TOWN BOARD GARNERVILLE, NY MARCH 14, 2016

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, March 14, 2016 at 8:00 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

The meeting was opened with the Pledge of Allegiance.

On Roll Call the following members answered to their names:

Supervisor Howard T. Phillips, Jr.

Councilman Isidro Cancel

Councilman Vincent J. Gamboli (Absent)

Councilman John J. Gould Councilman Hector L. Soto

ADOPTION OF MINUTES

150-16 ADOPTION OF MINUTES - TOWN BOARD MEETING MINUTES OF FEBRUARY 22, 2016 as submitted by the Town Clerk and on motion by Councilman Soto, seconded by Councilman Gould, were unanimously adopted.

PAYMENT OF BILLS

Councilman Cancel offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

151-16 RESOLVED, that bills numbered 624 through 855 in the amount of \$1,796,792.04 and Highway bills numbered 99 through 131 in the amount of \$29,148.61 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

Councilman Gould offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

152-16 RESOLVED, that the Highway Department Operation Report for the month of February 2016 has been submitted and is hereby accepted.

SURPLUS VEHICLE – HIGHWAY DEPARTMENT

Councilman Soto offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

153-16 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF GEORGE WARGO, SUPERINTENDENT OF HIGHWAYS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE VEHICLE HWY #41 2008 FORD CROWN VICTORIA VIN # 2FAHP71V78X162597 FROM THE HIGHWAY DEPARTMENT TO BE CLASSIFIED AS SURPLUS FOR RESALE.

SURPLUS VEHICLE – PARKS DEPARTMENT

Councilman Cancel offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

154-16 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF MICHAEL COTIER, PARKS DIRECTOR THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE 2002 FORD AMBULANCE VIN # 1FDXE45FX2HA28845 FROM THE PARKS DEPARTMENT TO BE CLASSIFIED AS SURPLUS FOR RESALE.

BUDGET ADJUSTMENTS FOR YEAR ENDING IN DECEMBER 31, 2015

Councilman Gould offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

155-16 RESOLVED, THAT THE SUPERVISOR IS AUTHORIZED TO MAKE BUDGET ADJUSTMENTS FROM THE GENERAL FUND (A) IN THE AMOUNT OF \$54,100.00 AND THE PART-TOWN (B) IN THE AMOUNT OF \$5,000.00 PURSUANT TO THE REPORT OF THE DIRECTOR OF FINANCE FOR THE TOWN OF HAVERSTRAW FOR THE YEAR ENDING IN DECEMBER 31, 2015. (SEE ATTACHED BUDGET ADJUSTMENTS).

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General F	ind (A)			9 00
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			5000 %	5000°

RENEWAL OF AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND VJ NETWORKS, INC.

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

156-16 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO RENEW AGREEMENT OF SERVICES TO PROVIDE TECHNICAL SUPPORT FOR THE COMPUTER NETWORK AT THE TOWN OF HAVERSTRAW POLICE STATION AT A COST OF \$1,800 A MONTH FOR A PERIOD OF ONE (1) YEAR COMMENCING MARCH 1, 2016.

<u>AUTHORIZATION FOR SUPERINTENDENT OF HIGHWAYS TO ENTER INTO AN AGREEMENT WITH AAA COOLERATION SERVICE, INC.</u>

Councilman Gould offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

157-16 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES GEORGE WARGO, SUPERINTENDENT OF HIGHWAYS, ENTER INTO AN AGREEMENT WITH AAA COOLERATION SERVICE, INC. OF GARNERVILLE, NEW YORK TO PROVIDE PREVENTATIVE MAINTENANCE SERVICES TO THE HEAT-A/C SYSTEMS AT THE HIGHWAY DEPARTMENT, ON A QUARTERLY BASIS, AT AN ANNUAL COST OF \$1,985.00.

AUTHORIZATION TO BID (BID NO. 5-2016) - SUPPLY AND DELIVER A NEW 2015 OR 2016 MODEL YEAR FORD FOCUS FOR THE TOWN OF HAVERSTRAW TOWN ASSESSOR

Councilman Cancel offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

158-16 RESOLVED, THAT ON THE RECOMMENDATION OF MICHAEL F. COTIER, DIRECTOR OF PARKS, THE TOWN CLERK BE AND SHE HEREBY IS AUTHORIZED TO PUBLISH A NOTICE TO BIDDERS THAT SEALED PROPOSALS WILL BE RECEIVED AT HER OFFICE AT ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, UP TO AND INCLUDING 10:00A.M. ON FRIDAY, MARCH 25, 2016 FOR THE RECEIPT OF BIDS TO SUPPLY AND DELIVER A NEW 2015 OR 2016 MODEL YEAR FORD FOCUS, OR APPROVED EQUIVALENT, AS PER SPECIFICATIONS, FOR THE TOWN OF HAVERSTRAW TOWN ASSESSOR, IN ACCORDANCE WITH THE SPECIFICATIONS ON FILE IN THE OFFICE OF THE TOWN CLERK, COPIES OF WHICH, TOGETHER WITH FORM OF PROPOSAL, MAY BE OBTAINED AT HER OFFICE. THE TOWN RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS. BIDS RECEIVED LATER THAN THE DATE AND TIME SPECIFIED WILL NOT BE CONSIDERED AND WILL BE RETURNED TO THE BIDDER UNOPENED. ALL BIDDERS MUST FILE A STATEMENT OF NON-COLLUSION WITH THEIR BIDS.

RECOMMENDATION FOR THE REAPPOINTMENT OF ROBERT MASIELLO TO THE JOINT REGIONAL SEWAGE BOARD

The following resolution was offered and unanimously adopted by all of the Town Board Members.

159-16 RESOLVED, THAT THE HAVERSTRAW TOWN BOARD RECOMMENDS THE REAPPOINTMENT OF ROBERT MASIELLO OF GARNERVILLE, NEW YORK TO THE JOINT REGIONAL SEWAGE BOARD FOR A FIVE (5) YEAR TERM COMMENCING MAY 11, 2016 TO MAY 10, 2021.

AWARD OF BID NO. 1-2016 FOR FERTILIZER SEED FOR DIVOT MIX FOR THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE

Councilman Gould offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

160-16 RESOLVED, UPON THE RECOMMENDATION OF CHRISTOPHER DYROFF, GREENSKEEPER, AND THE BIDS HAVING BEEN FOUND IN ORDER BY THE TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE BID FOR THE PROVISIONS OF FERTILIZER AND GRASS SEED FOR THE PHILIP J. ROTELLA GOLF COURSE FOR THE 2016 GOLF SEASON TO THE FOLLOWING COMPANIES, THE LOW BIDDERS:

WESTCHESTER TURF SUPPLY

DIVOT SEED BENTGRASS \$190/BAG DIVOT SEED RYEGRASS \$99/BAG

SYNERGY TURF SUPPLY

FERTILIZER \$75.00/BAG

TOWN OF HAVERSTRAW BID NO. 2-2016 -AWARD OF BID – PURCHASE OF BUNKER SAND AND TOP DRESSING TO BE UTILIZED AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

161-16 RESOLVED, UPON THE RECOMMENDATION OF CHRISTOPHER DYROFF, GREENSKEEPER, AND THE BIDS HAVING BEEN FOUND IN ORDER BY THE TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD REBID NO. 2-2016 FOR THE PROVIDING OF BUNKER SAND AND TOP DRESSING TO BE UTILIZED AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE DURING THE 2016 GOLF SEASON TO CARRIERE MATERIALS OF PORT CHESTER, NEW YORK, AT A PRICE OF \$110.00 PER YARD FOR TOP DRESSING; AND \$38.50 PER YARD FOR BUNKER SAND, THE SOLE BIDDER.

<u>AUTHORIZATION TO SETTLE TAX CERTIORARI – WAYNE CORTS AND</u> HAVERSTRAW GREENS LTD

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

162-16 RESOLVED, UPON THE RECOMMENDATION OF JOHN O'SHAUGHNESSY, TOWN ASSESSOR AND WILLIAM M. STEIN, TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SETTLEMENT FOR WAYNE CORTS AND HAVERSTRAW GREENS LTD (20.19-7-40), LOCATED AT 2-4 ROUTE 9W N, VILLAGE OF WEST HAVERSTRAW, NEW YORK FOR TAX YEARS 2011, 2012, 2013, 2014 AND 2015 BASED UPON THE FOLLOWING AMOUNTS ON THIS LOCATION:

			REDUCTI	
	ORIGINAL	REVISED	ON	EST
	ASSESSME	ASSESSME		REFUN
YEAR	NT	NT	AMOUNT	D
2011	330,000	225,000	105,000	1,132
2012	330,000	225,000	105,000	1,336
2013	330,000	330,000	0	0
2014	330,000	330,000	0	0
2015	330,000	330,000	0	0

TOTAL: \$2,468

THERE IS NO REDUCTION FOR THE PARCEL (20.19-7-39).

APPOINT JOHN WAMSLEY, JR TO TEMPORARY POLICE OFFICER FULL TIME

The following resolution was offered and unanimously adopted by all of the Town Board Members.

163-16 RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT JOHN WAMSLEY, JR. OF GARNERVILLE, NEW YORK TO THE POSITION OF TEMPORARY POLICE OFFICER FULL TIME FOR PURPOSES OF TRAINING, EFFECTIVE MARCH 15, 2016, AND BE IT FURTHER

RESOLVED, THAT THIS APPOINTMENT IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND GHD CONSULTING SERVICES INC.

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

164-16 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH GHD CONSULTING SERVICES, INC. OF CAZENOVIA, NEW YORK FOR THE PURPOSE OF PROVIDING PROFESSIONAL SERVICES FOR THE STORMWATER PHASE II GENERAL PERMIT REQUIREMENTS FOR THE MS4 FOR A LUMP SUM FEE OF \$35,000.00.

AMENDMENT OF CONTRACT WITH GHD CONSULTING SERVICES, INC. FOR THE RECREATION/FISHING PIER

Councilman Soto offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

165-16 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AMENDED AGREEMENT WITH GHD CONSULTING SERVICES, INC. OF CAZENOVIA, NEW YORK TO INCREASE THE ORIGINAL CONTRACT AMOUNT FROM FORTY THOUSAND DOLLARS & NO/100 (\$40,000.00) TO THE SUM OF FORTY- SEVEN THOUSAND NINE HUNDRED DOLLARS & NO/100 (\$47,900.00) FOR ENGINEERING SERVICES RELATED TO THE BOWLINE POINT PARK RECREATION/FISHING PIER.

AWARD OF RFQ NO. 6-2016 -A NEW 18 HP LEAF VACCUM FOR THE TOWN OF HAVERSTRAW PARKS DEPARTMENT

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

166-16 RESOLVED, THAT THREE (3) RFQs WERE SUBMITTED TO MICHAEL F. COTIER, DIRECTOR OF PARKS, FOR THE PURCHASE A NEW 18 HP LEAF VACUUM FOR THE TOWN OF HAVERSTRAW PARKS DEPARTMENT, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFQ NO. 6-2016 TO POMONA POWER EQUIPMENT FROM SPRING VALLEY, NY, THE LOWEST QUOTE AT A COST OF \$3,299.99.

AWARD OF RFQ NO. 7-2016 -BALLFIELD CLAY TO BE USED ON TOWN OF HAVERSTRAW BALLFIELDS

Councilman Soto offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

167-16 RESOLVED, THAT TWO (2) RFQs WERE SUBMITTED TO MICHAEL F. COTIER, DIRECTOR OF PARKS, FOR THE PURCHASE OF BALLFIELD CLAY TO BE USED ON THE BALLFIELDS LOCATED ON THIELLS MT IVY ROAD, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFQ NO. 7 - 2016 TO MULCH RIGHT, INC. FROM GOSHEN, NY, THE LOWEST QUOTE, AT A COST OF \$50.50 A TON, WITH A \$100.00 DELIVERY CHARGE, COST NOT TO EXCEED \$1,600.00.

AWARD OF RFP NO. 14 – 2016 – INSTALLATION OF ELECTRIC SERVICE AT MT. REPOSE CEMETERY AND THIELLS MT. IVY ROAD/ROUTE 202 BEAUTIFICATION PROJECT

Councilman Gould offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

168-16 RESOLVED, THAT FOUR (4) RFPs WERE SUBMITTED TO MICHAEL F. COTIER, DIRECTOR OF PARKS, FOR THE INSTALLATION OF ELECTRIC SERVICE AT MT. REPOSE CEMETERY AND THIELLS MT. IVY ROAD/ROUTE 202 BEATIFICATION PROJECT, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFP NO. 14 – 2016 TO 4G ELECTRIC OF STONY POINT, NEW YORK, THE LOWEST PROPOSAL, AT A COST OF \$6,800.00.

<u>AWARD OF RFQ NO. 8 – 2016 – PURCHASE OF CUSTOM CHALLENGE COINS FOR</u> THE 400TH ANNIVERSARY CELEBRATION

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

169-16 RESOLVED, THAT TWO (2) RFPs WERE SUBMITTED TO ALEX GUARINO, ASSISTANT TO THE SUPERVISOR, FOR THE PURCHASE OF FOUR HUNDRED (400) CUSTOM CHALLENGE COINS FOR THE 400^{TH} ANNIVERSARY CELEBRATION OF THE TOWN OF HAVERSTRAW AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFQ NO. 8 – 2016 TO SIGNATURE COINS OF ORLANDO, FLORIDA, THE LOWEST QUOTE AT A COST OF \$2,068.00.

ADJOURNMENT OF REGULAR TOWN BOARD MEETING

170-16 A motion was made by Councilman Soto, seconded by Councilman Cancel to adjourn the Regular Town Board Meeting.

CONVENE TO A MEETING OF THE POLICE COMMISSION

171-16 A motion was made by Commissioner Cancel, seconded by Commissioner Gould to convene to a Meeting of the Police Commission.

POLICE COMMISSION GARNERVILLE, NY MARCH 14, 2016

The Town Board of the Town of Haverstraw met at a Meeting of The Police Commission of the Town of Haverstraw on Monday, March 14, 2016 at 8:30 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

On Roll Call the following members answered to their names:

Chairman Howard T. Phillips, Jr.

Commissioner Isidro Cancel

Commissioner Vincent J. Gamboli (Absent)

Commissioner John J. Gould Commissioner Hector L. Soto

TERMINATION OF GML 207-C BENEFITS FOR EMPLOYEE NO. SYS-016673

The following resolution was approved by the full Town Board members and Police Commission.

WHEREAS, a hearing was requested pursuant to the Town of Haverstraw Police Department Line of Duty Injury Procedure relating to Employee No. SYS-016673; and

WHEREAS, hearings were held before the Honorable Alfred Cava, the independent hearing officer selected to hear the matter; and

WHEREAS, the hearing officer heard testimony and took evidence on the question(s) before him, has rendered a decision and forwarded a complete copy of the record, together with his findings of fact and recommendation to the Town Board for its consideration; and

WHEREAS, the Town Board has reviewed the record together with the findings of fact and recommendations of the hearing officer;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Haverstraw and the Police Commission, hereby non-concurs and disagrees with the following findings of fact and recommendations of the hearing officer in his decision dated December 29, 2015, which found (i) that Employee No. SYS-016673 was unable to perform the full duties of his position due to a causally related injury arising out of a claimed injury on July 25, 2013; (ii) that the narcotic pain medication, which Employee No. SYS-016673 admitted that he had been using prior to the claimed injury of July 25, 2013, was causally related to the claimed injury on July 25, 2013; (iii) that use of said narcotic pain medication disabled Employee No. . SYS-016673 from performing the full duties of his position; (iv) that the Town's medical consultant, Dr. Warren Silverman, did not have sufficient information to provide conclusive opinions on causal relationship and fitness for duty; and (v) that the return to work order of the Police Chief dated April 8, 2015 was not supported by substantial evidence; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Haverstraw, and the Police Commission, finds that a claimed "cervical strain/cervical radiculopathy" condition was the only injury accepted by the Town of Haverstraw under General Municipal Law Section 207-c arising out of the claimed injury of July 25, 2013 and that the Town of Haverstraw never accepted claimed injuries with respect to the right knee or carpal tunnel syndrome; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Haverstraw, and the Police Commission, finds that Employee No. SYS-016673 was not disabled from performing his full duties as a police officer as ordered by the Chief of Police, a finding based on a review of the entire record, including the physical condition and pre-existing injuries of Employee No. SYS-016673 prior to the claimed injury of July 25, 2013; said Employee's use of narcotic pain medication prior to the claimed injury of July 25, 2013; said Employee's admitted physical activities after the claimed injury of July 25, 2013; and the medical examination of said

Employee by Dr. Warren Silverman as well as his review of medical records, his written report and his sworn testimony; and

POLICE COMMISSION GARNERVILLE, NY MARCH 14, 2016

BE IT FURTHER RESOLVED that, based on the above findings, the Town Board of the Town of Haverstraw and the Police Commission, hereby terminates the General Municipal Law Section 207-c benefits of Employee No. SYS-016673 effective immediately; and

BE IT FURTHER RESOLVED that the Chief of Police is hereby directed to notify Employee No. SYS-016673 of this determination and take all actions consistent with this determination relative to the employment status of said employee including, but not limited to, the termination of benefits pursuant to General Municipal Law Section 207-c effective immediately.

ADJOURNMENT OF THE POLICE COMMISSION MEETING

- On motion by Commissioner Gould, seconded by Commissioner Soto, unanimously adopted, the Police Commission Meeting was adjourned.
- 174-16 RECONVENE TO REGULAR TOWN BOARD MEETING

On motion by Councilman Cancel, seconded by Councilman Soto the Regular Town Board Meeting was reconvened.

PUBLIC PARTICIPATION

<u>Noel Rappaport, Lewis Drive, Garnerville, NY</u>, asked if the Town has considered having a taxi commission to regulate the taxicabs in the Town.

Supervisor Phillips stated that the Town has considered it. However, we were hoping for the County to adopt a taxi code because of the fact that taxicabs cross over so many municipal lines. If the County adopts, it would be uniform throughout the County, but if the Town does it, it would only be good within the unincorporated area of the Town and not the Villages of Haverstraw, West Haverstraw and Pomona. Supervisor Phillips asked Legislator Jay Hood, who was present at the meeting, if there is any movement on the County level about a taxi code.

<u>Legislator Jay Hood, Jr.</u> stated that just last week he received a draft law from the County Executive's office. The County Legislature is reviewing it. The law won't cover everything that every village wants; it's going to be a general code for licensing and things like that. As far as parking, the Villages will have to do that themselves.

ANNOUNCEMENTS

The "Dutchtown and Major Andre" Exhibit at the Rockland County Historical Society on Saturday, March 12th was very informative and also very well attended.

Garner Arts Center held its first Lifetime Achievement Award ceremony on March 5th. They honored comic book writer and editor Denny O'Neil, who is a Rockland County resident. Mr. O'Neil is the writer of the Batman series.

As part of the Quadricentennial Anniversary celebration we will be dedicating an Anniversary Clock outside Town Hall. We are currently accepting applications for custom engraving on the clock. The form can be found on our website, www.townofhaverstraw.org or the Town Clerk's office. The cost is \$200.00 per line with 27 spaces.

S.W. Johnson Fire Company is hosting a Friday Night Fish Fry during Lent.

St. Peter's & St Mary's Church is having its annual Passion Play on Saturday, March 19th at 7:00 pm.

The Fourth of July fireworks are scheduled for Saturday, July 2^{nd} , with a rain date of Sunday. July 3^{rd} .

ADJOURNMENT

Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Hilda Coords, James E. Rogers, Edward J. Byrnes, Osvaldo Edward Lopez, Rafael A. Aviles, Jr., Richard J. Roberts, David Ramos, Anthony Alva, and Humbert "Bert" Talamini who recently passed away. The Town Board members further extended their condolences and sympathy to the families. Therefore, a motion was made by Councilman Gould, seconded by Councilman Soto, and unanimously adopted and the Town Board Meeting was adjourned.