

Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, December 15, 2003 at 7:00pm.

PRESENT: Mayor Josephine C. Matela, Trustees Morton Wexler, James E. Whipple, Norman J. Knapp; and Peter C. DeToy, DPW Superintendent Bradley B. Upson, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Treasurer Scott D. Rightmyer, Clerk Leslie A. Morelli.

EXCUSED: Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Village Attorney Edward W. Riley, Assistant Fire Chief Elect Timothy Rombaut, Ken Pike, Carrie Maziarz, Terri Green (Brockport Post), Jim & Joan Hamlin, Fred Webster.

CALL TO ORDER: Mayor Matela called the meeting to order and led the Pledge of Allegiance.

Mayor Matela shared that Brockport Fire Department Historian and past Chief D. Scott Warthman and his mother-in-law were killed in a car accident this past weekend. She asked for a moment of silence.

REVIEW OF MEETING MINUTES: Mayor Matela called for any additions or corrections to the minutes of the regular meeting held December 1, 2003.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held December 1, 2003, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

GUESTS: Insurance Consultant Brian Baty of H&V Risk Consultants – later in the meeting.

PUBLIC COMMENT:

1. Patricia Montarella of Hilton introduced herself as the new owner of 50 +/- acres on East Avenue bordering the Canal formerly known as the Northrup Farm. There is a big old barn on the property that she is cleaning out. She would like to have a one-day benefit on a Saturday or Sunday this winter, possibly January 31st, from noon to 8pm. She said it would be semi-formal, held in the barn and on the grounds, and family oriented. There would be music, karaoke, Clydesdale Horses sleigh rides, a bonfire, hot cider, hot cocoa, food and maybe beer. She likened it to "Josie's". She said bottles and pets would not be allowed. She distributed a mock advertisement or menu that listed it as a restaurant.

Mayor Matela asked if she had contacted Monroe County Health Department since any food/drink sales to the public require a certified food handler, insurances, and strict sanitary conditions including restroom facilities. P. Montarella said she had not contacted them, but would do so. Chief Varrenti commented that any sale of alcohol would require a New York State liquor license. She said if that were the case, she would not serve alcohol. Trustee DeToy said although this property is within the Village, some of the surrounding properties are in the Town of Sweden (and across East Avenue is the Town of Clarkson). This could have an affect on those property owners. He questioned if this is changing the use to commercial. Mayor Matela said that is a good point. There is a lot to be considered and more details needed before the Board could approve of such a one-day event. Again, Mayor Matela encouraged P. Montarella to begin with the Monroe County Health Department.

Swearing In of new part-time Police Officer Shaun Moore -

Mayor Matela administered the Oath of Office to new part time police officer Shaun Moore with members of his family in attendance. He was introduced, congratulated and welcomed.

DEPARTMENT REPORTS:

A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson

1. Resolution creating the Brockport Main Street Reconstruction Advisory Committee – B. Upson shared that a group met with NYSDOT officials in August about the state rebuilding Main Street in a couple of years. They would like the Village's input in their plans. He asked the Board to authorize the Mayor to create a 7 to 12 member advisory committee of various people. Mayor Matela asked the Trustees to submit membership recommendations to her.

→ Trustee Knapp moved, Trustee Wexler seconded, unanimously carried authorizing the Mayor to create the Brockport Main Street Reconstruction Advisory Committee.

2. Resolution appointing Theodore G. Mosher as Laborer in the DPW – B. Upson said the DPW has been operating short-handed for some time now and the work orders are piling up. Two positions were not replaced when they were vacated. Seasonal part-time employee Teddy Mosher has continued past summer on a part-time basis. He took it upon himself to get his CDL (commercial drivers license), is trained, and equipped and a good worker. Although not

benefits for the remainder of the fiscal year would total \$27,000. He said this could be made up through other line items including the 3 part-timers the Board approved several months ago to work on the canal, but were never hired.

Trustee DeToy asked the hourly wage difference of part time to full time. B. Upson said as a part-timer he makes \$10.93 per hour with no benefits. As a full timer he will make \$18.28 per hour with benefits. B. Upson said according to the current contract, if he were not made full time now, he would have to let him go since his part-time status will be done.

Trustee Knapp said he understands that work is piling up and said that has become obvious. However, the Village is facing a critical budget situation. It is premature, but he would anticipate a sizeable tax increase would be necessary. He said the Village cannot keep raising taxes and maintaining services or it will be in trouble. Village taxes have gone up 25 percent over the last two years. We could be looking at another 5 to 6 percent increase to maintain the status quo. Trustee Knapp further said it sounds like the employee would be the opportune candidate for full time, but the money is simply not there and was not budgeted for.

Mayor Matela cautioned speculative talk of tax increases. There is a cost of doing business. Village taxpayers expect services. The Village has a history of not replacing positions when employees leave or retire. There is only so much the work can be spread out over others. It is important to deliver the services residents expect as cost effectively as possible. Mayor Matela commented that Monroe County just went through a similar scenario and will be raising taxes to maintain services. Mayor Matela said it is crucial to keep all Village Departments properly staffed.

Trustee Wexler said the Village is in the midst of contract negotiations with the DPW and the Police. Money for an additional full time laborer at the DPW was simply not budgeted for. He said yes, they are understaffed. However, he cannot justify hiring when negotiations are underway and the Village has no idea what or when the results will be.

Trustee DeToy said due to the understaffing at DPW, a lot of jobs are going undone. They will be even further behind if they have to let the one part-timer go.

→ Trustee DeToy moved, Mayor Matela seconded, Opposed: Trustee Wexler, Trustee Whipple, Trustee Knapp, MOTION DEFEATED to hire T. Mosher as a full time laborer at the DPW.

3. Resolution approving reduction #4 to M&T Bank Irrevocable Standby Letter of Credit 0019443 Calcagno Enterprises, LLC (Remington Woods – Section 1) and authorizing Treasurer to execute Certificate of Release #4 – B. Upson said the reduction totals \$120,832.00 which leaves a balance of \$324,203.68. The Village Engineer has signed off on the reduction.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried approving reduction #4 to M&T Bank Irrevocable Standby Letter of Credit Number 0019443 of Calcagno Enterprises, LLC and authorizing Treasurer Rightmyer to execute Certificate of Release #4.

4. Resolution approving reduction #4 to Pavilion State Bank Irrevocable Standby Letter of Credit 0019443 for D&S Land Developers (Havenwood Meadows – Section 1) and authorizing Treasurer to execute Certificate of Release #4 – B. Upson said the reduction totals \$39,961.16 which leaves a balance of \$56,004.97 plus \$37,000 in cash. The Village Engineer has signed off on the reduction.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried approving reduction #4 to Pavilion State Bank Irrevocable Standby Letter of Credit 0019443 for D&S Land Developers and authorizing Treasurer Rightmyer to execute Certificate of Release #4.

5. Resolution rejecting bids for Harvester Park Canalside Community Center project –

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried rejecting all bids for the proposed Harvester Park Canalside Community Center.

6. Resolution rejecting bids for Harvester Park Improvements project -

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried rejecting all bids for the proposed Harvester Park Improvements Project.

7. Intermunicipal Stormwater Agreement Phase II – Attorney Riley questioned B. Upson on said agreement he has reviewed. B. Upson said it could be addressed at an upcoming meeting. The Village has joined cooperatively with Monroe County and its Towns and Villages forming

a coalition to meet the requirements of this unfunded mandate. It carries a \$2,500 annual cost, but B. Upson said it would cost much more if the Village did not participate with the others. It is

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DEC All commented Mayor Matela
good value and includes a public education program. Mayor Matela asked what the \$2,500 buys. B. Upson said participation in the educational programs, forms, press releases and administration. This will meet 3 of the 6 criteria municipalities are being forced to meet. All criteria must be met within 5 years. There will be more to come. Trustee Knapp commented that the Village would be subject to fines if it did not participate. Therefore, we are between a rock and a hard place. Trustee Wexler agreed there is no choice involved. Mayor Matela commented that this is yet another state or federal unfunded mandate that hurts the smaller municipalities.

8. Snowplowing – Mayor Matela commended the DPW for the fine job snowplowing roads and sidewalks this past blizzard weekend.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Thanks for Support – Chief Varrenti thanked everyone for their support by way of cards, flowers, attendance, and kind words for the recent passing of his mother.
2. Ongoing Investigations – Chief Varrenti reported on several ongoing investigations including the drug and money bust at 28 Gordon Street, vehicular homicide on Park Avenue of a SUNY Professor, vehicle accident on East Avenue, etc. Monroe County Sheriff's Department thanked Sgt. Phillipy and Officer Morabito for identifying and arresting the suspect in a Hamlin robbery. Chief Varrenti also thanked the Brockport Fire Department for their professionalism in helping to protect crime scenes. This is crucial and is also recognized by the District Attorney's Office.
3. General Orders – Chief Varrenti will give Clerk Morelli an updated General Order 101 for the manual at the Village Hall.
4. Happy Holidays – Chief Varrenti wished everyone happy and safe holidays.

C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff

1. Monthly Reports – November – S. Zarnstorff asked if there were any questions regarding his November reports. There were none. He said he is working on the year-end report and will present it in January.
2. Authorization to attend ICC training in February – S. Zarnstorff reviewed his memo requesting approval and to use \$500 of his training budget towards attending ICC training February 23 through 27, 2004 in Las Vegas. He is requesting the other \$1,000 be funded by his local chapter, FLOBA. The conference topics are very relevant to his work. He said ICC provides top-notch training. If there are any additional costs, S. Zarnstorff said it is important enough that he is willing to make up the difference personally. Mayor Matela added that she has recently been honored by being asked to sit on the SUNY Chancellor's Task Force on Safety, which will include setting standards for off-campus housing. S. Zarnstorff may play a role in this.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried authorizing S. Zarnstorff's attendance and use of \$500 out of his training budget for the February 23 through 27, 2004 ICC conference in Las Vegas.

3. Main Street Dumpsters – Trustee Knapp asked S. Zarnstorff if there has been any progress since the last meeting regarding the dumpster situation behind the east side Main Street merchants. S. Zarnstorff said no.

D. FIRE DEPARTMENT – Assistant Chief Elect Timothy Rombaut

1. Membership Adds/Drops/Transfers – Chief Rombaut asked the Board to consider approving the following drops: Thomas Kline to inactive exempt, Brett Whitnable, Laura McAlister, Kate D'Amico, Todd Clements, Joshua Cammarata the following adds: Christopher Grant of Reed Road to Co. #1, Brian Roth of Clarkson to Co. #2 Fire and Ambulance, Deborah Roth of Clarkson to Co. #2 Fire and Ambulance the following transfers: Tasha Borys of SUNY Campus from Capens to Co. #1.

→ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried approving the previously mentioned adds, drops, and transfers.

→ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried approving the exempt papers of Chris Kodiak.

2. Call Load – Year to date Fire Calls: 861 Year to date Ambulance Calls: 1,548

3. Accept Slate of New Chiefs – T. Rombaut said the Board should have received written notice regarding the Brockport Fire Department Chief Elections. Chief Elect is Christian McCullough. Deputy Chief Elect is Mark Warner. Assistant Chief Elect is Timothy Rombaut.

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→ Trustee DeToy moved, Trustee Knapp seconded, unanimously carried accepting and congratulating the elected slate of Brockport Fire Department Chief, Deputy Chief and Assistant Chief.

4. Swearing in of New Chiefs – Mayor Matela announced that the swearing in of the new Fire Chiefs would be Tuesday, January 6th at 7pm at the Market Street Fire Hall.
5. Passing of Fire Department Historian and past Chief D. Scott Warthman – T. Rombaut reported on the arrangements for calling hours, procession and funeral. There has been a tremendous outpouring of support. Mutual aid companies will be filling in for calls for the next couple of days. The Mayor and Trustees each said a few words about S. Warthman and how he will be missed.

E. TREASURER - Scott D. Rightmyer

1. Adopt 2004 Fire Budgets for Towns of Sweden and Clarkson contracts – Treasurer Rightmyer shared that the Towns of Clarkson and Sweden have agreed to the 2004 Fire contracts. Therefore, the Village needs to adopt the numbers. The operating budget for the Village of Brockport Fire Department is \$677,875.00 to be split as follows: Clarkson 35.5%, Sweden 40.6%, Brockport 23.9%. Trustee Whipple clarified that this is based upon assessed valuation. Treasurer Rightmyer agreed and stated that ironically it is very close to the percent of calls for each municipality. Treasurer Rightmyer said the Ambulance operating budget is \$298,753.00 and fully funded by the Third Party Billing program. Therefore, taxes from Clarkson, Sweden, Brockport do NOT contribute to the ambulance.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to adopt the Brockport Fire Department 2004 budget as presented.

2. Medicare BCBS Options – Treasurer Rightmyer reminded the Board that if they choose to stay with a BCBS/Excellus product for its Medicare eligible retirees, they need to choose among the 3 options that are proposed to replace Blue Choice Senior. None of them have prescription drug coverage. Of the three options, the more the Village pays, the better the coverage. He feels that would be option #2. Treasurer Rightmyer said he spoke with Preferred Care about their Preferred Care Gold program. We have one retiree on it now. A drug rider may be able to be added to it. However, the person he needed to talk to was not available.

Guest: Insurance Consultant Brian Baty – B. Baty provided a comparison of the Blue Cross/ Blue Shield – Blue Choice products and the Preferred Care products. Regarding the Medicare eligible retirees, B. Baty encouraged the Board to switch to Preferred Care Gold. Trustee Wexler asked how many retirees this currently involves. Treasurer Rightmyer said 8. Trustee Whipple said it looks like the best option. Trustee DeToy agreed and stated they deserve some prescription coverage.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried to switch the Medicare eligible retirees from Blue Choice Senior to Preferred Care Gold.

Blue Choice Senior will be phased out by 2005. Treasurer Rightmyer and Clerk Morelli will contact the Medicare eligible retirees and switch them to Preferred Care Gold in January.

Clerk Morelli questioned dental coverage. Currently the retirees get BCBS Smile Saver. B. Baty said they would have to switch to Guardian dental. Employees and retirees who select the Guardian instead of BCBS Smile Saver currently pay the difference since the Guardian costs more. If Smile Saver is not offered, and only the Guardian is offered, will the difference still be charged?

Mayor Matela commented that although the Village is awaiting the settlement of contract negotiations, the non-union employees continue to be fully covered. No money has been saved yet this fiscal year by having them contribute towards their medical and dental plans.

Brian Baty suggested asking the employees to accept a lesser plan (basically same coverage, but higher co-pay for appointments) and give it back to them through an FSA (flexible spending account) administered by a third party such as AFLAC. Clerk Morelli said AFLAC has already approached the Village about offering this and other supplemental insurance plans to Village employees at their expense. B. Baty said it is really a win/win situation with a dramatic cost savings opportunity. FSA money is tax-free and can be used for anything medically related – medical, dental, eyewear, footwear, etc.

Attorney Riley questioned why B. Baty did not include the Blue Choice Value plan in his comparison. B. Baty said he did not include each and every plan, but can do so with more time. B. Baty said the

Preferred Care Opportunity or Trivantage plans provide an out of network benefit. The only BCBS product that offers out of network is Blue Choice Plus. Each plan has its own nuance. Some provide money towards health club memberships and massages. B. Baty said his recommendation would be Preferred Care TriVantage.

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Mayor Matela asked if many municipalities offer the FSA. B. Baty said 16 of the 25 municipalities he covers do. They average over a 20 percent savings. He said Unions are usually very receptive to FSA plans since they are using pre-tax dollars and not losing anything. Chief Varrenti said it was offered in Irondequoit and it was a tremendous benefit. The only downfall is having to budget for what you think your family will use in the year, because you use it or lose it.

Mayor and Board thanked B. Baty for the information he provided.

F. CLERK - Leslie A. Morelli

1. Treasurer Position – Clerk Morelli announced that in anticipation of Treasurer Rightmyer's retirement in the summer of 2004, 41 candidates responded to the advertisement by today's deadline. Mayor Matela said a 5-member search committee is being formed. She said she would like one Trustee to serve on the search committee.

2. Happy Holidays!

G. ATTORNEY – Edward W. Riley / DEPUTY ATTORNEY – Frank A. Aloï

1. Frontier Telephone Assessment Settlement – Attorney Riley asked for a few minutes in executive session at the end of the meeting to discuss this pending litigation.

2. Vehicle Towing and Disposition Agreement – Attorney Riley said he has not heard back from Northside Mobil or Nichols on the third draft. Chief Varrenti said Nichols contacted him today and is ready and willing to sign the agreement. Attorney Riley said he would follow up with Northside Mobil to see if they propose any changes. There should not be two different contracts. Chief Varrenti said as of the first of the year the Police Department will no longer be dealing with money. He will turn that remaining function over to the Village Clerk until these agreements are put in place. Clerk Morelli asked the Board to consider authorizing the agreements tonight so they can be executed by the end of the year.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried authorizing the Mayor to sign the Vehicle Towing and Disposition Agreements as presented by Attorney Riley.

H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner (excused)

SUPPORT BOARDS REPORTS:

A. PLANNING BOARD – Chair R. Scott Winner (excused)

B. LIBRARY BOARD – President Sean Wilcox (absent)

C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey (absent)

VILLAGE BOARD REPORTS:

A. Vice Mayor Wexler

1. Tree Lighting Ceremony & Candlelight Walk – Trustee Wexler thanked Inga Songbird for coordinating the annual event.

2. Fire Chief Wing – Trustee Wexler thanked Chief Greg Wing for his years of service.

B. Trustee Whipple – No report.

C. Trustee Knapp – No report. Happy Holidays!

D. Trustee DeToy

1. Police Department Overtime - Trustee DeToy said he has done his own research on the issue of Police Department overtime. The two officers that were recuperating have returned, but now one other officer is out for surgery and recuperation. Overtime costs continue to mount. The part-time officers have full-time jobs and cannot always cover the shifts where help is needed. Last April the budget was approved, albeit 3 votes to 2 votes that included hiring 2 full time officers. It was agreed that they would not be hired until contract negotiations were done. However, it was not anticipated that negotiations would go on so long. As of November 30th, the Village has spent \$93,510.06 in police overtime. If it continues at that rate it will total \$224,424.14 by the end of the fiscal year. However, the Village has an opportunity to rectify that to some extent by promoting part-time officer Joseph Morabito to full time. He is fully trained with 5 years on the job, fully equipped, willing and number 1 on the

civil service eligible list. The next police department needing a full time officer will likely snap him up. The overtime savings would more than pay his salary while reducing overtime costs. Regardless of when contract negotiations are settled, he would enter at the top grade.

Mayor Matela agreed that Officer Morabito is the logical candidate. The Village needs to utilize its resources: people, time and money to the best of its ability. Safety cannot be jeopardized.

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Trustee Wexler said he is against hiring at this time. A budget is a plan on how money should be spent. It does not mean the money HAS to be spent. Overtime costs are exorbitant due to the provision in the last contract related to staffing. No other Police Department in Monroe County has that provision. Unfortunately, Chief Varrenti inherited that provision and the contract and has to adhere to it until a new contract is agreed upon. Trustee Wexler said if that provision is changed, overtime costs would greatly diminish. Overtime has cost the Village ¾ of a million dollars over the past 5 years. It is up to Attorneys Lippitt and Riley and the Stetson Club and its attorney to solve this through negotiations. It was a 3 to 2 vote on the budget. Trustee Wexler said he would not vote in favor of any full time hiring until negotiations are settled. It sets a poor precedent to hire while negotiations are ongoing.

Mayor Matela said the Village Board has never given Chief Varrenti the proper staffing in which to cut overtime. He has proven by the hiring of one additional full time officer some time ago how overtime was cut on that shift. He needs to be able to do the same with the other 2 shifts.

Chief Varrenti said the Village continues to spend money it does not have. It could save money by hiring. He suggested laying off later if it doesn't prove to save money, but said they will find they don't need to do that. There is no end in sight regarding negotiations. For example, Brighton Police Department is setting up arbitration for October and November of 2004. Chief Varrenti said he has proven his point with the one additional full-time officer. He asks to be able to do a better job.

Trustee Wexler said come budget time the Village Board would do what they have to do to control costs. Measures may not be liked, but costs must be controlled.

Chief Varrenti said the lack of decision making over the last 2 years and heeding his recommendations has cost the village in excess of 6 figures. Trustee DeToy said he hates to see hiring used as a gun against the head of the union. Trustee Wexler said there was never any such mention. Mayor Matela asked that discussion cease and this be brought to a vote.

→ Trustee DeToy moved, Mayor Matela seconded, Opposed: Trustee Wexler, Trustee Whipple, Trustee Knapp, MOTION DEFEATED to hire part time police officer Morabito as a full time police officer.

E. Mayor Matela

1. Renewal of Insurance Consultant's annual contract –

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried to renew the annual contract as written of Brian Baty, Insurance Consultant with H&V Risk Consultants.

2. Renewal of Educable Communications Corporation contract – Attorney Riley asked that this be postponed until the next meeting so that he has an opportunity to review it and compare it with the last contract.
3. Fire Chiefs - Mayor Matela also added her thanks to Chief Wing and noted that it has been a particularly difficult ending to his term with so many motor vehicle accidents and the passing of S. Warthman. She further congratulated the incoming Chiefs and said she looks forward to working with them.
4. Happy Holidays!

⇒ At 9:04pm Trustee Wexler moved, Trustee DeToy seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss legal matters regarding Frontier's assessment case.

I, Leslie A. Morelli, Clerk for the Board of Trustees of the Village of Brockport, do hereby certify that the Board met in an executive session and did discuss the matters as expressed in their motion, and I further certify that no formal action regarding public funds was taken thereon.

Leslie Ann Morelli, Village Clerk

→ At 9:20pm Trustee Whipple moved, Trustee DeToy seconded, unanimously carried that the Board of Trustees of the Village of Brockport exit executive session and return to the regular meeting.

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AUDIT:

→ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried that the bills be allowed and paid upon audit.

Village

| Date | Check # | Amount |
|-------|------------|------------|
| 12/15 | 168875 | 551.97 |
| 12/15 | 168801-821 | 24,199.08 |
| 12/15 | 168822-841 | 13,889.61 |
| 12/15 | 168842-874 | 121,170.55 |

Fire

| | | |
|-------|------------|-----------|
| 12/15 | 168776-800 | 83,531.48 |
|-------|------------|-----------|

Capital Projects

| | | |
|-------|---------|---------------|
| 12/15 | 1622-24 | (P 44) 556.42 |
|-------|---------|---------------|

Third Party Billing

| | | |
|-------|---------|----------|
| 12/15 | 222-226 | 2,246.94 |
|-------|---------|----------|

ADJOURNMENT:

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the meeting be adjourned at 9:25pm.

Leslie Ann Morelli, Village Clerk