

**BOARD OF SELECTMEN**  
**MAY 4, 2016**  
**REGULAR SESSION**

Members Present: David Andrade, David Parker, David Viera,  
Nelson Almeida, Michelle Hines

Town Administrator: Shawn E. Cadime

Chairman Andrade opened the meeting at 7 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30A, Section 20, any person recording the meeting must notify the Chair. The Board of Selectmen is recording audio and video.

**BOARD AND COMMITTEE OPENINGS UPDAT E**

Mr. Viera announced that volunteers are needed on the Board of Health (3 Board of Selectmen appointments), Conservation Commission (3 BOS), Economic Development (1 BOS), Historical Commission (2 BOS), Property Tax Work-Off Committee (2 BOS), Zoning Board of Appeals (2 BOS), Permanent Building Committee (5 BOS), Recreation Commission (1 BOS), Recycling Committee (1 BOS), and Finance Committee (1 Moderator).

**COMMUNITY SPEAKS** – None.

**PUBLIC HEARING**

**Consider the Request for a New Annual All Alcohol Liquor License for Blazin Wings Inc., d/b/a Buffalo Wild Wings, 120 Highland Avenue**

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was unanimously

**VOTED:** To continue the public hearing.

The Regional Manager was in attendance.

No comments.

A motion was made by Mr. Parker, seconded by Ms. Hines, and it was unanimously

**VOTED:** To close the public hearing at 7:04 p.m.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To approve the new annual all alcohol liquor license for Blazin Wings Inc., d/b/a/ Buffalo Wild Wings, upon receipt of the business certification.

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Prior to the vote, Ms. Hines noted that there were several violations in liquor licenses. She said this Board is very particular about liquor license violations.

The manager said they only allow two drinks per hour in his region.

### **LICENSE HEARING**

#### **Consider the Request for an Entertainment License (Jukebox) for Blazing Wings Inc., d/b/a Buffalo Wild Wings, 120 Highland Avenue**

A motion was made by Mr. Parker, seconded by Ms. Hines, and it was unanimously

**VOTED:** To approve the entertainment license (Jukebox) for Blazing Wings Inc. d/b/a Buffalo Wild Wings, upon receipt of proper documentation.

#### **Consider the Request for an Amusement Machine License for 4 Coin-Operated Machines at Blazin Wings Inc., d/b/a Buffalo Wild Wings, 120 Highland Avenue**

A motion was made by Mr. Parker, seconded by Ms. Hines, and it was unanimously

**VOTED:** To approve the amusement machine license for 4 Coin-Operated Machines at Blazing Wings, Inc./d/b/a/ Buffalo Wild Wings, upon receipt of proper documentation.

#### **Consider the Request for Public Entertainment on a Sunday for Blazin Wings Inc., d/b/a Buffalo Wild Wings, 120 Highland Avenue**

A motion was made by Mr. Almeida, seconded by Mr. Parker, and it was unanimously

**VOTED:** To approve the request for public entertainment on Sunday for Blazing Wings, Inc., d/b/a Buffalo Wild Wings.

### **PRIORITY MATTERS**

#### **Consider the Appointment and Swearing in of Alex Impagliazzo as a Third Class Probationary Firefighter**

Fire Chief Michael Healy recommended the appointment. Mr. Cadime concurred.

A motion was made by Mr. Viera, seconded by Ms. Hines, and it was unanimously

**VOTED:** To appoint Alex Impagliazzo as Third Class Probationary Firefighter, effective May 14, 2016.

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Firefighter Impagliazzo was sworn in by Town Clerk Janet Parker. His mother pinned his badge.

The order of business was changed at the request of Police Chief Craig Mace.

**Consider a Conditional Offer of Employment to Kevin Nagle for the Position of Patrolman Third Class**

Chief Mace requested the appointment. Mr. Cadime recommended the conditional offer of employment.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To extend a conditional offer of employment to Kevin Nagle as Patrolman Third Class.

**Consider a Conditional Offer of Employment to Matthew DiMartino for the Position of Patrolman Third Class**

Chief Mace requested the appointment. Mr. Cadime recommended the conditional offer of employment.

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was unanimously

**VOTED:** To extend a conditional offer of employment to Matthew DiMartino as patrolman Third Class.

**Consider the Appointment of Nicole Bourgeois to the Position of Executive Administrative Assistant to the Chief of Police**

Chief Mace and Mr. Cadime recommended the appointment.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To appoint Nicole Bourgeois as Executive Administrative Assistant to the Chief of Police.

**Recognition of Mrs. Mary Wilcox for her Years of Service to the Town Hall and Police Department**

Chief Mace extended best wishes on behalf of the Police Department.

Ms. Hines read a Proclamation in recognition of Mrs. Wilcox's 24 years of service to the Town. She presented a plaque.

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**Consider the Promotion of Detective Thomas Hedrick to the Rank of Sergeant**

Seekonk Honor Guard was in attendance.

Chief Mace requested. Mr. Cadime said it was his honor to recommend the promotion.

A motion was made by Mr. Parker, seconded by Mr. Almeida, and it was unanimously

**VOTED:** To promote Detective Thomas Hedrick to the rank of Sergeant with the Seekonk Police Department.

Sergeant Hedrick was sworn in by Town Clerk Janet Parker swore him in. His wife, Jody, pinned his badge.

**Consider the Appointment of Town Moderator**

Chairman Andrade stated the Board had discussed various options at the last meeting. He asked the Town Administrator to research.

Mr. Cadime advised that Article 2, Section 2, of the Charter speaks to Town Meeting appointing a town moderator in the absence of a moderator. Article 4 says that vacancy shall be filled in accordance with the provision of the statute.

A legal opinion from Kopelman and Paige provides three options: special election, election at Town Meeting, or Board of Selectmen vote to appoint until the next town election. The Board had voted to go with Option 3.

Chairman Andrade advised that Peter Hoogerzeil had submitted a talent bank form.

Mr. Hoogerzeil was in attendance. He stated that he has been preparing in case he got appointed.

Mr. Cadime noted that he had interacted with Mr. Hoogerzeil on various occasions. He recommended the appointment. He felt he is prepared for Town Meeting. Also, Kopelman & Paige will be there.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was unanimously

**VOTED:** To appoint Peter Hoogerzeil as Town Moderator until the next town election.

Prior to the vote, Mr. Parker noted Mr. Hoogerzeil's involvement in the Town. Mr. Almeida concurred.

Mr. Viera said Mr. Hoogerzeil intends to run for the position in the next election.

**Consider the Appointment of Guy Boulay to the Board of Health**

Mr. Cadime advised that he interviewed Mr. Boulay. His area of expertise is psychology.

Mr. Boulay said he worked for the Woonsocket School Department for 27 years and then opened his own practice as a psychologist for 20 years. He has volunteered for several organizations. He felt there are a lot of benefits in volunteering.

Mr. Cadime recommended the appointment

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was unanimously

**VOTED:** To appoint Guy Boulay as a member of the Board of Health for a three-year term to expire in 2018.

Mr. Almeida applauded Mr. Boulay for volunteering.

Mr. Almeida said that Mr. Viera and he got appointed to the Board of Health until a new appointment was made.

Mr. Parker noted there are still three openings on the Board of Health.

Further discussion on reappointment of Mr. Viera and Mr. Almeida later in the meeting under the 48 hour rule.

**Consider the Reappointment of David Cabral to SRPEDD Joint Transportation Planning Group**

Mr. Cadime recommended the reappointment.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To reappoint David Cabral to SRPEDD Joint Transportation Planning Group (JTPG).

Ms. Hines noted that there has always been an alternate.

Mr. Cadime said it has been the Assistant Superintendent but there isn't one right now.

**Consider the Reappointment of Board of Selectmen Representative to SRPEDD**

Mr. Cadime recommended the reappointment.

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

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**VOTED:** To reappoint Steven D'Amico as the Board's representative to SRPEDD.

**Consider the Reappointment of Bernadette Huck to GATRA**

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was unanimously

**VOTED:** To reappoint Bernadette Huck to GATRA.

**Consider the Appointment of a Board of Selectmen Member to the Bristol County Advisory Board**

Chairman Andrade noted that he has been the representative in the past two years. It is basically one meeting a year.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To reappoint David Andrade to the Bristol County Advisory Board.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was unanimously

**VOTED:** To appoint David Parker as the alternate to the Bristol County Advisory Board.

**OLD BUSINESS**

**Discussion of Cemetery**

Mr. Cadime advised that they have been working to get all the necessary documentation. An item did come up with respect to relocation costs for the resident who lives on the property and is the caretaker for the parish.

Kopelman & Paige confirmed that the caretaker is considered a displaced person and displaced business. The Town would be responsible for relocation costs because it is a displacement as a result of town action.

He noted it cost \$24,000 for a relocation specialist when the tenants were displaced for the senior center. The total cost for five tenants was \$118,000.

Mr. Parker said the individual wants to live at The Common.

The question would be if there is a waiting list to get in there.

Mr. Cadime felt the resident would still be entitled to monetary settlement.

Mr. Parker suggested that the Town Clerk should be involved in discussions about the cemetery.

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Mr. Cadime said she provided the information they needed. He felt the perpetual care would be about \$20,000. There is a place holder on the warrant for the purchase and sales of the cemetery.

He said that Mr. Alexander and he will look into the cost for sale of the plots.

Mr. Parker asked what would happen with the house on the property.

Ms. Doreen Taylor asked if the caretaker has a contract.

Mr. Cadime responded there is no written agreement. It is a verbal agreement that he lives there for free and he takes care of the property.

DPW Superintendent David Cabral stated they got records of the interments there and plat maps. There are 1,850 total graves and 350 available. There will be an additional 1,175 graves with the house gone.

### **Budget Hearing on Board of Selectmen's Proposed Fiscal 2017 Budget**

Chairman Andrade said there were questions about the Charter not being followed as far as having a public hearing. He personally became aware of the public hearing requirement when there were 13 days left which did not allow for advertisement for the public hearing. Although this is not a public hearing, all comments and/or questions are welcomed.

The budget is on line and posted at the library and the Town Clerk's office.

### **NEW BUSINESS**

#### **Discussion and Approval of Comp-Time Policy**

Mr. Cadime read a draft Administrative Policy #71.

Mr. Parker had several objections. He didn't like that salaried employees have to work 50 hours before qualifying and that unused flex time cannot be carried over. He felt that earned time should be taken within 90 days.

Mr. Viera didn't have a problem with the policy but he believes that salaried is salaried.

Ms. Taylor asked about contractual employees – exempt employees.

Chairman Andrade said everyone has to follow the policy.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was

**VOTED:** 3 Ayes; 2 Nays; To adopt the Comp-Time Policy #71.

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The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Chairman Andrade – Aye; Ms. Hines – Nay; Mr. Parker – Nay.

**Discussion and Signature(s) of Road Opening Permits for Stone Ridge Development (Newman Avenue and Walker Street)**

DPW Superintendent David Cabral noted that the Board had approved water and gas road openings. He has discussion on both of those permits - one for water and one for gas. The impact to Newman Avenue would be minor. There is a modification for water connection than what was presented before. The Water District does not have an application yet so there is no permit. They cannot tap into the water main as suggested previously.

Mr. Viera said it was approved based on the minimal impact. This changes the whole complexity.

Mr. Almeida said majority of the Board approved it. He felt a representative from this developer should come before the Board to explain. It should not be up to Mr. Cabral.

Mr. Viera noted Mr. Cabral is protecting the town.

Mr. Cadime said they do have an approval for a road opening. At this point, it is just a sign off. It would require another vote of the Board to deny it.

Mr. Almeida said this will cause the road to be opened more. Also, we have a new member on the Board and we don't know how she feels.

Chairman asked if gas and water can be in the same trench.

Mr. Cabral said no. He said they could revisit the plan. The Water District might have concerns of utilizing the same trench.

Based on this new plan, Chairman Andrade would be in favor of rescinding that vote and have them come back and look further to see if could put into one trench.

Mr. Viera agreed. He wanted to prevent a possible lawsuit.

Mr. Cabral also agreed.

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was unanimously

**VOTED:** To indefinitely postpone the road opening permits for Stone Ridge Development.

Mr. Cabral will communicate with the developer.



**Discussion of Unauthorized Work Associated with Road Opening Permit on Lincoln Street**

Mr. Cabral explained there is a road cut on Lincoln Street at the corner of County Street.

He noted Lincoln Street was paved on May 28 2015. In mid May, he was approached by a contractor building a house at 826 County Street. They were looking to tie in water service to that home. The contractor had a plan that the connection was going to happen off the road. He signed off on the permit with the understanding the work would be done off the road. The cut didn't occur. In December an excavating company came in to pull permit for the water. The original permit had expired on November 30. He reissued a permit. He indicated the road was under a moratorium and work had to occur off the roadway. He found out in January that a 5 x 7 ft. cut had been made in the newly-paved roadway.

Subsequently, he met with the contractor that does pavement restoration infrared. He pointed out that compaction settled. The contractor is Matt Antonio from Palmer River. Ken Foley is the excavator. Mr. Cabral had documentation.

Mr. Almeida felt a representative from the Water District should be in attendance.

Mr. Cabral had a recommendation based on the permit itself. It was clear to the contractor that the roadway was not supposed to be cut. The price to do that work is \$4,500 per day. His concern is that there may be additional settlement.

Mr. Viera had a problem with contractors doing the work because the penalty is less than not doing what they are trying to accomplish. He felt that Mr. Cabral should not go out and try to find the cheapest way for this individual to correct the problem.

Ms. Hines asked why they did go into the roadway.

Mr. Cabral said the plan is inaccurate. He added that the contractor knew he could not cut the road.

Mr. Almeida said it was done on a weekend.

Contractor Matt Antonio did not disagree with most of Mr. Cabral's statements. He clarified there are two contractors involved. He is the permit hold to build a house on that property. They got the permit in June. In early May, the homeowner was notified of the moratorium on Lincoln Street regarding the road opening. He went to DPW to try to get the road opening permit before the road got paved. Mr. Cabral accommodated him. He worked with the Water District and got an approved list of contractors who could tap into the main. He hired one of those companies

They showed up to do the excavating and Mr. Bernardo from the Water District said they couldn't do that.

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The permit in June for an installation of driveway was done. In October, he called a contractor on the Water District approved list. He got a local company who did not want to pull a permit. He contacted Foley Excavating who said he would do it. He had specific conversations that they had to stay in the shoulder. The work was done on December 28. By the time he got out there he noticed the road was cut. Mr. Antonio said he would fight this to the end before he pays a nickel for this.

In response to Mr. Andrade question, Mr. Cabral said the initial permit was pulled by Mr. Antonio. The second permit was issued through Foley Excavating with the other permit attached.

Mr. Almeida felt that Foley should be here. Personally, he does not find Mr. Antonio responsible. He noted there is a five-year moratorium in place and roads should be opened for emergency conditions only.

Mr. Cadime said under Category 18 there should be no sub-letting of subcontractors unless the municipality knows about it in advance. Section 4.4 - in the event a street opening failure the utility or contractor shall respond to restoration within 48 hours and non response should be paid within 30 days.

Mr. Parker felt Mr. Antonio was not liable.

Chairman Andrade said the overall job was under their watch.

Ms. Hines suggested a legal opinion to find out who the responsible party

Mr. Parker felt that Foley should be told no more permits until this is resolved.

### **Discuss Administrative Policy #23**

A motion was made by Mr. Parker, seconded by Mr. Almeida, and it was unanimously

**VOTED:** To rescind Administrative Policy #23.

Mr. Cadime will bring Administrative Policies to the Board for review a few at a time.

### **Discussion on Town Charter Budget Requirements**

Chairman Andrade noted the Charter has requirements on the budget. One of those is that the Town Administrator is to present the budget 120 days prior to Town Meeting. If that were followed, the Town Administrator would have to have his proposed budget by January. There would need to have health insurance information and figures from the State. A tri-board or quad-board meeting would have to be held two months prior, which would be October or November of the prior year.

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He felt there needs to be a modification to the Charter to allow for a modern present day implementation of information. The 120 days is unrealistic.

Mr. Cadime said the Charter does require the Board of Selectmen meet with the School Department, along with the Finance and Capital Improvement Committees as advisory. Figures are not available until February. He felt the 120 days should be cut down to 60 days. The budget has to be on line 14 days prior to town meeting. The Charter says the Finance Committee should submit the budget 14 days in advance of Town Meeting. The Board of Selectmen presents its budget at Town Meeting.

Mr. Viera said they are not following the Charter now. If they are going to change the Charter, it needs to be adhered to.

Chairman Andrade said he would be in favor of expediting any Charter changes within the next two months and it would be ready for the Town Meeting in November.

Mr. Parker said there can't be an annual meeting in June and November. \

Mr. Cadime said that Kopelman and Paige has confirmed that both meetings are considered Annual Town Meetings.

### **Consider the Approval of Minutes of April 6, 2016**

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

**VOTED:** To accept the Regular Session minutes of April 6, 2016.

Ms. Hines noted that members of the Capital Improvement Committee were supposed to attend a Board of Selectmen meeting to discuss the two warrant articles. She suggested notifying them that they should be at the Town Meeting to answers any questions.

### **COMMUNITY SPEAKS**

Mr. John Alves commented on the warrant articles because he cannot attend the Spring Annual Town Meeting. Article 7 should be in the School Department budget. He hoped Articles 14 and 15 (Community Preservation) are approved. He would like to see Articles 22 (Charter Commission election) and 24 (Moderator) defeated. He felt the best way to handle Article 22 is by obtaining signatures from residents.

Chairman Andrade noted that Articles 22, 23 and 24 are voter petition.

Mr. Viera asked if he would like to help get signatures. Mr. Alves said he would.

## **OTHER TOPICS**

### **Discuss Other Topics not Reasonably Anticipated by the Chairman 48 Hours Before the Meeting**

A motion was made by Mr. Parker, seconded by Mr. Almeida, and it was unanimously

**VOTED:** To reappoint two members of the Board of Selectmen to the Board of Health until the vacancies are filled with two new members.

A motion was made by Mr. Parker, seconded by Ms. Hines, and it was unanimously

**VOTED:** To appoint Nelson Almeida and David Viera to the Board of Health.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Cadime advised the senior center should be done by the middle of June. He felt the community will be impressed.

The Grist Mill project should be completed by the summer of 2017. A public hearing is scheduled for June on the Luthers Corner design work.

Work on the Public Safety traffic light has been delayed.

The Town Meeting is on Monday, May 16, 2016, at 7 p.m.

## **BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS**

### **Veterans Memorial Committee Liaison Report**

Mr. Viera announced that the Veterans Memorial Park has taken bloom over the past two weeks. He suggested residents take a ride by to see it. He commended Joe Velardo, Bob Young and Bob Defontes who are there on a daily basis. Completion date is three days prior to the Memorial Day Parade. Ms. Doreen Taylor is working on notifying relatives. The Memorial Day Parade is scheduled for Saturday, May 28, 2016, starting at 9 a.m. at the high school.

The Police Chief suggested the parade end at the junior high school and have people bused to the memorial.

Mr. Viera advised the Friends of the Memorial Park raised another \$10,000 with the carnival. Phase I is totally funded. Phase II will begin shortly after the dedication. He felt the whole town will be proud of it.

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Ms. Hines announced a raffle to benefit the Human Services gift account. Tickets are \$1 each. Tickets can be obtained from her, Town Clerk Jan Parker, Police Department and members of the Human Services. Board. Winners will be announced at the grand opening celebration of the senior center.

She attended the By-Law Study Committee meeting. They have done a lot of work and they are getting cooperation from department heads. That committee will have to be extended beyond the year. Mr. Cadime and committee members are doing a great job.

She extended kudos to Public Safety employees who participated in a 5-K run to benefit Cops for Kids with Cancer.

Mr. Viera said Fire Chief Michael Healy had the fastest time.

Mr. Almeida mentioned that he is not satisfied with the budget hearing. It should have been a public hearing.

Chairman Andrade noted it requires 14 days prior to Town Meeting.

Mr. Cadime suggested they advertise and have a special meeting.

Chairman Andrade said it will not meet the requirement.

Mr. Parker noted that not many people attend public hearings.

A special meeting was scheduled for Thursday, May 12, 2016, at 7 p.m. for questions and answers pertaining to the budget.

Mr. Almeida asked for an update on the animal shelter construction for the next meeting.

He suggested that members of the CIC meet with the Board prior to Town Meeting.

Mr. Parker asked about vacancies.

Mr. Cadime will have a recommendation for Building Inspector at the next meeting. Three interviews are scheduled for Conservation Agent. Discussions are on-going about Assistant to DPW Superintendent.

Mr. Parker said it's been nine months without an assistant.

Chairman Andrade noted that some of these are in line with on-going contract negotiations.

Mr. Cadime advised there will be an opening in Dispatch with the transfer of Carol Ann Days as Secretary to the Fire Chief.

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Mr. Almeida thanked the Board and Mr. Cadime for putting financial matters at the beginning of the warrant.

Ms. Hines said if someone asks for a quorum count and it is less, the meeting has to be postponed to another date. No action can be taken until the entire warrant is acted upon.

Mr. Viera said all articles can come up for reconsideration at the end of the meeting.

Mr. Cadime said you have to be on the prevailing side.

Chairman Andrade asked about old town hall.

Mr. Cadime said their attorney is reviewing the documents.

Mr. Parker said he would bring in the ruling he got from the Ethics Commission and conflict of interest letters.

Chairman Andrade asked about the generator.

Mr. Cadime said that Mr. Cabral is getting quotes. It will be on the next agenda.

### **EXECUTIVE SESSION**

At 10:56 p.m., Mr. Viera motioned, seconded by Ms. Hines, to go into Executive Session to conduct strategy sessions with respect to negotiations with (i) Fraternal Order of Police MASSCOP Local 215 per M.G.L. Chapter 30A, Section 21(3) and (ii) Seekonk Firefighters Union IAFF Local 1931 per M.G.L. Chapter 30A, Section 21(3), to conduct strategy sessions with respect to negotiations with the Superintendent of Public Works per M.G.L. Chapter 30A, Section 21(3), and to consider the approval of Executive Session minutes of April 6, 2016; to return to Open Session.

The vote: Mr. Viera – Aye; Ms. Hines – Aye; Mr. Parker – Aye; Mr. Almeida – Aye; Chairman Andrade – Aye. Mr. Parker will not participate in negotiations. Mr. Almeida will recuse himself from (i) on advice of his personal counsel.

### **RETURN TO OPEN SESSION**

The meeting returned to Open Session at 11:55 p.m.

A motion as made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

**VOTED:** To approve and sign the contract with the Superintendent of Public Works.

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The vote: Mr. Almeida – Aye; Mr. Viera – Aye; Ms. Hines – Aye; Chairman Andrade – Aye.  
Mr. Parker was not in attendance.

**ADJOURNMENT**

A motion was made by Mr. Almeida, seconded by Ms. Hines and it was unanimously

**VOTED:** To adjourn at 11:56 p.m.

The vote: Mr. Almeida – Aye; Ms. Hines – Aye; Mr. Viera – Aye; Chairman Andrade – Aye.

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary