

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Tuesday, September 6, 2016**

**7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Tuesday, September 6, 2016, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council Mr. Gerald Jones presiding, the meeting was called to order at 7:00 p.m.

Mr. Jones led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Christopher Scott, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, Mrs. Carol Steiner, Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent – Mrs. Karen Fuller

Mrs. Steiner moved and Mr. Scott seconded to excuse the absence of Mrs. Fuller. All members of Council signified their approval by saying aye.

Mr. Jones said they had several things to do before they got into the meeting; the promotion of an officer and the hiring of a new officer.

Mayor Hovey introduced part-time **Patrol Officer Craig Rowe** and administered the Oath of Office.

Mayor Hovey introduced **Officer James Norris**, who is being promoted to Lieutenant, and administered the Oath of Office.

Mr. Jones asked if there were any additions or corrections to the minutes of the August 15, 2016, regular Council Meeting.

A paragraph on Page 1 will be removed, as it mistakenly listed Mr. Scott as being excused from the meeting.

There being no further additions or corrections, the minutes were approved as corrected.

Mr. Jones asked Mr. Sean Housley, Clerk-Treasurer, for the reading of any pending legislation that is up for first reading.

**RESOLUTION NO.: 65-2016 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LEGAL DEFENDER'S OFFICE OF SUMMIT COUNTY TO PROVIDE LEGAL COUNSEL TO INDIGENT PERSONS FOR THE PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017, AND DECLARING AN EMERGENCY.**

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Mr. Jones assigned Resolution No.: 65-2016 to the Finance & Appropriation Committee.

**RESOLUTION NO.: 66-2016 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$121,291.84.**

Mr. Jones assigned Resolution No.: 66-2016 to the Finance & Appropriation Committee.

**ORDINANCE NO.: 67-2016 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 67-2016 to the Finance & Appropriation Committee.

**RESOLUTION NO.: 68-2016 A RESOLUTION RATIFYING THE APPLICATION OF THE POLICE CHIEF TO THE WALMART FOUNDATION'S COMMUNITY GRANT PROGRAM TO FUND PART-TIME SECRETARIAL SERVICES PAYROLL, TO REVISE THE POLICE DEPARTMENT'S FIELD TRAINING OFFICER'S MANUAL, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 68-2016 to the Personnel and Public Affairs.

**Second reading: None**

**Third reading:**

**ORDINANCE NO.: 58-2016 AN ORDINANCE AMENDING SECTION 933.01 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE TO APPLY A MINIMUM FIXED CHARGE FOR UPKEEP OF THE WATER SYSTEM FOR THOSE DIRECTLY CONNECTED TO THE WATER SYSTEM AND THOSE WHOSE CONNECTION TO THE SYSTEM IS THROUGH FIRE HYDRANT SERVICE, AND DECLARING AN EMERGENCY.**

Ordinance No.: 58-2016 was previously assigned to the Finance & Appropriations Committee.

**Comments from the audience:**

**Dennis Kimmell, 3239 North Dover Road**, said it is my understanding that nobody in the Village is paying for the potential of possibly having to use water out of the fire hydrants. If you are going to charge a segment of the population for that, then you need to charge all the people who have the potential to use water out of the hydrant regardless of whether they are participating in the water system currently for their daily needs. We are talking about something that might happen in the future. It applies to anybody whose home might burn. In regard to the people that live on

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N. Dover Road, the fire hydrant in question does not belong to the Village of Silver Lake. The hydrant belongs to Stow, the water line is Stow's, and the water is Stow's. I have a diagram from the Planning Department and the Water Department of Stow that I would be more than happy to share. It is my understanding that water does not belong to the Village.

Mr. Lipan said it is ours.

Mr. Jones asked Mr. Lipan to hold off and said on behalf of that subject I will read an email to the Mayor from Kathy Vaughn, who is the Superintendent of the Stow water system.

*"In reference to the fire hydrant at the corner of N. Dover and 1505 Graham Road, this hydrant is part of the Silver Lake water system. The last hydrant along Graham belonging to the City of Stow is at 1529 Graham. This hydrant has a different style operating nut, standard in your community and not accepted in Stow. It has been under the control and maintenance of Silver Lake for nearly 20 years. The City of Stow does not flush or maintain it. Although the City of Stow does have a 12" water main along Graham Road through Silver Lake, this hydrant is being serviced on the south side off the Silver Lake water main."  
(Friday, September 2, 2016 -- 2:11 p.m.)*

Mr. Kimmel said that was interesting, because she told him the complete opposite.

Mr. Jones said that this is as of Friday the 2<sup>nd</sup> ant 2:11 p.m.

**Kathleen Edwards, 1425 Woodland Lane**, said she found three properties on Graham Road that have frontage in Silver Lake that pay school taxes to Cuyahoga Falls, but the back part of their property is in Stow. I wonder if you are including them, as they are also potential users of this system and have property in Silver Lake. Secondly, many of the residents have voiced their opposition to the proposed ordinance. I maintain we have a solid reason for opposing it. The Village has everything to gain from this, including an extra \$6,100 a year. In return, I don't know what we gain..., I don't know. We don't use the Village water system. We can't use it because connecting to it is not an option for us. The question is simple enough. We don't use the system. Why are you insisting we pay the fee to maintain it? Here you are asking us to pay \$16/month to maintain a system we don't use. You have stated your reason - that *someday* we *might* have to use a fire hydrant at the corner of Graham and Dover and since the hydrant is part of the Village water system, we non-users have the exact same financial responsibility to pay for the system maintenance as the residents who get water on a daily basis. Residents who use Village water need to only turn on their taps to see the benefit of paying this maintenance fee. They see it multiple times a day. With your proposed fee, N. Dover and Woodland would need to have a house fire to get any benefit out of the fees we are supposed to pay. It sounds absurd when I say it out loud. The Village will gain \$6,100 a year from us. What do we get in return? Perhaps someone can explain it to us. If you are truly concerned about our potential to cause wear and tear on the Village water system, perhaps you would consider a plan to collect a water use fee after one of us has to use the fire hydrant for a fire. This seems more equitable than charging us the same amount

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that everyone else in the Village is paying. If any of you can look at me straight and tell me that this fee is just, fair, and right, or tell me how we will benefit from this, we might be able to be persuaded. I don't think that is going to happen. I am going to call it what I think it really is. It's a Village revenue enhancer – more simply, a money grab. I don't see that we are ever going to get a benefit, unless a house burns down.

**Jeffrey Sain, 3230 N. Dover**, said he has been in the Village over 30 years, first lived on Kent Road, now 17 years on N. Dover. We have had to spend a lot of money on our water system, having to drill a well, run pipes, and make repairs on our system. I understand you may have a fee for the potential wear and tear on a system. Where I have a problem is about being charged \$16/month to cover that cost. If you have an ongoing fee structure rather than the full amount, as if you are on the water system, putting the wear and tear daily on the system; that I can understand. In this particular case, if there happens to be a fire, if there happens to be use, there has to be another way, another possibility, of coming up with a way of covering those types of costs rather than saying this is what we charge everybody else, so let's do it here. As far as I'm concerned, that's what it sound like, and it's an easier approach, but it's not fair.

**Linda Marhofer, 3160 N. Dover**, was in attendance, and said she just opposes it, that's all.

## FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT

## RESOLUTION NO.: 65-2016

Mr. Scott said this was an annual contract. Mayor added it is the same as last year and there is no increase in cost.

There being no further comments or questions, Mr. Scott said this Resolution would be brought out for adoption this evening.

Mayor Hovey and Bob Heydorn said that it's exactly the same as last year's contract.

## RESOLUTION NO.: 66-2016

Mr. Scott asked if there were any questions on any of these payments.

Mr. Scott asked about a payment for wire. Mr. Lipan said it was for the new water meters.

There being no further comments or questions, Mr. Scott said this Resolution would be brought out for adoption this evening.

Mr. Scott asked Mr. Lipan if this is for additional wire we had to put in?

Mr. Lipan said yes, he has probably spent about \$12,000 on wire.

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## ORDINANCE NO.: 67-2016

Mr. Housley said Mr. Lipan has asked for additional monies to hire someone part time to paint fire hydrants. In addition, there are a few smaller omnibus adjustments the he needs.

Mr. Church said \$3,750 for painting fire hydrants seems high. Mr. Lipan said that figure is based on \$10/hour, which will be cheaper than going out for bid. Mr. Lipan researched other communities who sought bids for this painting, and the bids ranged from a low of \$95.45 per hydrant to a high of \$750.00 per hydrant. Mr. Lipan said he will hire one seasonal employee to complete this project for 209 hydrants.

Mr. Jones asked if he was sandblasting. Mr. Lipan said no, but the above quotes were for sandblasting.

Mr. Scott asked if this is what the fire department recommends. Mr. Lipan said yes.

Mrs. Steiner asked if that amount covered the numbers too. Mr. Lipan said it depends on how long it takes them to do the fire hydrants.

Mr. Jones asked Mr. Lipan if he already had somebody in mind. Mr. Lipan said he had a couple of people in mind.

Mr. Scott asked what type of contract this is? Mr. Lipan said it would be an hourly contract.

There being no further comments or questions, Mr. Scott said this Ordinance would be would be brought out for adoption this evening.

**Third Reading:**

## ORDINANCE NO.: 58-2016

Mr. Scott asked if Council had any further comments.

Mrs. Steiner said Mr. Heydorn asked Council at the end of the last meeting to listen to what the residents said and to reassess what we think is fair.

Mrs. Steiner continued, saying according to my notes, the water rate ordinance is two parts, the first part being a fixed charge relating to upkeep and capital costs. The second part is actual usage, which we are not concerned with at this point. The fixed charge that I pay helps maintain the water lines coming to my house, so that is pretty important to me. The Dover Road residents have no water lines. My second point is it was mentioned at the meeting they were never charged before. This is something that was not part of the original agreement and we have just kind of developed.

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Thirdly, there is an average of one fire hydrant supplying eight homes, basically, within 200-300 feet of a home. Graham Road supplies 30 homes. Mrs. Steiner had Mr. Lipan clarify that the Graham Road hydrant is indeed ours.

My fourth point is that all of this discussion amounts to \$5,400 - \$6,000 a year. It is no budget buster for us or for the residents, who can afford to pay it. I think, in an effort to be fair and equitable to everyone, I would suggest maybe \$5/month, which would let them take a part in it, for all the reasons we have stated. It would be \$60/year. The Village would get about \$1,800-\$2,000 per year. We would get something and they would pay something for the expenses. I think all of our residents, not just N. Dover Road, would understand this is a fair and equitable resolution.

Mr. Scott said he, too, has given this a lot of thought since the last meeting after some very good comments were made. They were grandfathered for 20 plus years. We would not have done anything had we not been dealing with another issue that brought this to light. I do think we want to make it clear it was never for financial gain to do this. It was to be fair. If other residents and paying towards this, they should probably pay somethings towards it. That being said, I sort of am in agreement here. They are not going to access that system very much. It is a matter of reducing the fee to \$5 or whatever, if that works. I had even thought of what the one woman said, "If they ever have to access it." We could make a large charge to make up, but I don't know if we can legally do that. I would be more for something like this. I think we have to listen to them, as the residents have some good points.

Mrs. Meyer said a fee could be charged if services were needed for a fire.

Mrs. Steiner said that she is not tied to the \$5 fee either but the current proposal doesn't seem to be very fair to them but she does not know if they could be charged after the use it either.

Mr. Jones and Mr. Scott didn't think they could be charged afterward. Mr. Scott said it's not unheard of to charge a fee because some communities charge for EMS, but the fire department fees are paid from property taxes.

Mrs. Steiner agreed and said that's a separate issue.

Mr. Jones asked if this was going to be brought out?

Mr. Scott said this Resolution would be tabled, and Mr. Heydom suggested Council include a date certain to table the Ordinance to. If you table it indefinitely, that's as good as killing it.

Mrs. Steiner said she thinks we need to discuss what if fair and equitable and discuss this further.

Mr. Plesich said either way you would wind up rewriting it.

Mr. Jones thought suggested tabling it indefinitely.

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Mr. Heydorn said Council should then postpone indefinitely.

**STATEMENT OF CASH POSITION**

Statements of July 31, 2016 and August 31, 2016 were presented.

Mr. Housley said we are reconciled though August 31, 2016. Things are not behind in that office and things are moving along very well with Kim Pigman.

There being no further comments or questions, Mr. Scott said these would be brought out for adoption tonight.

**PERSONNEL AND PUBLIC AFFAIRS COMMITTEE – MRS. CAROL STEINER**

**RESOLUTION NO.: 68-2016**

Mrs. Steiner asked Chief Conley to clarify if we have received this grant already. Chief said we already applied and they have sent a check. This is similar to grants obtained in the past for other manuals we have updated. It takes a lot of time to enter this data in a format we can use. Our old manuals have not been updated in a very long time.

Mr. Jones asked about the last manual the Police Department updated. Chief said he thought it was the Emergency Disaster Plan for the Village was updated last year. The Police Officers Policies and Procedures Manual was reviewed in 2014.

Chief said Detective Amy Snyder has been in the lead on grant writing for the Police Department. The typing to update the manual will be done by our Police Secretary, Sharon Pulley.

Mrs. Steiner said they appreciate him getting these grants and asked who he used to apply for them? Chief said Amy Snyder who is now our detective.

Mrs. Steiner asked who would be doing the work. Chief said Sharon Pulley, police secretary.

There being no further comments or questions, Mrs. Steiner said this would be brought out for adoption tonight.

**Personnel and Public Affairs Committee – Mrs. Steiner**

Mrs. Steiner stated **Resolution No.: 68-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mrs. Steiner, seconded by Mr. Church

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Roll call on suspension:      Yes    6      No    0

Motion to adopt by Mrs. Steiner, seconded by Mr. Plesich

Roll call on adoption:      Yes    6      No    0

**Finance and Appropriations Committee – Mr. Scott**

Mr. Scott stated **Resolution No.: 65-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mrs. Steiner

Roll call on suspension:      Yes    6      No    0

Motion to adopt by Mr. Scott, seconded by Mrs. Steiner

Roll call on adoption:      Yes    6      No    0

Mr. Scott stated **Resolution No.: 66-2016** was discussed in Committee and is ready for adoption.

Motion to adopt by Mr. Scott, seconded by Mr. Church

Roll call on adoption:      Yes    5      No    0      Abstain 1 (Plesich)

Mr. Scott stated **Ordinance No.: 67-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mrs. Meyer

Roll call on suspension:      Yes    6      No    0

Motion to adopt by Mr. Scott, seconded by Mrs. Meyer

Roll call on adoption:      Yes    6      No    0

Mr. Scott stated **Ordinance No.: 58-2016** was discussed in Committee.

Motion to postpone indefinitely by Mr. Scott.

Mayor Hovey said he would support whatever Council does, but this problem came to light from another issue and the idea was to try and be fair to everyone. If indeed the decision is the people on N. Dover and Woodland are not going to have that charge, to be fair, we have 12 other residences in the Village who are in the same situation. They do not use our water and they have been paying this fee forever. If indeed we are going to not do this, then we have to make it right with the other 12 residences. I don't know if that means postpone indefinitely or to a time certain, so this thing is amended, or we could come up with something different. The idea is to be fair, as those other 12 people are impacted now.



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Mr. Scott said he thought the idea was to postpone indefinitely so we could go back and start something new we think is more appropriate for the people on N. Dover, as well as the other 12 people affected. I think we need to discuss this a little more.

Mr. Jones suggested we postpone it for 60 days.

Mr. Scott said he thought the idea was we were going to have to rewrite this anyway, so we could postpone indefinitely and kill it.

Mr. Jones said if we are charging other people that and have been for years, how do we go back and say we are going to remove charges? He suggested we discuss it in the meantime and postpone for 60 days.

Mr. Scott said we would have to amend this heavily, so the idea was if we just postpone indefinitely, that basically kills it, and we can start with a new, fresh resolution.

Mrs. Steiner wanted to confirm we are not letting it drop.

Mr. Scott said definitely not, and I think we need to start talking about this at the next meeting or whatever.

Mr. Plesich said it doesn't matter which way we do it, it is going to be redone.

Mrs. Steiner said if we amend it so much, we will be reading all the amendments in.

Mr. Jones asked Mr. Heydorn for his comment. Mr. Heydorn said it is possible to amend it. The question is if it is amended to the point that it becomes basically a new ordinance, then you have to go with another three readings, but you can use the first one to amend it. You can also do exactly what you are talking about, and that is postpone indefinitely and start out with a new one. The problem with that at this point, and the Mayor's concern, is that it is just dropped. Even this ordinance that was proposed was the result of the administration coming together to discuss an idea. If you postpone it indefinitely, my suggestion would be to develop work sessions scheduled on the agenda to discuss it.

Mr. Plesich said we should postpone it to a date certain and have discussion in the meantime.

Mr. Scott asked what date Council wants to use?

Mr. Jones suggested to postpone to the second meeting in November, which is November 21, 2016.

Motion to table to a date certain of November 21, 2016,  
by Mr. Scott, seconded by Mrs. Steiner

Roll call:                    Yes    5            No    0            Abstain 1 (Church)

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**Statement of Cash Position**

Mr. Scott moved to accept the **Statement of July 31, 2016**, as presented, seconded by Mrs. Meyer. All members signified their approval by saying aye.

Mr. Scott moved to accept the **Statement of August 31, 2016**, as presented, seconded by Mrs. Meyer. All members signified their approval by saying aye.

**Reports of Village Officials**

**Mayor Hovey** reported he has decided to highlight things our employees do at the first meeting each month, just to make Council more aware.

The first employee Mayor wanted to commend was Mark Lipan for what he has done servicing our water lines. He has hired a company to inspect our lines every year. They will pinpoint the exact location where we have a leak developing. It enables us to find leaks before they get massive and save us a lot of money in wasted water. Mr. Lipan came up with this on his own, and in the long run and short run it saves us a lot of money, and I wanted to commend him for that.

Mayor reported he would probably be able to report more at the next meeting, but we are losing another employee who is leaving for more money elsewhere.

**Mr. Robert Heydorn, Village Solicitor**, had no report.

**Chief John Conley** reported he will be on vacation for the next Council meeting, and Council can contact Lt. Justice or Lt. Norris while he is away.

Mr. Jones asked how we are doing on the cameras. Chief said body cameras are still on backorder. We do not have a delivery date yet, and they have not been paid for.

Mrs. Meyer asked if there was a fire today on the Boulevard. Chief said a car caught fire in a garage on Silver Lake Blvd. The tried to pull it out with the cruiser, but couldn't. The Fire Department was able to get the fire out.

**Mr. Mark Lipan, Service Director**, thanked the Mayor for his report. The survey they did found four leaks, two in service lines and two hydrants. We repaired all four, and the leaks were estimated to be small – about 5 gallons/minute.

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We are moving close to having about 900 meters installed. I will be putting in my final order for the last 100 or so meters. We are moving down to where people are not calling in anymore, so we will have to get vigilant.

**Mr. Sean Housley, Clerk-Treasurer**, reported on the sewer system financing. I have learned that the Ohio EPA has a principal forgiveness program, which acts in substance like a grant. It is for up to \$300,000 of principal forgiveness. As I mentioned previously, OPWC has a couple of different financing options. One is a grant for up to 90%. This is a competitive application and are ranked competitively. The other would be for interest forgiveness. We may have to decide which one we would want to apply for. I don't know that we can apply for both simultaneously. I also believe there may be a grant available through the Department of Agriculture, which I just learned about today. I think we may be able to apply to both simultaneously. I know when you apply for principal forgiveness or the grant, quite frequently they want us to contribute a certain percentage. There will be more discussion to follow probably in January, as I get more involved with the application.

Auditors have completed their two-year evaluation of us and have no significant findings. The cost is between \$6,000 and \$7,000, which is a small fraction of what costs have been in the past.

Mrs. Steiner said that's a good job on that and asked how long they were here. Mr. Housley said about a day.

Mr. Scott said this wasn't a full audit.

Mr. Housley said correct, the auditors did agreed upon procedure, which is lesser in scope than a regular full audit. You have to meet certain criteria to be eligible for these types of reviews, and you can only be eligible for two. Then you must complete a full audit. Since they have not found any significant problems, we will be eligible one more time.

Mr. Church asked if Mr. Housley was still looking for an assistant. Mr. Housley replied eventually I will be looking for one. He is waiting for the final determination by the Mayor on who he will be hiring as the bookkeeper. Then he will advertise. Mr. Church asked if Kim was working out well. Mr. Housley said yes, she is doing a great job. We are not behind. We are getting the bills out timely. I have to give Karyn some credit. She had two weeks with Kim, and Kim has adapted well and is a quick learner. I'm happy with the way things are going in that office.

Mr. Jones asked the Mayor for any comments on what we are doing with that position. Mayor said in all likelihood he would appoint Kim Pigman as the full time bookkeeper shortly.

**Miscellaneous Business**

Mr. Scott asked to set up a time for a work session to discuss the water bill situation. Mr. Jones suggested having the session prior to the next regular meeting on September 19, 2016, at 5:30 p.m.

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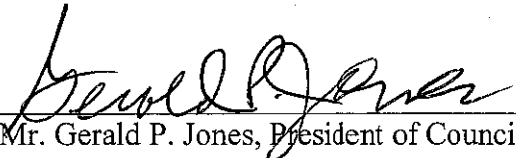
**7:00 p.m.**

There being no further comments or questions, Council adjourned at 8:00 p.m. until the next regular meeting of Council on Monday, September 19, 2016, at 7:00 p.m.

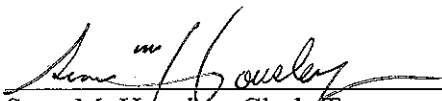
Discussion on water/sewer rates for N. Dover Road will be held from 5:30 p.m. – 6:45 p.m.

Mr. Lipan will have an employee to present to the Personnel Placement Committee, which will also meet prior to the regular meeting.

APPROVED

  
Mr. Gerald P. Jones, President of Council

ATTEST:

  
Sean M. Housley, Clerk-Treasurer

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prepared by: Darlene Pedicino