

June 21, 2021 Town Board Meeting Minutes

The second regular meeting of the Kingsbury Town Board was conducted on June 21, 2021, at the Kingsbury Volunteer Fire Co., 3715 Burgoyne Avenue Hudson Falls, NY.

MEMBERS PRESENT: Dana Hogan, Supervisor
Richard Doyle, Councilman
William Haessly, Councilman
Jane Havens, Councilwoman
Dan Washburn, Councilman

OTHERS PRESENT: Todd Humiston, Enforcement & Dog Control Officer
Michael Graham, Highway Superintendent
Rebecca Pomainville, Town Comptroller
Hyde Clark, Attorney for Young/Sommer, LLC
Town Residents: Les Macura, Dennis Kelly, Celeste McDonald,
Dan Colombe, Lorraine Forcier

The meeting was called to order at 7 p.m. by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilwoman Havens.

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the minutes of the June 7, 2021, Town Board Meeting as submitted by the Town Clerk.

Supervisor Hogan opened the Public Hearing at 7:01 PM regarding a variance application of Kingsbury Solar LLC who was seeking relief from the moratorium on large scale solar energy generating facilities. Attorney Hyde Clarke of Young/Sommer LLC addressed the Board. Kingsbury Solar LLC had submitted an application for a site plan special use permit before the Planning Board for two meetings prior to the moratorium being put in place by the Town Board. Section 5 of the moratorium does allow the applicant to file an application for a variance which would permit the Town Board to allow their application to conform with the Planning Board. Granting of the variance request does not mean the Town Board is granting approval of the project it would allow them to move forward with the Planning Board. It is their opinion as a Public Utility providing generation electricity that they would apply the Rosenberg Public Utility Variance Standard which is a 2-part test. One, the relief is required to provide that service and two there's the following reasons economic or otherwise in granting that variance. They do have a lease for the parcel to construct the solar facility, NYS has mandated in the law that 6,000 megawatts of electricity generation has to be by solar by 2025. This variance is required so that you can have these types of solar generation projects in communities with this project being 4 ½ megawatts of generation and the area is 36 acres; only 8 acres will be physically disturbed. There will be room in between the panels not physically disturbed as well as other open spaces within the lease area. The second standard for the utility variance is there are compelling reasons economic or otherwise for granting them; they had their application before the Planning Board before the moratorium was put in place, have expended considerable money in the lease, developing the site plan, doing environmental studies, visual impact studies and other investments. That is one consideration, the other consideration is in any solar generation project you have to inter-connect to the utility and you are really constrained in terms of where you can have a solar project, you have to be in close proximity of an existing infrastructure.

Councilman Washburn asked Attorney Clarke if he recalled the total estimated cost of decommissioning. Attorney Clarke does not recall the estimated cost but stated it should be updated because the plan was submitted in 2020 and whatever the total cost is, it would be appropriate for the Town hire their engineer to estimate the cost as well. (The cost was found) Councilman Washburn stated the number seemed very low to

him; assuming it would be bonded what he is looking at is based on an hourly rate to de-commission of \$25.00 an hour and the numbers seem very far off. Attorney Clarke responded if they get far enough along, the Town could have a consultant verify that number.

Supervisor Hogan suggested to Attorney Clarke that he write down questions from the Town Board; the Public Hearing may remain open until the questions are answered.

Supervisor Hogan stated in the documents that were provided in December, Attachment A does not include a figure for trucking to the location for the materials that would be recycled or landfilled, and no recycling or landfilling is identified on the decommissioning. Supervisor Hogan asked how many panels would be used in the project and how familiar Attorney Clarke was with the technical side of the plan. Attorney Clarke stated he does not know the exact panel number. Supervisor Hogan stated it must be a significant number and stated he agrees with Councilman Washburn that the decommissioning number seems low and believes it does not include recycling or landfilling.

Councilman Haessly asked if any of the adjacent landowners had been contacted to see how they feel about the proposed solar project. Attorney Clarke does not have an answer for that.

Supervisor Hogan stated Section 5 of the solar moratorium states the applicant demonstrate that this Local Law has resulted in unnecessary hardship in that the applicant has been deprived of substantially all economic use or benefit from the property in question. Attorney Clarke stated early in his presentation that it is laid out in the traditional variance test; their statement of intent also goes to those factors. He would ask the Board to consider that under Rosenberg Public Utility Standard that is a different test and as a Public Utility that is not the correct standard to apply.

Supervisor Hogan stated to continue to read on "which must be established by competent financial evidence" and stated Attorney Clarke had indicated money had been expended on a lease. Attorney Clarke stated he believes the lease has commenced. Supervisor Hogan did not see that in the attachment or tab one and saw no expenditures related to a payment of a lease. Councilman Haessly asked if money had been expended. Attorney Clarke believes the lease has commenced and will confirm that; it has been indicated the Public Hearing will remain open and in going through questions he has made a note to confirm that lease payments have commenced. Supervisor Hogan stated to clarify the Public Hearing may remain open, but we may decline the variance request tonight.

Councilman Haessly asked who were the principals of Kingsbury Solar LLC. Attorney Clarke does not have that information. Councilman Haessly asked if it were possible that the current LLC would sell their interests to someone else. Attorney Clarke stated it is common for projects like this once the developer receives approvals for the project it could be sold. Attorney Clarke stated a lot of the solar laws indicate if there is a change in ownership within 30 days the municipality must be notified with the updated contact information.

Councilwoman Havens would like clarification on commenced, if there were a financial hardship she would like to see where lease money has been expended to the landowners.

Enforcement Officer Todd Humiston stated according to Section 4, Number 6, you are stating the lease agreement with the property owners is for 30 years and has already been enacted; has Kingsbury Solar, LLC signed a 30-year lease prior to Site Plan Approval?

Attorney Clarke stated that was correct, there is an option extension, but he is not certain of the current status and would like to get clarification. Enforcement Officer Humiston asked if they do not receive site plan approval are they still paying for the property for the next 30 years? Attorney Clarke stated he would have to look at the terms of the agreement. Enforcement Officer Humiston stated according to the way your hardship is reading you are telling the Board that because of the moratorium, the company is paying for property that has not been given site plan approval. Supervisor Hogan stated that Attorney Clarke was quoted as saying you have expended money on the lease. Attorney Clarke stated correct; money has been spent on the lease, option payments, money to get to the point where they are under a lease agreement; he needs to clarify what the term of that is

in terms of commencement if they are making a monthly payment. Total development costs are approximately \$138,000.00 including environmental, site plan, engineering, and site design.

Supervisor Hogan asked Attorney Clarke to explain why National Grid was paid \$73,000.00 after the moratorium went into place. Attorney Clarke said National Grid did a feasibility study to see if the project could actually connect to the grid and they also determine what upgrades have to be done so the infrastructure can handle the power generation. The moratorium is temporary and to continue and not hold up the potential for this project and continue with the feasibility study so that once the moratorium concluded and a Solar Law was adopted, they could continue the process.

Supervisor Hogan asked if it was really an undue financial hardship if they had to wait another 2 to 8 months for the Town to finalize their Solar Law and the Zoning related to solar. Attorney Clarke believes given the expense to date it would help with certainty to know that they can move forward with the project and continue planning, because it could continue more than 8 months. Supervisor Hogan asked Town Attorney Meyer if it could continue more than 8 months. Attorney Meyer responded the Board would essentially have to re-do the process, if progress is being made and more time is necessary to adopt a Local Law, it could continue more than 8 months.

Attorney Clarke would also like the board especially on the utility variance standard, he understands they are moving through the questions on the traditional use variance. Enforcement Officer Humiston stated he would like to start the conversation. The variance states the facility is necessary because people would be going without power if they had to wait on the moratorium; aren't those people already on a source of power at this time; they would not be going without power if they had to wait for a moratorium. Attorney Clarke stated they have power; it is not about having power, it is the NYS mandate to go to renewable energy generation, National Grid as a utility company has to make a change as to how they generate their electricity and if we are not able to get to a point where we are generating renewable energy then there may be some sort of penalty. Enforcement Officer Humiston asked after approval from start to finish how long to finish the project. Attorney Clarke responded 3 to 4 months. Humiston commented they would have until 2025.

Humiston asked if they had looked at any other sites to see if alternate sites were available and if they were paying for connectivity to the grid. Attorney Clarke responded as part of the feasibility study and the ability to connect, he is not certain if they continue to pay, he thinks a payment was made to hold their place in the que. He thinks from the moratorium standpoint, even if there were properties that were available, the moratorium applies town wide. Humiston stated right across the street is Warren County, the zoning in Queensbury allows for solar projects; and asked if the company looked at any of the vacant lots that are there; they would be the same distance from the connectivity site. Attorney Clarke stated he would have to check with the company. Humiston stated Queensbury is right next door and would be an alternative.

Humiston asked Attorney Clarke if anyone had looked at the already approved site that was down the street on Aviator Way which has not been built on. Humiston stated he does not see anything on the four items to meet the intent; the company has not done any research for options. Attorney Clarke stated he will check on Aviator Way.

Councilman Haessly asked Attorney Clarke if Kingsbury, LLC had looked at the adverse impact on adjacent properties in terms of economic loss. Attorney Clarke stated in the study for neighboring properties of solar projects there is normally a visual impact study and whether that project is visible from those properties. He was not the attorney at the planning process so he does not know where they got with the visual impact study, but the Planning Board would be the appropriate Board to show that there is not going to be an impact based on live sites to the properties. He believes there is no guidance or authority that states the property is worth less by being close to a solar facility. He would have to confirm if the visual impact study had been confirmed in the planning process.

Supervisor Hogan entertained comments from the general public.

Resident Dan Colomb stated he had not been approached about the impact of the solar farm; he is concerned with the visual aspect and storm rainwater runoff because it is low wetland and the land under the panels cannot absorb the water. He would recommend any Board member to stop by his home to see what he would see with a solar farm there.

Resident Dennis Kelly owns property south of the project and will be staring at the glare. He has a question about the allotment for National Grid; there is already a solar project approved for the airport, is that going to the same sub-station or will the allotment for Kingsbury Solar, LLC change that and is there enough capacity to do both? Mr. Kelly does not believe there is enough capacity, he feels the other project is ahead of them and it is a bigger facility and does not know how they could have capacity at the sub-station.

Attorney Clarke is not familiar with that specific project but in order for them to get to a point where they can move forward with this project, they do need approval from National Grid; you can't just build it and hope that you will have capacity there, it is studied but he does not have the information. They would not go through the Planning Process to get approved and then have National Grid not be able to build. Supervisor Hogan asked if that was information they were waiting on, you do not know tonight? Attorney Clarke stated he does not know about the other project.

Councilman Washburn asked do you not have approval from National Grid currently, Attorney Clarke stated they had gone through the feasibility study with National Grid.

Mr. Kelly stated no one from the company for the solar project stopped to ask any questions. Mr. Kelly attended the Planning Board Meetings; it will be sold after it is constructed, to a company in Vermont and a company out of New York that created Kingsbury Solar, LLC. After construction they go out to investors who purchase the lease. Who you are dealing with now, they are taking the cash and leaving? The market value of his property has already declined due to the Industrial Park, the wetlands being expanded, things coming into the Industrial Park and now a solar farm, he will be totally surrounded. The property value of his farm will be worth nothing; no one will want to purchase it. He is also concerned with noise; there is already noise from Equustock, and there is a humming noise from the conversion boxes on the solar panels. Mr. Kelly thinks the moratorium was a great idea giving time to learn from other towns and other people that have done it; the airport is the perfect place for a solar farm. He would like to Board to deny the variance request tonight and continue with a learning process to find the correct spot for solar farms. Mr. Kelly asked if the moratorium gave the Board time to come up with a list of things that would be critical to putting these in place with requirements.

Supervisor Hogan stated that was a simplistic way to describe it; the Board saw an increasing volume of applications for solar and it is still a new endeavor for many communities in the state of New York; which really got sped up when the State of New York issued their declaration indicating they were going to take charge of siting some of the larger projects. The Board was not prepared; you do not want to be the leader in something you are not familiar with. There were concerns related to the PILOT, the IDA was talking about moving to a county-wide PILOT program which has been put to rest. He also has questions related to the assessment valuations on the solar farms.

Supervisor Hogan stated the Town has a PILOT Solar Law, but the school and the county have opted out of the PILOT. He asked Attorney Clarke if they were going to waive the rights to challenge the assessment and accept the Town's PILOT program. Attorney Clarke stated he would have to ask about that.

Supervisor Hogan stated he is concerned with the lack of information being provided to the Board. Kingsbury Solar, LLC is indicating an urgency to get this done but there are no questions to the Board and no answers to easy questions being asked. Supervisor Hogan and Councilman Haessly attended a virtual meeting on solar, he was not overwhelmed with the expertise provided, they did not have answers related to assessment and there was no clear guidance on how to assess them. The Town's valuation is based on mega-watts produced so the assessment would not be a problem with the Town.

Attorney Clarke spoke about the pros and cons in other Towns over solar and asked if we had contacted the other Towns, so the Town Board could come up with the best practices.

Supervisor Hogan is concerned with the de-commissioning amount, he thinks it is significantly lower than it should be.

Councilwoman Havens does not see an urgency because she does not see a preparedness, every question is unanswered.

Councilman Haessly asked Dennis Kelly if he would consider the area prime farmland. Mr. Kelly answered it is good farmland, but it is not prime, there are some water issues, but it is all farmable.

Attorney Meyer asked the status of the Master Comprehensive Plan, he recalls a grant being received.

Supervisor Hogan stated the Town has a \$10,000.00 Grant to assist the Town with the beginning of the Comprehensive Plan. Councilwoman Havens summarized the status; the first stage is public comment, they have done some work identifying community members and organizations, and they should be getting contact information. The Public Comment period is developed with survey sites and Roundtable meetings by July with different venues being available for comment. LaBerge felt topics should be looked at as a whole, but they understand the importance solar as a discussion in the Town. The solar will be a main focus, but they want to hit it from all angles. The Town may want to reach out to the Planning and Zoning Board for information on things that are coming in front of them, and their suggestions based on their experiences.

Attorney Clarke would like to ask the Board to allow the opportunity to provide additional information, he is a new attorney, he feels it would be fair for the Board to get answers to all the important questions. The application was filed in December with an attorney that left the firm. He would like the opportunity to come back and answer the questions next month and ask the applicant to attend as well. He would like the Board to take this into consideration before voting.

Councilman Haessly stated in view of the fact that this has been pending for a long time and there was an opportunity to prepare for this meeting since December, and the Town is in the planning stages to re-vamp their zoning, which requires a lot of time to prepare a solar law; he makes a motion to close the meeting without granting a variance. A **motion** by Councilman Haessly seconded by Councilwoman Havens and carried by a vote of 4 ayes and 1 nay to deny the variance request from Kingsbury Solar, LLC.

Supervisor Hogan – Aye

Councilman Doyle – Nay

Councilman Haessly – Aye

Councilwoman Havens – Aye

Councilman Washburn - Aye

Supervisor Hogan reported the NYS Legislature passed a law allowing the sale of cannabis in the State of New York. The Board must make a decision if the sale and use of cannabis products will be allowed in the Town. Supervisor Hogan understands every Town and Village in New York State has opted in. Attorney Meyer explained the Town has until the end of this calendar year to opt-out; if you don't, on January 1, 2022, you cannot prohibit the dispensary and on-site consumption of cannabis products. The process is a Local Law opting yourself out which is subject to permissive referendum. The Town had a permissive referendum when they renovated Town Hall, it is the only way in New York where residents get to vote on the laws, and it takes the decision out of the Board's hands. Attorney Meyer explained the state says you can sell, if the Town goes against the state the voters can say no, we are happy with the state and revert back to the state's decision. Supervisor Hogan stated the Town must make a decision soon and asked how long a permissive referendum was. Attorney Meyer stated it is usually 45 to 60 days and the best time to do it is in September then it can get on the ballot in the regular election instead of having a separate election. Councilwoman Havens stated federal law still prohibits the use of marijuana which will make it hard for businesses; she is for opting out. Councilman Doyle stated if the Board does nothing, in order to do permissive referendum, the citizens will have to circulate petitions, which is what happened before, petitions were coming to Town Hall. Attorney Meyer stated the only way the permissive referendum comes into effect is if the Town Board opts out, then there could be a

permissive referendum; if the Board does nothing you could open up a shop. Supervisor Hogan is concerned if the Board elects not to opt out; if they opted in, if they do not grant a permissive referendum on the subject and things get bad in 2 to 3 years the Board would never have the option to opt out again. Attorney Meyer stated based on the way the law is currently written that is correct. Attorney Meyer stated it can be something treated in zoning, but we have no idea because this is so new.

Councilman Haessly stated if you opt out, it means it doesn't get sold in the Town and you lose any cash revenue, which is going to be greater than normal sales tax. Attorney Meyer stated regardless of what the Town does the Village makes their own decisions. Attorney Meyer stated 60 days is a good time frame for a permissive referendum and to get it on the regular ballot it should be done in September. The discussion continued.

Supervisor Hogan received a letter from Jeanne Williams Executive Director of the Feeder Canal Alliance inviting the Board to delegate an interested resident to represent the community on the Working Group. A **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 5 ayes to identify Dave Perkins as the representative for the Town on the Working Group. Jeanne Williams also requested the Town list The Champlain Canal Trail weblink on the Town of Kingsbury website.

A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes for Supervisor Hogan to sign a Memorandum of Understanding with Greenway: subject to legal review and approval by the Town Attorney. The grants received will offset the cost of the updating of the Master Comprehensive Plan for the Town. LaBerge is helping identify grant opportunities; this is the first one secured for the Town, it is a \$10,000.00 Greenway Grant. Councilwoman Havens stated LaBerge has found another grant which has a maximum of \$100,000.00. Supervisor Hogan stated we appreciate Councilwoman Havens for taking the lead on the update of the Town's Comprehensive Plan. Councilman Haessly stated Councilwoman Havens is working on updating the Town Comprehensive Plan which has not been updated since the 1970's. Supervisor Hogan stated in order to get larger grants for infrastructure and water towers you need a Comprehensive Plan in place.

Comptroller Rebecca Pomainville reported as a municipality the Board has the option to opt in to receive the funding for ARPA, the Corona Virus Local Fiscal Recovery. Approval is needed from the Board for the Supervisor to sign 2 forms: the assurances of compliance with civil rights requirements and the award term and conditions. Once signed the Comptroller can complete the online request so the Town can receive the first half of the COVID Relief Funds. A **motion** by Councilman Doyle seconded by Councilman Washburn to open a discussion. Councilman Doyle asked "How much is it?"

Supervisor Hogan stated he thinks Councilman Doyle is referring to the 12839-zip code which was going to get 1.2 million, which will be split between the Village and the Town of Kingsbury. The Comptroller stated they have not confirmed the amounts yet, the Town would receive half this year and half next year and have 4 years to spend it properly. Councilman Doyle asked the Comptroller how much can go back into the General Fund or the Highway Fund to reimburse what has been expended. The Comptroller explained the Town cannot reimburse anything for expenses incurred prior to March 3, 2021. The Comptroller provided a quick summary in what is allowed to do, one of the easier routes to using the money is to prove revenue loss. That money does not have the restrictions of the other categories for using the money. The Comptroller was given a formula and did a calculation which amounts to approximately \$94,000.00 of revenue loss for 2020. The discussion continued. The Comptroller picked the most relevant to the Town; besides the revenue loss, there is an option for small business and not-for-profits; the fire department, the library, and the senior center if they can show loss of revenue. Premium pay can also be retro-active, and money can be spent on water and sewer infrastructure. It can also be used towards administrative; in that respect from the research she is doing it has been recommended we have a CPA firm focusing on managing the funds to make sure the funds are not spent improperly and it is recorded annually. Councilman Doyle wants to make sure the Town spends the money

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because government money comes with restrictions. It would be great to get the money but there are no shovel ready water or sewer plans. Supervisor will talk about the plans the County has on spending their funds. The **motion** on the floor seeking approval for the Supervisor to sign 2 forms to receive funding for ARPA was carried by a vote of 5 ayes.

TOWN CLERK REPORT:

The request for a speed limit reduction on Towpath Road has been sent to the Washington County Department of Public Works which will then be forwarded to the NYS DOT.

Oaths have sent to the newly appointed members of the Right to Farm Law Grievance Committee.

Town Clerk asked if the Board would like to re-schedule the Town Board Meeting scheduled for July 5, 2021, is the Solar Workshop still scheduled for July 19, 2021, and where would they like that to be held.

Supervisor Hogan would like to conduct the July 19th meeting and the Solar Workshop at the Kingsbury Volunteer Firehouse, but there will not be a meeting conducted on July 5th.

ENFORCEMENT OFFICER REPORT:

Planning Board Update: The apartments on Dean Road have been approved. One hundred and eighty new apartments have been presented to the Board and a cluster of 20 homes. He mentioned this because of the talk about the need of water and sewer infrastructure in the Town's light residential areas because of the offset between septic and wells. Councilman Haessly asked who the applicant was for the projects; Enforcement Officer Humiston responded it was Schermerhorn. The apartments are on Dix Avenue and the cluster of 20 homes are on County Route 41. He has another project with a preliminary plan for Martindale Avenue which has not been officially presented and traffic studies are being conducted. The infrastructure is extremely minimal, with these projects coming in without water he feels there is a need for the Board to look at as a requirement.

HIGHWAY SUPERINTENDENT REPORT:

Trees near power lines were removed with help at no cost.

COUNCILWOMAN REPORT:

Councilwoman Havens is requesting that everyone take the Washington County Broadband Survey so the Comprehensive Plan Committee will they have information.

SUPERVISOR REPORT:

Supervisor Hogan suggested everyone check out the Washington County Board Meeting where Councilwoman Havens gave a presentation that was phenomenal. NYS passed legislation defining the firearms industry as a public nuisance, with retro-active prosecutions by the NYS Attorney General against suppliers, distributors, and manufacturers. Councilwoman Havens added importers and retailers; this opens up the whole industry to civil liabilities for the misuse of their products. The legislature passed in the Assembly and the Senate; Washington County has signed a resolution urging Governor Cuomo not to sign the legislation.

Supervisor Hogan is on a committee to help determine how to spend the American Resource Recovery funds. The County will receive 5.2 payments of 5.9 million. Recommendations will be made to the finance committee; recapturing money that was spent with the premium payments and the expenditures incurred. Broadband expansion anticipating a match or a County share with federal grants would go a long way. After looking at Category 1 of replenishing the County's budget as a result of expenses made, the committee looked at what could be a return to the County long-term. Broadband would be a good return on investment; Washington County had an increase in sales tax growth due to online sales; the more coverage the County has that number will rise. Also kids in Washington County do not have access to supplemental aids; we are not at a level playing field with kids in other parts of the state. If we had 100% broadband high-speed internet in the County, we may

have a larger volume of online businesses. There are other projects that may check the boxes for use of the recovery funds.

WRITTEN REPORTS:

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the reports of certain officers for the month of May as follows:

Enforcement Officer: No. Permits 14; Site Plan Review 1; Subdivision Applications 2; Research Fees 1; Total Fees: \$2,747.00

Dog Control Officer: Complaints/Calls 19; Seizures 4; Unlicensed Dogs 2; Summons Issued 1; Dangerous Dogs 1; Written Warnings 1; Mileage: 491 (49,681)

Town Clerk: Paid to EnCon \$302.30; Paid to Supervisor \$5,056.26; Paid to the Village of Hudson Falls \$180.00; Paid to Ag & Markets for Population Control \$136.00

Town Comptroller: Receipts \$50,349.88; Disbursements \$330,053.52

Assessor Sales Reports

PUBLIC COMMENT:

Mr. Columbe would like to update the email addresses to be notified of Town Board Meetings. The Town Clerk stated the Town website contains information in regard to Town Board Meetings. Mr. Columbe stated he would have to go to the website to see what is coming up. Councilwoman Havens stated the website meeting schedule is for the entire year. Supervisor Hogan stated the Board will talk about it; they want to make sure they do it correctly.

Dennis Hogan stated the signs that are posted on properties with the announcement of a Public Hearing are great. The Comptroller stated if we could prove the revenue loss, some of the money could be used for a new website, which may have the capability of the email listing.

Supervisor Hogan made a **motion** at 8:29 PM to enter into an executive session to discuss a pending legal matter for the Town of Kingsbury; the motion was seconded by Councilman Haessly and carried; Enforcement Officer Todd Humiston was invited to the executive session.

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes to exit the executive session at 9:27 PM; no action was taken.

There being no further business before the Board, the meeting was adjourned at 9:27 PM.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk