ANDREW J. ZARUTSKIE Town Clerk Town of Newburgh 1496 Route 300 Newburgh NY 12550 Tel.(845) 564-4554

# AGENDA

AUDIT/WORKSHOP TOWN COUNCIL MEETING Wednesday, April 11, 2012

7:00 p.m.

- 1. ROLL CALL
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG
- 3. MOMENT OF SILENCE
- 4. CHANGES TO AGENDA
- 5. APPROVAL OF AUDIT
- 6. OPEN DEVELOPMENT AREA: Richichi on Coach Lane
- 7. ASSESSOR:
  - A. Certiorari Settlement: Sunrise Realty
  - **B. Equity Appraisal Services**
- 8.84 REALTY REZONING
- 9. POLICE: Telephone Maintenance Contract Renewal
- 10. RECREATION: Hiring of Part Time Chauffer
- 11. DATA PROCESSING: Purchase of Computers for Code Compliance
- 12. WATER DISTRIBUTION: Hydrant Flushing
- **13. ADJOURNMENT**

5. APPROVAL OF AUDIT

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## AUDIT # 7 4/11/2012 VOUCHERS: 121461 to 121586

Audit Date: April 11, 2012

To the Supervisor:

I certify that the vouchers listed above were audited by the Town Board on the above date and allowed in the amounts shown. You are hereby authorized and directed to pay each of the claimants the amount opposite his name.

I acknowledge the following vouchers are in violation of New York State's General Municipal Law section 103 (Competitive Bidding Laws) and approve payment thereof.

Voucher	Vendor Name
121496	Spagnoli excavating
121577	NY Communication
121578	NY Communication

Dated:

Andrew J. Zarutskie, Town Clerk

Town Board:

Exceptions:

Amount

275.00 9,340.00 3,725.00

### AUDIT # 7

### April 11, 2012

### VOUCHERS: 121461 to 121586

FUND	REGULAR	Р	REPAID
GENERAL	\$ 155,062.34	\$	4,980.73
TRUST & AGENCY	22,695.28		-
STREET LIGHTING	15,606.14		-
HIGHWAY	119,585.17		-
WATER	108,047.75		768.67
SEWER	4,732.00		-
WATER CAPITAL	269,419.23		26,915.03
SEWER CAPITAL	-		-
HIGHWAY CAPITAL	-		-
GENERAL CAPITAL	-		-
SPECIAL DISTRICT	 		
TOTAL	\$ 695,147.91	\$	32,664.43
GRAND TOTAL	\$ 727,812.34		

6. OPEN DEVELOPMENT AREA: Richichi on Coach Lane

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#### **Cindy Martinez**

From:Susan Richichi [stalwart4him@gmail.com]Sent:Thursday, February 16, 2012 12:04 PMTo:cmmartinez@hvc.rr.comSubject:Town Project No. 2011-31 Richichi Subdivision

2/16/2012

To: Town of Newburgh Town Board

I am petitioning the town board for an for an Open Development Area to do a two lot subdivision

for parcel 95-1-4.222, which is a 9.9 acre parcel. It is located in the Meadow Hill South water and

sewer district in the town of Newburgh. I reside on parcel 58-6-16. There is a twenty foot deeded easement

giving access to parcel 95-1-4.222. I am requesting a date to come before the town board at your earliest convenience. Thank you.

Respectfully yours,

Susan Richichi

1 STATE OF NEW YORK : COUNTY OF ORANGE 2 TOWN OF NEWBURGH PLANNING BOARD 3 \_\_\_\_ - - - X In the Matter of 4 5 RACHICHI SUBDIVISION (2011 - 31)6 7 105 Coach Lane Section 95; Block 1; Lot 4.222 R-2 Zone 8 - - - - X 9 CONCEPTUAL THREE-LOT SUBDIVISION 10 11 Date: January 5, 2012 7:08 p.m. Time: Town of Newburgh Place: 12 Town Hall 13 1496 Route 300 Newburgh, NY 12550 14 15 BOARD MEMBERS: JOHN P. EWASUTYN, Chairman FRANK S. GALLI CLIFFORD C. BROWNE 16 KENNETH MENNERICH 17 JOSEPH E. PROFACI THOMAS P. FOGARTY 18 JOHN A. WARD 19 ALSO PRESENT: BRYANT COCKS PATRICK HINES 20 GERALD CANFIELD 21 APPLICANT'S REPRESENTATIVE: SUSAN RACHICHI 22 23 - - - X MICHELLE L. CONERO 24 10 Westview Drive Wallkill, New York 12589 (845)895-3018 25

MICHELLE L. CONERO - (845)895-3018

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1	RACHICHI SUBDIVISION 12
2	MR. BROWNE: The first agenda item this
3	evening is the Rachichi Subdivision, project
4	number 2011-31. It's a conceptual three-lot
5	subdivision being presented by Charles Boowkos.
6	I'm sorry.
7	MS. RACHICHI: He's not here. I'm
8	here. I'm Susan.
9	MR. BROWNE: Susan. Okay.
10	MS. RACHICHI: I own the section, lot
11	block 8;6;16 which has a twenty-foot deeded
12	easement that goes to the back parcel, section
13	95; block 1; lot 4.222. I would like to do a
14	two-lot subdivision on that back parcel.
15	CHAIRMAN EWASUTYN: Pat Hines is going
16	to discuss with you what an easement entitles you
17	to and where you may be deficient as far as
1,8	allowing you to proceed with a two-lot
19	subdivision and the procedure for getting Town
20	Board approval for what's called an open
21	development district.
22	MS. RACHICHI: Okay.
23	CHAIRMAN EWASUTYN: Mike Donnelly, our
24	Planning Board Attorney, who isn't here with us
25	this evening, has sent an explanation of Town Law
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RACHICHI SUBDIVISION

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280-A to your surveyor.

At this point, Pat, why don't you go forward, put up the map, and for the education of Ms. Rachichi explain to her what needs to be accomplished.

The parcel in question here 7 MR. HINES: is about an 8 acre -- 8.5 acre parcel of land and 8 it is abutted by an interstate highway, 84, on 9 the lower portion of the map, it has a little 10 frontage on the New York State Thruway, and the 11 balance of the parcel creates a common lot line 12 with the rear of the parcels on Coach Lane. The 13 concern here is that the parcel apparently has an 14 easement across a parcel of land you own but it 15 doesn't own access to a public street. In order 16 to subdivide a piece of property, the lot needs 17 to have access to a public street or road created 18 by a subdivision. The easement area shown would 19 give someone rights to walk across or drive 20 21 across to that parcel, but it doesn't give it legal access in order to subdivide because it 22 23 needs to have access to that street. That's based on what's called New York State Town Law 24 280-A. 25

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#### RACHICHI SUBDIVISION

There are certain ways to resolve that, one of which is to get a waiver from the Town Board allowing an open area development which allows access -- allows subdivision of parcels which don't have access to public streets. Because this is basically a landlocked parcel with the exception of an easement which doesn't give it legal access, the building inspector can't issue a building permit to a parcel that only has access by easement. The remedy for that would be that open area development. Your surveyor can probably assist you better with that. Because it doesn't have access to a street, this Board can't approve the subdivision on the parcel without that relief, the 280-A relief from the Town Board. MS. RACHICHI: Okay. MR. HINES: So that's -- it's a hurdle that we can't overcome at this Board. Your surveyor has both the letter from the attorney and my comment letter regarding that. The step would be to petition the Town

23The step would be to petition the Town24Board for an open area development. If that was25granted, then you would come back to this Board

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#### RACHICHI SUBDIVISION

for subdivision approval. Because it doesn't 2 have access on a street, and the limited access 3 highway, Route 84 and the Thruway, are 4 specifically precluded from allowing that access. 5 CHAIRMAN EWASUTYN: I have here a copy 6 7 of the understanding of Town Law Section 280-A that Mike Donnelly, our Attorney, put together. 8 Take that with you. After reading it one or two 9 or three times like I had to do myself, you'll 10 understand how it's broken up into the sections, 11 whether it be a variance --12 13 MR. HINES: It explains the issue specifically to this lot, the access issue that 14 15 you have. Your surveyor has that same letter. CHAIRMAN EWASUTYN: We'll get back to 16 you in the course of 48 hours, whether we refer 17 you to the Town Board or whether you could make 18 the direct petition to the Town Board. Our 19 Attorney, Mike Donnelly, again isn't here this 20 evening. We'll have Bryant Cocks e-mail him, get 21 his advice as far as how to direct you, and we 22 will get back to you and your surveyor. 23

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Okay.

CHAIRMAN EWASUTYN: Bryant, you may

Thank you.

MS. RACHICHI:

RACHICHI SUBDIVISION

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want to take the opportunity now to briefly review the subdivision.

Ms. Rachichi, Bryant Cocks, our Planning Consultant, will take the time to review with you, after your success with the Town Board, how you'll have to amend your subdivision.

MR. COCKS: The plan was very basic. There are some requirements under the Town of Newburgh subdivision regulations that need to be met, including setback lines, buildable area requirements and lot area requirements. Right now all this shows are two proposed house locations with no driveways, no utility lines leading up to it. So there's a list of information that I listed and faxed over to Mr. Boowkos, the requirements that will be -- that will need to be done on the plans before this can get approved by the Planning Board. After the Town Board approval comes in, he'll have this list of requirements that he needs to put on the plans before you come back here.

MS. RACHICHI: Okay.

MR. COCKS: I have them all listed. They're pretty basic and pretty standard for all

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RACHICHI SUBDI	VISI	<b>N</b> C	
subdivisions	in	the	Town.

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needs to go on there for it to be approved. 3 MS. RACHICHI: And he has that also? 4 CHAIRMAN EWASUTYN: Here's a copy for 5 you of both Pat Hines' review and --6 7 MR. HINES: One of the major concerns is the lot geometry on lot 1. Being long and 8 narrow, it may not meet the buildable area 9 envelope. There may be a need to move that line or revise that lot line. 11 MR. COCKS: In this zone you need 10,000 square foot of a perfect square or rectangle. With that lot geometry it's going to be tough -- it's probably not going to happen with that area you have the lot line right now. It will have to be shifted. MS. RACHICHI: It can be moved down. MR. HINES: The next step you have is the Town Board open area development, otherwise

> the landlocked parcel is basically landlocked for our purposes.

MS. RACHICHI: Okay. CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, do you have anything to add?

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He'll be aware of what

1	RACHICHI SUBDIVISION 18
2	MR. CANFIELD: I have nothing further.
3	MS. RACHICHI: Quite a few years ago I
4	was before the Board and did do a subdivision and
5	they didn't say the same thing. I mean
6	MR. HINES: Which lot did you
7	subdivide?
8	MS. RACHICHI: It was awhile ago. I
9	would have to say at least fifteen years ago. I
10	have the notes and everything from that. They
11	didn't tell me you can't do anything with the
12	land at that time. I was able to
13	MR. HINES: To subdivide this parcel?
14	MS. RACHICHI: Yes. I have the notes
15	and everything with me.
16	MR. HINES: And that map was filed?
17	MS. RACHICHI: I just didn't do the
18	engineering. My daughter had gotten really sick
19	and I just couldn't proceed.
20	CHAIRMAN EWASUTYN: Ken Mennerich and I
21	thought we had also done a site inspection there.
22	MS. RACHICHI: You did. You came out
23	and looked at it and everything. Okay.
24	CHAIRMAN EWASUTYN: To help you, if it
25	is a help, when you read Mike Donnelly's

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1RACHICHI SUBDIVISION192explanation, 280-A, it might add some clarity to3the issue.4MR. HINES: Do you happen to have a5Town file number? That will help us look it up.6MS. RACHICHI: Yes.7CHAIRMAN EWASUTYN: Take your time.8MS. RACHICHI: Sorry.9CHAIRMAN EWASUTYN: That's quite all10right.11MS. RACHICHI: I don't see a number but12I just have the notes.13MR. HINES: Someone's written comments14or your own?15MS. RACHICHI: They're typed. They had16given me copies of everything that happened.17MR. HINES: We may be able to tell by18who wrote them. '89.19MS. RACHICHI: My name was different.20I got divorced since then.21MR. HINES: 1989.22CHAIRMAN EWASUTYN: That's when you23were a Town councilman.24MR. FOGARTY: Yeah, I was.25MS. RACHICHI: Thank you. Thank you		
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24 MR. FOGARTY: Yeah, I was.	22	CHAIRMAN EWASUTYN: That's when you
	23	were a Town councilman.
25 MS. RACHICHI: Thank you. Thank you	24	MR. FOGARTY: Yeah, I was.
•	25	MS. RACHICHI: Thank you. Thank you

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1	20
2	for your time.
3	CHAIRMAN EWASUTYN: If you have a
4	number or e-mail you want to give Bryant Cocks,
5	he'll be able to contact you in reference to how
6	we can refer you and how you are referred to the
7	Town Board. He'll notify you.
8	MS. RACHICHI: Thank you.
9	(Time nited: 7:16 p.m.)
10	
11	CERTIFICATION
12	
13	I, Michelle Conero, a Shorthand
14	Reporter and Notary Public within and for
15	the State of New York, do hereby certify
16	that I recorded stenographically the
17	proceedings herein at the time and place
18	noted in the heading hereof, and that the
19	foregoing is an accurate and complete
20	transcript of same to the best of my
21	knowledge and belief.
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25	DATED: January 30, 2012

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## 7. ASSESSOR:

A. Certiorari Settlement: Sunrise Realty B. Equity Appraisal Services



APR 1 1 2012



At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 14th day of March, 2012 at 7:00 o'clock p.m.

#### PRESENT:

Wayne C. Booth, Supervisor George Woolsey, Councilman Gilbert J. Piaquadio, Councilman Elizabeth J. Greene, Councilwoman Ernest C. Bello, Jr., Councilman

RESOLUTION OF TOWN BOARD AUTHORIZING SETTLEMENT OF PROCEEDING UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW: SBL # 47-1-29 SUNSET CREST REALTY CORP. (Rock Cut Road), INDEX NUMBERS 2008-7547, 2009-7880, 2010-8433 AND 2011-6939

Councilman/woman \_\_\_\_\_\_ presented the following resolution which was seconded by Councilman/woman \_\_\_\_\_\_.

WHEREAS, Sunset Crest Realty Corp. ("Petitioner") has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Newburgh, Orange County, New York located near Rock Cut Road (Section 47-Block 1-Lot 29) on the tax assessment rolls for the tax years 2008, 2009, 2010 and 2011; and

WHEREAS, special counsel to the Town, Hacker & Murphy, LLP, has negotiated a settlement of the proceeding with the Petitioners, the terms of which are embodied in a proposed Consent Judgment annexed hereto and recommended that the Town Board authorize the settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs the Town Supervisor and Hacker & Murphy, LLP to execute and deliver the Consent Judgment on behalf of the Town; and

BE IT FURTHER RESOLVED, that Hacker & Murphy, LLP, the Attorney for the Town, the Town's Deputy Assessor and other officers of the Town are hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the settlement; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

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The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

 George Woolsey, Councilman
 voting

 Gilbert J. Piaquadio, Councilman
 voting

 Elizabeth J. Greene, Councilwoman
 voting

 Ernest C. Bello, Jr., Councilman
 voting

 Wayne C. Booth, Supervisor
 voting

The resolution was thereupon declared duly adopted.





Equity Appraisal Services 49 North Street Newburgh, NY 12550 Tel: (845) 561-5067 Email: mikeifogarty@gmail.com

#### MEMORANDUM

TO: Supervisor Wayne Booth FROM: Michael J. Fogarty Date: January 5, 2012 Re: Professional Service Fee Estimate

As per your request the following represents my estimate of hours to be worked and my hourly fee in the preparation of job specifications, advertising, resume review and interview consultations for the position of the Sole Assessor for the Town of Newburgh, as well as any other consultations as the need may arise.

- Hourly rate: (125) One Hundred and twenty-five dollars

- Estimated Hours: (25) twenty five hours
- Professional Discount (-25%) Twenty five percent

If you have any questions, please contact me. I look forward to being of assistance to the town on this important matter.

Respectfully submitted,

Michael J. Fogarty Equity Appraisal Service

# 8.84 REALTY REZONING

84 Realty LLC PO Box 467 Highland Mills, NY 10918 (845) 827-5161 Fax (845) 827-5165

March 15, 2012

Hon. Wayne C. Booth Supervisor Town of Newburgh Town Hall, Route 300 Newburgh, New York 12550

#### RE: APPLICATION FOR ZONING CHANGE, Town of Newburgh -Lands of 84 REALTY LLC - Premises: 9.4 Acres/Patton and South Plank Roads (Section 53, Lot 44)("Property")

Dear Supervisor Booth:

This letter supersedes and is submitted in substitution of our letter to you of January 18, 2012 which is hereby withdrawn. As the owner of 9.4 acres of Property (SBL 47-1-44) bounded by Patton and South Plank Roads in the Town of Newburgh, New York we are writing you and the Town Board members further to our currently pending application for a zoning change as well as our corresponding application to amend the Master Plan of the Town of Newburgh so as to change the zoning of the Property from the current "B" zone to "R-2" (residential) zone.

In that connection I write to confirm our agreement to move forward with our aforesaid application for the zoning change based on the Town Board's agreement and actions in amending the current zoning of the Property to "R-2" on the following basis:

- 1. We agree that the effectiveness of any such zoning change is hereby conditioned on our use and development of the Property exclusively for single family residential homes only.
- 2. Effective immediately on the date of such zoning change we will promptly file and thereafter diligently pursue a subdivision application with the Town of Newburgh Planning Board seeking an approved subdivision of 17 single family homes in accordance with the attached Sketch Plan prepared by Kirk Rother, P.E.
- 3. Unless otherwise mutually agreed, if within two (2) years from the effective date of the zoning change the Town of Newburgh Planning Board has not issued a Resolution of either Final or Conditional Final Subdivision Approval approving at least a fifteen (15) lot subdivision, for use as single family home buildable lots only, there would be an automatic rescission of the Town Board's zoning thereby resulting at that time in the Property automatically and without further action or consent returning to, and being covered and governed pursuant to and in accordance with, the existing "B" zoning requirements and restrictions

Thanking you and the Town Board members in advance for your due consideration and approval of the requested zoning change on the basis aforesaid, I am

Sincerely you 4 Realty LLC

Bernard Mittelman, Managing Member

copy to: Mark C. Taylor, Esq. - Town of Newburgh Attorney Kirk C. Rother- 84 Realty LLC Engineer Stanley Schutzman, Esq.



9. POLICE: Telephone Maintenance Contract Renewal

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## **TOWN OF NEWBURGH POLICE DEPARTMENT**

300 Gardnertown Road, Newburgh, New York 12550

Michael Clancy Chief of Police (845) 564-1100

April 2, 2012

To: Town Board

From: Chief Michael Clancy

Subject: Telephone Maintenance Contract Renewal

I am requesting your authorization to renew the Police Department's telephone system maintenance contract. Our current maintenance contract is expiring on April 30, 2012. Our contract is with Telecom Support Specialists and costs \$4,980.00 for 12 months. Telecom Support has agreed to renew the contract for the same price and add an additional month to the contract term. The new contract term would be from May 1, 2012 to May 31, 2013.

There is enough money is account # 3010.497 to cover the cost of the renewal.

I have enclosed a copy of the proposal and an invoice and request for your approval so we can make payment prior to the end of April.

Respectfully Submitted,

michael (i Chief Michael Clancy

10. RECREATION: Hiring of Part Time Chauffer

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# TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo Commissioner of Parks, Recreation & Conservation 845-564-7815 FAX: 845-564-7827 J,

April 2, 2012

- TO: Wayne Booth, Supervisor Town Board Members
- CC: Charlene Black, Personnel
- FROM: Robert J. Petrillo, Commissioner
- RE: Hiring Part Time Chauffeur

I would like to request authorization to hire Mr. David O'Keefe as a part time chauffeur starting April 19th. Hiring for this position will fill the vacant spot in the Recreation Department.

Mr. O'Keefe will be hired at the rate of \$12.00/hour. The salary for this position is in the budget under account 6773-0100.

Thank you for your consideration.

Robert J. Petrillo Commissioner

# 11. DATA PROCESSING: Purchase of Computers for Code Compliance

## For Audit Meeting Wednesday April 11, 2012

# 1.

Purchase of 12 Computers from Dell for Code Compliance

12 Dell OptiPlex 790 Mini Tower Computers @ \$ 824.33 For a total purchase of ......\$ 9,892.00

## 2.

From computer reserve fund 001-878 currently has \$ 97,463.55

# 3.

Purchase of 37.5 hours @ \$ 80.00 from Firthcliffe Technologies Inc. for a total of \$ 3000.00

This \$ 3000.00 purchase will be made from the computer maintenance account.

Computer maintenance account # 001-1680.0497 currently has \$ 34,854.00

Gil

# 12. WATER DISTRIBUTION: Hydrant Flushing

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### TOWN OF NEWBURGH TOWN ENGINEER 1496 Rte. 300 Newburgh, NY 12550 (845) 564-7814

### MEMORANDUM

TO: Wayne Booth, Town Supervisor & Town Board

**FROM:** James W. Osborne, Town Engineer

**DATE:** April 9, 2012

RE: HYDRANT FLUSHING - 2012

I am proposing the following schedule for hydrant flushing:

Week 1 – Begin May 7, 2012 @ 8 AM

Week 2 – Begin May 14, 2012 @ 8 AM

I will need one or two additional personnel to work with the Water Department to complete the flushing program in the time allocated. I will coordinate with the Supervisor and other departments to identify suitable candidates.

The block ads should be in the Sentinel and Mid-Hudson Times on May 1 and May 2 respectively. Prior to flushing, the Water Department will provide individual notice to businesses that may be adversely impacted by flushing.

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda for approval. If you have any questions or comments, I am available to discuss them with you.

#### JWO/id

cc: A. Zarutskie, Town Clerk

L. Cornell, Bldg. & Grounds

D. DeGroate, Water Dept.

D. Benedict, Hwy. Supt.

J. Guido, Filter Plant

R. Petrillo, Comm. P, R & C