

**WALWORTH TOWN BOARD – REGULAR MEETING
18 DECEMBER 2008**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:30 PM.

Present:	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Ed Parrone	Engineer for the Town
Absent:	Thomas Yale	Councilman
	Frank Maciuska	Councilman

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss pending or possible litigation.

Seconded by Councilwoman Hawkins-Mance .

Adopted: Vote Ayes 3 Nays 0

Time: 7:32 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:19 PM.

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the minutes of November 20, 2008, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

Supervisor Plant inquired if Board members had received December 4, 2008, Board meeting minutes. Councilwomen Marini and Hawkins-Mance stated that they had, but they had not had the time to read them.

CORRESPONDENCE:

Susie Jacobs, Town Clerk, had nothing to enter into record.

SUPERVISOR'S REPORT:

Motion by Councilwoman Marini to approve and file the Supervisor's Monthly Report for November, 2008, as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

PUBLIC PARTICIPATION:

Gary Borkhuis from County Line Road was in to ask the Town Board for help with a neighbor. He stated that approximately three years ago his neighbor, Mr. Carey, started filling in his lot and he did not have any objection to that; however last year things got out of control. Mr. Borkhuis contacted the Town last fall and inquired whether or not Mr. Carey had received a permit. "At that time I was informed that he did not have a fill Permit; but with the help of Paul Russell, Town Engineer, Mr. Carey's permit was approved. One of the conditions of the permit was that he would keep it leveled down, and grade and seed. This summer a lot of dirt that arrived from a construction company has just been sitting there. In addition to being an eye

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
18 DECEMBER 2008**

sore for me and the rest of the community, it is affecting the drainage on both sides of the road.” Mr. Borkhuis explained that he had spoken with Phil Williamson, Code Enforcement Officer, who explained that it was up to Norm Druschel, Building Inspector, to take care of this. Mr. Borkhuis asked that Council members go over to take a look and asked if they would like a mess like this next to their home year after year. Supervisor Plant stated that Phil Williamson did speak with him regarding this yesterday, and he was waiting for a copy of the fill permit from the Town Clerk. Councilwoman Marini inquired when the fill permit was issued; it was decided that it was before June, 2006. Councilwoman Hawkins-Mance requested that the Town Clerk expedite a copy to Phil Williamson; Councilwoman Marini and Councilwoman Hawkins-Mance requested copies as well. Mr. Borkhuis thanked the Town Council.

RESOLUTION 94-08 – AUDIT OF CLAIMS:

Councilwoman Hawkins-Mance offered the following Resolution **94-08** and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of December 18, 2008, have been audited and approved by the appropriate Council Members.

BE IT RESOLVED that the claims be paid on **Abstract #12**, numbered 1,781 through 1,929, in the following amounts.

GENERAL FUND	\$ 138,237.69
HIGHWAY FUND	\$ 82,076.63
WALWORTH SEWER DISTRICT #1	\$ 43,710.70
BROOKSIDE LIGHT DISTRICT	\$ 12.84
GANANDA LIGHT DISTRICT	\$ 1,299.37
HARVEST HILL LIGHT DISTRICT	\$ 709.88
ORCHARD VIEW LIGHT DISTRICT	\$ 123.88
WALWORTH LIGHT DISTRICT	\$ 623.23
CEMETERIES	\$ 105.00
ALBRIGHT/BUSHWOOD/HENN EXT. #12	\$ 7,695.50
KUTT/CANANDAIGUA EXT. #15	\$ 7,111.88
MILDAHAN ROAD EXT. #16	\$ 4,816.00
COUNTY LINE ROAD EXT. #17	\$ 7,394.00
PLANK ROAD EXT. #18	\$ 6,020.00
DAANSEN ROAD EXT. #5	\$ 1,640.62
PARK PAVILION CAPITAL FUND	\$ 17,271.56

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #12**, numbered 219 through 237, in the following amount:

TRUST & AGENCY	\$ 107,866.24
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NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopts resolution **94-08**.

Adopted this 18th day of December, 2008, at the meeting of the Town Council.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
18 DECEMBER 2008**

DEPARTMENT HEAD REPORTS:

HIGHWAY

Nothing reported at this time.

RECREATION DEPARTMENT – GINEGAW PARK PAVILION DONATION

Jacqueline Van Lare reported that the Town had received a donation from the Campbell family from Walworth for the Ginegaw Park Pavilion. Jackie stated that she sent a letter thanking them.

RECREATION DEPARTMENT – SHERBURNE PARK AUTHORIZATION – CUB SCOUT ANNUAL POLAR PANIC EVENT

Motion by Councilwoman Marini authorizing Cub Scouts pack 167 - Gananda - to use Sherburne Park for Annual Polar Panic Event on Saturday, January 31, 2009, from 8 AM to 1 PM, with approximately 200 - 250 Scouts participating.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

ASSESSOR

Nothing reported at this time

ENGINEER

Nothing reported at this time.

TOWN CLERK– CERTIFICATES OF COMPLETION FOR HONORABLE TERENCE M. WOLFE AND HONORABLE CHARLES J YOUNG

Susie Jacobs, Town Clerk, reported that she had received the Unified Court System of the State of New York Certificates of Completion 2008 Continuing Judicial Education Program for Honorable Terence M Wolfe and Honorable Charles J Young and that these were on file in the Office of the Town Clerk.

COMMITTEE REPORTS:

PERSONNEL COMMITTEE:

Councilwoman Marini reported that the Personnel Committee met this week. They reviewed the 2009 Wage & Salary Schedule and they will be recommending some changes at the January meeting as well as clarifying some of the questions and concerns raised over utilizing the Schedule. She stated that there would be training of Department Heads after the revisions, if adopted by the Board. The 2009 goals of the Personnel Committee are to do a complete review and comparison of all positions and rate of pay, and to establish community standards to make sure that the Town's pay is appropriate for this area. It is the Committee's recommendation that this be done every 2 to 3 years.

HEALTH CARE COMMITTEE

Councilwoman Marini stated that the Health Committee will be meeting in January to review the available Health plans and make a final choice for what will be available April 1, 2009.

GINEGAW PARK PAVILION USER FEES

Motion by Councilwoman Marini approving Ginegaw Park Pavilion User Fees as follows:

RESIDENT: \$125.00 NON-RESIDENT: \$175.00

Seconded by Councilwoman Hawkins-Mance.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
18 DECEMBER 2008**

Councilwoman Hawkins-Mance	Aye
Councilman Yale	Absent
Supervisor Plant	Aye

Motion carried.

FACILITIES MANAGER APPOINTMENT:

Motion by Councilwoman Marini appointing Ron Forman as Town Hall Facilities Manager. This appointment will be probationary, with the salary consistent with the position and the Town's Wage & Salary Schedule.

Seconded by Councilwoman Hawkins-Mance.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Motion carried.

RESOLUTION 95-08 AWARD OF BID – GINEGAW PARK PAVILION FRAMING PACKAGE:

The following sealed bids were received for the construction of Ginegaw Park Pavilion Framing Package.

Bid Opening: December 9, 2008, at 2 PM

Present: Susie Jacobs, Town Clerk
Carl Hewings, Engineer for the Town
Jacqueline Van Lare, Recreation Director
Bill Boyd, Parks Committee

Bidder: Salatino Construction
\$ 84,673.32

Bidder: R.M. Lyons, Inc.
\$ 99,949.00

Bidder: Orchard View Development
\$113,743.00

Bidder: Fingerlakes Construction Co., Inc.
\$ 73,377.00

Bidder: Frank J. Marianacci, Inc.
\$ 92,500.00

Bidder: Secor Building Solutions
\$ 89,690.00

RESOLUTION 95-08 AWARD BID GINEGAW PARK PAVILION – FRAMING:

Councilwoman Hawkins-Mance offered the following Resolution **95-08** and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, Fingerlakes Construction Co., Inc., of 10269 Old Route 31 West, Clyde, New York, 14433, be awarded the contract for the framing of Ginegaw Park Pavilion, for their low bid of \$73,377.00, and

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
18 DECEMBER 2008**

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Walworth adopts Resolution **95-08**.

Adopted this 18th day of December, 2008, at the meeting of the Town Council.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Resolution carried.

CONTRACT WINDOW CLEANING:

Motion by Councilwoman Hawkins-Mance authorizing Supervisor Plant to sign the contract with All Seasons Window Cleaning Co. as follows:

Clean all Windows Inside only 1/year* \$230.00

Clean all Windows Outside only 1/year* \$260.00

*1/year May, 2009

Seconded by Councilwoman Marini.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Motion carried.

DESIGN CRITERIA:

Rescheduled for January, 2009, meeting.

ALTERNATIVE ENERGY:

Rescheduled for January, 2009, meeting.

INTEGRATED CONTRACT RENEWAL:

Motion by Councilwoman Hawkins-Mance authorizing Supervisor Plant to enter into Contract / Professional Services Agreement with Integrated Systems for Contract "D", Hours100+, Rate/Hour \$75.00.

Seconded by Councilwoman Marini.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Motion carried.

APPROVE AMBULANCE CONTRACT:

Motion by Councilwoman Marini authorizing Supervisor Plant to sign the Agreement with Walworth Ambulance, Inc., for 2009.

Seconded by Councilwoman Hawkins-Mance.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
18 DECEMBER 2008**

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Motion carried.

WAYNE COUNTY SNOW AND ICE AGREEMENT:

Motion by Councilwoman Hawkins-Mance authorizing Supervisor Plant to sign the Wayne County Snow and Ice Control on County Roads Agreement for November 1, 2008 – May 30, 2009.

Seconded by Councilwoman Marini.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Motion carried.

STOP WORK ORDER FOR HOME LEASING POND:

Motion by Councilwoman Marini authorizing that the “Stop Work Order” be removed for Home Leasing Pond, based on the following conditions being met and present in the Town Supervisor’s Office no later than 5 PM, Tuesday, December 23, 2008, or the work order stays in effect until the Board meeting.

1. Letter to Parrone Engineering from Home Leasing’s Engineer, satisfying Parrone’s concerns.
2. Letter of Credit for a period of 5 Years.
3. A Check payable to the Town of Walworth for \$100.00.

Seconded by Supervisor Plant.

Discussion:

Councilwoman Hawkins-Mance stated that she was not comfortable with this. She was very concerned that if the Town were to proceed with this, we were going to have issues with the MS4. She explained that she and Carl Hewings had been talking about reviewing the Design Criteria before the Town continued with Home Leasing’s Pond. Councilwoman Marini explained that all the Town had to go on was the current Design Criteria. And therefore, we were in a “Catch-22 situation” in that regard. Discussion ensued.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Motion carried.

2009 HOLIDAY SCHEDULE HIGHWAY:

Motion by Councilwoman Marini approving the 2009 Holiday schedule for the Highway Department as submitted by Mike Frederes, Highway Superintendent as Follows:

NEW YEAR’S DAY	JANUARY 1	THURSDAY – 9 HOURS
PRESIDENT’S DAY*	FEBRUARY 16	MONDAY – 9 HOURS
FLOATER – MONDAY AFTER EASTER	APRIL 13	MONDAY – 9 HOURS

MEMORIAL DAY	MAY 25	MONDAY – 9 HOURS
IN LIEU OF MARTIN LUTHER KING	MAY 26 TH	TUESDAY – 9 HOURS
INDEPENDENCE DAY	JULY 3	FRIDAY – 4 HOURS
LABOR DAY	SEPTEMBER 7	MONDAY – 9 HOURS
FLOATER	SEPTEMBER 8	TUESDAY – 9 HOURS
COLUMBUS DAY	OCTOBER 12	MONDAY – 9 HOURS
VETERANS DAY	NOVEMBER 11	WEDNESDAY – 9 HOURS
THANKSGIVING	NOVEMBER 26	THURSDAY – 9 HOURS
DAY AFTER THANKSGIVING *	NOVEMBER 27	FRIDAY – 4 HOURS
CHRISTMAS DAY	DECEMBER 25	FRIDAY – 4 HOURS

104 HOURS ALLOWED TOTAL USED 102

EMPLOYEES WILL CHOOSE 2 HOURS AS A GROUP TO MAKE UP 2 HOUR SHORTFALL

SHUT DOWN: JUNE 29TH, 30, JULY 1, 2 = 36 HOURS

*IF CALLED TO WORK BEFORE 6:00 AM WILL WORK THAT DAY, SUPT. WILL SUBSTITUTE ANOTHER DAY.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

RESOLUTION 98-08 FOR INTERMUNICIPAL AGREEMENT AMONG THE ONTARIO-WAYNE COUNTIES STORMWATER COALITION MEMBERS

Councilwoman Hawkins-Mance offered the following Resolution 98-08 and moved its adoption. Seconded by Councilwoman Marini to wit:

Resolution authorizing sponsorship of application to the 2008-2009 Local Government Efficiency Program for a High Priority Planning Grant Project proposal entitled *Ontario-Wayne Stormwater Coalition Feasibility Study of Joint Inspection and Long-Term Funding*.

WHEREAS, the Town Board of the Town of Walworth has entered into an INTERMUNICIPAL AGREEMENT among the Ontario-Wayne Counties Stormwater Coalition members of the Towns of FARMINGTON, 1000 County Road 8, Farmington, New York 14425, MACEDON, 32 Main Street, Macedon, New York 14502, ONTARIO, 1850 Ridge Road, Ontario, New York 14519, VICTOR, 85 East Main Street, Victor, New York 14564, hereinafter referred to as “Towns”, the Coalition members of the Villages of MACEDON, 81 Main Street, Macedon, New York 14502, VICTOR, 60 East Main Street, Victor, New York 14564, hereinafter referred to as “Villages”; ONTARIO COUNTY on behalf of its Department of Public Works with offices at 2962 County Road 48, Canandaigua, New York 14424; and WAYNE COUNTY on behalf of its Highway Department with offices at 7227 Route 31, Lyons, New York 14489, as authorized by Article 5-G of the General Municipal Law.

WHEREAS, the Phase II Federal Stormwater Regulations require that regulated municipal separate storm sewer system operators comply with the SPDES General Permit for Stormwater Discharges (General Permit 0-08-002) issued by the New York State Department of Environmental Conservation; and

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
18 DECEMBER 2008**

WHEREAS, the municipalities recognize that, because watersheds and separate storm sewer systems cross municipal and county boundaries and because there are opportunities to save money and resources by working collaboratively, the municipalities should work cooperatively to comply with the requirements of the Phase II Federal Stormwater Regulations; and

WHEREAS, the Ontario-Wayne Stormwater Coalition started holding meetings beginning in 2004 to identify and analyze options for pooling resources to meet the requirements of the Phase II Federal Stormwater Regulations, and;

WHEREAS, the work of the Ontario-Wayne Stormwater Coalition shall be to work collaboratively to [among other goals],:

- a. Facilitate the use of existing or future resources, organizations, and programs for the provision of the services necessary to comply with the Phase II Regulations
- b. Research and implement an appropriate funding mechanism to meet the financial needs beyond 2013 resulting from compliance with the Phase II Federal Stormwater Regulations;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of The Town Walworth will sponsor an application for funds, to be known as the *Ontario-Wayne Stormwater Coalition Feasibility Study of Joint Inspection and Long-Term Funding* to be submitted to the New York Department of State; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Walworth authorizes the application for funds in the amount of \$50,000, the 10% required local share of which will be paid for by the Ontario-Wayne Stormwater Coalition from dues which the Town of Walworth contributes to on an annual basis; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Walworth has agreed to act as Lead Applicant for a 2008-2009 Local Government Efficiency Program High Priority Planning Grant Project proposal; and

BE IT FURTHER RESOLVED that the Scott Allen, Code Enforcement Officer/Stormwater Management Officer of the Town of Macedon has agreed to execute all financial and/or administrative processes relating to the grant program;

BE IT FURTHER RESOLVED that the Towns FARMINGTON, MACEDON, ONTARIO, VICTOR, and the Villages of MACEDON, VICTOR, ONTARIO COUNTY on behalf of its Department of Public Works and WAYNE COUNTY on behalf of its Highway Department are co-applicants within this project;

BE IT FURTHER RESOLVED that the Town Board of the Town of Walworth adopts Resolution 98-08.

Adopted this 18th day of December, 2008.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 96-08 FINANCIAL TRANSACTIONS:

Councilman Hawkins-Mance offered the following Resolution 96-08 and moved its adoption. Seconded by Councilwoman Marini to wit:

BE IT RESOLVED that the Senior Account Clerk be authorized to modify budget as follows:

\$1,367.24 from General Fund Balance to A1110.21 Justices – Equipment for \$1,174.93,

A1110.42 Justices – Office Expense for \$185.87 and A1110.46 – Law Library for \$6.44. Funds to cover transfers credited to A3021 State Grant Court Facilities.

\$15.68 from A1220.42 Supervisor Office Expense to A1220.41 Conferences/Training.

To cover mileage to Training Conference – Albany.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
18 DECEMBER 2008**

\$5,481.96 from General Fund Balance to A1420.41 Town Counsel \$1,733.06 and A1420.42 Town Counsel – Litigation \$3,748.90. To cover current month expenditures. Funds being reimbursed Farm Land Grant Closing.

\$24.53 from A1990.41 Contingent Account to A3310.41 Traffic Lights. To cover current expenditures.

\$181.98 from A3620.45 Map Reproductions to A3620.42 Mileage/Maintenance for \$155.00 and A3620.47 Fuel Useage for \$26.98. To cover current expenditures.

\$427.50 from General Fund Balance to A6989.41 Farm Land Preservation Grant. Funds being reimbursed from Farm Land Grant Closing.

\$74.17 from A7110.45 Vehicle/Mower Maintenance to A7110.41 Park Utilities. To cover current expenditures.

\$54.52 from A7110.46 Tree Maintenance to A7110.47 Fuel Useage. To cover current expenditures.

\$105.00 from Cemeteries Fund Balance to established line item #CM6-8810.46 West Walworth Cemetery. To cover current expenditures.

\$4,995.53 from DA9010.81 NYS Retirement to DA5142.43 Fuel Useage. To cover current expenditures.

\$1,288.57 from SS9010.81 NYS Retirement to SS8130.409 Disposal Maintenance. To cover current expenditures.

\$262.00 from SS8130.413 Billing to SS8130.406 Chemicals. To cover current expenditures.

\$23,422.00 from Sewer Fund Balance to SS8130.408 Sludge Disposal. To cover current expenditures.

\$4,000.00 from A7310.43 Shirts/Hats/Trop/Food and \$8,000.00 from A7310.46 Referee/Umpires/Assis. to CM1 Parks Special Revenue Fund – Fund Balance.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 97-08 FINANCIAL TRANSACTIONS:

Councilman Hawkins-Mance offered the following Resolution 97-08 and moved its adoption. Seconded by Councilwoman Marini to wit:

BE IT RESOLVED that the Senior Account Clerk be authorized to perform transfers, encumbrances and the establishment of accounts necessary to close the Town of Walworth books for the calendar year 2008.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
18 DECEMBER 2008**

GINEGAW PARK PAVILION CHANGE ORDERS:

Motion by Councilwoman Hawkins-Mance authorizing the Supervisor to sign three (3) Change Orders presented for the Ginegaw Park Pavilion – Foundation.
Seconded by Councilwoman Marini.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Motion carried.

GINEGAW PARK PAVILION - FOUNDATION FIRST DRAW:

Motion by Councilwoman Hawkins-Mance authorizing the First Draw for Ginegaw Park Pavilion – Foundation payable to R.M. Lyons, Inc.
Seconded by Councilwoman Marini.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Motion carried.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilwoman Marini and unanimously carried.
Time: 8:47 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk