

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
April 14, 2015 – 7:00 PM

Present

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| Mayor: | Robert C. Corby |
| Trustees: | Lili Lanphear Frank Galusha Alysa Plummer Margaret Carabaris |
| Village Attorney: | Jeff Turner |
| Town Fire Marshall: | Kelly Cline |
| Superintendent of DPW: | Doug Yaeger |
| Recording Secretary: | Dorothea M. Ciccarelli |

CALL TO ORDER

Motion Mayor Corby and seconded by Trustee Lanphear called the meeting to order at 7:00 PM. Mayor Corby also welcomed to the Village Board Trustee Alysa Plummer and Trustee Margaret Carabaris.

BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE

Mayor Corby asked if any of the Board members had a conflict of interest or had accepted gifts associated with any of the meeting agenda items. Trustee Plummer disclosed that she had worked on the Farmer’s Market committee last year, but has resigned. The other Board members indicated that they had no conflicts of interest to report.

PUBLIC COMMENT

John Limbeck, 62 State Street – Submitted correspondence to the Board. Mr. Limbeck expressed concerns related to correspondence he received regarding employment matters. Mayor Corby informed Mr. Limbeck that he is working with the law firm of Hodgson Russ to obtain additional correspondence related to the matter.

Mike Reynolds, 35 Church Street – Suggested to the Village Board that they review the current Village Code with regard to the appointment of board members to the Planning Board. He suggested that they update the standards and consider term limits on the Chairperson or rotating among the Board members for the position.

BUILDING INSPECTOR REPORT – FIRE MARSHAL, KELLY CLINE

- Mrs. Cline informed the Board that she had reviewed the building permit issued for 34 Monroe Avenue and had some concerns with the building plans. The plans indicated that they would be renovating the attic space. Mrs. Cline had reviewed the code and it required additional improvements with the renovation of the attic. She contacted the contractor and they have removed the project from the plans.
- Mrs. Cline also completed a footer inspection on 27 Locust Street.
- The owner of 13 Maple Street is replacing an existing retaining wall and changing the material used from timber to block. Mrs. Cline spoke to APRB Chairman, Paul Zachman, who determined that the resident did not need to go before the APRB, but she did contact DPW Superintendent, Doug Yaeger, to have him determine if the wall would be an issue with the sidewalk plow.
- The owner of 15 Austin Park will be applying to the APRB for a deck.

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- The owner of 6 N. Main Street will be submitting an application for a building permit for interior renovations.
- Mrs. Cline informed the Board that she had referred 50 State Street to the Village Attorney and Scott Harter. The owner needs approval to pave the existing parking lot.
- Mrs. Cline informed the Board that she is conducting research related to a complaint that was received regarding the Canal Lamp Inn.
- Mrs. Cline referred the resident from Courtenay Circle to APRB Chairman, Paul Zachman, for information regarding APRB requirements and setbacks. The residents are contemplating renovating their home by adding an addition.
- The owner of 50 Sutherland Street requested information on installing a shed on their property. Mrs. Cline will be forwarding the information.
- Mrs. Cline received a complaint regarding a property on Sutherland Street because of furniture left out at the curb. She will be following up after trash removal.
- Mrs. Cline is reviewing a request regarding a permit being issued for a roof at 7 Stonegate Lane.
- A walk-through meeting was held with a prospective tenant for the Sullivan Shoe Store, located on South Main Street. Mrs. Cline is reviewing the necessary code requirements.
- Mrs. Cline is researching a request from a resident on South Street who inquired about building a deck off the back of a detached garage.
- Mrs. Cline received a complaint regarding Hungry's and the condition of the building. The building had a weathered appearance due to the extreme winter and she will contact the owner to discuss painting when the weather permits.

FRIENDS OF PITTSFORD VILLAGE FARMER'S MARKET

Representatives from the Farmer's Market spoke to the Village Board regarding the need to have a market manager. They requested financial assistance from the Board. They stated that they have also approached the Town of Pittsford for a donation to help support the market. They are actively seeking business sponsors to help support their needs. Mayor Corby informed the group that the Board will review the request.

NON-MUNICIPAL USE PERMIT FOR THE ST. LOUIS SCHOOL

Mayor Corby reviewed a request the Board received from St. Louis School to conduct a walk-a-thon. The event is titled a "Trek for Tech" to be held on May 29, 2015, between 6 pm – 9 pm.

Motion by Trustee Carabaris, seconded by Trustee Galusha, to waive the 45-day notice and to issue a non-municipal use permit to St. Louis Church with the standard permit conditions and no volunteers are allowed to direct traffic.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

PAVILION LIGHTS

Mayor Corby discussed the need for new pavilion lights due to the age of the existing lights. He provided the Board information on new pavilion lights that are currently installed at the Town Pavilion. He suggested that the Village use the same light, and that way all the lights along the canal will be consistent. The Board requested that Doug Yaeger obtain pricing.

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DISCUSSION ON SIGN ORDINANCE

Mayor Corby commented that the Board has discussed individually the current sign ordinance. The Board is putting together a working group to review the sign ordinance. The group will consist of Susan Rhoda, Bob Michaels, Mayor Corby, and Trustee Lanphear. Trustee Plummer suggested that the group put together a workshop meeting to review their options with the public. Village Clerk discussed correspondence received from the Town of Pittsford for their Paddle and Pour event. She stated that in addition, the Village is continuing to receive requests for signage for other events as well. Mayor Corby stated that he will follow up with Town, and he informed the Board that he also invited Supervisor Smith to participate on the committee.

Janet Reynolds, 35 Church Street – Expressed concern related to the code and the correspondence received from the Village related to signage. She was unable to correlate the letter to the signage regulations.

ATTORNEY CLIENT MEETING

Motion Mayor Corby, seconded by Trustee Lanphear to enter into Attorney Client Meeting.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Galusha**, to leave Attorney Client Meeting at 7:40 PM and reenter the regular session of the meeting.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

PUBLIC HEARING ON LOCAL LAW WHICH WILL OVERRIDE THE TAX LEVY LIMIT

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Galusha**, to open the public hearing to consider the adoption of a local law which law will override the tax levy limit established by General Municipal Law §3-c.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, April 14, 2015 at 7:30 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law, which law will override the tax levy limit established General Municipal Law §3-c. as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Pittsford to adopt a budget for the fiscal year commencing June 1, 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Pittsford, County of Monroe, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

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If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Michael Tomaino, 24 Monroe Avenue – Questioned if the Board by approving the tax override would be automatically approving a tax increase within the budget

Mayor Corby explained that the process required by the State is that you have to complete the override before the adoption of the budget, but it does not mean that you have to override the budget.

There being no one present wishing to speak for or against this application, a **motion** was made by **Mayor Corby, seconded by Trustee Lanphear**, to close the public hearing.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

Motion Trustee Plummer, seconded by Mayor Corby, to adopt the local law which law will override the tax levy limit *established* by General Municipal Law §3-c.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

PUBLIC HEARING ON THE 2015/2016 VILLAGE BUDGET

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Galusha**, to open the public hearing on the 2014/2015 Village Budget.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

Pursuant to Section 5-508 of the Village Law, the tentative budget for the Village of Pittsford 2015-2016 fiscal year has been prepared and filed with the Village Clerk at the Village Office, 21 North Main Street, Pittsford, New York, where it may be inspected by interested parties between the hours of 9:00 a.m. and 3:30 p.m., weekdays except for holidays. Said tentative budget includes maximum compensation for the Mayor of \$13,783.22 per annum; for the Trustees, \$5,857.92 per annum.

General Fund \$ 1,309,592.00

Sewer Fund \$ 157,476.00

A public hearing on the proposed budget will be held before the Board of Trustees of the Village of Pittsford, 21 North Main Street, Pittsford, New York, on the 14th day of April 2015 at 7:30 p.m., to consider same before final adoption of the tentative budget.

Michael Tomaino, 24 Monroe Avenue – Provided the Board with a statement regarding his concerns with the proposed budget. He expressed concern that the proposed budget would increase taxes 10% over last year, with the 4% increase in assessment and 6% tax increase. Mr. Tomaino also stated that the litigation with 75 Monroe Avenue is leading to financial issues for the Village. He suggested the Village consider other ways to settle the legal issues. He suggested negotiations, a professional mediator, or binding arbitration. Mr. Tomaino stated that the ongoing litigation could drag on for years, and the legal expenses would end up harming the Village.

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John Limbeck, 62 State Street – Provided the Board with a written statement. Mr. Limbeck expressed concern with the proposed borrowing. He stated that traditionally, these items have been purchased through the annual budget. Mr. Limbeck indicated that the Board did not have the right to commit the residents to the current litigation. He also stated that the last two elections are not an accurate vote by the residents in support of the legal fees.

Mike Reynolds, 35 Church Street – Stated that the Village residents' vote spoke loudly during the recent village elections, and his opinion is that it is not necessary for the residents to vote again. He stated that no one wanted to kill the project; they just want to see it conform with the requirements of the special permit that stated that it would be similar to Schoen Place.

Justin Vliestra, 19 Boughton Avenue – Mr. Vliestra stated that he has heard many comments about the various lawsuits and the tax increase. He informed the Board that he did not feel the proposed tax increase of 6% would be a hardship, since it amounted to about a \$2 - \$3 increase for residents to support defending the Village and improving the services. Mr. Vliestra stated that a large portion of the bonding is being spent on the public works department for replacing equipment. He also stated that the largest user of taxpayer dollars is the public works department. Mr. Vliestra appreciates all the services provided by the Village. He also stated that he understands that it is necessary to replace equipment due to issues with equipment breaking down. Mr. Vliestra also stated that he is personally being sued by Mark IV for standing up to the project. He supports the Village in the decision to continue the litigation.

There being no one present wishing to speak for or against this local law, a **motion** was made by **Mayor Corby, seconded by Trustee Plummer**, to close the public hearing.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Plummer – yes, Carabaris – yes. **Motion carried.**

Mayor Corby informed the public that he has lived in the Village of Pittsford his entire life. He has served on Village Boards since 1987 and has been Mayor since 1993. During that time, the Village has always been frugal, has maintained a limit on expenditures, and has minimized tax increases. Many times when the Village has taken advantage of re-evaluation of the assessment, we have reduced the tax rates. During that time, the value of Village properties has been one of the highest appreciating areas in Monroe County. Some of that is due to preservation activities that started in the 1960's and the investment the Village has made into the Schoen Place waterfront, which has attracted millions of dollars in private investment.

He further commented that the long-term story is that this is a Village that is fiscally sound and fiscally prudent. The Village Board does not have control over the litigation, and we have tried at various times to negotiate with the applicant. The applicant has responded by submitting false information and negotiating in bad faith. The whole crux of the matter is they received approval for one project and proceeded with a completely different project that the Village Board determined had 15 significant changes. One of the hallmarks of the Village is its walkable historic character. Village of Pittsford is a place that people want to be and where businesses choose to locate. The litigation has been a very difficult challenge. The Village has spent hundreds of hours reviewing the numbers to come up with a fiscally prudent plan. Most of the credit for this effort goes to Trustee Galusha. This plan not only looks at the litigation, but at the long-term capital needs of the Village, which include equipment expenditures to meet the maintenance needs of our park system, expanded infrastructure, streets, road equipment, and facilities.

In discussions with Bond Counsel, the Board has come up with a plan that does not put all the pain into one year, but shares the burden over many years. Mayor Corby concluded by saying that we are trying to take the long-term view, and very he is very proud of the work the Board has done.

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Trustee Galusha discussed the problems the village has had over the last few years. This fiscal year the Village has spent over \$25,000 to repair equipment. He stated that the equipment is old and the Village has to begin replacing equipment; there has not been a set schedule for a number of years. The roads have not been evaluated, as they should have been. In reviewing the street schedule, he determined that there are roads that we are uncertain as to the last time they were resurfaced. The Village has been reviewing less expensive methods of resurfacing the roads to avoid the expense of milling and paving. We discovered that some of the other methods would not be a long-term repair. He stated that we have no choice but to mill and pave the proposed streets. We have equipment that needs to be replaced, such as the Village loader, which has been repaired numerous times. The Village spent \$38,000 to repair the street sweeper that cleans the streets. We have considered bonding; if we do not have to do it, we will not, but it is a strong possibility. There are also several repairs that are being forecasted, which include the DPW building, and repairs that were made that have been unforeseen, such as the repair of the lift at the DPW.

Trustee Carabaris stated to the public, the bonding is not going to operating expenses; it is going to repairs and equipment over the next several years.

Trustee Plummer commented to the public that a municipality that stands by their codes with strong enforcement often incurs larger legal fees.

CONTINUATION OF PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND VILLAGE CODE SECTION 210-74 - SPECIAL PERMITS

Motion Trustee Lanphear, seconded by Mayor Corby moved to send notice to involved and interested agencies for coordinated Type 1 SEQR review and to adjourn the meeting until May 26, 2015.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

PUBLIC HEARING PROPOSED LOCAL LAW TO AMEND SECTION 210-8 - STOREFRONTS

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Galusha**, to open the public hearing to consider the adoption of a local law to amend Village Code section 210-8 – Storefronts.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

The Board discussed the section where the amendment of the local law is to be placed, and with advice from attorney discussed adding the new supplemental code section 210-68.1- Storefront.

There being no one present wishing to speak for or against this application, a **motion** was made by **Mayor Corby, seconded by Trustee Lanphear**, to close the public hearing.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

Motion Trustee Plummer, seconded by Trustee Lanphear, to adopt the local law adding code section 210-68.1 Storefronts.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

DEPARTMENT OF PUBLIC WORKS

- Superintendent Yaeger informed the Board that the generator for the Wood Creek pump station will have to be installed by a contractor (To be determined), because of the need to run a gas line to the generator.
- Superintendent Yaeger informed the Board that they will be making the repair to the fence in the parking lot behind the Town Office next week. The repair will require two (2) panels and (4) 4x4

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posts.

- Superintendent Yaeger informed the Board that the Winter Vehicle Maintenance has been completed and some extensive repairs need to be made to the following vehicles. All the vehicles used the County Contract pricing for repairs. Truck #1 Had an exhaust leak under the cab, a rear seal leak on the axel and required minor motor work Total \$3,650.00.

Truck #12- Replaced rear leaf spring.

Exhaust manifold on the engine replace - Total \$3,762.

Sweeper #4- We have some questions with the sweeper and some possible issues with the pony motor. This is something that we will be watching very closely when operating it.

- The Department has refinished (5) memorial benches that are underneath the Pavilion at the East end of Schoen Place across from Label 7. They are in the process of repairing other benches along the canal that were damaged this past winter.
- The Board discussed the placement of the recommended waste cans at the four corners. It was decided that there will be a gradual replacement of the receptacles.
- Superintendent Yaeger informed the Board that Crescent Moon would be providing the handicap portable toilet on Schoen Place this year and would be servicing the toilet twice a week.
- Superintendent Yaeger has contacted State DOT regarding the graffiti beneath the bridges along the canal. He is waiting to hear back from them on their procedures.
- The Department has repaired a couple of Village street lights and has reported a couple to RGE.
- In addition, the crew has started some of the Village spring cleanup.
- The Superintendent has submitted a permit for the pedestrian crossing signs. He stated that as soon as the permit is approved, the DPW will set them up. The superintendent also informed the Board that he will need to order six new bases and two new signs for the crossings. Trustee Lanphear questioned if the Board will be replacing the flags provided for the intersections. The Superintendent indicated that the cost of the flags is about \$4.50 each and each intersection will require 12.
- Benson tree service will be replacing the damaged trees in early May. Bristol's has received all the flower baskets for planting.
- Superintendent Yaeger discussed the gas pumps, and the necessary repairs each pump will require will cost \$700. It had been suggested that the Village review the opportunity for sharing gas pump services with the School District, but given the different equipment needs, having the pumps on site is preferred. The Superintendent did recommend setting up an emergency use agreement.

ATTORNEY

Jeff Turner discussed briefly the complaint received regarding the Canal Lamp Inn. He informed the Board that when approval was given for the Inn, there was a requirement that someone be on the Inn site, when there were guests. Mr. Turner also discussed with the Board the sign ordinance that had been voted down.

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TREASURER'S REPORT / VILLAGE CLERK

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #19 of 2014/2015 fiscal year for approval. A **motion** was made by **Mayor Corby, seconded by Trustee Galusha**, to approve payment of the vouchers listed on Abstract #19 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #19

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| • General Fund (#557, #561 -#589): | \$49,028.18 |
| • Sewer Fund (#582) | \$ 56.51 |
| Total Vouchers for Approval: | \$49,084.69 |

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

VILLAGE CLERK

- The Clerk reviewed with the Board correspondence received from former Trustee Tim Galli regarding recent litigation matters.
- The Clerk presented the bids received for the chairlift installation and handrail and recommended the board make the awards to Monroe Wheel Chair and A.J. Vandenburg Wood Products.

Motion Mayor Corby, Seconded Trustee Galusha, to award the bid for the chairlift to Monroe Wheel Chair for \$14,500. **Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

- **Motion Mayor Corby, Seconded Trustee Lanphear**, to award the bid for the handrail to A.J. Vandenburg Wood Products. **Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**
- The Clerk reviewed the engagement letter received by Bond Attorney, Tim McGill, and recommended the Board authorize Mayor Corby to sign the letter.

Motion Mayor Corby, Seconded Trustee Galusha, to authorize the Mayor to sign the engagement letter for Bond Attorney services from Tim McGill. **Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

- The American Legion forwarded approvals requested for signage for their yard sale fundraiser to be held on April 25, 2015.

Motion Mayor Corby, Seconded Trustee Galusha, to authorize the American Legion to place a banner on the Village Hall for their yard sale fundraiser. **Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

- The Clerk reviewed the annual Organizational Meeting script with the Board and discussed with the Board the requested changes.

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MINUTES

Motion Mayor Corby, Seconded Trustee Lanphear, to approve the Village Board minutes from February 24, 2015.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

Motion Mayor Corby, Seconded Trustee Lanphear, to approve the Village Board minutes from March 10, 2015.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

EXECUTIVE SESSION

Motion Mayor Corby, seconded by Trustee Lanphear, to enter into executive session to discuss employee performance appraisals.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Galusha**, to leave executive session at 9:14 PM and reenter the regular session of the meeting.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

**SETTING PUBLIC HEARING FOR MEMBERSHIP AND ALTERNATE SERVICE
PLANNING AND ZONING BOARD OF APPEALS**

Mayor Corby reviewed with the Board a proposed local law to increase the membership of the Planning Board and Zoning Board of Appeals, amending the Village of Pittsford Code with respect to the service of alternate Planning Board and Zoning Board members, and to allow at least one member of the Planning Board and Zoning Board of Appeals to reside outside of the Village of Pittsford. The Board discussed the option and agreed to setting a public hearing.

Motion Trustee Lanphear, seconded by Trustee Galusha, to set a public hearing for a local law to increase the membership of the Planning Board and Zoning Board of Appeals, amending the Village of Pittsford Code with respect to the service of alternate Planning Board and Zoning Board members, and to allow at least one member of the Planning Board and Zoning Board of Appeals to reside outside of the Village of Pittsford.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Lanphear, to adjourn the meeting at 9:20 PM.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Carabaris– yes. **Motion carried.**

Dorothea M. Ciccarelli, Recording Secretary