

Town Board - 2006-04-19
DRAFT

STATE OF NEW YORK Town Board Meeting
COUNTY OF DUTCHESS April 19, 2006
TOWN OF LA GRANGE

Minutes of the regularly scheduled Workshop Session of the Town Board for the Town of LaGrange held on April 19, 2006 in the Town Hall commencing at 7:10 P.M.

Present Jon Wagner, Supervisor
Joe Luna, Councilman
Gary Beck, Councilman
Stephen O'Hare, Councilman

Absent Dale Borchert, Councilman

Recording Secretary: Joe Luna, Councilman

Others Present: Rebecca Volk, Esq., Van de Water & Van de Water

A motion was offered by Councilman Beck to adopt the Negative Declaration of Execution of Sewer Agreement seconded by Councilman O'Hare.

TOWN OF LAGRANGE BOARD
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NO SIGNIFICANCE

Execution of the Sewer Agreement with
Real Property Owners, 1100 Route 55, LLC; 1110 Route 55, LLC;
BRH Land, LLC; and M.J. Rieger Holding Corp.

Whereas, the Town of LaGrange Board proposes to execute the Sewer Agreement between the Town of LaGrange and the Real Property owners, 1100 Route 55, LLC; 1110 Route 55, LLC; BRH Land, LLC; and M.J. Rieger Holding Corp., dated April 19, 2006.

Whereas, the Town Board has reviewed the Sewer Agreement prepared by the Town Attorney and the short form Environmental Assessment Form (EAF) prepared by the Town Engineer, and

Whereas, the Town Board has determined that this action is an Unlisted Action, and that the Town Board is the sole Involved Agency, therefore no additional circulation is needed, and

Whereas, the Sewer Agreement allows the Real Property owners to obtain sewage treatment and collection capacity in the Titusville Sewer District's proposed increased and improved facilities by inducing the Town (a) to promote and to facilitate the Town's establishment and improvement, at no cost to the Town, of one or more sewer improvement districts or sewer improvement areas, pursuant to Articles 12, 12-A or 12-C of the Town Law, respectively, the Future Sewer Administration Entities, to include the Real Property and/or other real property, and (b) to reserve wastewater collection and treatment capacity for the Real Property, and

Whereas, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that no significant adverse impacts associated with the proposed action have been identified, specifically:

- 1) There are no new dwelling units proposed as a direct result of the proposed action.
- 2) The proposed action is not expected to have a significant effect on local air quality, ground or surface water quality or quantity, or traffic or noise levels.
- 3) The proposed action will not cause a substantial increase in solid waste production, or a substantial

increase in the potential for erosion, flooding, leaching, or drainage problems.

4) The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna, and is not expected to substantially interfere with the movement of any resident or migratory fish or wildlife species.

5) No disturbance to or substantial adverse effect on any identified significant habitat areas,

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threatened or endangered species of animal or plant, the habitat of such species, or other natural resources has been identified.

6) The ♦ Sewer Agreement ♦ is consistent with the Town of LaGrange Wastewater Master Plan: Titusville Sewer District, dated April 13, 2005.

7) The proposed activity will not impair the character or quality of important historical, archaeological, or aesthetic resources or the existing community or neighborhood character.

8) The proposed action will not result in a major change in the use of either the quantity or type of energy.

9) The proposed action will not result in the creation of demand for other actions that would result in one of the above consequences.

10) The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

11) When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively will not meet one or more of the criteria under 6 NYCRR 617.7, and

Whereas, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions, and

Whereas, all subsequent applications for site plan approval would require site-specific SEQRA analysis, and

Therefore Be It Resolved, that the Town Board has determined that the execution of the ♦ Sewer Agreement ♦, dated April 19, 2006 will not have a significant impact on the environment, and Be It Further Resolved, that the Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act (6 NYCRR 617.7).

Motion: Councilman Beck

Second: Councilman O ♦ Hare

Yea Nay

Jon J. Wagner, Town Supervisor Aye

Gary Beck, Sr., Council Aye

Dale Borchert, Councilman Absent

Joseph J. Luna, Councilman Aye

Stephen O ♦ Hare, Councilman Aye

Date: 04/19/06

Town of LaGrange Board
120 Stringham Road
LaGrangeville, New York 12540-5507
Telephone: (845) 452-1830
Contact: Kathleen Williams, Town Clerk

Verified: _____

Date: _____

A motion was offered by Councilman O'Hare to adopt the Negative Declaration of Execution of the Sewer Agreement seconded by Councilman Beck.

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TOWN OF LAGRANGE BOARD
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NO SIGNIFICANCE

Execution of the Sewer Agreement with
Real Property Owner, Daley Farm

Whereas, the Town of LaGrange Board proposes to execute the ♦Sewer Agreement♦ between the Town of LaGrange and the Real Property owner, Daley Farm, dated April 19, 2006.

Whereas, the Town Board has reviewed the ♦Sewer Agreement♦ prepared by the Town Attorney, and the short form Environmental Assessment Form (EAF) prepared by the Town Engineer, and
Whereas, the Town Board has determined that this action is an Unlisted Action, and that the Town Board is the sole Involved Agency, therefore no additional circulation is needed, and

Whereas, the ♦Sewer Agreement♦ allows the Real Property owner to obtain sewage treatment and collection capacity in the Titusville Sewer District♦s proposed increased and improved facilities by inducing the Town (a) to promote and to facilitate the Town♦s establishment and improvement, at no cost to the Town, of one or more sewer improvement districts or sewer improvement areas, pursuant to Articles 12, 12-A or 12-C of the Town Law, respectively, the Future Sewer Administration Entities, to include the Real Property and/or other real property, and (b) to reserve wastewater collection and treatment capacity for the Real Property, and

Whereas, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that no significant adverse impacts associated with the proposed action have been identified, specifically:

- 1) There are no new dwelling units proposed as a direct result of the proposed action.
- 2) The proposed action is not expected to have a significant effect on local air quality, ground or surface water quality or quantity, or traffic or noise levels.
- 3) The proposed action will not cause a substantial increase in solid waste production, or a substantial increase in the potential for erosion, flooding, leaching, or drainage problems.
- 4) The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna, and is not expected to substantially interfere with the movement of any resident or migratory fish or wildlife species.

5) No disturbance to or substantial adverse effect on any identified significant habitat areas, threatened or endangered species of animal or plant, the habitat of such species, or other natural resources has been identified.

6) The Sewer Agreement is consistent with the Town of LaGrange Wastewater Master Plan: Titusville Sewer District, dated April 13, 2005.

7) The proposed activity will not impair the character or quality of important historical, archaeological, or aesthetic resources or the existing community or neighborhood character.

8) The proposed action will not result in a major change in the use of either the quantity or type of energy.

9) The proposed action will not result in the creation of demand for other actions that would result in one of the above consequences.

10) The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

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11) When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively will not meet one or more of the criteria under 6 NYCRR 617.7, and

Whereas, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions, and

Whereas, all subsequent applications for site plan approval would require site-specific SEQRA analysis, and

Therefore Be It Resolved, that the Town Board has determined that the execution of the Agreement, dated April 12, 2006 will not have a significant impact on the environment, and

Be It Further Resolved, that the Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act (6 NYCRR 617.7).

Motion: Councilman O'Hare

Second: Councilman Beck

Yea Nay

Jon J. Wagner, Town Supervisor Aye

Gary Beck, Sr., Councilman Aye

Dale Borchert, Councilman Absent

Joseph J. Luna, Councilman Aye

Stephen O'Hare, Councilman Aye

Date: 04/19/06

Town of LaGrange Board

120 Stringham Road

LaGrangeville, New York 12540-5507

Telephone: (845) 452-1830

Contact: Kathleen Williams, Town Clerk

Verified: _____

Date: _____

A motion was offered by Councilman O'Hare to adopt the Negative Declaration of the Execution of the Sewer Agreement seconded by Councilman Luna.

TOWN OF LAGRANGE BOARD

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NO SIGNIFICANCE

Execution of the Sewer Agreement with
Real Property Owner, Overlook Place

Whereas, the Town of LaGrange Board proposes to execute the Agreement between the Town of LaGrange and the Real Property owner, Overlook Place, dated April 19, 2006.

Whereas, the Town Board has reviewed the Agreement prepared by the Town Attorney, and the short form Environmental Assessment Form (EAF) prepared by the Town Engineer, and

Whereas, the Town Board has determined that this action is an Unlisted Action, and that the Town Board is the sole Involved Agency, therefore no additional circulation is needed, and

Whereas, the Agreement allows the Real Property owner to obtain sewage treatment and collection capacity in the Titusville Sewer District's proposed increased and improved

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facilities by inducing the Town (a) to promote and to facilitate the Town's establishment and improvement, at no cost to the Town, of one or more sewer improvement districts or sewer improvement areas, pursuant to Articles 12, 12-A or 12-C of the Town Law, respectively, the Future Sewer Administration Entities, to include the Real Property and/or other real property, and (b) to reserve wastewater collection and treatment capacity for the Real Property, and

Whereas, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that no significant adverse impacts associated with the proposed action have been identified, specifically:

- 1) There are no new dwelling units proposed as a direct result of the proposed action.
- 2) The proposed action is not expected to have a significant effect on local air quality, ground or surface water quality or quantity, or traffic or noise levels.
- 3) The proposed action will not cause a substantial increase in solid waste production, or a substantial increase in the potential for erosion, flooding, leaching, or drainage problems.
- 4) The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna, and is not expected to substantially interfere with the movement of any resident or migratory fish or wildlife species.
- 5) No disturbance to or substantial adverse effect on any identified significant habitat areas, threatened or endangered species of animal or plant, the habitat of such species, or other natural resources has been identified.
- 6) The Agreement is consistent with the Town of LaGrange Wastewater Master Plan: Titusville Sewer District, dated April 13, 2005.
- 7) The proposed activity will not impair the character or quality of important historical, archaeological, or aesthetic resources or the existing community or neighborhood character.
- 8) The proposed action will not result in a major change in the use of either the quantity or type of energy.
- 9) The proposed action will not result in the creation of demand for other actions that would result in one of the above consequences.

10) The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

11) When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively will not meet one or more of the criteria under 6 NYCRR 617.7, and

Whereas, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions, and

Whereas, all subsequent applications for site plan approval would require site-specific SEQRA analysis, and

Therefore Be It Resolved, that the Town Board has determined that the execution of the Agreement, dated April 12, 2006 will not have a significant impact on the environment, and

Be It Further Resolved, that the Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act (6 NYCRR 617.7).

Motion: Councilman O'Hare

Second: Councilman Luna

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Yea Nay

Jon J. Wagner, Town Supervisor Aye
Gary Beck, Sr., Councilman Aye
Dale Borchert, Councilman Absent
Joseph J. Luna, Councilman Aye
Stephen O'Hare, Councilman Aye

Date: 04/19/06
Town of LaGrange Board
120 Stringham Road
LaGrangeville, New York 12540-5507
Telephone: (845) 452-1830
Contact: Kathleen Williams, Town Clerk

Verified: _____

Date: _____

A motion was offered by Councilman Beck to adopt the Negative Declaration of Execution of the Sewer Agreement seconded by Councilman O'Hare.

TOWN OF LAGRANGE BOARD
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NO SIGNIFICANCE

Execution of the Sewer Agreement with
Real Property Owner, Gibraltar

Whereas, the Town of LaGrange Board proposes to execute the Agreement between the Town of LaGrange and the Real Property owner, Gibraltar, dated April 19, 2006.

Whereas, the Town Board has reviewed the Agreement prepared by the Town Attorney and the short form Environmental Assessment Form (EAF) prepared by the Town Engineer, and

Whereas, the Town Board has determined that this action is an Unlisted Action, and that the Town Board is the sole Involved Agency, therefore no additional circulation is needed, and

Whereas, the ♦Agreement♦ allows the Real Property owner to obtain sewage treatment and collection capacity in the Titusville Sewer District♦s proposed increased and improved facilities by inducing the Town (a) to promote and to facilitate the Town♦s establishment and improvement, at no cost to the Town, of one or more sewer improvement districts or sewer improvement areas, pursuant to Articles 12, 12-A or 12-C of the Town Law, respectively, the Future Sewer Administration Entities, to include the Real Property and/or other real property, and (b) to reserve wastewater collection and treatment capacity for the Real Property, and

Whereas, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that no significant adverse impacts associated with the proposed action have been identified, specifically:

- 1) There are no new dwelling units proposed as a direct result of the proposed action.
- 2) The proposed action is not expected to have a significant effect on local air quality, ground or surface water quality or quantity, or traffic or noise levels.
- 3) The proposed action will not cause a substantial increase in solid waste production, or a substantial increase in the potential for erosion, flooding, leaching, or drainage problems.

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- 4) The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna, and is not expected to substantially interfere with the movement of any resident or migratory fish or wildlife species.
- 5) No disturbance to or substantial adverse effect on any identified significant habitat areas, threatened or endangered species of animal or plant, the habitat of such species, or other natural resources has been identified.
- 6) The ♦Agreement♦ is consistent with the Town of LaGrange Wastewater Master Plan: Titusville Sewer District, dated April 13, 2005.
- 7) The proposed activity will not impair the character or quality of important historical, archaeological, or aesthetic resources or the existing community or neighborhood character.
- 8) The proposed action will not result in a major change in the use of either the quantity or type of energy.
- 9) The proposed action will not result in the creation of demand for other actions that would result in one of the above consequences.
- 10) The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
- 11) When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively will not meet one or more of the criteria under 6 NYCRR 617.7, and

Whereas, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions, and

Whereas, all subsequent applications for site plan approval would require site-specific SEQRA analysis, and

Therefore Be It Resolved, that the Town Board has determined that the execution of the Agreement, dated April 12, 2006 will not have a significant impact on the environment, and Be It Further Resolved, that the Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act (6 NYCRR 617.7).

Motion: Councilman Beck
Second: Councilman O'Hare
Yea Nay

Jon J. Wagner, Town Supervisor Aye
Gary Beck, Sr., Councilman Aye
Dale Borchert, Councilman Absent
Joseph J. Luna, Councilman Aye
Stephen O'Hare, Councilman Aye

Date: 04/19/06
Town of LaGrange Board
120 Stringham Road
LaGrangeville, New York 12540-5507
Telephone: (845) 452-1830
Contact: Kathleen Williams, Town Clerk

Verified: _____
Date: _____

Town Board Minutes April 19, 2006 Page 8

A motion was offered by Supervisor Wagner for a Resolution seconded by Councilman Luna.

RESOLUTION

Supervisor Wagner, offered the following resolution, which was seconded by Councilman Luna, who moved its adoption:

WHEREAS, consistent with a Titusville Sewer District Wastewater Master Plan adopted in 2005, the Town of LaGrange, on behalf of itself and the Titusville Sewer District, has negotiated contracts for the reservation of sewer capacity for the properties generally known as Town Center (Chorney Farm), Daley Farm, Lewis County Farm (Overlook Place), and Gibraltar, and a copy of each of said four (4) agreements, less exhibits, are attached hereto as

Exhibits A through D, and full copies are on file with the Town Clerk; and

WHEREAS, the Town Board has heretofore issued negative declarations under SEQRA with respect to such contracts.

NOW THEREFORE, BE IT RESOLVED that the Town Board approves, and authorizes the Supervisor to execute each of the aforesaid proposed agreements, or any other agreement document having substantially the same or similar provisions.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner Aye
Councilman Luna Aye
Councilman Beck Aye
Councilman Borchert Absent
Councilman O'Hare Aye

DATED: LaGrangeville, NY
April 19, 2006

KATHLEEN WILLIAMS, TOWN CLERK

A motion was offered by Councilman Beck to adopt the Negative Declaration of Execution of Water Agreement seconded by Councilman O'Hare.

TOWN OF LAGRANGE BOARD
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NO SIGNIFICANCE

Execution of the Water Agreement with
Real Property Owner, Daley Farm

Whereas, the Town of LaGrange Board proposes to execute the Water Agreement between the Town of LaGrange and the Real Property owner, Daley Farm, dated April 19, 2006.

Whereas, the Town Board has reviewed the Water Agreement prepared by the Town Attorney, and the short form Environmental Assessment Form (EAF) prepared by the Town Engineer, and

Whereas, the Town Board has determined that this action is an Unlisted Action, and that the Town Board is the sole Involved Agency, therefore no additional circulation is needed, and

Whereas, the Water Agreement allows the Real Property owner to commit to the Town's establishment of a special water improvement district, a water district extension, or a water improvement area (the Future Water Administration Entity) covering the Real Property for

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purposes of servicing the Real Property with municipal water supply from a point of connection to the Manchester Water District's facilities deemed by the Town to be the closest available point of practical connection for the Real Property, and

Whereas, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that no significant adverse impacts associated with the proposed action have been identified, specifically:

- 1) There are no new dwelling units proposed as a direct result of the proposed action.
- 2) The proposed action is not expected to have a significant effect on local air quality, ground or surface water quality or quantity, or traffic or noise levels.
- 3) The proposed action will not cause a substantial increase in solid waste production, or a substantial increase in the potential for erosion, flooding, leaching, or drainage problems.
- 4) The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna, and is not expected to substantially interfere with the movement of any resident or migratory fish or wildlife species.
- 5) No disturbance to or substantial adverse effect on any identified significant habitat areas, threatened or endangered species of animal or plant, the habitat of such species, or other natural resources has been identified.
- 6) The proposed activity will not impair the character or quality of important historical, archaeological, or aesthetic resources or the existing community or neighborhood character.
- 7) The proposed action will not result in a major change in the use of either the quantity or type of energy.

8) The proposed action will not result in the creation of demand for other actions that would result in one of the above consequences.

9) The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

10) When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively will not meet one or more of the criteria under 6 NYCRR 617.7, and

Whereas, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions, and

Whereas, all subsequent applications for site plan approval would require site-specific SEQRA analysis, and

Therefore Be It Resolved, that the Town Board has determined that the execution of the Water Agreement, dated April 12, 2006 will not have a significant impact on the environment, and

Be It Further Resolved, that the Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act (6 NYCRR 617.7).

Motion: Councilman Beck

Second: Councilman O'Hare

Yea Nay

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Jon J. Wagner, Town Supervisor Aye

Gary Beck, Sr., Councilman Aye

Dale Borchert, Councilman Absent

Joseph J. Luna, Councilman Aye

Stephen O'Hare, Councilman Aye

Date: 04/19/06

Town of LaGrange Board

120 Stringham Road

LaGrangeville, New York 12540-5507

Telephone: (845) 452-1830

Contact: Kathleen Williams, Town Clerk

Verified: _____

Date: _____

A motion was offered by Supervisor Wagner for a Resolution seconded by Councilman Luna.

RESOLUTION

Supervisor Wagner, offered the following resolution, which was seconded by Councilman Luna, who moved its adoption:

WHEREAS, the Town of LaGrange, on behalf of itself and the Manchester Water District, has negotiated an agreement with the owners of Daley Farm to reserve public water capacity and a copy of said Agreement, less exhibits, is attached hereto, and a fully copy is on file with the Town Clerk; and

WHEREAS, the Town Board has heretofore issued negative declarations under SEQRA with respect to such contracts.

NOW THEREFORE, BE IT RESOLVED that the Town Board approves, and authorizes the Supervisor to execute the aforesaid proposed agreement, or any other agreement document having substantially the same or similar provisions.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner Aye

Councilman Luna Aye

Councilman Beck Aye

Councilman Borchert Absent

Councilman O'Hare Aye

DATED: LaGrangeville, NY

April 19, 2006

KATHLEEN WILLIAMS, TOWN CLERK

A motion was offered by Supervisor Wagner for a Resolution seconded by Councilman O'Hare.

RESOLUTION

Supervisor Wagner, offered the following resolution, which was seconded by Councilman O'Hare, who moved its adoption:

WHEREAS, the Town of LaGrange, on behalf of itself, the Manchester Water District and the Town Center Water Improvement, has negotiated a preliminary water agreement with the owners of Reiger-Chorney Farm Property located in the Town Center area of LaGrange, for Town Board

Town Board Minutes ♦ April 19, 2006 ♦ Page 11

the purpose of undertaking design work and environmental studies as to the feasibility of providing public water supply to said Property, and a copy of said Agreement, less exhibits, is attached hereto as Exhibit ♦A♦, and a full copy of which is on file with the Town Clerk.

NOW THEREFORE, BE IT RESOLVED that the Town Board approves, and authorizes the Supervisor to execute the aforesaid proposed agreement, or any other agreement document having substantially the same or similar provisions.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner Aye

Councilman Luna Aye

Councilman Beck Aye

Councilman Borchert Absent

Councilman O'Hare Aye

DATED: LaGrangeville, NY

April 19, 2006

KATHLEEN WILLIAMS, TOWN CLERK

Councilman Beck offered a motion to adjourn the workshop seconded by Councilman O◆Hare at 7:15 P.M and carried unanimously.

Minutes submitted by Councilman Luna
prepared by the office of Town Clerk