

**MINUTES
REGULAR MEETING
BOARD OF MAYOR AND BURGESSES
MAY 1, 2018**

1. Mayor "Pete" Hess called the regular meeting to order at **6:17 p.m.** with the following in attendance:

BURGESSES:

L. Taf Jackson	D. Hoff
M. Bronko	R. Neth
R. Burns	R. Vitale
J. DeOliveira	D. Wisniewski
C. Herb, arrived 6:49 p.m.	

PRESS:

L. Marshall

RESIDENTS:

Seven

DEPARTMENT HEADS:

R. Butler, Jr., Purchasing/Financial Analyst

J. Stewart, DPW Director

OTHERS:

B. Vaughn, Conservation Commission
M. Sharon, Conservation Commission
C. Yannielli, Conservation Commission
M. Leonard, Conservation Commission Chairwoman

Attorney E. Fitzpatrick
Attorney T. Fitzpatrick
K. Mabrouk, NYS Director

2. Burgess Burns led in the Pledge of Allegiance to the flag.
3. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the minutes of the regular meeting of **April 3, 2018** and the special meetings of **April 3, 2018** and **April 17, 2018**. Each member received copies for review.
4. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the monthly reports of **April**. Each member received copies for review.
5. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth to recess to Executive Session at **6:18 p.m.** for discussion on the following: **Collective Bargaining** (Fire Union Negotiations), **Real Estate** (Port of Naugatuck, Parcel B) and **Pending Litigation**. No one was invited into executive session.

Motion withdrawn and amended.

VOTED: Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth to recess to Executive Session at **6:19 p.m.** for discussion on the following: **Collective Bargaining** (Fire Union Negotiations), **Real Estate** (Port of Naugatuck, Parcel B) and **Pending Litigation** inviting in Attorney E. Fitzpatrick.

Mayor Hess reconvened the meeting at **7:56 p.m.**

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6. There were no motions emanating from Executive Session.
7. Public Comment
Residents spoke on the following:
Thanked everyone for organizing and attending Earth Day Mayor for the Day.
Kids are having bonfires in the wooded area by the rock at Aetna and Pond Street.
The police should stop bike riders from entering Church Street during the festivals.
Thanked the Public Works Department for putting fishing receptacles at the fishing derby.
8. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the appointment of **Francine A. Fruin**, 167 High Street, Naugatuck, CT 06770 as an elector of the **Non Union Pension Board**, filling the vacancy of Kelli Sargeant, indefinite term.
9. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the appointment of **Francine A. Fruin**, 167 High Street, Naugatuck, CT 06770 as an elector of the **Board of Education and AFSCME Pension Board**, filling the vacancy of Kelli Sargeant, indefinite term.
10. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the appointment of **Francine A. Fruin**, 167 High Street, Naugatuck, CT 06770 as the UPSEU Union Representative of the **UPSEU and Chapter 90 Pension Board**, filling the vacancy of Kelli Sargeant, indefinite term.
11. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the appointment of **Julie L. Sampaio**, 20 Lynn Road, Naugatuck, CT 06770 as a member of the **Saunders Trust Advisory Board**, filling the expired term of N. Morrissey, term to expire January 1, 2020.
12. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the appointment of **Gloria Russo**, 118 Spencer Street, Naugatuck, CT 06770 as a member of the **Saunders Trust Advisory Board**, term to expire January 1, 2020.
13. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the appointment of **Kathleen L. Donovan**, P.O. Box 1849, Naugatuck, CT 06770 as a regular member of the **Inland Wetlands Commission**, filling the unexpired term of M. Bakstis, term to expire January 1, 2019.

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14. Mayor Hess approved the reappointment of **Cheryl Checo**, 85 Stonefence Road, Naugatuck, CT 06770 as a member of the **Day Care Board of Directors**, term to expire April 1, 2024.
15. Mayor Hess approved the reappointment of the following members to the **Day Care Board of Directors**, terms to expire April 1, 2022.

Michelle L. Hughes
8 Burritt Place
Naugatuck, CT 06770

Debbie Sabia
76 Pilgrim Avenue
Waterbury, CT 06704

16. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the reappointment of **Diane Scinto**, 190 East Waterbury Road, Naugatuck, CT 06770 as a member of the **Long Term School Building/Facility Planning Committee**.
17. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses authorize Mayor N. Warren “Pete” Hess to execute all contracts and related documents for a **Summer Employment Grant** through the **Northwest Regional Workforce Investment Board** in an amount **to be determined**, managed by Naugatuck Youth Services as recommended by Naugatuck Youth Services Director Kristin Mabrouk.
18. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses authorize Mayor N. Warren “Pete” Hess to sign the **Intergovernmental Agreement of Municipalities with the Northwest Regional Workforce Investment Board**.
19. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the bid for **“Roof Replacement – Eastside Firehouse”** to DiGiorgi Roofing, 33 Lancaster Drive, Beacon Falls, CT 06403 in the amount of **\$48,982** as recommended by Purchasing/Financial Analyst Robert W. Butler, Jr. and the Building Committee.
20. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses lease two 2017 Ford F550 Dump Trucks, one 2019 Mack 10-Wheel Dump Truck and one Toro Groundsmaster 4110 Rotary Mower from **First American Equipment Financing** in the amount of **\$422,603.34** over a three year period at 6.89% (36-month Federal SWAP Rate increased from 1.758% to 2.659% since this was approved in July 2017) and authorize Mayor N. Warren “Pete”

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Hess to execute all contracts and related documents as recommended by Public Works Director James Stewart.

21. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses refer the proposed purchase of **Country Hollow Estate, Section 5** to the Planning Commission for a report pursuant to Section 8-24 of the General Statutes.
22. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses abate the taxes on a mobile home at #022-3310 owned by **Michael Sottosanti, 138 Thunderbird Drive**, Naugatuck, CT 06770 in the amount of **\$8,384.61** as recommended by Tax Collector James Goggin.
23. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses abate the taxes on a mobile home at #037-3615 owned by **Kathryn C. Shea, 110 Thunderbird Drive**, Naugatuck, CT 06770 in the amount of **\$10,135.72** as recommended by Tax Collector James Goggin.
24. Motion by Burgess _____ that the Board of Mayor and Burgesses adopt **Ordinance #131 – Fracking Ordinance** hereby creating a new **Article IV, Ordinance Prohibiting the Storage, Disposal or Use of Oil and Gas Drilling and Extraction Waste, §§ 11-48 – 11-60 in Chapter 11, Health and Sanitation** of the Code of Ordinances of the Borough of Naugatuck, Connecticut, as if read:

**Ordinance #131
Fracking Ordinance**

Sec. 11-48. Intent.

The prohibition of oil and gas drilling and extraction wastes are hereby declared necessary for the protection of the health, property, safety and welfare of the residents of the Borough of Naugatuck pursuant to C.G.S. §7-148(c)(7)(H), C.G.S. §7-148(c)(4)(H); C.G.S. §7-148(c)(7)(H)(xi), C.G.S. §7-148 (c)(8), and §7-148(c)(7)(H)(ii) as amended.

Sec. 11-49. Definitions.

For the purposes of this ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:

1. *“Hydraulic fracturing”* shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
2. *“Natural gas extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

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3. *“Oil extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
4. *“Natural gas waste”* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with natural gas extraction activities; c) any waste that is generated as a result of or in association with the underground storage of natural gas; d) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
5. *“Oil waste”* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with oil extraction activities; and c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
6. *“Application”* shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Borough of Naugatuck.

Sec. 11-50. Prohibitions.

1. The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the borough for any purpose is prohibited.
2. The storage, disposal, sale, acquisition, transfer, handling, treatment, and/or processing of waste from natural gas or oil extraction is prohibited within the borough.

Sec. 11-51. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the borough.

1. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the borough shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
2. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the borough shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the borough.

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3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and or maintained road or real property within the borough and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the borough: *“We _____ hereby submit a bid for materials, equipment and/or labor for the Borough of Naugatuck. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Borough of Naugatuck as a result of the submittal of this bid if selected.”*

Sec. 11-52. Penalties.

In response to a violation of this ordinance, the borough may: (1) issue a Cease and Desist order demanding abatement of the violation; (2) require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the Borough of Naugatuck; (3) impose fines in any amount it deems necessary related to violation of this ordinance and recoup from the offending person(s), jointly and severally, all costs, including experts, consultants, and reasonable attorney’s fees; (4) and seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance.

Sec. 11-53. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this ordinance of the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this ordinance or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this article are hereby declared to be severable.

Secs. 11-54 – 11-60 Reserved.

ROLL CALL VOTE:
Motion tabled.

25. Motion by Burgess _____ that the Board of Mayor and Burgesses amend **Ordinance #130, Chapter 13, Offenses and Miscellaneous Provisions, Article I, In General, Section 13-13 Child Safety Zone, Sub Section (c)(2) Exclusions** of the Code of Ordinances of the Borough of Naugatuck, Connecticut, to include the following which **reads as follows**, as if read:

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(c) Prohibited acts; exceptions

(2) Exclusions. This prohibition shall not apply to the following

- g. To any person who receives a waiver from the Chief of Police as set forth herein. Such waiver may be granted under the following terms and conditions;
 - (1) the person applying for such waiver is considered a non-violent sexual offender under C.G.S 54-250 – 54-254 and the crime was a first offense and was not committed against a minor or a person who was physically helpless,
 - (2) the offender's victim does not object to said waiver and (3) it is determined by the Chief of Police or his designee that there is no public safety issue. The Chief of Police or his designee, upon receipt of such request for waiver, may conduct an investigation into the suitability of the offender to receive such waiver and the issuance of any waiver in whole or in part is at the sole discretion of the Chief of Police or his designee.

ROLL CALL VOTE:

Motion tabled.

26. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses authorize Controller Allyson W. Bruce to refund the following tax refunds approved by Tax Collector James Goggin; as if read:

ACAR Leasing LTD **\$326.34**
P.O. Box 9000
Lutherville, MD 21094
2016-03-0050081 Overpaid

Allison, Nikki **\$230.29**
76 Adella Street
Naugatuck, CT 06770
2016-03-0050575 Overpaid

Alves-Pimentel, Renata **\$183.89**
10 Winthrop Avenue 1st Floor
Naugatuck, CT 06770
2016-03-0050709 Overpaid

Baldino, Robert **\$3.00**
381 Union City Road
Naugatuck, CT 06770
2014-03-0001272 Overpaid

Benaitis, Dennis J. **\$2.89**
60 Carroll Street
Naugatuck, CT 06770
2014-03-0001844 Overpaid

Bolanos, Stephanie A. **\$199.63**
51 Midfield Drive 28
Waterbury, CT 06705
2016-03-0052442 Overpaid

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Bowen, Joseph or Ellen **\$23.16**
92 Hickory Lane
Naugatuck, CT 06770
2014-03-0002620 Overpaid

Brown, Elizabeth F. **\$42.62**
87 Hickory Road
Naugatuck, CT 06770
2016-03-0053091 Overpaid

Byrd, J.K. **\$76.32**
19 Hart Circle, Apt. 2
Waterbury, CT 06705-3263
2014-03-0003367 Overpaid

Byrd, J.K. **\$82.12**
19 Hart Circle, Apt. 2
Waterbury, CT 06705-3263
2013-03-0003358 Overpaid

Caruso, Giuseppina **\$12.36**
3 Harvest Lane
Naugatuck, CT 06770
2016-03-0054055 Overpaid

Casella, Vincent R. **\$33.13**
149 Spring Street
Naugatuck, CT 06770
2016-01-0001698 Overpaid

Cervero, Cecile **\$6.00**
40 Davin Drive
Naugatuck, CT 06770
2014-03-0004231 Overpaid

Ciccone, Lauren **\$77.70**
20 Sunburst Road
Naugatuck, CT 06770
2016-04-0080917 Overpaid

Darity, Sherese **\$829.20**
100 Fulkerson Drive, Apt 82
Waterbury, CT 06708
2014-03-0005889 Overpaid

Dealmeida, Joao **\$31.44**
113 Gorman Street
Naugatuck, CT 06770
2014-03-0006076 Overpaid

Dowling-Magnamo, Terry **\$10.25**
41 Bridle Trail Drive
Naugatuck, CT 06770
2016-03-0057138 Overpaid

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Edwards, Christopher **\$78.12**
567 Millville Avenue, Apt. 3-5
Naugatuck, CT 06770
2015-03-0517309 Overpaid

Esposito, Louis **\$2.41**
122 Round Hill Road
Naugatuck, CT 06770
2014-03-0007519 Overpaid

Evans, Dolores **\$145.66**
7 Cotton Hollow Court
Naugatuck, CT 06770
2016-01-0003254 Overpaid

Ford Credit Personal Property Tax **\$792.01**
P.O. Box 67000
Department 231601
Detroit, MI 48267-2316
2014-03-0003409 Overpaid

Foster, Celeste **\$4.72**
151 Andrew Avenue A188
Naugatuck, CT 06770
2014-03-0008354 Overpaid

Genovese, Robert J. **\$193.70**
141 New Haven Avenue
Waterbury, CT 06708
2015-03-0518980 Overpaid

Genovese, Robert J. **\$406.88**
141 New Haven Avenue
Waterbury, CT 06708
2014-04-0001878 Overpaid

Genovese, Robert J. **\$530.27**
141 New Haven Avenue
Waterbury, CT 06708
2014-03-0009002 Overpaid

Gesseck, Kyle J. **\$2.89**
256 Hillside Avenue
Naugatuck, CT 06770
2014-03-0009060 Overpaid

Honda Lease Trust **\$32.15**
600 Kelly Way
Holyoke, MA 01040-9681
2016-04-0082105 Overpaid

Honda Lease Trust **\$75.56**
600 Kelly Way
Holyoke, MA 01040-9681
2016-03-0060946 Overpaid

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Honda Lease Trust **\$143.79**
600 Kelly Way
Holyoke, MA 01040-9681
2016-03-0060919 Overpaid

Honda Lease Trust **\$1,001.60**
600 Kelly Way
Holyoke, MA 01040-9681
2016-03-0060967 Overpaid

Hoysradt, John **\$140.81**
56 Phoenix Avenue
Naugatuck, CT 06770
2014-03-0011024 Overpaid

Hoysradt, John **\$143.00**
56 Phoenix Avenue
Naugatuck, CT 06770
2015-01-0044697 Overpaid

Hoysradt, John **\$436.94**
56 Phoenix Avenue
Naugatuck, CT 06770
2016-01-0004688 Overpaid

Hyundai Lease Titling Trust **\$286.21**
10550 Talbert Avenue
Fountain Valley, CA 92708-6031
2016-03-0061403 Overpaid

Kirdzik, Edward, Jr. **\$83.63**
1528 New Haven Road
Naugatuck, CT 06770
2016-03-0062579 Overpaid

Kozlowski, Malgorzate **\$116.88**
184 Hillcrest Avenue
New Britain, CT 06053
2016-03-0062803 Overpaid

Magalhaes-DaSilva, Guilherme **\$14.28**
146 Joy Road
Waterbury, CT 06708
2016-03-0064335 Overpaid

Marchetti Naugatuck Family **\$952.06**
Partnership LLC
12 Hine Street
Seymour, CT 06483
2016-01-0006228 Overpaid

Mariano, Debra L. **\$110.65**
390 Maple Hill Road
Naugatuck, CT 06770
2016-03-0064648 Overpaid

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Meade, Thomas **\$2,961.62**

40 Beacon Hill Terrace
Shelton, CT 06484
2016-01-0006586 Overpaid

Murtha, Laurie J. or Thomas **\$12.30**

522 Horton Hill Road
Naugatuck, CT 06770
2013-04-0003461 Overpaid

Nissan Infiniti LT **\$362.60**

P.O. Box 650214
Dallas, TX 75265-0214
2016-03-0067094 Overpaid

Nowell, Shamikia **\$65.16**

933 Rubber Avenue #6Q
Naugatuck, CT 06770
2016-03-0067433 Overpaid

Patel, Jay **\$80.72**

21 Manor Drive
Trumbull, CT 06611
2016-01-0007699 Overpaid

Piotrowski, Wacław S. **\$162.80**

50 Round Tree Drive Unit 2
Naugatuck, CT 06770
2016-03-0068866 Overpaid

Rosado, Javier **\$357.52**

45 Fairchild Street
Naugatuck, CT 06770
2015-01-0048660 Overpaid

Russell, James **\$10.36**

7 Springdale Avenue
Naugatuck, CT 06770
2016-03-0070775 Overpaid

Sousa, Augusto **\$34.30**

687 Beacon Valley Road
Naugatuck, CT 06770
2016-03-0072675 Overpaid

Stegenga, Deanna **\$186.54**

300 Schraffts Drive, Unit A207
Waterbury, CT 06705
2016-03-0072952 Overpaid

Stegenga, Deanna **\$200.91**

300 Schraffts Drive, Unit A207
Waterbury, CT 06705
2015-03-0532900 Overpaid

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Steward, Janette **\$66.01**
52 Summit Road
Naugatuck, CT 06770
2016-03-0073001 Overpaid

Vessia, Insik **\$59.98**
106 Barn Finch Circle
Naugatuck, CT 06770
2016-03-0074743 Overpaid

Wilson, Angela **\$182.57**
P.O. Box 1264
Naugatuck, CT 06770
2016-03-0075577 Overpaid

Wilson, Angela **\$196.89**
P.O. Box 1264
Naugatuck, CT 06770
2016-03-0075578 Overpaid

27. Public Comment
None

28. Burgess Comments/Sub-Committee Reports
Everyone wished Burgess Rocky Vitale a Happy Birthday!
Burgess Herb said people are happy a ballfield will be built on the land the town purchased. He is upset Dannon Yogurt is leaving the borough. He said the state is not giving any relief.
Mayor Hess said Dannon Yogurt had a large number of state exemptions toward their personal property taxes. The biggest loss is to the employees.
Burgess Herb thanked Jim Stewart for proceeding with the aerator fountains at Baumanns Pond. The trench work has begun.
Burgess Neth asked Jim Stewart for an update on the Maple Street Bridge and the LED lights. The bricks will be added to the bridge any day now. The lights should be added in August. Cameras are being installed on some of the new LED lights.
Deputy Mayor Taf Jackson said May 19th is the downtown spring festival. The Parks Department is sponsoring a Ladies Night Fundraiser on May 11th. The deputy mayor said she attended a very moving Jane Doe No More vigil last week.

29. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth to adjourn the meeting at **8:55 p.m.**

A digital recording of this meeting is available in the office of the Borough Clerk for further review.

Attest:

Nancy K. DiMeo
Borough Clerk