April 22, 2009

The meeting was called to order by Chairman Crystal J. Abers.

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed one Legislator absent - Mr. Neal.

MR. SNYDER moved, seconded by Mr. Giardini that the minutes of the April 8, 2009 session be approved. Carried.

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APPOINTMENTS:

Long-Term Care Advisory Council: Term to expire December 31, 2009

Cherianne Wold, Director
Department of Aging
1 Leo Moss Drive, Suite 7610
Olean, New York 14760
(replacing Ann Feightner, who resigned)

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PROCLAMATIONS:

CHAIRMAN ABERS proclaimed April 23, 2009 as Linwood Center Day in Cattaraugus County.

CHAIRMAN ABERS proclaimed the week of April 26, 2009 through May 2, 2009 as Crime Victims' Rights Week in Cattaraugus County.

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CHAIRMAN ABERS granted privilege of the floor to Michael McCarthy of McCarthy & Conlon, LLP who presented the annual Nursing Home Audit Report for year ending December 31, 2008.

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ACT NO. 218-2009 by Mr. Giardini and Mr. Ellis

BID ACCEPTANCE FOR PURCHASE OF THREE 4-6 TON STATIC STEEL WHEELED ROLLERS (Department of Public Works)

Pursuant to Section 103 of the General Municipal Law and Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of three (3) new and unused 4-6 ton static steel wheeled rollers, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the purchase of three (3) new and unused 4-6 ton static steel wheeled rollers was

the bid of Baschmann Services, Inc., 1101 Maple Road, Elma, New York 14059, as follows:

(3) 2009 New and Unused Ferguson Model 46A \$173,907.00

Less Trade-in Allowance - Roller 3193 \$ 6,000.00

- Roller 3293 \$ 6,000.00

- Roller 3393 \$ 6,000.00

Net Cost for Three Rollers \$155,907.00

now, therefore, be it

RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Ten sets of specifications were sent out.

Two bids were received.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted April 22, 2009 by voice vote.

ACT NO. 219-2009 by Mr. Giardini and Mr. Ellis, Mr. Marsh, Mr. Murphy and Mr. Neal

BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERTS FOR MANSFIELD CULVERT NO. 1, MANSFIELD CULVERT NO. 14 AND COLDSPRING CULVERT NO. 11 (Department of Public Works)

Pursuant to Section 103 of the General Municipal Law and Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of precast concrete box culverts for Mansfield Culvert No. 1, Mansfield Culvert No. 14 and Coldspring Culvert No. 11, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bids received meeting specifications for all three culvert projects were the bids of Binghamton Precast and Supply Corp., 18 Phelps Street, Binghamton, New York 13901, as follows:

Mansfield Culvert No. 1 \$48,450.13 Mansfield Culvert No. 14 \$47,295.72 Coldspring Culvert No. 11 \$80,919.51,

now, therefore, be it

RESOLVED, that the aforementioned bids be, and the same hereby are, accepted, for a term commencing on the date of the contract signing and terminating December 31, 2009, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Five sets of specifications were sent out for each project. Three bids were received for each project.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted April 22, 2009 by voice vote.

ACT NO. 220-2009 by Mr. Giardini and Mr. Ellis

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH WENDEL DUCHSCHERER ARCHITECTS AND ENGINEERS, P.C. FOR LITTLE VALLEY SAND/SALT STORAGE FACILITY ENGINEERING SERVICES

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 472-2007 authorized a contract with Wendel Duchscherer Architects and Engineers, P.C., 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, for the provision of engineering services required for the construction of the Little Valley sand/salt storage facility, the term of which expired December 31, 2007, and

WHEREAS, the construction work was completed in the spring of 2008; however, an outstanding invoice in the amount of \$8,800 remains unpaid to close out this portion of the project, and

WHEREAS, the aforementioned contract should be amended to extend the term to June 1, 2009 in order to close out the project, and

 $\,$ WHEREAS, sufficient funds are included in the budget to cover the outstanding invoice, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Wendel Duchscherer Architects and Engineers, P.C., to extend the term to June 1, 2009, according to the above-described terms.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted April 22, 2009 by voice vote.

 \mathbf{ACT} NO. 221-2009 by Mr. Burrell and Mr. Boser and Mr. Marsh^1

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH RANDOLPH AREA COMMUNITY DEVELOPMENT CORPORATION FOR COMMUNITY DAY EVENT AT ONOVILLE MARINA

Pursuant to Sections 224 (2), (14) and 450 of the County Law.

WHEREAS, the County is desirous of obtaining assistance with the planning and execution of the August 8, 2009 Community Day events at the Onoville Marina, and

WHEREAS, the Randolph Area Community Development Corporation, 72 Main Street, Randolph, New York 14772, can provide the necessary equipment,

materials and services, for the implementation of the Community Day events to be held at the Onoville Marina on August 8, 2009, for an amount not to exceed \$5,000, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Randolph Area Community Development Corporation, for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

 $^{\mbox{\tiny 1}}$ The following Legislator requested his name be listed as an additional sponsor: "Mr. Marsh".

Adopted April 22, 2009 by voice vote.

ACT NO. 222-2009 by Mr. Giardini and Mr. Ellis and Mr. $Padlo^1$

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MJW TECHNICAL SERVICES, INC. FOR BOARD OF ELECTIONS ELECTRONIC VOTING MACHINES STORAGE SPACE

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 241-2008 authorized a contract with MJW Technical Services, Inc., 240 Root Street, Suite 100, Olean, New York 14760, for the rental of storage space for the electronic voting machines, the term of which expires May 31, 2009, and

WHEREAS, the County is desirous of continuing the rental of space for the aforementioned voting machines, and

WHEREAS, MJW Technical Services, Inc., has agreed to rent 3,800 square feet of space at the Morton Building for the storage of the aforementioned voting machines for an amount of \$1,900 per month, which includes all utilities (except phone service) and the use of the bathroom and kitchen facilities located in Suite 100, and

 $\,$ WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with MJW Technical Services, Inc., for the rental of the above-described space, for a term commencing June 1, 2009 and terminating May 31, 2010, according to the above-described terms.

Approved by 7 members of the Finance Committee, 8 members of the Public Works Committee and 6 members of the County Operations Committee.

 $^{\mbox{\tiny 1}}$ The following Legislator requested his name be listed as an additional sponsor: "Mr. Padlo".

Adopted April 22, 2009 by voice vote.

ACT NO. 223-2009 by Mr. Vecchiarella and Mr. Aiello, Mr. Murphy and Mr. Padlo¹

AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH U.S. DEPARTMENT OF JUSTICE PROGRAMS FOR RECOVERY ACT EDWARD BYRNE MEMORIAL COMPETITIVE GRANT (Probation Department)

Pursuant to American Recovery and Reinvestment Act of 2009, Public Law 111-5 and Section 450 of the County Law.

WHEREAS, funding is available through the U.S. Department of Justice Office of Justice Programs for the Recovery Act Edward Byrne Memorial Competitive Grant, and

WHEREAS, community corrections professionals play a key role in both aiding prisoner re-entry and preventing crime by monitoring and engaging adult and juvenile offenders in effective case management and offender supervision, and

WHEREAS, probation, parole, and community corrections officers help jurisdictions "manage down" the incarceration costs by allowing them to release non-violent offenders earlier into the community, thus helping relieve the burden on stretched state and local budgets, and

WHEREAS, applications to apply for funding are being solicited under Category II to increase the number of neighborhood-based probation, parole, and community corrections officers, and

WHEREAS, the County should apply for the aforementioned grant from the U.S. Department of Justice Office of Justice Programs, and

WHEREAS, this program is 100% federally funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the U.S. Department of Justice Office of Justice Programs, in order to apply for the aforementioned funding, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Murphy and Mr. Padlo".

Adopted April 22, 2009 by voice vote.

ACT NO. 224-2009 by Mr. Vecchiarella and Mr. Aiello, Mr. Murphy, Mr. Teachman, Mr. McClune and Mr. Padlo 1

AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH U.S. DEPARTMENT OF JUSTICE PROGRAMS FOR COPS SECURE OUR SCHOOLS PROGRAM

Pursuant to Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3796, as amended, Violent Crime Control and Law Enforcement Act of 1994, Title I, Part Q, Public Law 103-322 and Section 450 of the County Law.

WHEREAS, Act 569-2008 authorized a contract with the U.S. Department of Justice Office of Community Oriented Policing Services for the Secure Our Schools Program, and

WHEREAS, funding is again available through the U.S. Department of Justice Office of Community Oriented Policing Services for the Secure Our Schools Program, and

WHEREAS, the aforementioned funding will be used to reimburse applicant schools fifty percent (50%) of the cost for security equipment purchases, and

WHEREAS, the County should apply for the aforementioned grant from the U.S. Department of Justice Community Oriented Policing Services Office, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the U.S. Department of Justice Office of Community Oriented Policing Services, in order to apply for the aforementioned funding, for a term commencing September 1, 2009 and terminating August 31, 2011, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Safety Committee.

 $^{\rm 1}$ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Murphy, Mr. Teachman, Mr. McClune and Mr. Padlo".

Adopted April 22, 2009 by voice vote.

ACT NO. 225-2009 by Mr. Aiello and Mr. Snyder

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH THE LAMAR COMPANIES FOR DEPARTMENT OF HEALTH FAMILY PLANNING PROGRAM

Pursuant to Section 2526 of the Public Health Law and Section 450 of the County Law.

WHEREAS, Act 115-2008 authorized a contract with The Lamar Companies for a billboard advertisement for the County's family planning program, at a cost of \$11,430, the term of which expired December 31, 2008, and

WHEREAS, the County Health Department is desirous of renewing the aforementioned billboard advertisement, and

WHEREAS, The Lamar Companies, 289 Exchange Street, Buffalo, New York 14204, can provide two (2) large billboard displays and four (4) smaller billboard displays each month, for a 9-month period, to be located at various locations throughout the County, at an amount of \$1,333.33 per month, for a total amount of \$12,000, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with The Lamar Companies, for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms.

AMENDING ACT 151-2009 REGARDING CONTRACTS WITH VARIOUS INDIVIDUALS FOR HEALTH DEPARTMENT NURSE PRACTITIONER SERVICES

Pursuant to 10 NYCRR Section 766.10 and Section 450 of the County Law.

WHEREAS, Act 151-2009 authorized contracts with various individuals for the provision of services of a Nurse Practitioner for Family Planning and Sexually Transmitted Disease Clinics, at the rate of \$40 per hour for up to 10 hours per week for each Nurse Practitioner, and

WHEREAS, Act 151-2009 should be amended to increase the amount of hours per week from "up to 10 hours" to "up to 28 hours" per week for each Nurse Practitioner, now, therefore, be it

RESOLVED, that Act 151-2009 be, and hereby is, amended as follows: In the Second Whereas, delete: "10 hours" and replace with: "28 hours".

Approved by 7 members of the Finance Committee and 4 members of the Human Services Committee.

 $^{\scriptscriptstyle 1}$ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted April 22, 2009 by voice vote.

ACT NO. 227-2009 by Mr. Snyder

AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH SANJAY GUPTA, M.D. FOR DEPARTMENT OF COMMUNITY SERVICES PSYCHIATRIC MEDICAL SERVICES

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i) and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 716-2008 authorized a contract with Psychiatric Network, P.C., for the provision of psychiatric medical services provided by Sanjay Gupta, M.D., for the Department of Community Services, the term of which expires December 31, 2009, and

WHEREAS, Psychiatric Network, P.C. is dissolving and the aforementioned services will continue being provided by Sanjay Gupta, M.D., and

WHEREAS, a contract is necessary with Sanjay Gupta, M.D. for the provision of the aforementioned psychiatric medical services, and

WHEREAS, Sanjay Gupta, M.D., 515 Main Street, Olean, New York 14760, can provide psychiatric medical services for the Department of Community Services at a rate of \$130 per hour for an amount not to exceed \$26,000, as follows:

Minimum of 3 hours per week March 15, 2009 through June 12, 2009 Minimum of 5 hours per week June 15, 2009 through December 31, 2009, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Sanjay Gupta, M.D., for the provision of the above-described psychiatric medical services, for a term commencing March 15, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

Approved by 7 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted April 22, 2009 by voice vote.

ACT NO. 228-2009 Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Ms. Vickman, Mr. Hebdon, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

SALE OF TAX TITLE PROPERTY TO FORMER OWNERS (Towns Of Ashford, Great Valley, Lyndon, Napoli, Portville And Yorkshire And City Of Olean)

Pursuant to Section 215 of the County Law and Rule 40 of the Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property situate in the Towns of Ashford, Lyndon, Napoli, Portville, and Yorkshire, and the City of Olean as described below, and

WHEREAS, the former owners of the property have offered to purchase the same at a cost which will cover the County's financial involvement in these premises, and

WHEREAS, the costs involved for these premises have been tendered to the County Treasurer's Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute County Treasurer's Deeds conveying these properties to the following individuals:

TOWN OF ASHFORD

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
27	29.011-2-16	Carl Radotavich	72 Weeden Rd. Randolph, NY 14772	\$6,349.51
28	11.004-2-20.1	Abu Ramadhan	120 State Park Ave. Salamanca, NY 14779	

TOWN OF GREAT VALLEY

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT				
112	56.004-2-36	Megan Forness	501 Delaware Ave. Buffalo, NY 14202	\$1,615.64				
113	56.004-2-37	Megan Forness	501 Delaware Ave. Buffalo, NY 14202	\$1,940.52				
TOWN OF LYNDON								
#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT				
147	41.004-1-17.8	Derek & Katherine Thompson	856 Palmer Rd. Franklinville, NY 1	\$7 , 579.55 4737				
TOWN OF NAPOLI								
#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT				
170	62.030-1-3	Jack & Teri Parker	442 Kings Highway N Randolph, NY 14772	\$1,154.23				
171	62.030-1-16.2	Jack & Teri Parker	442 Kings Highway N Randolph, NY 14772	\$2,201.37				
TOWN OR PORTVILLE								
#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT				
300	113.002-1-2	Stacy Sturdevant	421 Portville-Eldred F Portville, NY 14770	kd.\$7,439.15				
TOWN OF YORKSHIRE								
#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT				
328	11.004-1-7	Carl Radotavich	72 Weeden Rd. Randolph, NY 14772	\$11,499.62				
CITY OF OLEAN								
#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT				
225	94.066-3-45	C. Christian Henzel	206 N. Fifth St. Olean, NY 14760	\$11,136.70				
	MR. O'BRIEN moved, seconded by Mr. Giardini to waive Rule 12. Carried.							

MR. O'BRIEN moved, seconded by Mr. Giardini to waive Rule 12. Carried.

Adopted April 22, 2009 by voice vote.

ACT NO. 229-2009 by Mr. Aiello and Mr. Snyder who ask immediate consideration

BID ACCEPTANCE FOR MOSQUITO SPRAYING (Health Department)

Pursuant to Section 103 of the General Municipal Law and Section 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for aerial application and insect control, according to specifications provided by the Cattaraugus County Health Department, and WHEREAS, the only bid received was Duflo Spray-Chemical, Inc., 8369 State Route 812, Lowville, New York 13367, as follows:

Applications - Applied Rates Teknar HP-D & Zoecon Altosid Mixture $$11.95/acre \times 4,120 acres = $49,234.00$ 1st larvicide application Subsequent larvicide application $$11.65/acre \times 4,120 acres = $47,998.00$ 1st adulticide application $$4.35/acre \times 11,590 acres = $49,605.20$ if Scourge is used subsequent adulticide \$4.18/acre x 11,590 acres = \$48,446.20 2nd adulticide application $$4.35/acre \times 11,590 acres = $49,605.20$ if Anvil 10 + 10 is used subsequent adulticide $$4.18/acre \times 11,590 acres = $48,446.20,$

and

WHEREAS, the aforementioned services are 36% state, 20% county and 44% locally funded, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Duflo Spray-Chemical, Inc. be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Public Health Director of the Health Department be audited by the Auditor and paid by the County Treasurer.

No State Bid.

51 sets of specifications were sent out. Only one bid was received.

MR. SNYDER moved, seconded by Mrs. Witte to waive Rule 12. Carried.

Adopted April 22, 2009 by voice vote.

ACT NO. 230-2009 by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. Padlo and Mrs. Witte who ask immediate consideration

AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION TO APPLY FOR FUNDING WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR PURCHASE OF VIDEO RECORDING EQUIPMENT

Pursuant to American Recovery and Reinvestment Act of 2009 (Public Law 111-5), 42 U.S.C. Section 3751(a) and Section 450 of the County Law.

WHEREAS, funding up to \$50,000 is available through the New York State Division of Criminal Justice Services, Office of Program Development & Funding, for the purchase of video recording equipment for capturing statements to police and/or prosecutors, and

WHEREAS, the District Attorney's Office, on behalf of the County Departments of Health, Emergency Services, Sheriff and Information Technology, is desirous of applying for the aforementioned one-time grant, which is made available through the Federal Byrne Justice Assistance Grant, and

WHEREAS, the aforementioned funding shall be used only for the purchase and installation of video recording equipment and cannot be used for construction or renovation of an interview room, and

WHEREAS, the County should apply for the aforementioned funding, and $% \left(1\right) =\left(1\right) +\left(1\right$

WHEREAS, there is no local match required to obtained the above-described funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, Office of Program Development & Funding, in order to apply for the aforementioned funding, for a term commencing July 1, 2009 and terminating January 1, 2010, according to the above-described terms.

MR. AIELLO moved, seconded by Mr. Ward to waive Rule 12. Carried.

Adopted April 22, 2009 by voice vote.

MR. SNYDER moved, seconded by Mr. Vecchiarella to adjourn until May 13, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 3:35 p.m.

Ann M. Giglio Journal Clerk