



The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • www.townoffranklin.com



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[Home](#)
[Officials & Contact
Info](#)
[Town Clerk/Tax Collector](#)
[Board Meetings](#)
[Town Budget](#)
[Laws & Forms](#)
[Newsletter](#)
[Public Notices & Bid Info](#)
[History, Photos & Maps](#)
[Property Assessments](#)
[Energy](#)
[Events, Recreation & Kate Mtn
Park](#)
[Area
Businesses](#)
[Town Journals](#)
[Emergency Preparedness](#)

Town of Franklin Board Meetings

**Regular Board Meeting
June 10, 2009 - 7:00 pm**

Board members present:

Supervisor Mary Ellen Keith
Councilman Allen Berg
Councilwoman Janet Ordway
Councilman Clifford Smalley
Councilman Walt Kretser

Others Present:

Highway Supt. Jacques DeMars, Town Clerk Sandra Oliver, Donald Goff, Brad Merrill, Ed Martin Carol Lavigne, Frances Oliver, Karen Smalley (*change per 06-10-2009 meeting*)

1. CALL TO ORDER

Supervisor Keith called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited; the Town Clerk called the roll, introduced guests and stated the full board was present. Supv. Keith stated the Town's adopted Rules of Procedure would be strictly followed. Comments and questions from the public are welcome but would be permitted only at those times set forth on the Agenda.

2. MINUTES.

The minutes of the May 11, 2009 board meeting were amended as follows:

6. HIGHWAY REPORT.

K. Locks have been changed at the Garage as a result of missing equipment. ~~Supt. DeMars~~ Coun. Ordway is suggesting purchase and installation of security cameras. Coun. Kretser stated a camera security system could be purchased for \$1,000 or less. As Town Barn Lane is one of the Town roads supported by CHPS funds, the installation of a metal gate would not be feasible. (*Change per 06-10-2009 meeting*)

Motion to accept May 11, 2009 minute as amended (J.Ordway-C.Smalley m/s/p) ALL AYE

The minutes of the May 18, 2009 special meeting were accepted as presented. (J.Ordway-M.Keith m/s/p) ALL AYE

Coun. Berg asked if the minutes posted to the website were also in draft form; and the Clerk responded yes, and that after the Board accepts the minutes, she removes the "Draft" from the minutes. He also suggested she provide a copy of the minutes to the Highway Superintendent, as well.

3. AUDIT OF CLAIMS

The following claims were submitted on Abstract #6 of 2009:

General	Claims 138 - 163	\$10,928.
Highway	Claims 75 - 82	\$5,191.83
Prepay General	Claims 18 - 19	\$888.23

The following claims were submitted on Abstract 2 of 2009:

Fire Protection	Claim 3	\$391.86
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Motion to approve payment of claims (W.Kretser-A.Berg m/s/p) ALL AYE

4. SUPERVISOR'S REPORT

Balances at April 1, 2009:

General Fund	CK	\$30,266.91
	SV	\$21,806.71
	CLASS	\$176,836.45
	Historian	\$2,748.65
Highway Fund	CK	\$41,321.01
	SV	\$52,510.44
	CLASS	\$467,008.32
	Cap Proj Hwy	\$16,377.08
Landfill	CK	\$968.45
	CLASS	\$56,388.98
Fire	CK	\$18,038.32
	CLASS	\$685.28
Cap. Building	CLASS	\$24,632.04

Supv. Keith noted that the Town of Franklin's mortgage tax receipts (approx. \$15,000) were not mentioned in a recent Adirondack Daily Enterprise article.

Motion to accept Supervisor's Report (W.Kretser-A.Berg m/s/p) ALL AYE

5. HIGHWAY REPORT

A. Hwy. Supt. DeMars could not be present; however, he submitted the following written report, read by Coun. Kretser:

1. Physical Working Conditions. PESH performed a following inspection; all problems have been corrected, and the file is being closed.
- (2) Shoulder Work. Cut shoulders on Cold Brook Road from bridge to "Y", on Fletcher Farm Road from Route 3 to "Y", on Alder Brook Park Road for 1/2 mile on blacktopped portion
- (3) Ditching. Fletcher Farm Road
- (4) Raking. Performed on Garden, Mensink and Goldsmith Roads.
- (5) Culvert Work. Flushed out culverts on Fletcher Farm Road.
- (6) Beaver Problems. Continuing problems with animals on Alder Brook Park Road; may need to set traps.
- (7) Tree Removal. Spoke with Dan Levy of DEC regarding Cold Brook Road. Met with him and marked trees on several roads in the town. In addition submitted Application for Temporary Revocable Permit (TRP) for cutting of trees on state land and ditching of nearby roads.
- (8) Cold Patch. Several roads were cold-patched.
- (9) Illegal Dumping at Norman Ridge Rd. Site. In September 2008, the items dropped at the illegal dump were removed by the Highway Department and since that time have been stored behind the Town Garage. Approval obtained from DEC Official Hyuck to remove the items as long as NYS DEC receives copies of the receipts.
- (10) Road signs. Replaced and/or installed in various locations throughout town.
- (11) Vehicles.
 - (a) Paint flaking off Unit 9 dump box; spoke with Viking Cives, and repainting of the box will be performed under warranty.
 - (b) Oil leak repaired on Unit 7 by M.A. Jerry
 - (c) Tractor tires have been repaired.
- (12) 3-Year Road Improvement Plan. Toured roads with Couns. Kretser and Ordway to determine necessary road work in 2010 and 2011.
- (13) Cold Brook Road Improvement. Met with Tom Sears of Gorman Group regarding reclamation of Cold Brook Road; his staff will take core samples from 4 spots along road to determine if road a candidate for reclamation.
- (14) Intermunicipal Cooperation.
 - * Trucks at St. Armand for several days to assist with blacktopping
 - * Thanks to Town of Saranac for use of grader during shoulder cutting
- (15) Town Roadside Cleanup. Truck parked at Town Hall for residents to deposit roadside debris.
- (16) Highway School. Supt. DeMars attended Highway School at Cornell University in Ithaca.
- (17) Sale of Scrap Metal. Proceeds of sale of scrap metal (\$255) given to Supv. Keith for deposit into Highway Fund, which deposit will appear on the July Supervisor's Report.

B. QUESTIONS AND COMMENTS RE HIGHWAY MATTERS

QUESTION: Coun. Smalley inquired as to opinion of James Maher, attorney for the Town, on the subject of the agreement for "fill" accepted by the Town Board at the May 18th special board meeting.

RESPONSE: Supv. Keith stated Mr. Maher suggested the term be changed "excess road material". He indicated although it was a gray area in Town law, most municipalities make arrangements with residents for the material. Hwy. Supt. DeMars used Clinton County's form of agreement, and Coun. Kretser suggested before the Board changes the wording of the agreement for excess road material, Supv. Keith consult with Supt. DeMars. The Board concurred. Matter tabled to June 24 special board meeting.

Q: Coun. Smalley asked whether the Town was liable for the damage done to a homeowner's property while depositing excess road material.

R: Supv. Keith replied that the homeowner will be advised to effect repair through his homeowner's insurance carrier.

Q: Coun. Smalley inquired about the repairs noted in the claims for the 2006 Dodge pickup, one to replace a right front window and the second for front end work. \$1,200 is too much for repair work and should have been priced. Perhaps use MC Motors for inspection, but not repair work.

R: Supv. Keith explained there are two 2006 Dodge pickup trucks, both purchased at the same time. One repair bill for replacement of the front right window was for the General Fund pickup (while the Custodian was mowing, a rock struck the window and broke it). Supv. Keith obtained three quotes for the window and found Lyman at \$165 which affected the repair at the Town Hall. The red 2006 Dodge pickup belongs to the Highway Dept. and she agreed that quotes should have been obtained. Coun. Kretser agreed.

Q: Coun. Berg commented that beavers are becoming a problem on Sinkhole Road and suggested that traps be set.

Q: Coun. Kretser inquired about Supt. DeMars' request for a summer laborer.

R: Supv. Keith speculated whether additional manpower was necessary. She stated because a matter has been budgeted, does not necessarily mean the money should be spent. Furthermore, additional labor is

necessary in September for paving, and the applicant in question, although experienced with the Department, leaves for college in September. Coun. Berg commented that if the Superintendent needs additional manpower during the very short period of time to accomplish road improvement goals, he needs the additional manpower. Supv. Keith questioned in what capacity the Department would use the experienced applicant for at this time. She will ask Supt. DeMars to be more specific.

Supv. Keith expressed gratitude to the Highway Superintendent and the Department for the truck parked at the Town Hall Memorial Day weekend for deposit of roadside debris collected by town residents.

Coun. Berg thanked the Highway Dept. for the sand deposited at the Kate Mountain Recreation Park; he also indicated the Recreation Committee would like crusher run deposited at the apron near Route 3.

Q: What does the Highway Dept. do with excess road material not requested by residents?

R: There is none. All the excess road material is requested.

6. NEW BUSINESS

A. RESPONSE TO NYS COMPTROLLER'S OFFICE RE AUDIT. The Comptroller's Office surprised Town officials by publishing the results of the audit of Jan. 1, 2007-July 1, 2008 purchases before the 90-day period of time the Town had to respond. Supv. Keith read the Board's proposed response into the record. Coun. Kretser expressed disappointment that NYS OSC did not follow its own procedures; however, the Town would follow the appropriate procedures. Supv. Keith requested a motion for a resolution accepting the 90-day letter to NYS OSC and execution of same.

Motion for resolution (J.Ordway-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 22: ACCEPT AND EXECUTE 90-DAY RESPONSE TO NYS OFFICE OF STATE COMPTROLLER CONCERNING PURCHASES AUDIT 2007-2008 WHEREAS, in response to the 2008 investigation of dealings of then-Highway Superintendent James Rascoe, the NYS Office of State Comptroller performed an audit of all purchases by the Town from January 1, 2007 to July 1, 2008; and WHEREAS, on May 18, 2009, the Town Board responded to the findings of said audit; and WHEREAS, a period of ninety (90) days was to have elapsed before the NYS OSC published the results of the audit; and WHEREAS, the following letter is proposed to be sent to NYS OSC:

"June 10, 2009 - D R A F T
Office of the New York State Comptroller
One Broad Street Plaza
Glens Falls, NY 12801

Re: Town of Franklin 2009M-24

Dear Sirs:

We note with confusion that audit results were posted prior to our final comment letter, which we understood we had 90 days to draft and submit prior to the publish date.

The Objective of the audit was to examine the internal controls over the Town's purchasing policies. The audit was performed in response to the Town Board's concern over Highway Dept. operations.

Scope and Methodologies. The audit included the adequacy of the Town's controls over purchasing and reviewed selected financial transactions, records and reports for the period January 1, 2007 to July 1, 2008. Mention was made of the three successive highway superintendents during 2008. The Board appreciates your taking into consideration the administrative difficulties posed by this unfortunate situation.

1. Controls. Without proper controls over the purchasing process and the use and monitoring of fuel consumption, we as a Town are at an increased risk that its money could be misspent or its fuel supplies wasted and ill-used. In 2006 the Town Board adopted a procurement policy that is quite restrictive; we acknowledge it has not been followed to the letter.

2. Competitive Bidding and State Contracts. We will continue to endeavor to obtain goods and services at the best possible cost. The Town Board appreciates the favorable comments about Town officials' actions that ultimately saved taxpayer dollars during 2008 when fuel prices fluctuated drastically. In compliance with your recommendations, budget amendments are ratified by the Town Board prior to the audit of claims.

3. Purchase Orders and Competitive Quotes. The Town Board concurs it was remiss in securing purchase orders for all purchases. However, your audit confirms the Town's policy is adequate for both the General and Highway funds. Jacques DeMars, current Highway Superintendent, has instituted new controls over purchasing. Mr. DeMars now has sole control and signing authority over the single purchase order book in the Highway Dept. In addition, each department has a purchase order book. Although adherence to purchase policies and procedures is necessary, it is recommended that more than one price be solicited from other sources. Each voucher submitted for payment is now required to have a purchase order copy detailing purchase of item.

4. Fuel Inventory. The Town Board recognizes its fuel inventory and usage records were incomplete and that pump meters were inoperable during the period covered. Fuel meters have since been replaced and daily logs are kept by the Highway Dept. The Town Board receives monthly reports on fuel, mileage and maintenance. Records are maintained at the Town Garage site for diesel fuel waste and disposal, including source, date of collection, and disposition date of said materials.

Once again, we appreciate your taking time for the above-referenced audit, and are very pleased that your office is available to us for consultation and advice.

Sincerely,

TOWN OF FRANKLIN TOWN BOARD Mary Ellen Keith, Supervisor Walter Kretser, Councilman Janet Ordway, Councilperson Allen S. Berg, Councilman Clifford Smalley, Councilman";

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts and executes said response letter and requests it be mailed to NYS Office of State Comptroller.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilman Al Berg
Councilperson Janet Ordway
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

B. NYS RETIREMENT SYSTEM. Supv. Keith has not been successful in contacting the responsible agent at the Retirement System and requested the matter be tabled to the June 24 special meeting. The Board concurred.

C. CHANGE DAY OF BOARD MEETING. Because national holidays are celebrated on Mondays and Town Board meetings scheduled for those holidays must be held on the Wednesday following and because mail is not retrieved from the Post Office on Fridays or Saturdays, Supv. Keith suggested Town Board meetings be held on the second Wednesday of each month and asked for a motion for a resolution amending the Organizational Minutes of January 21, 2009. The extra time will provide ample opportunity for the Board to review claims. The Board concurred.

Motion for resolution (J.Ordway-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 23: CHANGE DAY OF REGULAR MONTHLY BOARD MEETING TO SECOND WEDNESDAY OF EACH MONTH; AMEND JAN. 21, 2009 ORGANIZATIONAL MINUTES WHEREAS, national holidays fall on Mondays and monthly meetings of the Town Board must be held two days hence; and WHEREAS, additional time is necessary for Board members to review claims; NOW, THEREFORE, BE IT RESOLVED, that regular monthly meetings of the Town Board will be held on the second Wednesday of each month; and BE IT FURTHER RESOLVED, the minutes of the January 21, 2009 Organizational meeting will be amended to reflect this, as follows:

2. RULES OF PROCEDURE The Town Clerk read aloud the Rules of Procedure for regular and special Town Board meetings, workshops and executive sessions. These replace and suspend all prior town board rules of procedure:

REGULAR TOWN BOARD MEETINGS

A regular town board meeting is one in which the town board meets once a month at a fixed time and place throughout the year to conduct town business. In the case of the Town of Franklin, regular town board meetings will be held once a month on the second *Wednesday* of the month at 7:00 P.M. ~~If the second Monday falls on a holiday, the monthly board meeting will be held on the Wednesday following the second Monday of the month.~~ The board will audit bills prior to the meeting - between 6:30 and 7:00 P.M." (*Change per 06-10-2009 meeting*);

AND BE IT FURTHER RESOLVED, the Town Clerk will publish notice of same.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilman Al Berg
Councilperson Janet Ordway
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

D. SCHEDULE SPECIAL BOARD MEETING. In order to discuss and review matters involving infrastructure and proposed subdivision regulations, Supv. Keith requested a special board meeting be held on Wednesday, June 24, 2009 at 7:00 PM. The Board concurred. Notice of same will be published.

7. OLD BUSINESS

A. SUBDIVISION UPDATE.

(1) Timothy R. Smith, Esq. Supv. Keith requested a motion for a resolution accepting the report of Tim Smith, Esq., executing an agreement with Mr. Smith and authorizing payment for his services (\$1,950).

Motion for resolution (W.Kretser-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 24: ACCEPT RECOMMENDATIONS OF TIMOTHY SMITH, ESQ. REGARDING DRAFT SUBDIVISION LAW, EXECUTE AGREE- MENT FOR SERVICES AND AUTHORIZE PAYMENT WHEREAS, the Town of Franklin Citizens Advisory Committee on Subdivision Regulations contacted several different attorneys with experience in Town subdivision regulations and requested estimates of fees; and WHEREAS, Timothy R. Smith, Esq., Lake Placid, agreed to review the draft regulations for a flat fee; NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the recommendations of Mr. Smith, executes an agreement for services at a flat rate of \$1,950 and authorizes payment of Mr. Smith's fee.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilman Al Berg
Councilperson Janet Ordway
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

(2) Progress of Committee Coun. Smalley reported the Citizens Advisory Committee on Subdivision Regulations was in process of reviewing comments and recommendations of Timothy R. Smith, Esq. Once review has been finalized, the draft regulations will be made available to the public, and a public hearing will be scheduled. The public will have ample opportunity to review the proposed law prior to the public hearing.

B. INFRASTRUCTURE UPDATE. Coun. Kretser stated the situation at the Garage still requires immediate attention to bring the structure up to code. He emphasized the need to obtain funding for the rehabilitation project. The permissive referendum held April 21, 2009 did not vote down the repairs to the building, only the method of payment. He stated that the Town's grant writer, Ann Holland is looking into a "Blueprint Plan" from the Environmental Facilities Corporation which provides funding for infrastructure.

Coun. Smalley asked if this was from stimulus money, and Coun. Kretser indicated it was, but that "lots of politics" was involved.

Supv. Keith indicated that the Town's grant funding of \$64,000 for 2 new furnaces was still viable, and that the Town would proceed with that grant money. She emphasized the need to take advantage of what has already been granted to the Town.

Coun. Smalley asked if the repair work could be phased in, and Coun. Kretser replied that the Building Committee was investigating that approach. Coun. Kretser commented that heating and insulation are critical to improve and the electrical system is in very poor shape. The engineers are researching and investigating all possibilities.

Coun. Berg stated that safety should be the Board's first consideration.

Supv. Keith said that the Board may well have to place funds in the 2010 budget for the rehabilitation of the Garage. She added the Building Committee and the Board had spent a great deal of time in the past planning repair of the building, and they will continue to spend time. She spoke with an attorney with the Association of Towns regarding various methods of financing the rehabilitation, and the repair amount may have to go on next year's property tax bills.

Coun. Smalley advised phasing in the building repair.

Coun. Kretser stressed the importance of moving on repair quickly so as to start work in 2009.

C. FIRE/RESCUE UPDATE. Supv. Keith noted that Councilman Berg was doing an excellent job, working with NYS DEC and the Bloomingdale Volunteer Fire Dept. to upgrade the dry hydrants in the town. Coun. Berg commented he had researched and completed a good deal of NYS DEC paperwork, along with photographs of the dry hydrant sites. He indicated construction should start soon.

D. 2010 ASSESSMENT REVAL. Assessor Tichenor had stopped in to speak with Supv. Keith. On June 2nd, grievance hearings on assessments were held, and no grievant appeared for the second year in a row. As for the progress of the reval., Assessor Tichenor had indicated Briggs had hired several data collectors, and they were presently working in the Town of Franklin.

E. ILLEGAL DUMPING AT NORMAN RIDGE ROAD. Supv. Keith stated Zebra-Tech, the engineering firm contracted to decontaminate the site and dispose of the refuse, was working on the matter. She indicated she would contact Doug Ferris, Engineer, for an update and would have it available for the June 24th special meeting. It was noted that the Town is ahead of schedule in ameliorating the situation.

8. COMMITTEE REPORTS

A. CEMETERY AND CELEBRATION COMMITTEES.

- (1) Cemeteries. Supv. Keith reported people are interested in the cemeteries and she wants to hold a meeting on Monday, June 29th with interested parties to see what they would like to see done and how to accomplish it.
- (2) Founder's Day/Fundraiser. A town celebration day is scheduled at Kate Mountain Recreation Park for Wednesday, August 19th from morning to evening as a combination Founder's Day and cemetery fundraiser.
- (3) A special thank you was made to Vivian Manny, Cemetery Custodian, for efforts involved in placing flags at the graves of veterans for Memorial Day.

B. RECREATION COMMITTEE.

- (1) Safety. Coun. Berg reported he and the Recreation Committee will complete a safety check of all playground equipment at Kate Mountain and at the Town Hall playground.
- (2) Volleyball. Coun. Berg reported he, Mark Daviau, volunteering his time as surveyor, and the Recreation Committee are in process of completing the volleyball area, and thanked the Highway Dept. for its assistance.
- (3) Rec Park in Demand. Supv. Keith confirmed that the Pavilion and the Rec Park are in demand, with parties at the pavilion and softball league games at the field. More than one activity can be held in different areas of the Rec Park.
- (4) Softball Field. Supv. Keith and Coun. Berg met with Brett Fitzgerald of the Bloomingdale Boosters regarding repair of the field, and she spoke with a Mr. Ricci who gave them some recommendations and sources. They got in touch with a firm from Malone regarding clay. Softball practice is held each Wednesday night.
- (5) Activities.
 - (a) A drop-in dog training class will start Thursday July 2nd at the Rec field and will continue throughout the summer.
 - (b) As reported earlier, a soccer tournament will be held on August 15th, with volunteers helping.
 - (c) Supv. Keith affirmed that younger people have volunteered to help with the trails.
- (6) Request for Light. Coun. Berg indicated he had been approached by residents who asked that a light be installed near the basketball court for night games. The Board thought this a good idea.

C. SUMMER PROGRAM FOR CHILDREN. This will start at 9:00 AM Monday, July 6th. The Town is fortunate to have the same experienced team as in years past. The program will continue for 6 weeks. Coun. Ordway offered a working refrigerator for the program, and Supv. Keith gratefully accepted. Coun. Ordway also suggested Supv. Keith contact Mike Kilroy at the Saranac Lake School District, as both the St. Armand and Saranac Lake summer programs are using Bloomingdale School for lunch preparation, and Supv. Keith indicated she would do so.

Q: Coun. Ordway asked if there had been additional incidents of vandalism.

R: Supv. Keith responded there had not been.

Q: Coun. Kretser inquired about the coordination and scheduling of activities at the Rec Park.

R: Supv. Keith responded those who wished to reserve the pavilion or the field contact the Town Clerk, who supplies them with the rules and an agreement which is to be signed and returned. The date and time of the reservation is noted on the calendar on the Clerk's door. In addition, a monthly list of reservations is posted at the pavilion.

Q: Coun. Ordway asked who is responsible for cleaning up after ballgames.

R: Supv. Keith responded that the Bloomingdale Boosters have committed to cleaning up the field after each game. In addition, a second garbage bin will be placed at the Park.

9. CORRESPONDENCE

A. DENTAL CLINIC. Supv. Keith was pleased to announce she had received a letter from Adirondack Medical Center offering the services of a dental clinic for uninsured patients in the Saranac Lake Central School District. It is anticipated the trailer will be parked near the Food Pantry 4 days per month in the warmer weather and hopes to start in July. The Food Pantry building meets the electrical requirements of the clinic, and the Town Hall suffices for handicapped access to bathrooms and to the internet. The clinic will honor all forms of insurance as well as Medicaid, and if the adult patient has no insurance, will work to set up a payment plan. The Board enthusiastically supported the idea and will draft a letter of agreement with the clinic.

B. RECENTLY ENACTED LEGISLATION RE CONSOLIDATION. The Town Clerk reported the Assembly and the Senate had last week, at record-breaking speed, enacted poorly drafted legislation allowing for 10% (rather than 30%) of voters to petition a municipality or district to study merger, consolidation or dissolution. No provision was made for funding merger/consolidation/dissolution studies, and the burden of studies would fall on the taxpayer. Further, the Assembly Ways & Means Committee is peopled by members from Long Island and Westchester County. Only one member was from Buffalo. The long-term threat of this law will be to small rural communities. The Association of Towns lobbied against it, as well as the Town Clerk's Association.

10. QUESTIONS AND COMMENTS None

13. ADJOURNMENT

There being no further business to discuss or conduct, the meeting adjourned at 8:30 PM.

Respectfully submitted, Sandra J. Oliver, Town Clerk

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