



# *The Town of East Greenbush*

225 Columbia Turnpike, Rensselaer, NY 12144

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**Wednesday, August 15, 2012**

7 PM

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# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

## TOWN BOARD MEETING AGENDA

Wednesday August 15, 2012

Call to Order 7:00 PM

Pledge to the Flag

Town Board Meeting: **Members of Town Board**

Present

Absent

Supervisor Langley  
Councilperson Matters  
Councilperson O'Brien  
Councilperson Malone  
Councilperson Mangold

### Resolutions Proposed by Town Board Members:

**Public Comment Period:** Members of the public wishing to speak shall state their name and address and will be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and for their desire to actively participate in the decision-making process.

The Public Comment Portion of the meeting will consist of two sections:

1. **Prior to Town Board Consideration of the Resolutions:** Members of the public wishing to address a specific resolution(s) on the agenda to follow will be recognized.
2. **Upon disposal of the resolutions:** Members of the public with general comments on Town government will be recognized.

### 121-2012 A Resolution to Approve the Minutes of the July 18, 2012 Town Board Meeting

**WHEREAS**, the minutes of Town Board meetings, as provided in §106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official, and disseminated to the public by the Town Clerk; and

**WHEREAS**, that the minutes of the regular Town Board Meeting held on July 18, 2012 have been presented; and

**WHEREAS**, the Town Board has reviewed these minutes and any necessary corrections have been made; now the

**THEREFORE, BE IT RESOLVED**, that the minutes of the regular Town Board Meeting held on July 18, 2012 are hereby approved as submitted.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	YES

**122-2012 A Resolution to Authorize a Contract, Awarded as the Result of an RFP, to Complete the Real Property Reassessment Project Tabled Resolution 106 from July 18, 2012 Meeting**

**WHEREAS**, at the request of the Assessor and in accordance with Town Policy and General Municipal Law, a Request for Proposal (RFP) was issued for expert consultant services regarding the Town’s proposed town wide reassessment for the 2013 assessment roll, and

**WHEREAS**, the Purchasing Agent, Assessor and Town Attorney have reviewed the proposal and recommend awarding the project to Industrial & Utility Valuation Consultants, Inc. The award, not to exceed fifty (50) thousand dollars is payable in ten (10) monthly payments, and

**WHEREAS** the Town Comptroller has certified that no provision of this proposed Town Board action shall pose an impact to the Town’s 2012 budget and the Town Comptroller will provide for this proposed action in the 2013 Budget, now, therefore,

**BE IT RESOLVED**, that the Supervisor is authorized to execute said Agreement on the behalf of the members of the Town Board. Execution shall occur following the Town Board adoption of this resolution.

The foregoing Resolution was duly moved by Councilperson Malone and seconded by Councilperson O’Brien and brought to a vote resulting as follows:

Councilperson Malone	VOTED	YES
Councilperson O’Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES

**123-2012 A Resolution to Enter into an Agreement with GTM Payroll Services**

**WHEREAS**, the Director of Finance and the Town Comptroller have negotiated an agreement with GTM Payroll Services for Payroll Processing with a three-year commitment; and

**WHEREAS**, the negotiated cost will save the Town \$2,500 annually from what is currently paid to ADP; and

**WHEREAS**, the quote obtained from GTM offers services additional to those currently received through ADP that will help to increase the efficiency of payroll input and management, and

**WHEREAS**, the Town Comptroller certifies that the agreement will result in an annual savings of \$2,500; no therefore

**BE IT RESOLVED**, that the Supervisor, pending approval from the Town Attorney, be authorized to execute said Agreement on behalf of the members of the town Board. A copy of which will be filed with the Town Clerk.

The foregoing resolution was duly moved by Councilperson Mangold and seconded by Supervisor Langley and brought to a vote resulting as follows:

Councilperson Mangold	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson O’Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES

**124-2012 A Resolution authorizing an Agreement with Rensselaer County Concerning snow and ice removal**

**WHEREAS**, it is in the best interest of the residents of East Greenbush and will provide quicker service during snow and ice storm conditions; and

**WHEREAS**, this agreement between the Town and the County has existed since 2000; and

**WHEREAS**, continuance of the co-operative agreement is in the best interest of our community; and

**WHEREAS**, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose an adverse impact to the Town’s finances; and

**WHEREAS**, we have negotiated an agreement with the Rensselaer County Highway Department concerning said snow and ice removal, now therefore

**BE IT RESOLVED**, that the Supervisor is authorized to enter into an agreement with Rensselaer County concerning snow and ice removal for Phillips Road, Sherwood Avenue, Hampton Avenue and Old Red Mill Road as defined in Schedule A of said agreement.

The foregoing Resolution was duly moved by Councilperson Malone and seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson O’Brien	VOTED	YES
Councilperson Mangold	VOTED	YES

**125-2012 Authorization to Prepare Bid Documents, Specifications and Solicit Bids from Qualified Engineering Consultants for the preparation of Engineering report/facility plan for modifications to the existing Wastewater Treatment Plant**

**WHEREAS**, the Town of East Greenbush, Rensselaer County has been issued the 6<sup>th</sup> modification of the Order of Consent from NYSDEC dated May 17, 2012; and

**WHEREAS**, the Order of Consent requires that at a minimum the Town’s WWTP shall divert influent to the Rensselaer County Sewer District and/or expand and upgrade the existing WWTP to allow for sustained SPDES Permit compliance and remove inflow and infiltration to the maximum extent practicable; and

**WHEREAS**, the Town at this time is proceeding with the alternative of expanding and upgrading the existing WWTP, upgrading existing pump stations, as well as completing sewer system rehabilitation, focusing on reducing extraneous flows; and

**WHEREAS**, the project is necessary to provide the Town of East Greenbush with a means to meet it’s SPDES permit, to satisfy the Order of Consent, and to effectively manage inflow/infiltration within the system; and

**WHEREAS**, the Town Comptroller has certified that none of the provisions of this Board action shall pose an adverse impact to the town’s finances; now therefore

**BE IT RESOLVED**, the Town Board hereby authorizes the preparation of bid documents, specifications and the solicitation of bids from qualified Engineering Consultants for the described engineering services. The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Malone and brought to a vote resulting as follows:

Supervisor Langley	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O’Brien	VOTED	YES

**126-2012 A Resolution to Authorize Budget Transfers**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, has received a request from the Town Comptroller for approval of the following Budget Transfers:

Account Name	Budget Code	Current Budget	Change	Amended Budget	Justification
Planning CE	80204.01	\$965,196.17	\$75,683.73	\$1,040,879.90	Couse Engineering

State Aid	3089.01	\$951,019.17	\$75,683.73	\$1,026,702.90	Couse Engineering
Planning CE	80204.01	\$1,040,879.90	\$2,090.22	\$1,042,970.12	Mannix Rd Engineering
State Aid	3089.01	\$1,026,702.90	\$2,090.22	\$1,028,793.12	Mannix Rd Engineering
Planning CE	80204.01	\$1,042,970.12	\$645.79	\$1,043,615.91	Luther Rd Engineering
State Aid	3089.01	\$1,028,793.12	\$645.79	\$1,029,438.91	Luther Rd Engineering
Parks CE	71104.01	\$18,999.00	\$8,400.00	\$27,399.00	HM Lakehouse Repairs
Insurance Recoveries	2680.01	\$5,000.00	\$8,400.00	\$13,400.00	HM Lakehouse Repairs

**WHEREAS**, the Town Board is required to approve all Budget Transfers; now therefore **BE IT RESOLVED**, that the transfers recommended by the Town Comptroller are hereby approved.

Councilperson Matters made a motion to amend the wording in the above resolution with the following changes to include: **WHEREAS**, the Town Comptroller has certified that the provisions of this proposed Board action will have no impact on the Town’s finances.

The foregoing amendment to the Resolution was duly moved by Councilperson Matters and seconded by Councilperson Mangold.

Councilperson Matters	VOTED
Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson O’Brien	VOTED

The foregoing Amended Resolution was duly moved by Councilperson Mangold and seconded by Councilperson O’Brien and brought to a vote resulting as follows:

Councilperson Mangold	VOTED	YES
Councilperson O’Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES

**127-2012 A Resolution to Award the Hampton Manor Lake Water Quality Improvement Project to the Lowest Qualified Bidder**

**WHEREAS**, the Town of East Greenbush received bids on August 3, 2012 for work related to the improvement of water quality at Hampton Manor Lake; and  
**WHEREAS**, The work will involve the installation of a new wet storm water management pond, certain new storm sewers and catch basins on Town lands adjacent to the tennis courts; and  
**WHEREAS**, The lowest qualified bidder was Provincial Construction Services LLC of 1572 Columbia Turnpike at a price of \$76,899.00; and  
**WHEREAS**, The cost of this work will be reimbursed from a New York State Department of Environmental Conservation Water Quality Improvement grant received on August 2011; and  
**WHEREAS**, The Town engineer, H.V. LaBarba and Associates has reviewed the bid documents and bidder qualifications, and recommends this award;  
**WHEREAS**, the Town Comptroller has certified that none of the provisions of this Board action shall pose an adverse impact to the town’s finances; now therefore, let it be

**RESOLVED**, The Town will authorize the Supervisor to sign contract documents pertaining to this work, and that this resolution shall take effect immediately  
The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Mangold and brought to a vote resulting as follows

Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES

**128-2012 A Resolution where the Town Board declares its intent to seek lead agency status under SEQRA for Regeneron Building 85**

**WHEREAS**, Hart Engineering, on behalf of Regeneron Pharmaceuticals, Inc, otherwise known as the Regeneron Bldg 85 Expansion Site Plan, has submitted a site plan review application for a project located at 81 Columbia Turnpike and identified on the Town's Tax Roll as Tax Parcel No. 155.00-1-4.21; and

**WHEREAS**, the application was accompanied by a proposed site plan, a Full Environmental Assessment Form and other submittals; and

**WHEREAS**, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project;

**WHEREAS**, the Town Comptroller has certified that none of the provisions of this Board action shall pose an adverse impact to the town's finances; now therefore

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Project will require review under the State Environmental Quality Review Act ("SEQRA")
2. The following are or may be:  
Involved agencies under SEQRA:  
East Greenbush Planning Board  
NYS Department of Environmental Conservation  
Rensselaer County Health Department  
Rensselaer County Bureau of Planning  
U.S. Army Corps of Engineers  
Interested agencies under SEQRA:  
East Greenbush Fire District #1  
New York State Office of Parks, Recreation & Historic Preservation  
Capital District Transportation Authority  
Capital District Transportation Committee  
New York State Department of Transportation
3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project

The foregoing Resolution was duly moved by Councilperson Matters and seconded by Councilperson Malone and brought to a vote resulting as follows:

Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN
Councilperson O'Brien	VOTED	YES

**129-2012 A Resolution where the Town Board declares its intent to seek lead agency status under SEQRA for Regeneron Building 12**

**WHEREAS**, Stantec Consulting Services, on behalf of Regeneron Pharmaceuticals, Inc, otherwise known as the Regeneron Bldg 12 Expansion Site Plan, has submitted a site plan review application for a project located at 81 Columbia Turnpike and identified on the Town’s Tax Roll as Tax Parcel No. 155.-1-4.1; and

**WHEREAS**, the application was accompanied by a proposed site plan, a Full Environmental Assessment Form and other submittals; and

**WHEREAS**, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project;

**WHEREAS**, the Town Comptroller has certified that none of the provisions of this Board action shall pose an adverse impact to the town’s finances; now therefore

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Project will require review under the State Environmental Quality Review Act (“SEQRA”)

2. The following are or may be:

Involved agencies under SEQRA:

- East Greenbush Planning Board
- NYS Department of Environmental Conservation
- Rensselaer County Health Department
- Rensselaer County Bureau of Planning
- U.S. Army Corps of Engineers

Interested agencies under SEQRA:

- East Greenbush Fire District #1
- New York State Office of Parks, Recreation & Historic Preservation
- Capital District Transportation Authority
- Capital District Transportation Committee
- New York State Department of Transportation

3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project

4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project

The foregoing Resolution was duly moved by Councilperson Matters and seconded by Councilperson O’Brien and brought to a vote resulting as follows:

Councilperson Matters	VOTED	YES
Councilperson O’Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN

**130-2012 A Resolution where the Town Board declares its intent to seek lead agency status under SEQRA for Canterbury Square Major Site Plan**

**WHEREAS**, Hart Engineering, on behalf of Brian Hart, otherwise known as the Canterbury Square Site Plan, has submitted a site plan review application for a project located at 337 Columbia Turnpike and identified on the Town’s Tax Roll as Tax Parcel No. 166.00-1-8; and

**WHEREAS**, the application was accompanied by a proposed site plan, a Full Environmental Assessment Form and other submittals; and

**WHEREAS**, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project;

**WHEREAS**, the Town Comptroller has certified that none of the provisions of this Board action shall pose an adverse impact to the town’s finances; now therefore

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Project will require review under the State Environmental Quality Review Act (“SEQRA”)
2. The following are or may be:  
Involved agencies under SEQRA:  
    East Greenbush Planning Board  
    NYS Department of Environmental Conservation  
    Rensselaer County Health Department  
    Rensselaer County Bureau of Planning  
Interested agencies under SEQRA:  
    East Greenbush Fire District #1  
    New York State Office of Parks, Recreation & Historic Preservation  
    U.S. Army Corps of Engineers  
    New York State Department of Transportation
3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN
Councilperson O’Brien	VOTED	YES

### **131-2012 Resolution Establishing Highway Equipment Reserve Fund**

**WHEREAS**, The Town Board desires to establish a Reserve Fund to finance the future acquisition of Highway equipment, and

**WHEREAS**, the initial funding for the Reserve Fund will be five thousand dollars (\$5,000) from the sale of surplus millings (Resolution 99-2012); now therefore be it

**RESOLVED**, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “ Highway Equipment Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of Highway Equipment; and be it

**FURTHER RESOLVED** The Comptroller is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Comptroller may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of The Town of East Greenbush. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund; and be it

**FURTHER RESOLVED** Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c

Councilperson Matters made a motion to amend the wording in the above resolution with the addition of the Comptroller's impact statement: **WHEREAS**, the Town Comptroller has certified that the provisions of this proposed Board action will have no impact on the Town's finances.

The foregoing amendment to the resolution was duly moved by Councilperson Matters and seconded by Supervisor Langley.

Councilperson Matters	VOTED	Yes
Supervisor Langley	VOTED	Yes
Councilperson Mangold	VOTED	Yes
Councilperson Malone	VOTED	Yes
Councilperson O'Brien	VOTED	Yes

The foregoing Amended Resolution was duly moved by Supervisor Langley and seconded by Councilperson O'Brien and brought to a vote resulting as follows:

Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson O'Brien	VOTED	YES

### **132-2012 A Resolution to Approve the Appointment of Community and Recreation Staff for the Summer of 2012**

**WHEREAS**, the Community and Recreation Department presented the Town Board of the Town of East Greenbush with a list of individuals who sought employment in the Summer Program for the Department of Community and Recreational Services at the May 16, 2012 meeting, and two employees were left off the list, and

**WHEREAS**, the Town Comptroller has certified that this proposed Town Board action has been planned for in the 2012 Budget and shall pose no adverse impact to the Town's finances; now therefore

**BE IT RESOLVED**, that the candidates listed below are appointed to serve as Summer Staff, 2012, for the Department of Community and Recreational Services.

Eric Byerwalters, Counselor \$8.00

Michael Lanni, Counselor \$8.00

The foregoing resolution was duly moved by Councilperson O'Brien and duly seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson O'Brien	VOTED	YES
Councilperson Matters	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

### **133-2012 A Resolution to Schedule a Public Hearing Relative to the Enactment of Local Law Amending the Town Code of Ethics**

**WHEREAS**, the Town Board, with all members present and after due consideration of the draft Rules & Regs and of the proposed Amendments, now deems the re-opening of a public hearing originally held June 20, 2012, appropriate at this time in order for the public to review and comment on the proposed Amendments; and

**WHEREAS**, the town comptroller has heretofore attest that none of the provisions of this resolution shall pose an adverse impact to the Town's finances; now, therefore,

**TABLED**

**BE IT RESOLVED**, that pursuant to New York municipal home rule law § 20, subd. 5, a public hearing regarding the enactment of local law to provide for the proposed Amendments be, and the same hereby is, scheduled to be held on September 19, 2012 at 6:00pm at the East Greenbush Town Hall; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall cause notice of such hearing to be published in the Town designated newspaper and in the manner prescribed to meet the statutory requirement thereof, not less than ten, nor more than twenty, days prior to the date specified for the hearing.

The foregoing Resolution was tabled with unanimous consent at the request of Councilperson O'Brien

Councilperson O'Brien  
Councilperson Mangold  
Councilperson Matters  
Supervisor Langley  
Councilperson Malone

### **134-2012 A Resolution to Authorize Certain Paving Expenses**

**WHEREAS**, in accordance with Town Policy and General Municipal Law, all Town expenses of more than \$10,000 require Town Board approval.; and

**WHEREAS**, the Commissioner of Public Works and the Town Supervisor have reviewed the needs of the Town and determined the following paving (Slurry Seal) projects will be completed this year:

Newbury St  
May St  
Cliffe Ave  
Louis Drive  
Jacob St

**WHEREAS**, the Town Comptroller certifies that all expenses are made utilizing State Contract pricing and are in the 2012 budget; now therefore

**BE IT RESOLVED**, that the Commissioner of Public Works is hereby authorized to approve paving expenses not to exceed \$40,000 with Gorman Brothers for the milling and paving of the aforementioned Town roads.

Councilperson Matters made a motion to amend the wording in the above resolution with the following changes: remove "milling" from the statement: Gorman Brothers for the milling and paving of the aforementioned Town Roads and changes to read: Gorman Brothers for the paving of the aforementioned Town roads.

The foregoing amendment to the Resolution was duly moved by Councilperson Matters and seconded by Councilperson Malone

Councilperson Matters	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Supervisor Langley	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>

The corrected Resolution was duly moved by Councilperson Malone and seconded by Councilperson O'Brien and brought to a vote resulting as follows:

Councilperson Malone	VOTED	YES
Councilperson O'Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES

**Public Comment Period:** Members of the public wishing to speak shall state their name and address and will be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and for their desire to actively participate in the decision-making process.

**Upon disposal of the resolutions:** Members of the public with general comments on Town government will be recognized.

## **ADJOURNMENT**

Motion to adjourn by Supervisor Langley seconded by Councilperson Matters and brought to a vote as follows:

Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	YES