

**COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
REGULAR TOWN BOARD MEETING  
APRIL 9, 2012- page 1**

**DRAFT**

Supervisor O'Rorke called the meeting to order at 7:33 pm and the Pledge of Allegiance was said. Also attending: Councilwoman Benway, Councilman Norris, Highway Superintendent Jordan, Town Clerk Brooks, and 16 members of the public who signed the attendance sheet. Absent: Councilwoman Finke, Councilman Meredith.

**APPROVAL OF MINUTES**

Regarding the approval of **Minutes of Meeting January 23, 2012 Work Meeting** (distributed 3/23/12 at 12:03pm) submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway**. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

**BENWAY-AYE      FINKE-Absent      MEREDITH-Absent  
NORRIS-AYE      O'RORKE-AYE**

**Motion Carried**

Regarding the approval of **Minutes of Meeting March 12, 2012 Regular Meeting** (distributed 3/23/12 at 12:03pm) submitted by the Town Clerk. On page 9, line 2, Councilwoman Benway asked for 'Councilwoman' Benway and, with that, **Supervisor moved and was seconded by Councilman Norris**. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

**BENWAY-AYE      FINKE-Absent      MEREDITH-Absent  
NORRIS-AYE      O'RORKE-AYE**

**Motion Carried**

**PUBLIC COMMENT PERIOD**

Alma Flegel reported that she phoned Animal Control Officer Tanner and found voicemail filled; visited Town Clerk's office and he answered, if a child were involved a report would be filed. On April 1, a pack of dogs (or something) attacked 7 birdfowl, killed 4, and she knows the direction from which the dogs came; Officer Tanner has not responded yet, must be more conscientious; Supervisor and Councilwoman Benway have a meeting coming up with ACO Tanner and will discuss this.

Sarah Bull, Flatbush Road, is concerned about a property receiving fill in many colors and asked was there a use filed for that land that has only a Flatbush Road entrance; the house was a mess and is being cleaned up; Councilman Norris will chat with CEO Blaisdell.

Ellie Alfeld asks 1) the Board oppose fracking, don't jeopardize our wells, and it can bring up black sulphur water and 2) was very concerned with poorly-kept property last week, saw Sterritt's property, remembers a property in Coeymans in the courts costing over \$100,000, spoke to CEO Blaisdell who reported that that the man didn't get good price for junk vehicles, but he is subject to fines under current rules and gave CEO Blaisdell 4-5 sites in Town to look at. She learned at Economic Development Committee that if developers are looking at the area, let's clean up junk vehicles and reinforce laws that we have on the books now; Councilman Norris will meet with CEO Blaisdell and report at Work Meeting.

Ted Flegel offered that halfway burnt houses on sites should also be finished.

**CORRESPONDENCE**

From Greene County Board of Elections, announcement of 2012 primaries on April 24, June 26, September 11, and general election on November 6; Town Clerk Brooks has submitted all for the website. Councilman Norris reviewed that there are costs to not consolidating all those. From Concerned Citizens for Better Broadband, notice of an April 11 meeting. From Seniors' Committee, notice of Food 'n Fun luncheon on April 11 at New Baltimore Reformed Church.

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**DRAFT**

From Greene County Public Health, notice that NYS Health Commissioner has issued order of summary action banning sale of synthetic marijuana (known also as 'spice', 'K2', 'Mr. Nice Guy', 'galaxy gold') which have been legally sold in convenience and tobacco stores.  
From Greene County Legislature, resolution approving county chargebacks, Town of New Baltimore is now at 40% threshold, \$14,574.  
From Cary Institute Ecosystems, announcement of May 5 forums on hydrofracking, 3hour session for municipal officials.  
From Community Environmental Legal Defense Fund, announcement of forum on April 28 in Pennsylvania.  
From Greene County Probation, announcement of expansion of the use of offenders performing community service, program suffers from lack of available sites. They are gauging interest and requesting municipalities advise their local nonprofit agencies; (Councilwoman Benway will advise Town Court.)  
From Kenneth and Cynthia Bliss Family, acknowledgement of and thanks to Superintendent Jordan and Highway crew for drainage improvement on Hadley Drive with installation of new culvert, and commented on professionalism and expertise.

**OLD BUSINESS**

Update on the Abandonment of VanGurpin Lane

Van Gurpin Lane was abandoned in June 1934, revealed by prior historian Clesson Bush. Attorney Wukitsch related the neighbors' objections to the abandonment: landlocking their land and questioning Town's right to proceed, claiming there has been maintenance work done since 1934; Superintendent Jordan has not done work in his years. Attorney Wukitsch will review their research, report to Town Board, and contact the attorney for Butler.

Update on Town Hall changes

Councilman Norris reports that Code Enforcement Officer Ray Blaisdell has completed the renovation of his new office in basement beside the Sheriff's satellite; his labor on his Town time, \$700-900 spent on materials, dropped ceiling, and has done a great job. Then Town Clerk and Town Supervisor traded offices, giving Clerk more space. He expressed thanks to Spencer Sebert for his gift to the Town painting the offices and moving installed shelving. He thanked Highway Superintendent Jordan and crew who moved furniture and file cabinets from the cement company that closed; Judy Hoag, a town resident, alerted Scott Benway of the free furniture, and Councilwoman Benway passed the word along, creating an opportunity to get the furniture for the price of pick-up. The Highway crew housed and delivered the free office furniture. All staff at Town Hall have benefited from the free furniture. Deputy Town Clerk Jordan and Assessor Clerk Fisk were thanked for their thought, design, and planning of color, furniture, and office layout. Councilman Norris was thanked for the hours he gave to switch the computers and their respective attachments, without keeping Town residents waiting for services. Clerk Brooks added that with each move came a records cull, surrendering items for retention consideration. State Telephone also came to move lines without creating a problem with the phone menu for Town Hall. Clerk Brooks thanked the Board.

**NEW BUSINESS**

Resolution to Pay Claims

Short two council members this night, Supervisor asked Attorney Wukitsch whether the Board can go ahead and pay the Town's bills with stipulation of gathering the required signatures by Saturday; answer: yes.

**RESOLUTION  
APRIL 9, 2012**

**RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS**

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**DRAFT**

WHEREAS the Town Clerk has presented claims to the Town Board for audit and review and,

WHEREAS the Town Board has audited claims 2012 04/01-94, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims 2012 04/01-94 with a stipulation that all claims will be audited by Saturday, April 14 at 5pm.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until April 30, 2012.

**Supervisor moved and was seconded by Councilwoman Benway.** No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Resolution to Approve \$50 Grant to Coxsackie Senior Center

With the renovations to the building and opening of the new Senior Center, Town of Coxsackie ran out of funds; the Seniors' Committee recommends making contribution to cost of chairs.

**RESOLUTION  
APRIL 9, 2012**

**RESOLUTION AUTHORIZING FUNDING FOR TOWN OF COXSACKIE SENIOR  
CENTER**

RESOLVED, that the Town Board does hereby authorize the amount of \$50 to be paid from the budgetary appropriation for Aging Programs to the Town of Coxsackie for the purpose of purchasing chairs and tables for the Senior Center.

**Councilman Norris moved and was seconded by Councilwoman Benway.** Councilman Norris said the building is well-renovated and lunch offered 5 days/week; Ellie Alfeld offered that the building is completely insulated, air conditioned, recommended lunch donation -\$3, menu appears in Greene County Senior newsletter, individuals 60 years and over. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Resolution to Approve Facility Use by New Baltimore Farmers' Market

A year ago, began using a form; this group meets 2<sup>nd</sup> Thursday of the month.

**RESOLUTION  
APRIL 9, 2012**

**RESOLUTION TO APPROVE FACILITY USE BY NEW BALTIMORE  
FARMERS' MARKET**

WHEREAS the New Baltimore Farmers' Market has completed a facility use form requesting the use of Town Hall for their monthly meetings in 2012,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore hereby authorizes the New Baltimore Farmers' Market to use the Town Hall for their monthly meetings. Meeting dates will be confirmed with the Town Clerk one week prior to the meeting.

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**Councilman Norris moved and was seconded by Supervisor.** They will use the conference table in CEO Blaisdell's office, in conflict with Planning Board meetings. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Resolution to Purchase Highway Equipment

The February purchase of International cab and chassis did not include the dump box, plow frame, and wing, saving about \$35,000; the old sander will be applied to the new chassis and the parts will be purchased.

**RESOLUTION  
APRIL 9, 2012**

**RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS  
FROM THE HIGHWAY EQUIPMENT BUDGET FOR THE PURCHASE OF PARTS  
TO ASSEMBLE DUMP BOX, SANDER, AND PLOW FOR 2012 INTERNATIONAL**

WHEREAS the Town Board purchased a new 2012 International cab and chassis in February of 2012; and

WHEREAS, for cost saving measures, the vehicle was purchased without dump box, plow frame and wing; and

WHEREAS the Town Highway Superintendent will construct the dump box, plow frame, plow wing needed for the new International,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes that the amount of \$23,675.00 be expended from the Highway Equipment Fund towards the purchase of the attached parts for construction of dump box, plow frame and plow wing.

**Supervisor moved and was seconded by Councilman Norris.** No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Supervisor asked if there was any word on the truck delivery yet? Answer: no.

Resolution to Approve Memorandum of Agreement with AgFest Committee

Rob Van Etten is in audience, with whom Supervisor met the other night. Regarding the airplanes that land onsite, Councilwoman Benway sent off forms asking for that exposure, including Bouncey-bounce (now considered carnival rides in insurance language) and tractor pulls. Anything regarding aviation is not covered; the way contracts are worded, in the event of crash, personal injury or property damage the Town would be required to indemnify the Van Etten family. This is a big exposure for the Town to take on so we're looking to get one, but just a million dollars coverage may be tough; Supervisor doesn't see the tractor pull piece rising in cost from last year. Supervisor has an application that combines the two, but will have a quote separate; with no coverage for the aviation exposure the Town is in a position where the Town would indemnify the family. Rob Van Etten said this was discussed and, if there was additional cost, they did not want the Town to pay that. Some planes are antique and classic and land on the airstrip there. Councilman Norris asked about last year; Supervisor said it was discovered just prior to event last year and a letter was sent saying that the Town would not be responsible, and she asked should Board hold off and see if we can get this insurance and what the cost will be? Supervisor did not want to put Rob on the spot, didn't want Town responsible

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for something that may happen there, it would be the Town indemnifying; Rob Van Etten is okay with waiting for May meeting; Councilwoman Benway expects to know by Friday.

**RESOLUTION** authorizing the Supervisor to sign the attached revised Memorandum of Agreement for 2012 with the AgFest Committee was TABLED.

Resolution to Renew Contract with Van Etten Family for AgFest

**RESOLUTION** authorizing the Supervisor to sign the attached lease agreement with the Van Etten family for the 2012 AgFest was TABLED.

Discussion of Site Plan and PDD (Planned Development District) Fees

Supervisor said the Town Code calls for PDD process in the zoning; Town had not yet enacted a fee for that process. Also site plan fees have not been changed recently and regarding the proposed projects that may be coming into Town, used the joint meeting to tackle that. Councilwoman Benway, chair of planning committee, reviewed at the joint meeting they looked at what surrounding towns are doing, lot size basis or whatever; result was a base fee for PDD (which requires a minimum of 10 acres) of \$500, hoped Planning Board Chair Rundberg would be present; less than 25 acres-\$500, 26-50 acres-additional \$100 or \$125/acre; 50+ acres-additional \$75/acre. She added that any amendments to PDD after approval: 50% of original fee. Supervisor added an increment: 25 acres-\$125/acre, which overlapped. Arlene McKeon reminded that PDD cannot be less than 25 acres; less as acreage grew. Supervisor believed up to 25 acres-\$125/acre; over 25 up to 50 acres-\$100; over 50 acres-\$75/acre. Councilman Norris thought "greater than 25" to accommodate portions of acre. Supervisor explained the purpose of the fee is to make the Town whole for clerical needs: correspondence, copying, variety of costs of putting project; it doesn't prevent Town from escrowing for professional services (i.e. legal, planning or engineering. Bethlehem, Catskill, Saratoga Springs, Colonie were looked at as examples. Ellie asked, when it comes to statement of acreage, to use phrase "anything in excess of 25".

Also, for Site Plans: 1 to 10 acres \$300; 10+ to 25 acres \$1000, 25+ to 50 acres \$2000, 50+ acres \$4000; application would be valid for 24 months and could be renewed for 50% of original fee for 12 additional months. After that an applicant would begin the process again. Supervisor said discussions began with the fee currently charged for site plans, and Councilwoman Benway added having discussed possibility of conservation land being excluded. Supervisor said, as PDD states, so much land is set aside for conservation, and would not charge for the conserved land. Supervisor will prepare resolution for May meeting, the fact that we can charge a fee is already in the zoning law.

Proposed Local Law # 1 of 2012, a Local Law Establishing Collection of Late Fees in Sewer District #2, Water District #2 and Water District #3

Tax Collector Lynn Taylor was not in attendance; Supervisor reviewed that there is a resolution to authorize late penalties but should be accomplished by Local Law. Currently, the Town's Sewer District 1 establishes by Local Law a late penalty that matches property taxes (1% per month). Sewer District 2 and Water District 2/3 are served through Village of Coxsackie; Town of New Baltimore pays the Village of Coxsackie and district residents pay the Town of New Baltimore. Revenue is needed to pay our bills, fees should encourage prompt payment, and if everyone else is paying by a due date, there should be a penalty for late payment.

Supervisor read.

**PROPOSED LOCAL LAW NO. 1 of 2012**

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**DRAFT**

**A LOCAL LAW AUTHORIZING THE TOWN BOARD TO PROVIDE  
FOR COLLECTION OF LATE FEES FOR SEWER DISTRICT 2  
AND WATER DISTRICTS 2 & 3**

Be it enacted by the Town Board of the Town of New Baltimore, County of Greene, as follows:

**Section 1. Purpose**

The purpose of this Local Law is to authorize the collection of late fees for Sewer District 2 and Water Districts 2 & 3.

**Section 2. Finding**

The Town Board finds there is a need to require Town residents to pay their sewer and water bills in a timely fashion. A late fee will encourage district users to pay bills on time.

**Section 3. Late Fees**

The Town Board hereby authorizes the assessment and collection of late fees for Sewer District 2 and Water Districts 2 & 3. The Board will set the applicable fees by resolution which may be changed from time to time.

**Section 4. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

Resolution to establish Public Hearing for Local Law #1 of 2012

This action is needed tonight.

**RESOLUTION  
APRIL 9, 2012**

**RESOLUTION SETTING PUBLIC HEARING FOR PROPOSED LOCAL LAW  
ESTABLISHING COLLECTION OF LATE FEES FOR SEWER DISTRICT 2 AND  
WATER DISTRICTS 2 AND 3**

BE IT RESOLVED that the Town Board of the Town of New Baltimore will hold a public hearing on May 14, 2012 at 7:30 p.m. at the Town Hall, 3809 County Route 51, Hannacroix, New York, to hear those members of the public who wish to be heard regarding proposed Local Law No. 1 of 2012, a Local Law Establishing Collection of Late Fees for Sewer District 2 and Water Districts 2 and 3.

Supervisor moved for the May 14 date, and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Supervisor received and read a complaint letter from a resident of Water District 2/Scheller Park regarding '20% per billing cycle' late fee that Village of Coxsackie levies its residents, and prints on its payment invoices that we mail out to residents added Clerk Brooks, which is not the fee previously charged by resolution of the Town of New Baltimore and inserted in the bills to Water District 2 residents. Supervisor felt all special districts should pay same late fee penalty and a uniform policy aids the Tax Collector's work. Supervisor discussed this with Tax Collector Taylor; there are a handful of individuals each year who do not pay their sewer or water bill at the current 1%/month late fee; their outstanding bills are relieved. Tax Collector

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Taylor will soon generate her own invoices, using information from Village. This will be discussed at May Regular meeting. Attorney Wukitsch clarified that the term 'usury' refers to an interest rate charged by a lender or creditor; this is a late fee.

Discussion of the Slater Property on 9W

It was brought to Supervisor O'Rorke's attention that a piece of property on US Rte 9W straddles the Town of Coxsackie/Town of New Baltimore line, across from Kalkberg Park and, with proposed IDA project, drawing up a new sewer district, road uses, whether she is meeting with IDA or Village of Coxsackie there is this piece of property, owned by Slater family, and discussion turns to whose sewer district it is in. Town of New Baltimore has not been assessing it; entire property is assessed in Town of Coxsackie, and approximate 8 acres is inside Town of New Baltimore. Unfortunately Councilman Meredith is not present tonight; Supervisor has reached out to Town of Coxsackie and to Slater family, and asked Assessor Bennett for 'drop dead' date for 2012 roll; it is April 20; will start assessing. We understand the Slater family is not interested in residing in New Baltimore; Town of Coxsackie Supervisor went to their board and is prepared to support the Slaters that the Town line doesn't go through their property. Their assertion is their property is in Coxsackie based on a jag in the line (out of Houghtaling Road, sharp 90° angle north, and west; our maps show a straight line and no jag. Attorney Wukitsch explained two ways to resolve: 1) consensual annexation (New Baltimore commence a proceeding in NYS Supreme Court asking judge to issue judgment establishing that the property is in Town of New Baltimore. If Coxsackie does not oppose, it is established. 2) The alternative is very expensive litigation and town boundary line survey. Supervisor posed that there is a lot across the street in Kalkberg and in front of Empire Merchants, 4.2 acres, that is approximately 57% in Town of Coxsackie, 43% in Town of New Baltimore; she added that the way Empire Merchants was situated approximately 3 parking spaces are in Town of New Baltimore, had to come before both Planning Boards although easy due to it being only a couple spaces. But a developer of the 4.2 acre parcel would need to come before 2 town boards, 2 planning boards, determining how much of a building would lie in each of the Towns, sewer, water and makes the lot slightly less desirable due to those processes. Supervisor wonders can two issues be taken care of by letting boundary line stay where it is perceived to be, and in return we want the 2.2 acres in Kalkberg. Councilman Meredith, also on assessment committee, agrees: approach town supervisor of Coxsackie, he was agreeable to take that to his board and believed they may be receptive. Supervisor consulted attorney; two different annexations would need to be accomplished; New Baltimore would annex the 2.2 acres in Kalkberg, fairly easy to quantify due to the newness of the survey, Town of Coxsackie would annex the entire Diederich Trailer Park and would need to accomplish a survey to denote the property, Attorney Wukitsch added description must be sufficient for the deed filing, and then file the judgments in the office of the County Clerk. Coxsackie has been depending on the assessment from the trailer park; anything New Baltimore yields is extra for the assessment roll, and an industrial park location is typically higher value vacant land. Councilwoman Benway asked if these actions would help with delivery of emergency services. Supervisor asked sheriff's deputies who they would call regarding the garage, house, and store; answer: Town of New Baltimore and for the rest of the trailer park: Town of Coxsackie. New Baltimore Fire and ambulance have been called for these properties and from whom the Town receives no property tax revenue.

Ellie Alfeld said this has been on her agenda for years; not just trailer park, it includes a business, a shop, at least one house, and at least 4 trailers in park that were omitted. She understands the acquisition process and this is money the Town is entitled to but, with the water and sewer on that omitted property, what is the dollar difference in assessments of the two properties to be annexed. Supervisor said, with no building on IDA property and until something goes in there, it is difficult to answer. Assessor Bennett estimated \$220,000 in assessed value for the portion of trailer park, includes the house and business, in the Town of New Baltimore. Supervisor is concerned if this IDA project goes through, the property is across from industrial park on US Route 9W and it could become pretty valuable. Supervisor said Coxsackie Town Board meets tomorrow night, supervisor will take it to their town board and find out interest in annexations, or pursue legal action for the 8-9 acres we believe are in Town

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of New Baltimore. Ellie commends Supervisor O'Rourke for getting the ball rolling toward a decision.

Arlene McKeon suggests asking for the return of water supply [laughter].

Bob Knighton feels suing a neighboring town that controls access to public infrastructure is not a good idea; if private property, the moral principal applies, been in place for so long, there's some point at which you don't have a legitimate argument. Supervisor clarified, not the Town, but the Village of Cocksackie controls water, with the possibility of a major project that affects the Town of New Baltimore, the Town and Village of Cocksackie, not an ideal time and do we want to let this property sit, and possibly a Cracker Barrel [restaurant comes in and locates in Kalkberg] and we say, "Hey, that could have been ours!" Supervisor said that when the school bus shelter was damaged, the contractor came to New Baltimore for building permit and, if Town of Cocksackie is agreeable to this double annexation, does the Board feel that is the best route to resolution? Councilwoman Benway said if Cocksackie and Slater's will fight this, and [the fight] will cost a lot of money, are they are willing to make a trade? Supervisor concluded the Board will wait to hear from Town of Cocksackie before the April 20 date. Councilman Norris asked, regarding fire and ambulance, don't they receive any taxes from the property? Are they receiving services for free? Supervisor figured if Cocksackie did not give a 'green light', Town of New Baltimore would assess the property and put it on the roll (which is also the action needed for them to litigate), and asked should the Board have a Special Meeting with this regard. Attorney Wukitsch felt the Board needed a good 'read' from Cocksackie's meeting tomorrow. Councilman Norris asked if Slaters would negotiate; it is known that they do not wish to give up Cocksackie township, and tax rate. Ellie Alfeld pointed to a change in water rate; Supervisor has been told both towns are charged the same water rate; the Village of Cocksackie is charged differently. A Special Meeting may happen when Cocksackie action is known; they may table it to get past New Baltimore's deadline.

**ADJOURNMENT**

With no further business to come before the Board, with **Supervisor moved to adjourn, Councilman Norris seconded.** No discussion. The adoption of the foregoing Motion was duly put to a vote, and upon roll call, the vote was as follows:

<b>BENWAY-AYE</b>	<b>FINKE-Absent</b>	<b>MEREDITH-Absent</b>
	<b>NORRIS-AYE</b>	<b>O'RORKE-AYE</b>

**Motion Carried**

The meeting was adjourned at 8:53 pm.

Respectfully,

Janet A. Brooks  
Town Clerk