public policy of the State of New York to develop sound apprenticeship training standards and to encourage labor and industry to participate in such programs; and

WHEREAS, §816-b of the New York State Labor Law authorizes local government to require contractors and subcontractors on public construction projects to provide apprenticeship training programs; and

WHEREAS, such apprenticeship programs are a valuable tool to provide training opportunities for young persons skilled in the construction trades and to assist such persons in future professional endeavors; and

WHEREAS, it is deemed to be in the best interests of the Town of Carmel to afford opportunities for training in the appropriate building trades on public construction contracts, as defined in §816-b of the New York State Labor Law, which are bid and awarded by the Town of Carmel and which are greater than or equal to \$10,000,000 (Ten Million Dollars) in contract price; and

NOW, THEREFORE, BE IT RESOLVED that it is hereby declared to be the policy of the Town of Carmel to require contractors and subcontractors on construction contracts, as defined in §816-b of the New York State Labor Law, which are bid and awarded by the Town of Carmel and which are greater than or equal to \$10,000,000 (Ten Million Dollars) in contract price, to have in place agreements providing apprenticeship training programs approved by the Commissioner of the New York State Department of Labor for the scope and type of work proposed; and

BE IT FURTHER RESOLVED that said agreements providing the aforementioned apprenticeship training programs be required to conform in all respects to the procedures and requirements set forth in §816-b of the New York State Labor Law.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

**CARMEL POLICE VEHICLE MOBILE DATA AND EQUIPMENT - PROPOSAL
ACCEPTED - ISLAND TECH SERVICES - NOT TO EXCEED \$19,062.75**

WHEREAS, Chief of Police Michael Cazzari has previously solicited proposals for the cost of outfitting three Carmel Police vehicles with mobile data equipment;

NOW THEREFORE BE IT RESOLVED Michael Cazzari, also hereby accepts the proposal of Island Tech Services, Ronkonkoma, NY for the installation of mobile data computer terminals and accessories for the referenced vehicles at a cost not to exceed \$19,062.75 and in accordance with the proposal dated August 28, 2017; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

**NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW
WITH RESPECT TO A LIQUOR LICENSE WAIVED - COFFEE TIME, INC.**

WHEREAS, the representatives and/or proprietors of Coffee Time, Inc. dba “Coffee Time”, 559 Route 6N, Mahopac, NY have advised of the intention to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Article 5 of the Alcohol Beverage Control Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty day notice requirement contained in Article 5 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding said application, for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel.

Resolution

Offered by: Councilman Barile

Seconded by: Councilwoman McDonough

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<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

ATTENDANCE AT SEMINAR AUTHORIZED - ANNE PASQUERELLO AND SUPERVISOR KENNETH SCHMITT - 9/18/18

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Assistant to Town of Carmel Town Board and Confidential Secretary to Town Supervisor Anne Pasquerello, as well as Town of Carmel Supervisor Kenneth Schmitt to attend the 2018 Supervisory 101 Training Seminar sponsored by Employee Assistance Program on September 18, 2018; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

PUBLIC HEARING SCHEDULED - PROPOSED LOCAL LAW AMENDING CHAPTER 156 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING" SPECIFICALLY WITH RESPECT TO A PROPOSED MORATORIUM TEMPORARILY PROHIBITING THE PERMITTING "SMOKE SHOPS" - 9/19/18

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday September 19, 2018 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 156 of the Code of the Town of Carmel, entitled "Zoning" specifically with respect to a proposed moratorium temporarily prohibiting the permitting "smoke shops" as a permitted retail use within the Town of Carmel "; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Supervisor Schmitt

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

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PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL SEWER DISTRICT NO. 1

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Carmel Sewer District No. 1, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of approximately 450 linear feet of 8” sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right-of-way, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$170,000 and

WHEREAS, at a meeting of said Town Board duly called and held on July 11, 2018, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Carmel Sewer District No. 1 in said Town at a maximum estimated cost of \$170,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on August 8, 2018, at 7:00 o’clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Carmel Sewer District No. 1, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of approximately 450 linear feet of 8” sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right-of-way, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$170,000.

Section 2. This Order shall take effect immediately. The question of the adoption of the foregoing Order was duly put to a vote on roll, which resulted as follows:

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

CARMEL SEWER DISTRICT NO. 1 - ISSUANCE OF \$170,000 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK AUTHORIZED TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Carmel Sewer District No. 1, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$170,000; and

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WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have any significant adverse impacts on the environment and which will not require any further environmental review; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Carmel Sewer District No. 1, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of approximately 450 linear feet of 8" sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right-of-way, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$170,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$170,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$170,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam 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. To the extent not paid from monies raised from said Carmel Sewer District No. 1 in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. 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.

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Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) 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 proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. 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.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the same form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

**POLICE DEPARTMENT - PAYMENT OF COMPENSATORY TIME AUTHORIZED -
EMPLOYEE #1455**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes payment of a maximum of forty (40) aggregate days of accrued sick time, compensatory time and/or vacation time, subject to availability in compensated reserve line for Town of Carmel employee #1455 for a total of \$22,997.64.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Barile

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

CARMEL WATER DISTRICT #2 - PROPOSAL ACCEPTED FOR TREATMENT PLANT FACILITY UPGRADE ENGINEERING REPORT - HAZEN & SAWYER ENGINEERS - NOT TO EXCEED \$167,000.00

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, and upon the recommendation of Town of Carmel Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Hazen & Sawyer Engineers, New York, NY for the performance of a comprehensive facilities and engineering study for the Carmel Water District #2 Treatment Plant at a cost not to exceed \$167,000.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution
Offered by: Councilman Barile
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

PUBLIC COMMENTS - OPEN FORUM

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Councilwoman McDonough announced the revised schedule of the 2018 Town of Carmel Recreation and Parks Department Sunset Concert series held at 7:00 p.m. on Thursday evenings at the Mahopac Chamber Park.

Supervisor Schmitt announced that AAA Carting has been advised that the facilities where they deposit recyclables will no longer be accepting bagged items and that customers should put their comingled recyclables into the blue tote provided by the contractor without using any plastic bags.

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ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Barile, with all Town Board members present in agreement, the meeting was adjourned at 7:43 p.m. to Executive Session regarding a personnel/contractual matter.

Respectfully submitted,

Ann Spofford, Town Clerk