

**MINUTES OF BOARD OF SELECTMEN MEETING
MONDAY MAY 6, 2013**

The meeting was opened at 6:00 p.m. in Room 14 at Town Hall in the presence of members Mr. Mauceri, Mr. O'Leary, Mr. Delaney, Mr. Prisco, Mr. Foti, and the Town Administrator, Greg Balukonis.

The Board congratulated Mr. Mauceri and Mr. Prisco on their re-election to the Board.

#1. REORGANIZATION

Mr. Balukonis opened nominations for Chairman.

CHAIRMAN

I MOVE TO NOMINATE SEAN DELANEY AS CHAIRMAN OF THE BOARD OF SELECTMEN.

MOTION BY: MR. O'LEARY

SECONDED BY: MR. FOTI

Nominations were closed.

VOTED: 4-0

Mr. Delaney opened nominations for Vice-Chairman

VICE CHAIRMAN

MR. CHAIRMAN, I MOVE TO NOMINATE ROBERT MAUCERI AS VICE CHAIRMAN OF THE BOARD OF SELECTMEN.

MOTION BY: MR. O'LEARY

SECONDED BY: MR. FOTI

Nominations were closed.

VOTED: 4-0

Mr. Delaney opened nominations for Clerk.

CLERK

MR. CHAIRMAN, I MOVE TO NOMINATE JOSEPH FOTI AS CLERK FOR THE BOARD OF SELECTMEN.

MOTION BY: MR. O'LEARY

SECONDED BY: MR. PRISCO

Nominations were closed.

VOTED: 4-0

The Board congratulated each other on their past years' service, and commitment to the town regarding the High School/Middle School project. The Board looks forward to their efforts in the upcoming year ahead.

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#2 EXECUTIVE SESSION

MR. CHAIRMAN, I MOVE TO ENTER IN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF COLLECTIVE BARGANING AND LITIGATION STRATEGY, SUCH DICUSSIONS AND THE OVER POTENTIAL OF DETRIMENTAL IMPACT ON THE TOWN, AND TO RETURN TO OPEN SESSION AFTER THE REGULAR SESSION.

MOTION BY: MR. FOTI
SECONDED BY: MR. PRISCO
VOTED BY: MR. MAUCERI AYE
MR. FOTI AYE
MR. DELANEY AYE
MR. O'LEARY AYE
MR. PRISCO AYE

The Board returned to open session at 6:45 p.m.

Chairman Mr. Delaney called the meeting to order at 7:05 pm in Room 14 at the Town Hall in the presence of members Mr. Prisco, Mr. O'Leary, Mr. Mauceri, Mr. Foti, and the Town Administrator, Greg Balukonis.

#3 CALL TO ORDER IN OPEN SESSION

#4 MINUTES

MR. CHAIRMAN, I MOVE TO APPROVE THE MARCH 11, 2013 REGULAR SESSION MINUTES AS WRITTEN.

A change was made regarding Mr. Prisco's comment that he does not support the GIS Coordinator position under the DPW.

Also, the School Committee did vote on Article 1, and that the vote needs to be included in the minutes.

No vote was taken at this time.

MR. CHAIRMAN, I MOVE TO APPROVE THE MARCH 11, 2013 EXECUTIVE SESSION.

MOTION BY: MR. FOTI
SECONDED BY: MR. O'LEARY
VOTE: 5-0

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#5 LEGAL BILLS:

MR. CHAIRMAN, I MOVE TO APPROVE LEGAL BILLS FOR MARCH 2013 IN THE AMOUNT OF \$10,467.81 AS FOLLOWS:

KOPELMAN AND PAIGE, P.C. (GENERAL)	\$ 7,778.81
KOPEMAN AND PAIGE, P.C. (LABOR)	\$ 756.00
WEST	<u>\$ 1,933.00</u>
TOTAL	\$10,467.81

MOTION BY: MR. FOTI
SECONDED BY: MR. DELANEY
VOTED: 5-0

Mr. Mauceri questioned the bill for review of the bidding process, and is charged to the school project or Town budget for legal fees.

Mr. Prisco proposed that the cover page include one line item related to the school project and another line item for schools.

Mr. Prisco stated that the \$1,908.00 is related to the school project, and not under general government.

Mr. Prisco did say that previous approved school bills were charged to the wrong department.

Mr. O'Leary stated that the Finance department would charge the bills to the appropriate department, and the Town Council can help in the process of reviewing past approved bills.

#6 PUBLIC COMMENT DISCUSSIONS REGARDING RETAINING WALL ON BISHOPS WAY:

Mr. O'Leary and Mr. Delaney requested how the wall was constructed and approved. Martin Fair, Health Agent was present representing the Board of Health.

Mr. Delaney stated the Health Department was involved and asked Mr. Fair to explain.

Mr. Fair explained how the septic system was designed for that specific property, and the retaining wall was approved by the Board of Health and Conservation Commission.

Mr. O'Leary asked if this soil absorption system needs enough soil, and is this large retaining wall necessary, and did the engineer execute a plan to meet expectations for the wall?

Mr. Fair stated that for this septic system to work you would need a wall large enough to support wetlands and neighbors land.

Mr. Prisco stated that aesthetics was an issues with this design.

Mr. Delaney asked if aesthetics played a part at all in design of wall.

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Mr. Prisco stated that this design was approved for one home, but brings down the whole neighborhood.

Mr. Delaney was shocked at design of wall and stated it looks like at a commercial development. Also, asked Mr. Fair if any other designs were discussed regarding wall.

Mr. O'Leary asked if building permit was issued for the construction of the retaining wall. Also, he stated that more properties may be built in town with wetlands involved, and how future designs will be constructed.

Mr. Fair stated that all specifications were met regarding the retaining wall.

Mr. O'Leary stated that a change in the zoning bylaws may be needed for future developments.

Mr. Foti asked about height of wall, materials used, and was a building permit issued.

Mr. Prisco stated that real estate taxes increased, but property values have decreased due to aesthetics in this neighborhood due to new retaining wall.

The following Bishops Way residents spoke at meeting and expressed their concerns:

Mrs. Keri DiNapoli – 4 Bishops Way – Mrs. DiNapoli stated that she attended the Conservation Meeting, and wanted to know what the wall would look like.

Mr. David Main – 8 Bishops Way – Mr. Main spoke to the builder at Conservation Meeting, and promised him that the wall would look good aesthetically.

Mr. Delaney asked who the builder is of this project and acknowledged that he was not present.

Mrs. Jerrilyn Rinaldi – 7 Bishops Way – Mrs. Rinaldi stated her concerns regarding the wall, and she read a memo from a Conservation Committee meeting from March 2009, stating the wall was supposed to be six feet high. She moved into the neighborhood in 2010, and was not notified of the extension regarding the construction of the wall because she abuts the land. (See Attachment 1).

Mr. O'Leary suggested a cease and desist order if the wall is in the town right of way. Also, he would like to verify the proper permit was issued by Building Department.

Mr. Foti responded to the neighbors' concerns over the developments deed covenants, but it is out of the Town's authority.

Mr. Prisco is concerned with setting a precedent requiring a septic system, and retaining wall. He agrees with research regarding right of way.

Mr. Delaney and Mr. O'Leary agreed with the research on the right of way, and if it is, they can take action.

Mr. O'Leary stated that the Board needs to put something in place regarding site plans, and put a new bylaw in place. Also, he stated again to check with building department, and check right of way, so they take action to cease and desist.

Mr. Mauceri asked if builder was building the property for owner or for resale.

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Mr. O'Leary asked for minutes from Conversation Meeting from Mrs. Rinaldi regarding the height of the wall from original meeting in 2009, and wanted to make sure from Mr. Fair that all conditions were met. Mr. Fair did state that there were conditions related to the project, but unsure of any changes in the original plans. The plans did state that it's a nine foot wall in the original plans.

Mrs. Susan Murphy – 2 Bishops Way – Mrs. Murphy asked about rules regarding easements, and what the conditions are related to the structures? What are the variance rules between the structures?

Mr. Delaney said that property is staked and that may be another issue, and could be less than a foot.

Mr. O'Leary asked about setbacks regarding other structures, septic systems, wells or other structures from property line, and Mr. Main did respond stating soil absorption structures have to be ten feet away from structure.

The Board stated that there are set-backs for structures, but not for a wall or any type of fence.

Mr. Chuck Gallant - 14 Bishops Way – Mr. Gallant asked if DPW's approval was required for wall.

Mr. Fair stated that a Notice of Intent was filed with Conservation Commission, and applicant is required to file a copy with the State, and regional office of DPW.

Mr. Foti did state that the structure is twenty seven feet away for the existing home building built.

Mr. O'Leary discussed the reserves and the reserve trench on the property with Mr. Fair, and is there enough land for a reserve area if this one fails.

Mr. Delaney suggested on behalf of the Board that the Town Administrator instruct all related departments review the plans concerning this project, and if this project is in compliance, and if the Board can stop the construction of the wall and reconstructed.

Mr. O'Leary did mention the residents should review their covenants regarding their development.

Mr. Foti suggested a review of covenants, and may expire after time, and it is up to the neighbors to enforce any violations.

The Board will review the Town's Bylaws for the October Town Meeting.

#7 SIGNS JUNE TOWN MEETING WARRANT:

MR. CHAIRMAN, I MOVE TO SIGN THE JUNE 3, 2013 TOWN MEETING WARRANT.

MOTION BY: MR. FOTI
SECONDED BY: MR. O'LEARY
VOTED: 5-0

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#8 CHANGE OF OWNER – ROUTE 28 MOTORS EXCHANGE, INC.

MR. CHAIRMAN, I MOVE TO APPROVE THE CHANGE OF OWNERSHIP FOR THE CLASS II LICENSE FOR NEEKA INC. D/B/A ROUTE 28 MOTORS INC. AT 137 MAIN STREET FROM JOSEPH SARDILLO TO HAJIR VAKILI.

Mr. O’Leary recused himself from discussion, and voting because of a family member who holds a Class II license.

Mr. Delaney asked Mr. Vakili if he was aware of the requirements for the number of cars on the property, and if he is operating the business currently.

Mr. Foti asked Mr. Vakili if he is repairing vehicles for this location, and his Reading location.

Mr. Vakili stated that he is here to do a good job for himself, and the Town.

Mr. Mauceri and Mr. Prisco stated there are only two cars allowed on site for repairs.

Mr. Foti is very concerned with the number of vehicles on the lot, and hopefully new owner will abide by rules.

Mr. Prisco asked when the license would expire, and has Mr. Vakili worked at this location for many years.

Mr. Prisco stated he would like to see the license issued for a four month period, and to review the request at a later date.

#9 BOWLING ALLEY LICENSE:

No vote was taken at this time.

Mr. O’Leary suggested the Building Inspector give the Candlewood Lanes a seven day notice to pay license fee, and to comply with the notice regarding renewal of license.

Board members agreed.

#10 DISCUSS ANDOVER WATER AGREEMENT

Mr. Balukonis informed the Board that the Town of Andover is in the process of changing their rate structure in the upcoming months which could have an impact on the Town.

The Town of Andover stated in Section 3.1 of the Agreement: “If Andover ultimately adopts a new rate structure during the term of the Agreement, North Reading shall pay the new rate as determined by that study, and adopted by the Andover Board of Selectman, unless the parties agree in writing to a different rate”, and the Town stated “North Reading shall pay the rate closest to the rate applied at the commencement of this Agreement, unless the parties agree in writing to a different rate”.

Mr. Foti has a problem with the language regarding the rates, and Mr. Balukonis expressed concern regarding the language, too. Mr. Balukonis stated that the language the Town agreed to may not be honored by the Andover Selectman.

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Mr. Prisco suggested a meeting with Andover's Board of Selectman to discuss the rates, and would like to pay tier one. He stated that we give the Town of Andover over \$1million in revenue.

Mr. Mauceri agreed with the discussions, but disagreed with the language regarding the potential rate change in the memo, and just discussing water rates only.

Mr. O'Leary discussed a proposal detailing North Reading's tier percentages, so we will be billed appropriately, otherwise we will be charged a high rate. The user rates, and not being treated as a higher end user.

Mr. Balukonis stated that they may institute a fourth tier for the Town, and that does raise concerns.

#11 VOTE BUDGET:

MR. CHAIRMAN, I MOVE TO RECOMMEND A FY2014 OPERATING BUDGET IN THE FOLLOWING AMOUNTS:

Mr. Balukonis updated board on following:

1. Mr. Balukonis informed the Board of the request by the Park and Recreation Department of an additional \$10,000 to the budget discussed last Board meeting, and stated the funds are available due to the appropriate additional state aid of \$4,394, and a reduction in the public safety disability budget of \$5,606.

2. The change in level services budget was also reviewed, and includes fixed costs and municipal costs budgets with the addition of three new firefighters/paramedics to the department with a cost of \$207,929.

Mr. Balukonis advised the Board to adopt the Motions to increase the budget presented by the Department heads.

Mr. Mauceri asked if Chief Warnock has provided a hiring plan, and if the amounts are for three full funded positions. He asked if the entire amount will come from ambulance receipts and what are the future costs.

Mr. Mauceri asked about overtime budget and what the costs would be.

Mr. Balukonis stated future net gain after expenses in the ambulance account would be just under \$100,000 for fiscal year 2014.

Mr. Prisco asked if future budget changes regarding salaries would occur in 2014 and 2019 and 2021.

Finance Director, Elizabeth Pavao was present and explained the following:

FY 2014 - FY 2019 - Three new hires would move up to step 6 with 3 weeks' vacation and \$600 in longevity increment and are eligible for sick leave buyback at ten days per year. They will be a couple of steps below more senior firefighters.

FY 2021 - Move up two more steps with full vacation, longevity, and are at the maximum.

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Mr. Prisco asked Ms. Pavao to clarify statement regarding FY changes to new employees.

Mr. O'Leary asked if the intention of the administration would be to fill the shift when someone is out on a regular basis.

Mr. Mauceri stated during negotiations the Fire Chief would use his discretion regarding overtime, but agreed not to increase the overtime budget associated with the additional personnel.

Mr. Delaney asked about the probability of adding three firefighters to the academy, and wanted to know if it makes sense to go forward with all three.

Mr. Mauceri asked that if additional staff is not hired would the funds would stay in the ambulance account, and Mr. Balukonis agreed, and would be approved at the Town Meeting.

Mr. Balukonis stated they do receive a rehired list from the Civil Service that additional staff would be ALS qualified, and not have to attend the academy. The Town would request a paramedic list.

Mr. Prisco requested a revenue plan associated with the ALS plan detailing additional costs in FY 2014 and through FY 2021 expenses related to these potential new hires.

Mr. O'Leary asked if Board is budgeting for three additional personnel for entire FY 2014, and, also, asked if appropriation for additional overtime would be needed.

Mr. Mauceri supports the contract negotiations supporting the new hires, and the Chief would manage the overtime accordingly.

Mr. Delaney and Mr. O'Leary discussed the five men shift, and not increasing the overtime, and the Chief to manage it.

Mr. Prisco disagreed with the fuel cost allowance, phone increases, and to reconsider the fuel allowance and try to have the Town Administrator manage costs of these known increases that occurring annually.

Mr. Mauceri asked about cell phone expense, and has research been done. He can agree to a fuel reduction, but not cell phone reduction without more information.

Mr. O'Leary suggested that more management is needed regarding the fuel expense, and asked Mr. Balukonis to research the cell phone contract expenses.

MR.CHAIRMAN, I MOVE TO RECOMMEND A MOTION TO REDUCE THE MUNICIPAL BUDGET REGARDING FUEL INCREASE BY \$16,230:

**MOTION BY: MR. PRISCO
SECONDED BY: MR. MAUCERI
VOTED: 4-1**

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MR. CHAIRMAN, I MOVE TO RECOMMEND A FY2014 OPERATING BUDGET IN THE FOLLOWING AMOUNTS:

FIXED COSTS:	\$17,644,981
SCHOOL COSTS:	\$25,624,489
MUNICIPAL:	<u>\$13,188,998</u>
FOR A TOTAL OF	\$56,458,468

MOTION BY:	MR. FOTI
SECOND BY:	MR. O'LEARY
VOTED:	5-0

WARRANT ARTICLE RECOMMENDATIONS

ARTICLE 1 – FY 2013 BUDGET ADMENDMENT

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 1 – FY 2013 BUDGET ADMENDMENT.

MOTION BY:	MR. O'LEARY
SECONDED BY:	MR. PRISCO
VOTE:	5-0

ARTICLE 3 – APPROPRIATE FUNDS TO DEBT/CAPITAL STABILIZATION FUND

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 3 – APPROPRIATE FUNDS TO DEBT/CAPITAL STABILIZATION FUND.

MOTION BY:	Mr. O'LEARY
SECONDED BY:	MR. PRISCO
VOTE:	5-0

ARTICLE 5 – APPROPRIATE MONEY TO STABILIZATION FUND

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 5 – APPROPRIATE MONEY TO STABILIZATION FUND.

MOTION BY:	MR. O'LEARY
SECONDED BY:	MR. PRISCO
VOTE:	5-0

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ARTICLE 7 – FY 2013 APPROPRIATE FUNDS FOR EXPENSES RELATED TO POLICE DETAIL DEFICITS

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 7 – FY 2013 APPROPRIATE FUNDS FOR EXPENSES RELATED TO POLICE DETAIL DEFICITS.

MOTION BY: MR. O’LEARY
SECONDED BY: MR. PRISCO
VOTE: 5-0

ARTICLE 13 – PRIOR YEAR BILLS

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 13 – PRIOR YEAR BILLS.

MOTION BY: MR. O’LEARY
SECONDED BY: MR. PRISCO
VOTE: 5-0

ARTICLE 18 – TRANSFER FUNDS TO SOLID WASTE STABILIZATION FUND

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 18 – TRANSFER FUNDS TO SOLID WASTE STABILIZATION FUND.

MOTION BY: MR. O’LEARY
SECONDED BY: MR. PRISCO
VOTE: 5-0

ARTICLE 19 – TRANSFER FUNDS TO OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 19 – TRANSFER FUNDS TO OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND.

MOTION BY: MR. O’LEARY
SECONDED BY: MR. PRISCO
VOTE: 5-0

ARTICLE 20 – MARTIN’S POND FLOOD MITIGATION

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 20 – MARTIN’S POND FLOOD MITIGATION.

MOTION BY: MR. O’LEARY
SECONDED BY: MR. PRISCO
VOTE: 5-0

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ARTICLE 21 – FUND REPAIRS TO TOWN BUILDINGS.

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 21 – FUND REPAIRS TO TOWN BUILDINGS.

MOTION BY: MR. O’LEARY
SECONDED BY: MR. PRISCO
VOTE: 5-0

ARTICLE 33 – AMEND CODE – ZONING BY-LAWS ARTICLE XXIV, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 33 – AMEND CODE – ZONING BY-LAWS ARTICLE XXIV, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS.

MOTION BY: MR. FOTI
SECONDED BY: MR. O’LEARY
VOTE: 5-0

ARTICLE 39 – RESCIND MGL CHAPTEER 41, SECTION 100B

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 39 – RESCIND MGL CHAPTEER 41, SECTION 100B.

MOTION BY: MR. FOTI
SECONDED BY: MR. O’LEARY
VOTE: 5-0

Mr. O’Leary stated the Article would stop the Town from having to pay uncovered medical bills for any public service employee who is out on disability related to an on the job related injury.

Mr. Mauceri asked about employees who aren’t covered by Medicaid or Medicare, and how an employee would be impacted by this change.

Mr. Balukonis recommends the Board support this Article.

The Board requested additional information on long-term care costs.

#12 TOWN ADMINISTRATOR’S REPORT:

Mr. Balukonis informed the Board of the following:

1. There were fifty four Town residents, who paid their real estate taxes by credit card by UniBank were charged twice, and letters will be sent to these individuals and Bank will reimburse monies and all fees incurred.

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2. The Town is eligible for reimbursement in the amount of \$169,000 for the blizzard in February. The Federal Government declared it a federal disaster and part of the reimbursement is also for equipment that was on the road. A meeting will be held with local officials and put together the proper paperwork.
3. The Town is also waiting for reimbursement of \$63,000 for Hurricane Sandy. The monies are usually reimbursed in six to twelve months.
4. The Town was notified of repairs to Route 28 Bridge due to structural deficiencies. The Mass DOT is developing long term plans for configuration of lanes.
5. The Board was informed that funds are not available for the bridge repair, and the State will put up a permanent barrier regarding lane configurations.
6. Mr. Balukonis will attend a meeting at the State House with the Lieutenant Governor discussing public transportation and public safety. The Lieutenant Governor will also discuss the use of technology by local government, and promotion of the Green Communities Act and lowering municipal procurement costs.
7. Mr. Balukonis is interested in financial incentives regarding municipal solar generation facilities.

#13 OLD AND NEW BUSINESS

Mr. Mauceri wanted to acknowledge the fourth graders at the Batchelder School who won the Toshiba 2013 National Science Teachers Association Award for the Exploration Vision Program in the K-3 category. The students designed a site system project tool which is a futuristic tool featuring color graphic imaging, and a map to help fighters strategize their life savings methods with property damage.

Holly Duffy
Anika Howe
Abby Ewall
John Jennings IV

Mr. O'Leary suggested that the students attend a Town meeting, and demonstrate their award winning design for the Board.

Mr. Mauceri congratulated Mr. Prisco, and is pleased to serve on the Board for the next three years.

Mr. Prisco thanked the voters for coming out.

Mr. Prisco stated that he is concerned with the payroll, and did not want to sign it, and not to micromanage.

Mr. Prisco would like the Town Administrator to review the payroll, and sign off on it.

Mr. O'Leary did state that the Finance Manager signs the payroll, and should be monitoring the overtime.

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Mr. Delaney would like to change the Town Charter requiring the Board of Selectman not to sign off the payroll.

Mr. Mauceri stated that the Department head should be monitoring and approving the payroll timesheets.

Mr. Foci stated that if questions are being raised about payroll they are being questioned.

Mr. Prisco was upset about an employee paid overtime for personal time.

Mr. Foti congratulated Mr. Prisco and Mr. Mauceri for their win on Tuesday, and serving on the Board for the next three years.

ADJOURNMENT

MR.DELANEY, MOTIONED TO ADJOURN.

SECONDED BY:	MR. O'LEARY	AYE
VOTED:	MR. FOTI	AYE
	MR. PRISCO	AYE
	MR. MAUCERI	AYE
	MR. DELANEY	AYE

UNANIMOUS (5-0)
ADJOURN 10:15p.m.

DATE

JOSEPH FOTI, CLERK