

The Reorganization Meeting and Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, January 26, 2009 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:47 p.m.

Town Board Members Present:	Mr. Peter M. Dolan	Supervisor
	Mr. Daniel Castricone	Councilperson
	Mr. Thomas Darling	Councilperson
	Mr. Gary Phelps	Councilperson
	Ms. Lisa Spivak	Councilperson

Town Board Members Absent: None

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel, Mr. Daniel J. Carlin, Police Chief; Mr. Frank Peverly, Zoning Board of Appeals Chairman; Andrew Rogers, Zoning Board of Appeals Member, and Mrs. Elaine M. Laurent, Town Clerk.

The meeting was opened by a pledge of allegiance to the flag.

**Moment of Silence Honoring Memory of Sal Macri**

A moment of silence was observed to honor the memory of Salvatore Macri, long-time resident of Tuxedo and former Tuxedo Police Corporal, who passed away on January 16, 2009. Sal began his career in 1968 as a Police Officer with the Town, rising to Sergeant in 1981 and Corporal in 1996. He retired in 1998 and split his time between Tuxedo and Florida. He is fondly remembered by fellow residents in Tuxedo and Florida, as well as by his fellow officers. Flags in the Town will be flown at half staff through the date of his memorial service in the Spring. Sal is survived by his children Christopher Macri and Meredith Marchesi of Tuxedo, three grandchildren and two sisters.

**REORGANIZATION MEETING**

The Supervisor appointed the following positions:

Supervisor's Clerk:	Shari Brooks
Supervisor's Bookkeeper:	Patricia Monico-Sullivan
Deputy Supervisor:	Lisa Spivak

The Town Clerk appointed the following positions:

Deputy Registrar:	Antionette Matthews
First Deputy Town Clerk:	Antionette Matthews

Supervisor Dolan offered the following reorganization meeting resolutions and moved their adoption.

**RESOLVED**, that the Town Board will approve reimbursement of actual and necessary expenses by elected and appointed employees to attend the 2009 Association of Towns Convention in February, 2009;

**RESOLVED**, that the Supervisor be designated the voting delegate at the 2009 Annual Meeting of the Association of Towns, and that Councilwoman Lisa Spivak be designated as the alternate voting delegate;

**RESOLVED**, that the Regular Bi-Monthly Town Board Meetings be held on the second and fourth Mondays of each month at 7:30 p.m. at the Town Hall and, when circumstances deem it desirable, be held at other locations in other parts of the Town. Should a meeting date fall on an observed holiday, the meeting will be held on the Tuesday of that week;

**RESOLVED**, that the *Times Herald-Record* be named the official newspaper of the Town of Tuxedo for the calendar year 2009;

**RESOLVED**, that JP Morgan Chase be appointed as the official depository (checking and savings accounts) for the Town of Tuxedo for the calendar year 2009, and that the major portion of the Town's funds be invested in the FlexiCash Account administered by JP Morgan Chase;

**REORGANIZATION  
MEETING**

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**REORGANIZATION MEETING (Continued)**

**RESOLVED**, that HSBC Bank USA be appointed as an additional official depository for the Town of Tuxedo for the calendar year 2009;

**RESOLVED**, that the compensation for 2009 for employees be paid every two weeks, with the payroll period ending on the Friday before the payday on the following Friday, or Thursday if a holiday should fall on Friday;

**RESOLVED**, that the schedule of 2009 holidays for Town non-contractual employees be the same as that followed by the Orange County Department of Personnel, except for the following:

Day after Thanksgiving – Friday, November 27, 2008 (Closed)

**RESOLVED**, that the yearly salaries be approved as stated for the following Town Officials:

Town Council	\$ 5,586.00 each
Town Justice Davis	\$24,333.00
Town Justice Steyer	\$21,617.00
Supervisor	\$32,500.00
Receiver of Taxes	\$ 9,570.00
Town Clerk	\$53,294.00
Superintendent of Highways	\$84,240.00

**RESOLVED**, that the salary of the full-time (35+ hour work week) Supervisory Court Clerk be set at \$40,858.00 per annum, and that Sandra Boss be appointed to this position;

**RESOLVED**, that the salary of the full-time (30+ hour workweek) Justice Clerk be set at \$32,018.00 per annum, that Elizabeth Smith be appointed to this position, and that she be authorized to sign vouchers in the absence of the Supervisory Court Clerk;

**RESOLVED**, that the salary of the part-time (20 hour workweek) Court Clerk be set at \$17,362.00 per annum, and that Claire Squillini be appointed to Court Clerk;

**RESOLVED**, that the salary of the part-time (20 hour workweek) Court Clerk be set at \$15,490.00 per annum, and that Mary Stalnaker be appointed to Court Clerk;

**RESOLVED**, that the salary of the full-time (30 hour workweek) Supervisor's Clerk, who will additionally perform the duties of Recreation Clerk, be set at \$42,848.00 per annum;

**RESOLVED**, that the salary of the Town Bookkeeper be set at \$22,671.00 per annum and that the working hours be flexible and as required by the Supervisor;

**RESOLVED**, that Lynda Witte be retained as a consultant to the Bookkeeper and Supervisor and be compensated at the rate of \$35.00 per hour;

**RESOLVED**, that the salary of the Budget Officer be set at \$3,786.00 per annum, and that Peter M. Dolan be appointed Budget Officer;

**RESOLVED**, that the salary of the Deputy Budget Officer be set at \$4,326.00 per annum, and that Patricia Monico-Sullivan be appointed Deputy Budget Officer;

**RESOLVED**, that the salary of the part-time Assessor be set at \$33,935.00 per annum, that Gregory Stevens be appointed part-time Assessor, that the working hours be as needed/seasonal for such position, and that the minimum hours be 1,040 per annum;

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**REORGANIZATION  
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(Continued)**

**REORGANIZATION MEETING (Continued)**

**RESOLVED**, that the salary of the Board of Assessment Review Chairman and Members be set at \$1,350.00 and \$490.00 per annum, , respectively, that the working hours be as needed; that Louis DeBrino be appointed Chairman of the Board of Assessment Review, and that such board be comprised by the following individuals through the term expiration dates indicated:

Carol Matthews	09/30/2009
Edward Brennan	09/30/2010
Louis DeBrino	09/30/2011
Nathaniel Jackson	09/30/2012
Jerry Magurno	09/30/2013

**RESOLVED**, that the salary of the First Deputy Town Clerk be set at \$27,165.00 per annum for a 27-hour workweek;

**RESOLVED**, that the salary of the Payroll Clerk be set at \$2,415.00 per annum, that Anita Rogers be appointed Payroll Clerk, and that the hours be as needed;

**RESOLVED**, that the compensation for Custodians of the Voting Machines be set at \$800.00 per annum for two elections, with an additional \$200.00 per election in excess of two (2) elections in one year, and that Louis DeBrino and Jack Kossover be appointed Custodians of the Voting Machines.

**RESOLVED**, that the compensation for the alternate Custodians for the Voting Machines be set at \$8/Hour, and that the amount be paid from the absent Custodian's per-annum salary, and that Louis DeBrino, III be appointed to this position.;

**RESOLVED**, that the compensation for Election Inspectors be set as follows: Inspection Chairmen - \$12.50 per hour; Inspectors - \$10.50 per hour;

**RESOLVED**, that the election sites be compensated as follows:

Sterling Forest Firehouse	\$100 per use
Eagle Valley Fire House	\$100 per use

**RESOLVED**, that the salary of the Records Management Officer be set at \$3,140.00 per annum and, as required by the New York State Records Management Law, that the Town Clerk is recognized as Records Management Officer;

**RESOLVED**, that the salary of the Deputy Records Management Officer be set at \$2,080.00 per annum, and that the First Deputy Town Clerk is appointed Deputy Records Management Officer;

**RESOLVED**, that the salary of the part-time Dog Control Officer be set at \$6,490.00 per annum, that Thomas Murphy be appointed part-time Dog Control Officer, and that the working hours be as needed;

**RESOLVED**, that Nils Gerling and Louis DeBrino, III be appointed as Deputy Emergency Management Officers at a salary of \$650.00 each per annum, and that the hours be as required;

**RESOLVED**, that the hourly pay of the part-time Clerk for the Superintendent of Highways be set at \$17.44 per hour, that Deborah Villanueva be appointed part-time Clerk for the Superintendent of Highways, and that the working hours be as needed;

**RESOLVED**, that the hourly pay of the 1<sup>st</sup> part-time Parking Fee Collector be set at \$15.00 per hour and that Claire Squillini be appointed 1<sup>st</sup> part-time Parking Fee Collector;

**RESOLVED**, that the hourly pay of the 2<sup>nd</sup> part-time Parking Fee Collector be set at \$13.70 per hour and that Mary Stalnaker be appointed 2<sup>nd</sup> part-time Parking Fee Collector;

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**REORGANIZATION  
MEETING  
(Continued)**

**REORGANIZATION MEETING (Continued)**

**RESOLVED**, that the salary of the part-time Recreation Coordinator be set at \$10,400.00 per annum, that the working hours be as needed during the summer recreation program; and that an appointment be made to this position prior to the 2009 summer recreation program session;

**RESOLVED**, that the salary of \$110,035.00 and benefits of the Police Chief, Daniel J. Carlin, be as set forth in the contract on file with the Town;

**RESOLVED**, that the 2009 salaries and benefits of the Police Lieutenant, Sergeants and Patrolmen be as set forth in the 2008-2010 contract for the year 2008;

**RESOLVED**, that the 2009 salaries and benefits of the full-time Police Dispatchers be as provided in the 2001-2003 contract with the New York State Union of Police until a successor contract has been ratified,

**RESOLVED**, that Margaret Baruffaldi and Dawn Graham be appointed Police Matrons;

**RESOLVED**, that the salaries of the Part-Time Police Dispatchers be set at \$10.00 per hour during training, to be increased to \$12.00 per hour upon successful completion of training, and that the following individuals be appointed as Part-Time Dispatchers: Michelle Conques, Michelle Diaz, Michael A. Donlop, Jr, Kathleen Marusich, Aaron McGrady, Kathleen Miller, Thomas Ogden and Andrew Rivera;

**RESOLVED**, that the salary of the full-time (minimum 30 hours per week) Fire and Building Inspector be set at \$52,644.00 per annum, and that David Maikisch be appointed Fire and Building Inspector;

**RESOLVED**, that the salary of the full-time (minimum 37.5 hours per week) Project Coordinator for the Building Department, Planning Board, Zoning Board of Appeals and Architectural Review Board be set at \$46,271.00 per annum, and that Anita Rogers be appointed to this position;

**RESOLVED**, that the Parks & Recreation Advisory Board, whose members shall serve without compensation, be comprised of the following individuals through the term expiration dates indicated or until a successor is appointed:

Leslie DeVore	12/31/2009	Paul DiPaulo	12/31/2011
Edward Pfizenmaier	12/31/2010	Joseph Ricard	12/31/2012
Deborah Villanueva	12/31/2010	Jean Ruffino	12/31/2012
Adam Frank	12/31/2011		

**RESOLVED**, that the salaries of the Zoning Board of Appeals Chairman and Members be set at \$1,481.00 and \$1,072.00 per annum, respectively, that working hours be as required; that Francis W. Peverly be appointed Chairman of the Zoning Board of Appeals; and that such board be comprised by the following individuals through the term expiration dates indicated or until a successor is appointed:

Clifford Loncar	12/31/2009
Francis W. Peverly	12/31/2010
Andrew Rogers	12/31/2011
Brian Sullivan	12/31/2012
George Langberg	12/31/2013

**RESOLVED**, that the salaries of the Planning Board Chairman, Members and Alternate Member be set at \$5,582.00, \$2,496.00 and \$1,040.00 per annum, respectively, that working hours be as required, that Nils Gerling be appointed Chairman of the Planning Board; and that such board be comprised of the following individuals through the term expiration dates indicated or until a successor is appointed:

Robert Thompson	12/31/2009
Alternate (Open Position)	12/31/2009
Mary Hanson	12/31/2010
Nils Gerling	12/31/2011
Susan Goodfellow	12/31/2012
Joseph Gartiser	12/31/2013

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**REORGANIZATION MEETING (Continued)**

**RESOLVED**, that the salaries of the Architectural Review Board Chairman and Members be set at \$1,607.00 and \$1,040.00 per annum, respectively, that working hours be as required, that Michael Reardon be appointed Chairman of the Architectural Review Board; and that such board be comprised of the following individuals through the term expiration dates indicated or until a successor is appointed:

(Open)	12/31/2009
George McCathern	12/31/2010
Michael Reardon	12/31/2010
Darren Maynard	12/31/2011
(Open)	12/31/2011

**RESOLVED**, that the salary of the part-time Recording Secretary to the Zoning Board, Planning Board and Architectural Review Board be set at \$17.44 per hour, and that Deborah Villanueva be appointed to this position;

**RESOLVED**, that the 2009 salaries of the Highway Department employees be as set forth in the 2007-2009 Collective Bargaining Agreement with the International Brotherhood of Electrical Workers for the year 2009;

**RESOLVED**, that Joseph P. Tripoli, Sr. be appointed to this position of Hamlet Sewer District Administrator and that the salary and hours be set at an upcoming meeting of the Town Board;

**RESOLVED**, that the annual parking permit fee for 2009 for the resident-only municipal parking lot at the train station be set at \$150.00 and that the annual permit fee for non-resident handicapped parking at such lot be set at \$192;

**RESOLVED**, that the parking fee for 2009 for the daily-fee commuter parking lot on Powerhouse Lane be set at \$2.00 per day, or \$192 for 12 months, \$112 for 6 months, and \$60 for 3 months;

**RESOLVED**, that the Supervisor and Councilwoman Lisa Spivak be authorized to sign Payroll and Town Checks, that the Supervisor, the Supervisor's Clerk and the Town Clerk be authorized to make withdrawals from the Town Savings and FlexiCash Accounts, and that the Town Bookkeeper be authorized to transfer funds among the Town's accounts;

**RESOLVED**, that the Supervisor and Councilwoman Lisa Spivak be authorized to make payment for payroll, hospitalization, dental, retirement, gas, electric, telephone, water, postage, express mail, garbage contracts and debt service without prior audit by the Town Board;

**RESOLVED**, that the contractual retainer of the Town Legal Counsel be set at \$43,000.00 per annum, and a maximum hourly rate of \$180 for non-retainer items, and that Jacobowitz and Gubits be retained as Town Legal Counsel;

**RESOLVED**, that Holzmacher, McLendon & Murrell, P.C. be appointed as Engineers for the Town of Tuxedo and that payment for services be as defined in the contract on file with the Town Clerk;

**RESOLVED**, that Theodore J. Eglit, Jr., CPA, of Hopewell Junction, New York is retained by the Town of Tuxedo to review the books and records of the Town for the fiscal year 2008 and to assist the bookkeeper in preparation of the Town's Annual Financial Report and in accounting and financial matters which arise during fiscal year 2009, at a rate of compensation not to exceed \$14,000.00 per annum for the Town Audit and Financial Preparation and a rate of \$75.00 per hour for additional assistance; and \$500 each for the cash audits for the Town Clerk (1), Receiver of Taxes (1) and Justice Court (2);

**RESOLVED**, that the contractual base fee of the Planning Board Legal Counsel be set at \$22,200.00 per annum, and that Thomas J. Egan, Esq. be retained as the Planning Board Legal Counsel;

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**REORGANIZATION MEETING (Concluded)**

**RESOLVED**, that the contractual retainer of the Planning Consultants be set at \$75,0000.00 per annum and that Bonnie Franson be retained as Consultant to the Planning Board;

**RESOLVED**, that the contractual base fee of the Zoning Board of Appeals Legal Counsel be set at \$125.00 per hour, and that Lisa J. Felicissimo, Esq. be retained as the Zoning Board of Appeals Legal Counsel;

**RESOLVED**, that Paul Mitchell be appointed Town Veteran's Officer;

**RESOLVED**, that Nils Gerling be appointed Public Information Officer;

**RESOLVED**, that Christian Sonne be appointed Town Historian;

**RESOLVED**, that Peter Dolan be appointed liaison to the Village of Tuxedo Park Board of Trustees, the Tuxedo Union-Free School District, the Police Department, the Highway Department and the Hamlet Sewer District;

**RESOLVED**, that Daniel Castricone be appointed liaison to the Village of Tuxedo Park Board of Trustees, the Tuxedo Union-Free School District and the Parks & Recreation Department;

**RESOLVED**, that Lisa Spivak be appointed liaison to the Tuxedo Police Department, the Tuxedo Volunteer Ambulance Corps, the Assessor's Office, the Board of Assessment Review and the Library;

**RESOLVED**, that Thomas Darling be appointed liaison to the Monroe-Woodbury School District, the Zoning Board of Appeals and the Joint Fire District;

**RESOLVED**, that Gary Phelps be appointed liaison to the Planning Board, the Architectural Review Board and the Tuxedo Chamber of Commerce;

**RESOLVED**, that the mileage reimbursement for personal car usage for Town business be set at \$.55/mile for 2009, to be adjusted as promulgated by the Internal Revenue Service; and

**RESOLVED**, that the Standard Schedule of Fees is hereby modified as follows: Section V. Towing Permits - the words "Towing Permits" is changed to "Light- and Medium-Duty Towing Permits," and an additional category entitled "Heavy-Duty Towing Permits" is hereby added, with a corresponding fee of \$175 per vehicle.

The adoption of the foregoing resolutions was seconded by Councilperson Phelps and duly put to a vote on roll call, which resulted as follows:

**Adopted:**    AYES: [ 5 ]      NAYS: [ 0 ]      ABSENTEES: [ 0 ]

**REGULAR MEETING**

**MINUTES**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Darling, to accept the Town Board Minutes of the Public Hearing and Regular Bi-Monthly Meeting held on January 12, 2008, with the following modifications requested by Councilperson Castricone:

Other Business - Resolution Scheduling Draft Comprehensive Plan Update public hearing – Insert date, time and place of public hearing

Vouchers – Correct name of Councilperson seconding resolution from Spivak to Phelps

**Adopted:**    AYES: [ 4 ]    NAYS: [ 0 ]    ABSENT: [ 0 – ]    ABSTAIN: [ 1-Councilperson Spivak ]

**REORGANIZATION  
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**REGULAR MEETING  
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**MONTHLY REPORTS**

Supervisor Dolan acknowledged receipt of the Monthly Reports for December, 2008 from the Justice Court (2), the Police Department and the Town Clerk.

**PUBLIC COMMENTS ON AGENDA ITEMS**

Supervisor Dolan asked for public comments on agenda items. There were none.

**AGENDA ITEMS:**

**1. Town Supervisor/Town Board Update**

• **Announcement of Retirement of Highway Superintendent and Supervisory Court Clerk**

Supervisor Dolan announced that Sandra boss, Supervisory Court Clerk, will retire on April 9, 2009 and that Joseph P. Tripoli, Sr., Highway Superintendent, will retire on March 31, 2009.

• **Semi-Formal Dance at American Legion Building**

Supervisor Dolan advised that the First Annual Winter Wonderland Gala, a night of music, food and friends sponsored by the Tuxedo Recreation Department for 7<sup>th</sup> and 8<sup>th</sup> graders, will be held this Friday, January 30, at the American Legion building..

• **Cell Towers**

Councilperson Darling advised that, after months of meetings and negotiations, Verizon has discontinued its pursuit of locating a cell tower on Town property. Councilperson Darling is now in discussions with JNS Towers Inc., a company that specializes in the construction of towers, managing co-location carriers and maintaining the towers at no taxpayer cost, for a 50-50 split of profits.

• **Local Development Corporation**

Councilperson Spivak advised that a meeting of the LDC was held with the Train Station Committee last week, and a grant of \$125,000 was approved for the finalization of the train station renovation. The Train Station Committee has commenced fund-raising efforts to raise an additional \$75,000; if their efforts fall short of their goal, the LDC will consider providing additional funds.

• **Donation of Robert Bero Artwork to Town**

Supervisor Dolan advised that the estate of the late Robert Bero, a major twentieth century artist, etcher and printmaker, has graciously donated several pieces of his artwork to the Town. Mr. Bero, who passed away at his home in Tuxedo Park on July 7, 2007, studied at the Pratt Institute and at Yale University and later taught at SUNY Potsdam, Brown University and SUNY Purchase. A *New York Times* reviewer wrote that "Bero's enormous woodcuts, years in the making and days in the printing, expand the horizons of printmaking." Along with his artistic contributions, Bob was a valued mentor to his students and a friend to many in the Tuxedo park area. The Town is deeply grateful for these fine gifts and for the privilege of displaying them at Town Hall and the train station.

**2. Resolution Appointing Ralph Brooks and Kenneth Magar as Fire Commissioners**

**RESOLVED**, motion made by Councilperson Darling, seconded by Supervisor Dolan, that the Town Board hereby appoints Ralph Brooks and Kenneth Magar as Fire Commissioners, with their terms of office to continue through December 31, 2013.

**Adopted:** AYES: [ 5 ]      NAYS: [ 0 ]      ABSENTEES: [ 0 ]

**MONTHLY  
REPORTS**

**PUBLIC COMMENTS  
ON AGENDA ITEMS**

**AGENDA ITEMS:  
Town Supervisor/  
Town Board Update**

***Announcement of  
Retirement of Town  
Employees***

***Semi-Formal Dance  
at American Legion  
Building***

***Cell Towers***

***Local Development  
Corporation***

***Donation of  
Robert Bero  
Artwork to Town***

**Resolution  
Appointing  
Ralph Brooks and  
Kenneth Magar as  
Fire Commissioners**

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**AGENDA ITEMS (Continued):**

**3. Presentation by Frank Peverly – LED Street Lighting Program at Woodlands**

Mr. Frank Peverly, President of the Woodlands at Tuxedo Homeowners Association, gave a very informative presentation regarding LED street lighting and a pilot program utilizing two such lights at the Woodlands. Although the units themselves are costly, significant environmental benefits and savings in energy consumption and, thereby, costs are expected to be realized. Mr. Peverly will report back with more data at a future meeting.

**4. Reminder of Public Hearing on Proposed Sewer Rate Increase**

Supervisor Dolan reminded the public that a public hearing will be held on Monday, February 2, 2009 at the American Legion building at 7:30 p.m. for the purpose of soliciting public comments regarding a proposal by United Water South County Sewer Inc. to increase rates it charges its customers. A copy of the rate and tariff filing is available for inspection at the Tuxedo Town Hall and at the Town of Tuxedo website at [www.tuxedogov.org](http://www.tuxedogov.org).

**OTHER BUSINESS:**

There were no items of Other Business to come before the Board.

**BUDGET MODIFICATIONS:**

There were no budget modifications.

**VOUCHERS**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers 1 through 44  
General Fund Claim totaling \$75,680.17  
Part-Town Fund Claim totaling \$4,286.99  
Highway Town Wide Claim totaling \$-0-  
Highway Part-Town Claim totaling \$-0-  
Tuxedo Refuse District Claim totaling \$-0-  
Hamlet Sewer District Claim totaling \$1,067.77  
Total abstract amount: \$81,034.93

**Adopted:** AYES: [ 5 ] NAYS: [ 0 ] ABSENTEES: [ 0 ]

Authorization for Payment was thereafter signed by Councilperson Spivak, Councilperson Phelps and Supervisor Dolan.

**EXECUTIVE SESSION**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to recess to executive session at 8:45 p.m. to discuss Police personnel matters.

**Adopted:** AYES: [ 5 ] NAYS: [ 0 ] ABSENTEES: [ 0 ]

The Board reconvened the regular meeting at 9:35 p.m.

**AGENDA ITEMS  
(Continued):**

**Presentation by  
Frank Peverly – LED  
Street Lighting  
Program at  
Woodlands**

**Reminder of Public  
Hearing on Proposed  
Sewer Rate Increase**

**OTHER BUSINESS:**

**BUDGET  
MODIFICATIONS:**

**VOUCHERS**

**EXECUTIVE  
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**ADJOURNMENT**

**ADJOURNMENT**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 9:35 p.m.

**Adopted:** AYES: [ 5 ] NAYS: [ 0 ] ABSENTEES: [ 0 ]

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent  
Town Clerk