

REGULAR SESSION OF MUNICIPAL COUNCIL
November 15, 2005
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Minutes of the regular session of **Municipal Council** held on November 15, 2005, in the Council Chambers of the Municipal Administration Building, Annapolis Royal, NS, at 10:00 a.m.

Present: Warden Peter Newton; Deputy Warden Reg Ritchie; Councillors: Marilyn Wilkins, Brian “Fuzzy” Connell, Wayne Fowler, Herb Anderson (11:50), Tom Vitiello, Pat McWade, Phil Milo, Peter Terauds and Ron Trimper; Chief Administrative Officer Keith Robicheau, and Administrative Assistant Carolyn Young.

Also

Present: Municipal Services Director Laurie Emms, Coordinator of Planning & Development Control Albert Dunphy, Administrative Assistant Nadine Barteaux, Municipal Solicitor Bruce Gillis (11:40), 4 members of the public, and 1 member from the media.

Absent: Municipal Clerk Jacquie Farrow-Lawrence.

Moment of Silence

Council observed a moment of silence in recognition of the passing of Mr. Bud Miller, past Warden.

Additions to Addendum

By consensus the following additions were made to the Council Addendum:

- NT2 (B) Conference Report – Identifying Strategies to Support Sustainable Agriculture in Canada
- NT5 (A) Minister of Education, Letter of Response

Minutes

MOTION 051115.01 Minutes of October 18 Regular Session and October 26 Special Session

It was moved by Councillor Terauds, seconded by Councillor Fowler, to approve the minutes of the regular session of Council held on October 18, 2005, and the special session of Council held on October 26, 2005, as circulated. Motion carried unanimously.

Councillor Terauds left the meeting to attend the funeral of a friend and former Warden of Annapolis County.

Business Arising from the Minutes:

Re: Municipal Bylaw Amendments

- *M5 Full Tax Exemption Bylaw – Addition of Genesis Christian Ministries, Brooklyn*

MOTION 051115.02 M5 Full Tax Ex. Bylaw – Add Genesis Christian Ministries, Brooklyn – Final Reading

In accordance with first reading given at the Oct 18-05 Municipal Council session; it was moved by Deputy Warden Ritchie, seconded by Councillor Connell, that the Municipality approve final reading to amend the schedule to *M5 Full Tax Exemption Bylaw* by adding the following property listing inclusive of all area rates effective April 1, 2005:

<i>Organization</i>	<i>Description</i>	<i>Incorporation No.</i>
<u>District #2</u>		
Genesis Christian Ministries	Land and Buildings	1261028
Brooklyn		AAN 03325318

- Motion carried unanimously.
- *S4 Solid Waste Resource Management Bylaw*

MOTION 051115.03 S4 Solid Waste Resource Management Bylaw – Final Reading

Pursuant to first reading given at the July 19-05 Municipal Council session; Deputy-Warden Ritchie moved, seconded by Councillor Trimper, that Municipal Council approve final reading to amend the S4 Solid Waste Resource Management Bylaw by adding the following sections:

- 3.5 No person shall export or remove residual waste or unsorted solid waste generated within the Municipality outside the boundaries of the Valley Region.
- 3.6 Notwithstanding 3.5, the Authority may export solid waste to licensed facilities outside the boundaries of the Valley Region.

The CAO noted that two years ago Council decided not to incorporate the above changes (specific to residual and unsorted solid waste) until the new Provincial regulations for second generation landfills took effect until January 2006, allowing affected businesses to make necessary changes.

Councillor Milo moved, seconded by Councillor Vitiello, to allow comments from the public. Motion carried unanimously.

- *Mr. Clifford King* – He noted that his comments were all made in his letter dated November 7th.
- *Mr. Allan Hubley* – He remarked that in January it will be known how well the amendments will be enforced.
- *Mr. Dave Barrett* – Who does the bylaw apply to? The CAO noted that the Province has broad powers of enforcement and can deal with landfill owners, haulers and originators of the waste.
- *Mr. Allan Hubley* – Inquired if amendments applied to industrial waste? The CAO responded industrial waste would be classified as residual if going for disposal in a landfill. How much is leaving the region now? It was noted that Valley Waste would have those estimates.

- The motion was called. Motion carried unanimously.

- Correspondence from Mr. King – A letter dated November 7th was received from Mr. Clifford King who stated his objections to the amendments due to: increased costs, the legality of the bylaw, whether the new amendments are enforceable; and creating a monopoly for Valley Waste

It was moved by Councillor Trimper, seconded by Deputy Warden Ritchie, to accept the above-noted letter dated November 7th from Mr. Clifford King for information. Motion carried unanimously.

Re: Committee of the Whole – (November 8th meeting)

- ***Community Recreation Grant Program – Special Olympics of Annapolis County***

MOTION 051115.04 CRGP - Special Olympics of Annapolis County

As recommended by Committee of the Whole; Deputy-Warden Ritchie moved, seconded by Councillor Connell, that Municipal Council accept the recommendation of Staff to provide a \$500 grant to Special Olympics of Annapolis County from the 2005-06 Community Recreation Grant Program. Motion carried unanimously.

- ***Digby-Annapolis Development Corporation***

- **MOTION 051115.05 Digby-Annapolis Development Corporation 2005-06 Budget**

- In accordance with the recommendation of Committee of the Whole; it was moved by Deputy Warden Ritchie, seconded by Councillor Vitiello, that Municipal Council approve the 2005-06 operating budget for the Digby-Annapolis Development Corporation as circulated. Motion carried unanimously.

- ***FUNDYweb Broadband Board***

- **MOTION 051115.06 FUNDYweb Broadband Board 2005-06 Budget**

- As recommended by Committee of the Whole; Deputy Warden Ritchie moved, seconded by Councillor McWade, that Municipal Council approve the 2005-06 operating budget for the FUNDYweb Broadband Board as circulated. Motion carried unanimously.

- ***Rural Secretariat – Rural Population Forum***

- **MOTION 051115.07 Rural Secretariat Rural Population Forum – Terauds to attend**

- Pursuant to the recommendation of Committee of the Whole; it was moved by Deputy Warden Ritchie, seconded by Councillor Trimper, that Municipal Council approve of sponsoring the attendance of Councillor Terauds at the Rural Population Forum being held in Moncton, NB, from December 8th to 10th. Motion carried unanimously.

- ***Canada Post – Closure of Postal Outlets***

- **MOTION 051115.08 Canada Post – Closure of Postal Outlets**

- In accordance with the recommendation of Committee of the Whole and whereas the Federal Government is allowing Canada Post to close rural post offices in spite of a moratorium on post office closures in rural and small towns; Deputy Warden Ritchie moved, seconded by Councillor Milo, that Municipal Council forward a letter to the Hon. John McCallum, Minister Responsible for Canada Post, requesting that the Federal Government instruct Canada Post to:

- 1. consult with the public and major stakeholders to develop a uniform and democratic process for making changes to the Canada Post network; and
 2. maintain and improve our public postal network.

- Motion carried unanimously.

Re: Nominating Committee (September 22nd Meeting)

- ***2005-06 Appointments to Standing & Special Committees of Council***

- **MOTION 051115.09 2005-06 Appointments to Heritage Advisory Committee**

- It was moved by Councillor Wilkins, seconded by Councillor Milo, to appoint Ryan Scranton as a citizen member to the Heritage Advisory Committee, with the term to expire November 30, 2006. Motion carried unanimously.

- **MOTION 051115.10 2005-06 Appointments to Granville Ferry Water Supply AAC**

- Councillor Wilkins moved, seconded by Deputy Warden Ritchie, that in the absence of applications, the area Councillor shall seek out two nominees to be appointed. Motion carried unanimously.

MOTION 051115.11 2005-06 Appointments of Councillors to Standing Committees

Since no requests for changes had been received; it was moved by Councillor Wilkins, seconded by Councillor Fowler, that the appointments on Standing Committees remain the same for 2005-06 (re-appointments to be made as of December 1, 2006). Motion carried unanimously.

MOTION 051115.12 2005-06 Appointments to Regional EMO

Upon motion of Councillor Wilkins, seconded by Councillor Milo, it was resolved that the Warden and Councillor Vitiello be appointed to the Regional Emergency Measures Organization Committee. Motion carried unanimously.

Re: Executive Committee (October 24th meeting)

- ***Policing Services-RCMP Request for Additional Resources***

MOTION 051115.13 Policing Services - RCMP Request for Additional Resources

In accordance with the recommendations of the Executive Committee and Committee of the Whole; Councillor Vitiello moved, seconded by Councillor Wilkins, that Municipal Council authorize the CAO to send a letter proposing funding for one(1) GIS member as a pilot project for a trial period of 18-24 months (cost shared 70% by the County, 20% by the Town of Middleton, and 10% by Town of Bridgetown). Motion carried unanimously.

- ***Police Advisory Board***

MOTION 051115.14 Police Advisory Bd. - Request for Exemption – Section 57(8) of Police Act

As recommended by both the Executive Committee and Committee of the Whole; it was moved by Councillor Vitiello, seconded by Councillor Milo, that Municipal Council apply for an exemption in accordance with Section 57(8) of the *Police Act*. Motion carried unanimously.

- ***Grants to Individuals – Adult Achievers***

MOTION 051115.15 Grants to Individuals – Adult Achievers

Pursuant to the recommendations of the Executive Committee and Committee of the Whole; Councillor Vitiello moved, seconded by Councillor Connell, that Municipal Council not consider an Adult Achievement Awards Program at this time. Motion carried (8 in favour, 1 against - Wilkins.)

- ***Student Grants and Bursaries Program***

MOTION 051115.16 1.4.4 Student Grants and Bursaries Policy - Revised

In accordance with the recommendations of the Executive Committee and Committee of the Whole and pursuant to the seven(7)-day notice given on November 8-05; it was moved by Councillor Vitiello, seconded by Councillor Wilkins, that Municipal Council approve the revised *AM - 1.4.4 Student Grants & Bursaries Policy* as circulated. Motion carried unanimously.

- ***CAO Performance Review***

Chair Vitiello reported that it was the consensus of Committee that the Chief Administrative Officer's anniversary date (determining date of performance reviews) should take place after the fiscal year with Councillors completing review forms in May for compilation and discussion with the CAO in June.

MOTION 051115.17 CAO Performance Review –Amend to Coincide with Fiscal Year

As recommended by the Executive Committee; Councillor Vitiello moved, seconded by Councillor Fowler, that the date for the Chief Administrative Officer's performance review be changed to coincide with the County's fiscal year as per his request. Motion carried unanimously.

Recess

By consensus of Committee, a brief recess was held.

Public Meeting:

Re: Municipal Heritage Property Registration – Application of St. John's Anglican Church, Moschelle

- **Overview** - The Warden noted that this public meeting is in accordance with Section 15 of the Nova Scotia Heritage Property Act (before Municipal Council agrees to include a property in the Annapolis County Municipal Registry of Heritage Property, a public meeting is held where the registered property owner is given the opportunity to ask questions of Council regarding the heritage registration.) He advised the public meeting also provides an opportunity to explain what heritage registration means and to ensure that the property owner is aware of and is in complete agreement with the registration of their property as a Municipal heritage property.
- **Heritage Registration Process** - Councillor Wilkins, Chair of the Heritage Advisory Committee, reviewed the legal process applicable to registered municipal heritage properties, including the approval process for substantial alterations and demolition.
- **Staff Report** – The Coordinator of Planning & Development Control explained that a report is provided to the Heritage Advisory Committee as part of the evaluation process. In terms of evaluation of the St. John's Anglican Church property in Moschelle, an evaluation was conducted by staff as part of the designation process and the property scored 84 points out of a possible 100, rating the St. John's Anglican Church property as a 'Category 1' Designation or 'A priority in the Registration Process'.
- **Confirmation by Applicant** – Diane Fairn, the representative designated by the Trustees, confirmed their understanding of and agreement with the regulations governing municipal heritage-registered properties.

MOTION 051115.18 Mun. Heritage Property-Register St. John's Anglican Church, Moschelle

Councillor Wilkins moved, seconded by Deputy Warden Ritchie, that Municipal Council approve of registering the entire St. John's Anglican Church property in Moschelle as a Municipal Heritage Property, located at Moschelle (Civic # 694, Highway 201), Property Assessment #00089265, and Property Identification # 05131644, being registered by the Municipality of the County of Annapolis as a heritage property pursuant to the *Heritage Property Act*. Motion carried unanimously.

It was moved by Councillor Milo, seconded by Councillor Connell, that the public meeting be adjourned. Motion carried unanimously.

Business Arising From the Minutes: (continued)

Re: Municipal Bylaws – Amendments to Subdivision Bylaw

MOTION 051115.19 Annapolis County Subdivision Bylaw-Amendments *Final Reading*

This is second and final reading of Municipal Council’s intention to amend the Annapolis County Subdivision By-law so as to permit private roads to be developed within a private right-of-way across an abutting lot where the lot proposed to be subdivided does not have frontage on a publicly owned and maintained street.

Deputy Warden Ritchie moved, seconded by Councillor Milo, that in accordance with the report of the Planner and the motion for recommendation of approval from the Annapolis County Planning Advisory Committee and after holding a Public Hearing thereon that Municipal Council amend the Subdivision By-law for the Municipality of the County of Annapolis so as to permit private roads to be developed within a private right-of-way across an abutting lot where the lot proposed to be subdivided does not have frontage on a publicly owned and maintained street as follows:

1. In Part 15, Section 78:d

a. delete all of Section 78 and add the following wording:

“78. Where an area of land is proposed to be subdivided in such a way that a private road is required and area of land proposed to be subdivided:

(a) has frontage on a public street or highway the Private Road shall be approved as a separate lot shown on a Final Plan of Subdivision and is deemed to meet minimum lot area and lot frontage requirements of Sections 5 and 6 (a).

(b) does not have frontage on a public street or highway;

(i) the Private Road on the area of land proposed to be subdivided shall be approved as a separate lot shown on a Final Plan of Subdivision and that portion of the Private Road is deemed to meet minimum lot area and lot frontage requirements of Sections 5 and 6; and

(ii) the Private Road, where it is not to be located on the area of land proposed to be subdivided, shall be approved within a private right-of-way, shown on a Final Plan of Subdivision, that fully joins to the Private Road, as defined in Section 78(b)(i), where applicable, and extends to and has approved access to a public street or highway provided that the private right-of-way is an easement for right-of-way and access that is assignable and perpetual, clearly provides for the construction and maintenance of the Private Road and has been clearly granted by deed that is registered/recorded in the Land Registration Office for the Municipality”.

2. In Part 15, Section 79(1)(a):
 - a. following the phrase “approved only as a separate lot and shown on a Final Plan of Subdivision;” the following wording “, except for a Private Road as defined in Section 78(b)(ii)” is added.

- Motion carried unanimously.

Other Business:

Re: C6 Regional Emergency Measures Bylaw (New Municipal Bylaw) – This new bylaw has been reintroduced for first reading in order to clarify Section 7(c) that the REMO Committee can make recommendations to the affected municipal unit(s) regarding the declaration of a state of local emergency; or in the absence of a timely meeting by council(s), declare such a state in accordance with the *Act*.

MOTION 051115.20 C6 Regional Emergency Measures Bylaw -New Bylaw 1st Reading
Deputy Warden Ritchie moved, seconded by Councillor Fowler, that first reading be given to repealing C6 Municipal Emergency Measures Bylaw and replacing same with C6 Regional Emergency Measure Bylaw. Motion carried unanimously.

New Business:

Re: Federal Gas Tax Transfer Agreement – A Request for Direction dated November 14th was submitted by the Chief Administrative Officer.

MOTION 051115.21 Federal Gas Tax Transfer Agreement
It was moved by Councillor Vitiello, seconded by Councillor Fowler, that Municipal Council authorize the Warden and CAO to execute the Municipal Funding Agreement respecting the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities, and that \$262,761 of funds paid to the Municipality in 2005-06 be used to defray a portion of the Municipality’s share of the eligible capital cost of a new transit bus for the Bridgetown-Lawrencetown-Middleton-Greenwood route. Motion carried unanimously.

Reports and Recommendations:

Re: Municipal Solicitor - A report dated November 10th was received from the Municipal Solicitor advising of the following activities during the past month:

- Receipt and perusal of correspondence re D. Hamilton, Bankrupt Letter to H. Orde in reply re application of money to taxes.
- Perusal of letter re Turner to pay a count under Unsightly Premises, and acknowledgement of compliance with 45 day Order re G. Palmer.
- Subsearch of Crouchman property and review of written from H. Orde, Phone consultation on legalities of tender process and letter of opinion.
- Meeting with CAO in Annapolis re authority to give bridge loan to third party to provide services or facilities the County is authorized to provide.

MOTION 051115.22 Municipal Solicitor - Monthly Report

Deputy-Warden Ritchie moved, seconded by Councillor Vitiello, that the monthly report of the Municipal Solicitor be approved as presented. Motion carried unanimously.

Other Business:

Re: Basin Wellness Society-Interim Financing for the Lifplex Facility –Council was informed that another option has been presented by the Basin Wellness Society regarding interim financing for the Lifplex Facility involving a third party.

In-camera

It was moved by Councillor McWade, seconded by Councillor Connell, to go in camera at 11:42 a.m. to discuss the foregoing matter pursuant to Section 22(1)(e) of the *Municipal Government Act* relating to contract negotiations. Council returned at 1:25 p.m.

Councillors Terauds and Anderson returned during the in-camera session; Councillor Anderson having attended Bud Miller's funeral at the request of the Warden.

Other Business: (continued)

Re: Interim Financing to the Basin Wellness Society for the Lifplex Wellness Facility –

MOTION 051115.23 Basin Wellness Society-Interim Financing for Lifplex Facility

Councillor Anderson moved, seconded by Councillor Wilkins, that the Council of the Municipality of the County of Annapolis authorize a \$350,000 loan from the Operating Reserve Fund to the Basin Wellness Society, subject to receiving a guarantee of repayment in 2006-07 by the Annapolis Basin Conference Centre.

It was moved by Councillor Vitiello, seconded by Councillor Milo, to table the motion. Motion defeated (4 in favour - Milo, Vitiello, Fowler, Trimper; 6 against - Anderson, Terauds, Wilkins, Connell, McWade, Newton).

The original motion was called. Motion carried (6 in favour-McWade, Connell, Wilkins Terauds, Anderson, Newton; 4 against-Fowler, Trimper Milo Vitiello.)

Adjourn for lunch.

It was moved by Councillor Anderson, seconded by Councillor Connell, to adjourn for lunch at 1:35 p.m. Motion carried unanimously. All Councillors returned at 3:00 p.m. as previously stated, except Councillors Trimper, Ritchie and Wilkins.

Correspondence:

Re: Off Highway Vehicle Act Bill No. 275 – Correspondence dated November 8th was received from Brooke Taylor, MLA for Colchester-Musquodoboit Valley regarding Bill No. 275 – *Off-highway Vehicle Act*. It was moved by Councillor Vitiello, seconded by Councillor Terauds, to receive same for information. Motion carried unanimously.

Addendum Items:

Re: Regional Development Agency (RDA) Consultation Plan – An outline for the consultation plan was circulated by the CAO, noting the purpose as:

- to listen and gather information and views;
- to provide stakeholders the opportunity for input on policy direction
- to provide stakeholders the opportunity to influence the final outcome;
- to consult the business community who have expressed keen interest; and
- to encourage discussion among stakeholders

It also outlined points/issues to be discussed such as: Role and Mandate for Regional Economic and Community Development; Performance and Accountability; Governance; Administrative Leadership; Advertised Community Meetings; Conduits for Business Community Invitations; Facilitators; Proposed Timing and Budget outline.

MOTION 051115.24 Regional Development Agency Consultation Plan-Approved

Councillor Vitiello moved, seconded by Councillor Milo, to approve the consultation plan as presented. Motion carried unanimously.

Re: Land Migration Concerns: Response from Service Nova Scotia & Municipal Relations – A letter dated November 8th was received from CA Mark Coffin, Registrar General of Land Titles; in response to Council's letter of October 25th, outlining information regarding the new land titles system. It was moved by Councillor Anderson, seconded by Councillor Fowler, to receive this correspondence for information. Motion carried unanimously.

Re: Conference Report – Identifying Strategies to Support Sustainable Agriculture in Canada – A report was submitted by Councillor Terauds regarding the above-noted conference he attended in Quebec City, November 6-9, 2005, noting the current issues relating to Canadian agriculture with respect to:

- Sustainable development, integrating environmental, economic, and social interests, allowing today's needs to be met without compromising the ability of future generations to meet their needs
- Agriculture incorporating principles in the production, processing and distribution of products
- Benefits of sustainable agriculture noted as:
 - Protects the natural resource bases of soil, air, water, and biodiversity;
 - Contributes to the economic and social well-being of all Canadians;
 - Ensures a safe supply of agricultural products of appropriate quantity and quality; and
 - Safeguards the livelihood and well-being of enterprises, employees, employers and all consumers.

Councillor Terauds moved, seconded by Councillor Fowler, to adopt the report as submitted. Motion carried unanimously.

Councillor Vitiello left during discussion of the above item.

Re: Community Recreation Grant Program (CRGP) – Mt. Rose Community Hall Society – A request dated November 14th was received from the Recreation Coordinator, regarding an application from the Mt. Rose Community Hall Society for funding under the Community Recreation Grant Program (assistance to repair the roof).

MOTION 051115.25 CRGP – Mt. Rose Community Hall Society

Pursuant to the recommendation Staff; it was moved by Councillor Fowler, seconded by Councillor Anderson, to approve a grant in the amount of \$500 to the Mt. Rose

Community Hall Society from the 2005-06 Community Recreation Grant Program.
Motion carried unanimously.

Re: Minister of Education – Letter of Response – Councillor McWade provided a copy of a letter dated November 8th from Jamie Muir, Minister of Education, in response to his note with regard to literacy in our schools. Councillor McWade moved, seconded by Councillor Milo, to receive this letter for information. Motion carried unanimously.

Re: Sale of Property by Tender – Charles Crouchman Property, Bear River – The CAO advised that Staff is recommending the sale by tender of this property to the highest bidder.

MOTION 051115.26 C. Crouchman Property Bear River, Sale by Tender

It was moved by Councillor Milo, seconded by Councillor McWade, to accept the Department of Transportation & Public Works bid of \$1,000 for the purchase of the Charles Crouchman property in Bear River, Assessment Account #00497576. Motion carried unanimously.

Adjournment

Upon motion of Councillor Connell, seconded by Councillor McWade, the meeting adjourned at 3:40 p.m.

Warden

Municipal Clerk