

**Town of Ancram  
Town Board  
Regular Meeting  
October 16, 2014**

**Present:** Supervisor Arthur Bassin                      Councilman James Miller  
                 Councilman Chris Thomas                      Councilman Hugh Clark  
                 Councilwoman Madeline Israel                      Town Clerk Monica Cleveland  
                 Deputy Highway Superintendent Avery Heath

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The regular meeting of the Ancram Town Board was called to order at 7:00pm by Supervisor Bassin with a salute to the flag.

A motion was made by Councilman Clark and seconded by Councilwoman Israel to accept the minutes of the previous meeting and public hearings as read and placed on the record. Motion carried.

**Fire Chief**

Mr. Boice stated that the Fire Department has had 6 calls in the last month. He gave a thank you to all those who attended the lobster & beef BBQ. He reminded people that cold weather was coming and that people who use wood and pellets should make sure that they clean their chimneys. He announced that on October 21, 2014 there will be a public hearing at 7pm regarding the Fire District budget. On the second Tuesday of December there will be an election of a commissioner. The commissioner seat that is coming up is Bill Hunt.

**Supervisors Report**

**Town Issues**

**1. Financial Report** - We ended September with \$633,000 in the bank, after prepaying the full \$288,000 outstanding principal and interest on the garage loan. We expect to receive about \$150,000 in highway aid from the State by year-end, to reimburse us for funds already spent, and an additional \$120,000 in sales tax revenues, and plan to spend about 300,000 over the next three months, resulting in a year-end 2014 reserve cash balance of about \$550,000, which is about \$200,000 under the target level of \$750,000. Other than the decision to prepay the \$\$280,000 garage loan, we are still tracking close to the budget.

**2. 2015 Preliminary Budget** – We will hold a public hearing on the Preliminary 2015 Budget on 10/16 at 6:45. Taxes are budgeted to remain flat in 2015. There are several uncertainties in the budget that we clarify over the next month, including the cost of the retirement program, and health, property and liability insurance. We still have a handful of budget issues we need to resolve, including whether or not to do an outside audit in 2015, whether to do a dog census and whether to invest in fixing up the town pool and supporting facilities. We also will have to decide what we want to do about the 2015 tax levy, which currently is budgeted to be flat, with a \$99,500 contingent account. At this level, the contingent account, if not needed for unexpected revenue shortfalls or expense overruns, will reestablish the \$750,000 target level of Town reserves by the end of 2017.

**County Issues**

**1. Airport** – We have applied to the FAA to approve the reclassification of the County Airport to B II from D II, which effectively reduces the required length of the runway safety area from 1000 feet to between 300 and 600 feet, which we can achieve on county owned land for under \$300,000. We have been told it

could take a couple of months to get approval. Once approved, we hope to get FAA grant money in 2015 to actually do the work to bring the runway into compliance.

**2. Pine Haven** – Nothing new to report. We expect proposals from private operators who may be interested in buying the nursing home by the end of October.

**3. CEDC/Ginsberg** – There has been a lot of public and supervisor concern expressed in the last month about the CEDC plan to sell 33 acres worth about \$288,000 to Ginsberg's for \$1, as part of a planned \$11 million project to expand Ginsberg's food distribution business in the Claverack/Ghent area. Ginsberg's planned expansion is a very good project for the County, and deserves County and State support, as it will keep Ginsberg's 250 jobs in the County, and position Ginsberg's to add 20 to 30 jobs going forward. The concerns that have been expressed are primarily directed at the apparent conflicts of interests which result from Mr. Ginsberg having been on the CEDC board, and the current chair of the CEDC, David Crawford, also being president of the engineering firm which represents Mr. Ginsberg's company on the proposed deal. These circumstances are complicated by CEDC's attorney refusing to provide assurances, when requested by Hillsdale Supervisor Baer, that the proposed deal met CEDC and NYS legal and ethical standards. This proposed project is too important to be allowed to fail, but the only way to make sure it succeeds may be for Ginsberg's to offer to pay the full value of the 33 acres, the CEDC to produce the letter requested by Supervisor Baer that this is in fact a "clean deal", and for Mr. Crawford to resign from the CEDC Board, so his firm can continue to advise Ginsberg's on engineering matters without an apparent conflict of interest.

Mr. Bassin asked for comments from the Town Board on the preliminary 2015 Town Budget. Mr. Bassin asked for comments on the proposed audit. Councilman Clark stated that school districts have to annually have an outside audit done and he feels that it would be good to do this periodically. But, he stated, the town does have an excellent body in the FAC and he questions the cost of the issue. Mr. Bassin questioned paying for an outside audit when the town had the FAC as well as a CPA doing the town books and the reporting. Councilwoman Israel stated that she felt that in light of a great FAC, she felt the need was not there for this coming year. Councilman Miller feels it is unnecessary and that the town is in good shape. Councilman Thomas was in favor of an outside audit and questioned if it was a biddable item. Mr. Bassin will have more information next month.

Mr. Bassin asked about a possible dog census. Councilman Thomas questioned if the town could have a college person do this task. Mr. Bassin stated that Mr. Powell is more credible. Mr. Bassin will get Mr. Powell to come to the next board meeting to explain the process.

Mr. Bassin stated that the mortgage tax check has come in at \$28,000, making this item two times what was expected and budgeted. At this time the 2014 amount will come in around \$46,000. The 2014 budgeted \$30,000 for this line item. The sales tax is also up 10% for this year.

#### **Assessor's department**

Mr. Ken Leggett announced that he has met with the county assessment representative on property tax valuations. He has made suggestions for changes. He will be meeting again with him this coming Friday. At this time Ancram is at 110% valuation.

Mr. Bassin stated that the Fire District Budget, which he stressed the town board has no say over, is up \$12,000 from last year. The Rescue Squad budget, Mr. Bassin feels, is a good package this year. They are proposing at 1.2% increase over 2014.

Mr. Bassin stated that he has handed the board copies of the proposed 2015 draft resolution for the January 2015 Organizational meeting. He asked that the town board members look through the draft resolution and make any suggested changes.

### **Highway**

Deputy Highway Superintendent stated that the department has been very quiet. They are getting ready for the winter months and are cutting brush.

A motion was made by Councilman Miller and seconded by Councilwoman Israel to pay the Deputy Highway Superintendent Avery Heath \$100 a month in addition to his regular pay, for the four months that Highway Superintendent James MacArthur is recovering from back surgery. Motion carried.

### **FAC**

Mr. Sieber stated that the FAC has been looking over the budget, the rescue squad budget, the Fire District budget. They are working on a 2014 Audit opinion letter. This was suggested by Bob Wilcox and will summarize a description of what was done as part of the 2013 audits done in 2014. Their next meeting is November 8, 2014.

### **ZBA**

The Zoning Board is looking at one application for an area variance.

### **Youth Commission**

Colleen Lutz stated that the wood chips have been ordered for topping of the playground. They should be coming in the next few days.

### **Communications**

The committee is working on a new newsletter.

### **CAC**

The committee will present the Ancram Conservation Advisory Council Natural Resources Plan again on the 20<sup>th</sup> of November.

### **Building Department**

Mr. Bassin announced that the Deputy Building Inspector Carol Smilie has resigned.

### **Building Manager**

The parking lot has been topped to try and stop the gathering of water.

### **ZRC**

In August, I provided to you the consolidated zoning law and recommended that the Town Board accept this proposed local law and schedule a public hearing. At the Town Board meeting on 21 August, you followed through on both recommendations and the public hearing was conducted on 18 September.

I also recommended that the Town Board obtain John Lyons' legal review of those parts of the consolidated law that he had not already reviewed. That also has been done.

On 10 October, Mr. Lyons provided comments and suggestions about text. He summarized his notes in one sentence—"The bottom line is that I did not find any major problems." In a 15 October telephone

conversation with Supervisor Bassin and me, Mr. Lyons reiterated that none of his suggestions constitute significant changes to the law.

Using Mr. Lyons' notes as a base, and following coordination with me, Nan Stolzenburg has incorporated Mr. Lyons' suggestions into the text and has prepared two new "clean" copies of the consolidated zoning law. One is in Word; the other is a PDF document. Both are dated October 2014. The PDF version is enclosed.

For your information, following are excerpts from text that was edited pursuant to John's suggestions. Edits are shown in red:

p. 11, top line—"...uses of greater intensity or scale than **are** allowed in the use table for a particular district..." [inserted "are"]

p. 11, para C, Zoning Maps—"These maps together with everything shown on them **and all future amendments to them** are hereby adopted and declared to be an appurtenant part of this Law." [phrase deleted]

p. 11, para D1, last sentence—" Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements and aqueducts, or watercourses, said boundaries shall be construed to be coincident with such lines. **Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way line of such street, highway, public utility, aqueduct or watercourse is moved a maximum distance of 50 feet.**" [sentence deleted]

p. 12, para E2, subparagraphs a,b, and c—

- a. to exceed the maximum height **that is required for the District in which such building is located;**
- b. to occupy a greater percentage of lot area **than is required for the District in which such building is located;**
- c. to accommodate or house a greater number of families **than is required for the District in which such building is located;** or.... [added phrases]

p. 44, Reader's Aid Box—"This explanation is only a reader's aid and is not part of the Zoning Law." [added disclosure line to Reader's Aid Box]

p. 52, para 2— ~~(62)~~ [deleted redundant "(62)"]

p. 56, para f—"The **reviewing** board shall **evaluation evaluate** and **determinate determine** if appropriate mitigation measures are necessary to prevent conflict with farming practices." [inserted "reviewing" to identify which board and corrected words]

p. 59, paras h, i, and j—"The Town Highway Superintendent shall have the authority to:

~~h.~~ a. Order the suspension of logging operations if it is determined that conditions created by the spring thaw, adverse weather or other cause may likely damage a public road.

~~i. Restrict the weight of logging trucks in accordance with the capabilities or conditions of roads, bridges and culverts.~~

~~j.~~ b. Require the repair of roads, bridges and culverts damaged as a result of a logging operation by the landowner. **If the landowner does not complete this repair within thirty (30) days, the Town has the authority to proceed with all**

necessary repairs and then charge the landowner for all costs incurred related to such repair.

[changed paragraph numbering, deleted one sentence due to questionable authority, and added one sentence]

p. 73, para b1—"1. Office, Business, Commercial, and **Governmental** Uses:"  
[added category to heading]

p. 84, para 6—"Formula-Based Business: A commercial use that uses a building design that is trademarked or identified with a particular franchise, chain or corporation and is generic or standard in nature."  
[added definition to list at p. 209]

p. 90, para ii—"Unacceptable noise is that which is perceptible beyond the boundaries of the lot used for an industrial use and that constitutes a nuisance. The volume, timing, duration, and frequency of noise all contribute to what may be deemed an unacceptable noise."  
[added phrase and explanatory sentence]

p. 116, paragraphs f and h—

f. "...Canopies shall be architecturally integrated with the principal building through the use of the same or compatible materials, colors and roof pitch. Any lighting fixtures that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface ~~more than 2 inches.~~"

[deleted phrase to be consistent with intent and with subsequent para h]

As previously noted, the above edits do not constitute significant changes to the proposed law that you received in August, which was the subject of a public hearing in September, and which has received a favorable review by the Columbia County Planning Board.

Accordingly, I recommend that the Town Board proceed with its SEQR review and other appropriate steps toward adoption.

The following resolution was offered by Councilwoman Israel and seconded by Councilman Clark and moved for adoption with a roll call vote. Motion carried.

**Resolution #16 of 2014:**

. Intent to be Lead Agency and Identification as a Type I Action

**Action: Town of Ancram Zoning Law to consolidate previously adopted amendments and repeal of the Town of Ancram 1972 01-01 Zoning Ordinance, repeal of the 2011 to 2014 Zoning Amendments, and repeal of the 1971 01-01 Trailer Ordinance of the Town of Ancram**

**Date: October 16, 2014**

**WHEREAS, the Town of Ancram adopted a Comprehensive Plan in April 2010 pursuant to Town Law 272-a; and**

**WHEREAS, the Town Board appointed a Zoning Review Committee and tasked them to draft amendments to the July 1972 Town of Ancram Zoning Ordinance to be consistent with the adopted Comprehensive Plan, and**

**WHEREAS, the Zoning Review Committee developed such language in a section by section manner with the aid of consultants and legal counsel, and subsequently submitted such language to the Town Board for review and adoption; and**

**WHEREAS, the Town Board adopted the updated sections of the Zoning Ordinance by resolution of the Board as follows:**

**A. The following Zoning Amendments to the 1972 Zoning Ordinance were adopted by the Ancram Town Board on June 19, 2014:**

- **Adopted Supplemental Regulation H: Ridgeline and Steep Slope Protection**
- **Ridgeline/ Steep Slope Identification and Protection Map dated 4-28-14**

**B. The following Zoning Amendments to the 1972 Zoning Ordinance were adopted by the Ancram Town Board on February 21, 2013:**

- **Section IV: Area & Bulk Regulations**
- **Supplemental Regulations, Section V**
- **Individual Standards, Section V J (10)**
- **Definitions, Section XII**

**C. The following Zoning Amendments to the 1972 Zoning Ordinance were adopted by the Ancram Town Board on September 20, 2012 and October 18, 2012:**

- **Section II: Establishment of Districts (including Zoning Map dated 7-19-2012)**
- **Section III: Use Regulations**
- **Section IV B: Area and Bulk Regulations: Density Control Schedule**
- **Section IV I: Density Bonuses**
- **Section V J: Special Use Permits**
- **Section VI: Non-Conforming Uses, Buildings, and Lots**

**D. The following zoning amendments to the 1972 Zoning Ordinance were adopted on October 20, 2011:**

- **Section V(l) - Open Space Conservation Subdivisions**
- **Section XIII - Site Plan Review**

E. The following zoning amendments to the 1972 Zoning Ordinance were adopted on July 21, 2011:

- Section I. Title and Scope
- Section VII. Administration and Enforcement
- Section VIII. Zoning Board of Appeals
- Section IX. Planning Board
- Section X. Amendments
- Section XI. Interpretation and Applications
- Section XII. Definitions

WHEREAS, the Town Board desires to consolidate all the updated sections of the Zoning Ordinance into one document, repeal the original zoning ordinance dated 01-01-1972 and replace it in whole with the updated consolidated Zoning Law; and

WHEREAS, the updated Zoning Law includes a new section (Article V (A) (15) and (D) related to manufactured homes and camps and is intended to update and replace the 01-01 1971 Trailer Ordinance of the Town of Ancram; and

WHEREAS, the Town Board has reviewed the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617 and has determined that the action is subject to SEQRA; and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional and State agencies prior to adoption of the plan and is therefore not a coordinated review; and

WHEREAS, the proposed local law was reviewed by the Columbia County Planning Board as per GML 239-m and in a 17 September 2014 response, found no significant county-wide or intercommunity impacts and that the Town Board may take final action with a simple majority vote; and

WHEREAS, the Town Board has determined that proposed action is a Type I Action, pursuant to the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617.

NOW THEREFORE BE IT RESOLVED, pursuant to the applicable standards of SEQRA 6 NYCRR Part 617, the Town of Ancram Town Board concludes that it is the appropriate agency to serve as, and declares itself lead agency for the environmental review of the proposed Type I Action; and

BE IT FURTHER RESOLVED, that the Town of Ancram Town Board hereby authorizes development and circulation of a copy of the Full Environmental Assessment Form pursuant to the requirements set forth in SEQR 6 NYCRR Part 617.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to sign the Full Environmental Assessment Form.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Ancram:

The following resolution was offered by Councilman Miller and seconded by Councilwoman Israel and moved for adoption by roll call vote. Motion carried unanimously.

**Resolution #17 of 2014:**

NEGATIVE DECLARATION - TYPE I ACTION - Adoption of Consolidated Zoning Law

**WHEREAS, the Town of Ancram adopted a Comprehensive Plan in April 2010 pursuant to Town Law 272-a; and**

**WHEREAS, the Town Board appointed a Zoning Review Committee and tasked them to draft amendments to the July 1972 Town of Ancram Zoning Ordinance to be consistent with the adopted Comprehensive Plan, and**

**WHEREAS, the Zoning Review Committee developed such language in a section by section manner with the aid of consultants and legal counsel, and subsequently submitted such language to the Town Board for review and adoption; and**

**WHEREAS, the Town Board adopted the updated sections of the Zoning Ordinance by resolution of the Board as follows:**

**A. The following Zoning Amendments to the 1972 Zoning Ordinance were adopted by the Ancram Town Board on June 19, 2014:**

- **Adopted Supplemental Regulation H: Ridgeline and Steep Slope Protection**
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- **Section IV B: Area and Bulk Regulations: Density Control Schedule**
- **Section IV I: Density Bonuses**
- **Section V J: Special Use Permits**
- **Section VI: Non-Conforming Uses, Buildings, and Lots**

**D. The following zoning amendments to the 1972 Zoning Ordinance were adopted on October 20, 2011:**

- **Section V(I) - Open Space Conservation Subdivisions**
- **Section XIII - Site Plan Review**

**E. The following zoning amendments to the 1972 Zoning Ordinance were adopted on July 21, 2011:**

- Section I. Title and Scope
- Section VII. Administration and Enforcement
- Section VIII. Zoning Board of Appeals
- Section IX. Planning Board
- Section X. Amendments
- Section XI. Interpretation and Applications
- Section XII. Definitions

**WHEREAS, the Town Board desires to consolidate all the updated sections of the Zoning Ordinance into one document, repeal the original zoning ordinance dated 1972 and replace it in whole with the consolidated Local Law; and**

**WHEREAS, the Town Board conducted an environmental review on each of the above described actions as part of the required adoption procedures and a negative declaration was declared for each; and**

**WHEREAS, the Town Board has submitted the proposed Zoning Law amendments to the Columbia County Planning Board as required by NYS General Municipal Law 239-m and the proposed action does not require any other permits or approvals from other State and Federal agencies prior to adoption; and**

**WHEREAS, the Town Board declared itself Lead Agency and conducted an environmental assessment according to SEQRA, 6 NYCRR Part 617; and**

**WHEREAS, the Town Board, after consideration of the Full Environmental Assessment Form Part I and Part II finds that the proposed local law:**

- **Fully implements the recommendations made in the April, 2010 Town of Ancram Comprehensive Plan and thus assists the Town in meeting their environmental, cultural, agricultural, and historic protection goals as outlined in that plan.**
- **Consolidates previously adopted amendments to the July 1972 Zoning Ordinance into a single zoning local law of which a negative declaration had been issued by the Town Board as lead agency for all.**
- **Includes all language as previously adopted along with several adjustments made to improve coherence, continuity, and clarity of the text as follows:**
  - **Sections were reorganized and re-numbered to improve their logical “flow.” For example, articles dealing with administration and management of zoning now appear in the sequence normally encountered by most citizens—first “Administration and Enforcement” by the Building Department, then the “Planning Board,” potentially followed by the “Zoning Board of Appeals.”**
  - **A detailed Table of Contents that identifies features addressed in each article, with corresponding page numbers, now opens the law to facilitate quick identification and**

location of land use topics.

- **Article V was reorganized to first identify supplemental regulations that apply to all districts and also to list those regulations alphabetically for easier reference and access. Following regulations that apply to all districts are those that apply to certain specific districts. Then, at the end of Article V is now a complete alphabetical list of individual standards for selected uses, which also aids easier access and use. These changes were organizational in nature and did not alter any content.**
- **Using previously adopted amendment Section V (J) on October 18, 2012, a new article specifically devoted to Special Use Permit procedures and information has now been created to aid quick reference and use. These changes were organizational in nature and did not alter any content.**
- **Responding to Planning Board and other requests, edits have been made to clarify text without altering the intent of the adopted amendments. For example, a readers' aid box has been inserted to illustrate how to calculate adjusted density and another edit addresses projections into yards for septic systems when lot dimensions prevent normal setbacks.**
- **Other minor edits ensure compatibility with New York State laws, such as the NYS Ag & Markets Law about height of agricultural structures and agricultural noises.**
- **In addition, numerous cross-references have been inserted throughout the text to facilitate quick, easy research about related topics and guidance.**
- **Will aid the Town in eliminating, minimizing or migrating adverse environmental impacts to the environment, cultural, recreational, agricultural, historic and aesthetic resources that are so valued by the residents of Ancram and that could result from future development in the Town. The Zoning Law, as a document that updates and consolidates all previous zoning ordinances will aid the Planning Board, Zoning Board of Appeals and Code Enforcement in their administration of the laws and plans of the Town of Ancram.**

**NOW THEREFORE BE IT RESOLVED, that the Town of Ancram Town Board hereby declares that adoption of the consolidated Town of Ancram Zoning Law described herein, will not have any significant negative environmental impacts; and**

**BE IT FURTHER RESOLVED, that the Town Board hereby authorizes filing of a negative declaration (attached hereto), and file a notice in the Environmental Notice Bulletin according to SEQRA, 6 NYCRR Part 617; and**

**BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Full Environmental Assessment Form.**

**WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Ancram.**

Mr. Bassin stated that the town board will consider the Zoning Law for adoption next month. This will give the town board one more month to look through it again. Mr. Bassin thanked Mr. Clark for his work.

#### **Subdivision Regulations Committee**

Mr. Clark stated that the committee met for the first time on the 9<sup>th</sup>. Nan has proposed changes to the 1994 law. Mr. Clark stated that by the November meeting this document should be complete. It will need a SEQRA.

Mr. Clark announced that a NYS Land Use class will take place at Columbia Greene on the 27<sup>th</sup> of October. It will touch on rural planning.

#### **Bid on Snow Plowing for 2015**

Town Clerk Monica Cleveland stated that one bid was submitted for the snow removal at the Town Hall property. The bid was from Boice Homecare Service Inc. It read: 2014-2015 \$3200, 2015-2016 \$3400 and 2016-2017 \$3600.

A motion was made by Councilwoman Israel and seconded by Councilman Clark to accept the bid from Boice Homecare for the 3 year term for snow removal. Motion carried unanimously.

#### **Unsafe buildings**

The building inspector is still gathering information.

Mr. Fultz state that the APG has done an engineering study on the Simons Store property. It found that the Blass Park does not drain well for a leach field. Also, because it is parkland, the town would have to have a law passed by the NYS Legislature and signed by the Governor to allow the use of it as a leach field. Mr. Fultz stated that it has been suggested that the slope to the park may not be considered park land. Mr. Fultz also said that the retaining wall along Route 82 and the store property is falling over and will need to be corrected by the State ASAP.

Mr. Bassin stated that the town board has been given copies of the town manuals and asks them to review them and suggest edits.

The following resolution was offered by Councilman Miller and seconded by Councilman Thomas and moved for adoption by a unanimous roll call vote.

#### **Resolution #18 of 2014**

**Community Rescue Squad: Resolved**, that the Ancram Town Supervisor is authorized to enter into a contract for the Community Rescue Squad to provide emergency ambulance services to residents of the Town of Ancram during 2015 for a fee of \$93,317, and it is further resolved that the Ancram Town Supervisor is authorized to enter into a chargeback agreement with the Treasurer's office of the County of Columbia to authorize the County to raise the \$93,317 payable to the Community Rescue Squad as part of the County tax levied on Ancram property tax payers, and make monthly payments to the Community Rescue Squad on behalf of the Town of Ancram.

The following budget adjustment was offered by Councilwoman Israel and seconded by Councilman Miller. Motion carried.

From: Fund Balance: \$30,000 to 5110.4 General Repairs and From Fund Balance: \$9,100 to 5130.4 Machinery.

A motion was made by Councilman Miller and seconded by Councilman Israel to pay the bills. Motion carried.

Councilwoman Israel stated that she supports the Library 414 proposition and asks that all go out and vote for it.

A motion was made by Councilman Miller and seconded by Councilwoman Israel to adjourn the meeting at 8:02pm. Motion carried.

Respectfully submitted by,

Monica R. Cleveland  
Town Clerk