

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
NOVEMBER 19, 2018**

7909

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 19, 2018 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Eileen Patterson and George McManus. Also, present were: Village Clerk, Raina Abramson, Village Attorney, Stephen Gaba and DPW Supervisor, Michael Moser. Others present: Joe Lawler, Daniel Mack, Katie Bisaro, Kathy Gerstner, Jonathan Bix, Olivia Figueroa, Mateo Rodriguez, Sharon Halper, Pastor Rolfi Elivo, Sabrina Jennings, Patricia Reinhardt, Mary Collura, Randy Santa, Fernando Alquezada, Elizabeth Houlton, Terry Mack, Oscar Figueroa, Donna Haley, Alfredo Pacheco, Jarim Birgem and others.

The Mayor called the meeting to order and led in the Pledge of Allegiance. The Clerk held the roll call.

Acceptance of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to accept the Minutes of November 5, 2018. Five Ayes

Acceptance of Reports

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to accept Reports: Clerk's Office (October 2018) & Tax Collection Summary (October 1 - November 2, 2018), Justice (October 2018), Building (October 2018), Planning Board & ZBA (October 2018). Five Ayes

Authorization to pay all Approved and Audited Bills

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to authorize to pay all approved and audited bills in the amount of \$359,833.05. Five Ayes

Police Report

The October 2018 Town of Warwick Police Department Report was submitted.

Presentation

1. Warwick Immigrant Neighbors, Nobody Leaves Mid-Hudson, and local Hispanic Families

Jonathan Bix, Executive Director and co-founder of Nobody Leaves Mid-Hudson, supporters of Nobody Leaves Mid-Hudson, and local residents spoke about the benefits of a proposed municipal ID program.

Correspondence

1. Letter from Dr. David Leach of the Warwick Valley Central School District

Privilege of the Floor

(Please limit your comments to **five (5)** minutes. If reading a document, please submit a copy to the Clerk. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before speaking). These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials.

Joe Lawler: Good evening ladies and gentlemen, Joe Lawler, Village resident. I noticed before when you said acceptance of reports on items three on the agenda, are those reports available to the public?

Mayor Newhard: Yes, they are.

Joe Lawler: Ok. The only thing I had was the proposal, I think it is Barry's motion, to go to a different system for collected the taxes or making available that people can pay with their credit card, electronic check or debit card and I tell you, it's quite a piece of work, very excellent. First of all, the report really, if you really read it, it is very detailed and very well put together.

Mayor Newhard: You can thank the clerk for that.

Joe Lawler: I haven't seen a report this good since I retired. Unfortunately, and it doesn't hide it, that's another thing about a good document. It doesn't try to hide the stuff they don't want you to see. It puts it right out there, that all the fees incurred by the Village of Warwick for accepted online payments will be moved to the customer, to the customer, and the customer.

Trustee McManus: They already are to the customer.

Joe Lawler: No, if I pay by credit card just a quick back of the envelope, under the new plan with this company Forte, it says 2.45%. If I come in here to pay my taxes, and most people's is about \$1,200 for the Village, 2.45% is about \$30. You're charging me \$30 to pay my taxes on a credit card. Even credit card companies don't charge that much. Even the catholic church doesn't charge that much. But seriously, what's happening is, and I understand there's a cost to the Village, and I understand you have to move to a better system, that's without a doubt. I guess a more computerized, orderly system, where you don't have to do all of the manual entries into the system when people come to pay, but I think the charge of \$30 to come in with a credit card and pay your taxes – if I had a debit card it's only \$4, what's the deal? \$30 to \$4.

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Mayor Newhard: Well, the reality is that as a municipality we are not allowed to absorb those costs.

Trustee Patterson: It's a convenience fee.

Mayor Newhard: It's a convenience fee, yes.

Joe Lawler: But you're absorbing it now, are you not?

Trustee McManus: No.

Mayor Newhard: No.

Trustee Patterson: No, we're not. That's the whole point Joe.

Joe Lawler: Who's paying them?

Trustee McManus: The customer.

Joe Lawler: I come in with a check, there's no cost to you to cash that check?

Trustee McManus: No.

Mayor Newhard: No.

Joe Lawler: Ok, credit card there is?

Mayor Newhard: Yes.

Trustee McManus: Yes.

Joe Lawler: Because it says the fee as absorbed by the Village.

Raina Abramson: No.

Joe Lawler: It does say that in here.

Mayor Newhard: No. I don't believe so.

Joe Lawler: I didn't print out the whole thing, but I know for sure I saw it in here somewhere where the Village is currently.

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Raina Abramson: The only place that states that is if we had a credit card swiper in the Clerk's Office, which we currently don't, with Official Payments.

Joe Lawler: Ok, maybe that's it. I know I saw something.

Raina Abramson: That would be one of the cons of having Official Payments.

Joe Lawler: I don't know anybody that pays by credit card on their Village taxes. I just used that as an example because 2.45% is a big charge. I don't even know if the guy on the corner charges that much. That's the only thing I see with this.

Trustee McManus: The bank fee that the bank would charge is the same thing if you go to a store, the store absorbs that fee that the credit card company is charging them for processing. We can't absorb that fee and that fee is set by them.

Joe Lawler: Ok. I understand you're trying to upgrade your system, but...

Trustee Patterson: Joe, we're trying to provide options for people who would like to pay by credit card.

Joe Lawler: Right, and understand people like to pay by computer now and debit cards and all of that. I'm old school, but I don't begrudge them anything for wanting it. I think it's fine and I think this proposal is great. I just don't like the fact of adding on another charge that's hidden.

Trustee Patterson: It's not hidden.

Mayor Newhard: It's not hidden and I'll tell you something, the staff always tells the customer when they want to put something, whether it's a water bill or tax, anything on a credit card, our staff expresses that you know this is the charge that you will have to pay if you do it this way.

Joe Lawler: Would that be \$30? On a tax bill of \$1,200?

Mayor Newhard: Depending upon what the tax is.

Trustee McManus: Yes, the percentage isn't changing, or it might change.

Raina Abramson: It would go down.

Trustee McManus: It's actually going down from the current fee. Using the company Official Payments, who we use now to take credit cards for us, going to the new company would lower the percentage that they are charging so we would be lowering the amount that the customer is paying for the convenience fee.

Joe Lawler: Ok, but they get the fee.

Trustee McManus: They get the fee. The new company would also get the fee. It's not coming to us. It's staying with whatever company is processing the card, processing the payment.

Joe Lawler: I'm sorry, I didn't print the whole thing out. I thought there was something else in there where it would be split, the Village would get part of the fee. I don't have the whole thing. It was a very detailed document, very excellent work, but I thought I remembered seeing in there where 2.45% went to the charge and part of that was reimbursable to the Village. I could be wrong.

Mayor Newhard: No.

Raina Abramson: No.

Joe Lawler: I could be wrong. She drew it up, so she would know.

Mayor Newhard: She knows.

Raina Abramson: Trust me I know.

Trustee McManus: She'll go over it you want.

Mayor Newhard: We've been living it.

Joe Lawler: There were a lot of pages to digest and to see it. It brings it back to what we said a long time ago with the leaf bags, when that started. We used to put our leaf bags out. They'd take them away and bring the plastic bags back and then I understand you can't keep them in the plastic bags when you have to cut them all open too, so they said well, put them in the leaf bags and we'll pick them up. I put out seventy-five plastic bags of leaves. I remember we talked about this. I said that it comes to about two-hundred to two-hundred fifty of those paper bags because you can't fit as much into them, at a dollar a pop – that's two hundred dollars I'm paying just to put them in paper bags, so that was a cost that previously we didn't have to borne by the person, or by the tax payer, whatever you want to call it. That was a cost that we didn't have before and now we do. That's what I'm saying.

Mayor Newhard: Ok.

Joe Lawler: I thought this was along the same lines. Another pass on to the...

Mayor Newhard: Well again as I said originally that by law we're not allowed to absorb those costs and I think Raina did an extraordinary job breaking it down and actually this is less expensive than the system that we have now so and I think that's what the Board will be looking at.

Joe Lawler: When you say less expensive, for who?

Trustee Patterson: The person paying with their credit card.

Trustee McManus: The taxpayer paying by credit card.

Trustee Patterson: The village can't absorb the cost and split it among all of the residents because not all the residents are using their credit card so it's not fair if I'm going to pay by check that I have to absorb...because it is ultimately going to show up in my taxes, right, if I have to pay for my neighbor who's choosing to pay their ...

Trustee McManus: Well, I would thank you.

Trustee Patterson: I'm sure they would appreciate it, but I'm not willing to pay it so that's the tax of getting the benefit.

Joe Lawler: So, if someone comes in with their credit card now, they get charged that fee?

Trustee Patterson: Yes, more.

Trustee Cheney: 3.15%

Mayor Newhard: 3.15%

Trustee Patterson: They get charged more now.

Trustee Cheney: And they can't use a debit card or electronic check.

Joe Lawler: I know, I saw that.

Trustee Patterson: And if you go, there's restaurants, some of them are in town, when you get your bill, they will say this is how much the bill is if you pay by cash and this is how much the bill is if you pay by credit card. It's the same thing.

Joe Lawler: I haven't seen that yet.

Trustee Patterson: Yes.

Joe Lawler: And the wife makes me take her out a lot.

Trustee Patterson: It's true, and as a business owner I've had people come into my business and have a three-dollar bill, not a three-dollar bill, a bill that totals three dollars and they want to put it on a credit card. That actually costs me money to have them...but somewhere along the lines

it's not worth it. There are many places that say you can't use a credit card unless you spend ten-dollars. There's a reason for that. It's because it's not fair for the business owner or in this case the other residents to absorb the cost of the convenience. So, if you want the convenience, there's a luxury tax.

Trustee McManus: A convenience fee.

Trustee Patterson: A convenience fee. And that's fair to everyone. And explained really well to everyone.

Joe Lawler: It is explained really well. I just couldn't absorb all of it in a little while.

Trustee Patterson: Well, I don't imagine you're going to pay by credit card Joe, so I don't think you have to worry about it because you don't want to pay that fee.

Joe Lawler: Not twenty-nine dollars.

Trustee Patterson: Right, exactly.

Joe Lawler: I'll pay in cash.

Trustee Patterson: There you go. Good answer.

Trustee McManus: We don't give discounts for cash. You have to pay it all.

Mayor Newhard: Right.

Joe Lawler: Well I do get a vet discount so...

Mayor Newhard: Well, thank you Joe. I appreciate it.

Motions

Fred Devens Construction Release of Final Payment – New Water Main Valve Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to approve the release of final payment of \$9,630.10 in retainage to Fred Devens Construction on the New Water Main Valve Project at the Pioneer Farm property on condition that a maintenance bond be posted as per the recommendation letter of Village Engineer, David Getz. Five Ayes

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to authorize the Mayor to enter into a contract with Forte, a credit, debit, and eCheck platform that is integrated with the Village's tax collection software (BAS), for the purpose of online tax payment transactions and in person credit and debit card tax payment transactions via a credit card swipe terminal at no cost to the Village of Warwick. Five Ayes

Discussion

Trustee Cheney: I guess we're good with the agreement that they had in there?

Stephen Gaba: Yes, it's kind of bare bones. You get a license and they charge the fee as we've discussed at some length. There's a free credit card swiper. It's pretty straight forward. They do limit their liability but you're going to get that with any of these companies so, it kind of is what it is.

Trustee Patterson: Now, can we use this for the water bills?

Mayor Newhard: No.

Raina Abramson: Unfortunately, not. Forte is integrated directly with BAS, our tax software.

Trustee Patterson: Ok. That would be good.

Adopt-A-Street Program – Boy Scout Troop 38

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson to grant permission to Boy Scout Troop 38 to participate in the Adopt-A-Street Program by picking up litter and conducting other enhancement work if specified, within Forester Avenue, Park Lane, and Burt Street per their Adopt-A-Street Application dated November 9, 2018. **TABLED**

Discussion

Trustee Lindberg: I have not been able to reach out to Pamela Burgio from Troop 38. I'd like to talk to her about that section of the village that they picked and maybe direct their attention to Memorial Park instead.

Trustee McManus: I thought Troop 45 was going to do Memorial Park?

Trustee Lindberg: Troop 45 is Stanley-Deming.

Trustee McManus: Stanley-Deming?

Trustee Lindberg: Yes, so thank goodness I don't see a whole lot of litter in the Village. I really don't. When we have activities, people take care of it. Maybe on a busy weekend, one of these situations where the DPW has extra stuff, but as far as Forester and Burt, I really don't see a whole lot. I don't see any actually and we have so many activities in the park, I'd like to ask if they can redirect their efforts to that.

Mayor Newhard: So, do you want us to table this and talk to them?

Trustee Lindberg: Yes, I would like to do that.

Mayor Newhard: Ok.

Trustee McManus: Well, you could stress to them that it would be better since they are saying there's going to be eleven-year old's doing it that are much safer in the park then taking care of the street with traffic and whatnot because we have to give prior approval under eighteen.

Trustee Patterson: Right.

Mayor Newhard: Yes.

Trustee Lindberg: I hear you. Good points.

Warwick Valley Chamber of Commerce – Home for the Holidays

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to grant permission to the Warwick Valley Chamber of Commerce to have Non-Profits such as the Warwick Valley School District organizations, Warwick Historical Society, Playground Dreams, etc. to sell items such as hot chocolate, warm cider and snacks on Railroad Green on the following days: December 1, 2, 8, 9, 15 & 16, 2018. Proof of proper insurance has been received.
Five Ayes

Discussion

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Trustee Patterson: When we had this at our last meeting, we were not happy with a random unspecified list and wanted to know who we had received proof of proper insurance from. From whom we received proper insurance because it just seemed kind of unresolved and open ended. So, were we able to get that list?

Raina Abramson: Well, there's two things. The letter that ...

Trustee Patterson: Oh, I was wondering what that was.

Raina Abramson: Yes. Because compared to other events, like the Farmers Market or the Health Fair, the vendors typically aren't listed beforehand. We wouldn't know every specific vendor that will be coming, and insurance typically isn't required of every single vendor that's underneath the head organization, in this case the Chamber of Commerce. We're not requiring insurance nor is it necessary according to NYMIR.

Trustee Patterson: That's fine. That answers my question. So, the Chamber, the people that we have received insurance from and covers our liability is the Chamber of Commerce?

Raina Abramson: Correct.

Trustee Patterson: Anything happens beyond them, that's on them to have gotten the necessary insurance if they need it.

Mayor Newhard: And we are named additionally insured by the Chamber.

Trustee Patterson: Ok, like always. Then that answers my question.

Trustee McManus: But these other organizations are not part of or under the guidelines of the Chamber of Commerce. They are individual organizations where they Farmers Market is under the Chamber of Commerce.

Trustee Patterson: But not the individual vendors.

Trustee McManus: Yes, but the school district has nothing to do...it is not part of the Chamber. The Historical Society is not under the Chamber insurances.

Trustee Patterson: Right but think of it in terms of like Applefest. If the Crew Team has a booth at Applefest...

Trustee McManus: They should provide insurance the same way the Lions provide insurance to Applefest.

Trustee Patterson: To Applefest correct, not to us.

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Trustee Cheney: Not to us.

Trustee Patterson: So, they provide the insurance to the organization that's running the event, in this case again the Chamber of Commerce and that's on the Chamber. And then the Chamber comes to us and then we get insurance from the Chamber, then we're good.

Trustee McManus: No, if the Chamber is being indemnified by those groups, we should at least see that certificate to the Chamber.

Trustee Patterson: We've never gotten it for Applefest. It's the same thing.

Trustee McManus: Ok, I don't have a problem saying we need to do that either.

Trustee Patterson: Oh, no.

Trustee Cheney: There's a memo in our packet that I think the Mayor made the effort to try to answer this question for us and I think it's pretty clear that we don't have to have the certificates from the individual suborganizations.

Mayor Newhard: The Health Fair for example that the UAME puts on, they get their insurance from all of those people that are going to set up. The Earth Day Event, the same thing. Too Good to Toss, you know there are sub...

Trustee McManus: Too Good to Toss is under the Community 2000 insurance.

Trustee Patterson: Right, so if any other vendors, and they did come, to Too Good to Toss or the rest of the Earth Day event or outside vendors that was on Community 2000 to get an insurance certificate from them to cover them. But as far as the Village is concerned as long as we have full and are held harmless from the people to whom we've given the permit and in that case the Community 2000, in this case the Chamber of Commerce, Applefest – Chamber of Commerce, we're good.

Trustee McManus: Then why do we ask for insurance from the provider for the horse rides?

Raina Abramson: They are above and beyond our insurance.

Trustee McManus: But they're under the Chamber of Commerce's function so they just being giving it to them and we should be out of it completely so why do we ask for insurance from them?

Trustee Patterson: Because these fit within the parameters that our insurer is laying out. The horse and buggy rides do not and that's the meticulous work that our insurance company and

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Raina are doing is to determine who fits in that criteria and who does not and so far, really this year and many other years it's only been the horse and buggies the rest of them fit into the...

Raina Abramson: And the carnivals and fireworks.

Trustee Patterson: Don't?

Raina Abramson: Correct.

Trustee Patterson: Ok, I'm satisfied. That answers my question.

Trustee Lindberg: And I can tell you that Mr. Bambino doesn't step on cracks in the sidewalk. He is very, very meticulous so.

Stephen Gaba: Yes, look at is this way you have your own insurance and that of course insures you, but you don't want to draw on your own insurance because it will effect your rates so you go to in this case the Chamber as the primary organizer of the event because if there's a claim arising out of the event they are responsible for it because they named you as additional insured, their insurance is going to pay that claim instead of your insurance so your premium won't go up. Now, there are going to be sub-vendors, people who are attending this, who should provide the Chamber with certificates of insurance, otherwise it's going to go on the Chambers insurance in the event there's a claim. That third layer of insurance - look you probably don't need it. Could you ask for it if you were really concerned about it, yes, you could. I want to be named insured on everybody's participating, but most people don't do that. Most people take the sponsor, their additional insured, most municipalities when I say people. Now the other concern you might have there is alright, I'm covered. The Village is covered. We're not worried about our insurance. But maybe you're worried about somebody who might get injured in an event that there was a mishap by one of the vendors and you want to make sure that if there's a claim against them and somehow or other the Chamber isn't held liable, hard to imagine this scenario where that could occur but it's possible, that you want to make sure that injured party has insurance that they can make a claim against so you might want to insist that the Chamber tell you, and doesn't necessarily have to provide you with copies of the policies of the endorsements but at least represent to you that they're going to get policies from every one of their vendors. There's no single right way to do it but understand that you're covered if you have the sponsor provide you with additional insured status on their certificate. How far you want to go after that, it may depend on what the event is, if you think it's particularly hazardous. It may depend on how big it is and on who's participating, but I mean it's a decision you make as a Board. We're going to either require more proof of insurance or are we satisfied that the Village is covered because the sponsors has given us the additional insured endorsement.

Trustee McManus: Ok.

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Registrar of Vital Statistics

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to appoint Eileen Astorino as the Registrar of Vital Statistics, Melissa Stevens as Deputy Registrar, and Carolyn Purta as Sub-Deputy Registrar for the Village of Warwick effective January 2, 2019. Five Ayes

Reports

Trustee Cheney's Report:

I just wanted to bring up one thing and that has to do with our catch basins which are the grates that are along the curb line. This time of year, they get covered by leaves as we all know and when this happens it blocks the flow and when the flow is blocked it can cause localized flooding. DPW cleans the catch basins but when we have a snow storm or other events that required resources to be redirected, they sometimes can't get to it so I'm just asking the citizens of Warwick to watch the catch basins along your curb. Feel free to call the DPW office and alert them if a basin is covered or clogged and if you're able to remove the leaves, please do so prior to an anticipated rain or snow event. There's no guarantee that the DPW is going to be able to necessarily get there but they will try as hard as they can. Thank you.

Trustee Lindberg's Report:

It's this time of year again when the Warwick Fire Department sponsors our annual tree lighting event across the street at Lewis Park. It's this Friday at 6:00 p.m. There will be music. Santa usually arrives on a firetruck and I wouldn't doubt that he wouldn't again this year. It's a great event. There's singing and a lot of fun for the kids. Hopefully we will have good weather on Friday at 6:00 p.m.

Trustee Patterson's Report:

Just encouraging everybody to shop local. It's the season where we challenge you to put together your Christmas list and not fill it in the Village of Warwick. It's a great place to shop and everything so for the benefit of the merchants and the Chamber that's my report.

Mayor Newhard's Report:

I just want to thank the Department of Public Works. We had this early storm that came in like great guns blazing and I think we were all caught, I think the entire region was caught with its intensity right at rush hour of course so the stories are out there. People caught on backroads and main roads for hours and hours, but I just want to say that the Village streets were done extraordinarily well and thank you and the men, Mike, you did a great job. I think some folks

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don't realize when a storm unfolds that there's a lot of decision making that has to happen. It's not just like oh let's just go out and plow it. You have to figure out what the intensity is, when the men should go out, when they should come back, when they should come back again so that they're not so exhausted that they can't do a good job and that they don't harm themselves or somebody. So, there's a lot to it. And then of course the next night after the Village streets have been cleared our crews come downtown and clean all the parking areas and municipal lots so that our important commerce can continue to happen and that is a tremendous amount of work so again, I want to thank you and thank the men. Great job, hard work, so we appreciate it.

And on behalf of the Village Board I want to wish everybody a very Happy Thanksgiving and eat well and have a great time.

Final Comments from the Floor

Joe Lawler: Same to you Michael. I won't have to the DPW because you already said it.

Mayor Newhard: Well, you can say it too.

Joe Lawler: Watch the news, everywhere around us cars were not moving. It's the only Village where cars were moving. I'm serious. You look around on channel 12 everything was at a standstill everywhere. Forget about the city. Forget about that, it was just a total disaster. They were not prepared at all, but the streets here were clear. No problem. Plows were doing their job. I think it went fine especially for the first one. That's usually the one where you find all your problems.

Mayor Newhard: Yes, well we found a few.

Joe Lawler: Happy Thanksgiving. After you saw what happened here tonight with all of these people that have all of these problems and they're all here trying to get ID. Trying to get this to prove themselves. Can you imagine what is going on at the border? No wonder they're only processing so many people a day.

Trustee Patterson: We could probably talk about that another time, Joe. I'm not kidding. I don't want to talk about that now.

Joe Lawler: I'm just saying, can you imagine how bad it must be at the border if what we're seeing here is just a microasm of the problem. Wow, I wouldn't want to be down there.

Mayor Newhard: Thank you Joe.

Joe Lawler: Thank you. Enjoy your Thanksgiving.

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Executive Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to go into executive session for the medical, financial, credit or employment history of a particular person or corporation, or matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and to seek the advice of counsel. Five Ayes

Return to Regular Meeting & Adjournment

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to exit executive session, resume monthly meeting and adjourn at approximately 10:00 p.m. Five Ayes

Raina Abramson, Village Clerk