

**MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD ON TUESDAY, MAY 22, 2012, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.**

Present

Chairman Tim Slocum; Vice Chairman David Schrumm; Michael Ecke, Andrew Falvey, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, James Sima, Peter Talbot.  
Staff: Michael A. Milone, Town Manager; James Jaskot, Finance Director; Mario Panagrosso, Tax Assessor.

Guests: Thomas J. Wegrzyn, Director, Chesprocott Health District, and Ray Sima and Lisa Davis, Board of Directors, Chesprocott Health District.

**1. ROLL CALL**

The clerk called the roll and a quorum was determined to be present.

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. Supplemental appropriation of \$35,000 for Library Reconfiguration Project.**

MOTION by Mr. Falvey; seconded by Ms. Flynn-Harris.

BE IT RESOLVED, that the Town Council approves Resolution #052212-1.

RESOLUTION #052212-1

BE IT RESOLVED, that the Town Council shall hold a public hearing to consider a \$35,000 supplemental appropriation and bonding authorization for the Library Reconfiguration Project, and,

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and

BE IT FURTHER RESOLVED, that the date, time, and place or any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

VOTE           The motion passed unanimously by those present.

Mr. Milone stated that \$95,000 is bonded for the Library project, and there is \$100,000 from other funding sources. Timing is critical because the carpeting must be installed during the renovation, and he has to sign the change order to move the appropriation along. The money will be charged to the Library operating budget, as Mr. Milone has no authority to use the money until the Council approves the supplemental appropriation on June 12<sup>th</sup>.

**4. General obligation refunding bonds.**

MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #052212-2.

**RESOLUTION #052212-2**

**RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$10,000,000 TOWN OF CHESHIRE GENERAL OBLIGATION REFUNDING BONDS.**

**(a copy of Resolution #052212-2 is attached to these minutes)**

Discussion

Mr. Schrumm reported that this matter was discussed at the Budget Committee meeting. He explained that the Town is going to refinance some outstanding debt at a lower interest rate which will save the Town close to \$400,000 in debt service payments. This has been done several times in the past, and we are taking advantage of a good interest environment.

Mr. Jaskot said this has been done several times in the past 10 years, with the most recent being in 2010, saving a few hundred thousand dollars to almost a million dollars in debt service. We are looking at about \$387,000 savings as of last week based on the low interest rates. This will be done as soon as possible, and the staff is looking for permission to proceed if market conditions stay favorable to take advantage of the savings.

The cost of going into the market was raised by Mr. Sima.

In reply, Mr. Jaskot said the \$387,000 is net after any fees, and the fees could be \$50,000 to \$100,000. With a \$6 million issue the fees will be lower.

With refinancing bonds, Mr. Sima asked about expiration dates and they will become 20 year bonds again.

Mr. Jaskot explained that you cannot go past the date of the original bonds. 2005-06 issues mature in the next 15 years, and this time frame cannot be exceeded, and the bonds will mature in this time period. The interest rate now is 2.15%, and the current rate on the bonds if 4.5%.

Mr. Sima asked about the savings over the life of the bonds and if this was correct.

Everything is over the life of the bonds, and Mr. Jaskot said it is hoped to structure this to take advantage of most of the savings in the near term.

Mr. Milone stated that it is hoped to take full savings in FY 2013-14, and offset projected debt service increase of about \$300,000 to \$350,000.

According to Mr. Jaskot the Town comes up with an offering statement and it is hoped to have everything done within the next few weeks.

VOTE The motion passed 7-0-1; Ecke absent from Chambers.

**5. Deauthorization of capital projects.**

MOTION by Mr. Schrumm; seconded by Mr. Sima

BE IT RESOLVED, that the Town Council approves Resolution #052212-3.

RESOLUTION #052212-3

BE IT RESOLVED, that the bond authorizations totaling \$328,248 for the Marion Road improvements and the Mixville Pump Station capital projects are hereby reduced by the Town Council, as the projects are completed or no longer need said bonding authorizations to be completed, and

BE IT FURTHER RESOLVED, that the Town Council transfers residual bond proceeds of \$94,388 from the North Brooksvale Road Drainage Improvements Project to fund a portion of the \$349,500 Road Repaving Project appropriation.

Discussion

Mr. Schrumm commented on this being done on a regular basis by the Council since most projects come in under projected costs and bonding costs. This is officially reducing those projects to their actual cost and fees up bonding proceeds. The North Brooksvale project is transferring the reduced bonding amount to the road repaving project.

Mr. Milone explained that the Marion Road project in the FY 2005-06 budget was \$220,000. The plan was to straighten out the "S" curve and this was done and completed and came in under budget. There is a \$46,000 balance in the project, and homeowners have been notified of completion of the project, and the project is closed out.

VOTE The motion passed 7-0-1; Ecke absent from Chambers.

**6. Call for public hearing for appropriation of \$349,500 for road repaving Program.**

MOTION by Mr. Sima; seconded by Mr. Falvey.

BE IT RESOLVED, that the Town Council approves Resolution #052212-4.

RESOLUTION #052212-4

BE IT RESOLVED, that the Town Council shall hold a public hearing to consider a \$349,500 appropriation and bonding authorization for road repaving projects, and

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and

BE IT FURTHER RESOLVED, that the date, time, and place or any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

VOTE           The motion passed unanimously by those present.

**7.     Chesprocott supplemental funds request.**

MOTION by Mr. Schrumm; seconded by Mr. Sima.

BE IT RESOLVED, that the Town Council approves Resolution #052212-5.

RESOLUTION #052212-5

BE IT RESOLVED, that the Town Council allocates \$29,142 from the Public Health Contractual Services Account for the Chesprocott FY 2012 Special Assessment as requested by the Chesprocott Health District, and

BE IT FURTHER RESOLVED, that the Health Director shall prepare, not later than 15 days after each monthly period beginning immediately, a fiscal year-to-date financial report showing all budget categories and comparing them to actual revenues received and expenditures and encumbrances made or in such other form acceptable to the Council, and

BE IT FURTHER RESOLVED, that each monthly report shall include a narrative estimating a projected surplus or deficit and outline the plans for avoiding any projected deficit, and

BE IT FURTHER RESOLVED, that, for future fiscal years, Chesprocott's estimated projected per capita and population will be transmitted to the Town Manager by March 1 prior to the fiscal year beginning in July.

Discussion

Ray Sima, 1427 Cheshire Street, and Ms. Davis, 1073 Peck Lane, addressed the Council, informing them that they are new Board members for Chesprocott. Mr. Sima stated that for five years the district has been running a deficit, carrying over the fund balance, using the fund balance up this year. Fee revenue was lower due to lack of

business, and there is an estimated \$60,000 shortage for the start of the new fiscal year. Municipality member fees have not been increased enough or not at all, and Mr. Sima estimates a \$50,000 shortage.

Mr. Sima explained that Chesprocott's function is to handle all health and safety services in Town, such as inspection of restaurants, visits schools, provides an environmental service for permitting for septics, wells, etc. handles emergency situations, and has emergency preparedness responsibility.

The role of the Director and Board of Director members is to meet each month, but Mr. Sima said there is a difficult time getting a quorum. Cheshire has 3 members, Prospect has 1 member, and Wolcott has 2 members on the Board. Stating this is his first year on the Board, Mr. Sima said in one year there has only been a quorum six times. At Board meetings, Mr. Wegrzyn did bring up the economic situation, with the hopes things would get better, but this did not work out.

The Council was informed by Town Manager Milone that he received a letter on May 4<sup>th</sup> which was the first official communication to the municipalities from the director, Mr. Wegrzyn. Until that time there was no communication other than requests from the health district for advance quarterly payments, and it was clear there were some cash flow problems.

Mr. Milone said that he and Mr. Jaskot had no idea of the extent of the problem as it was never conveyed by Chesprocott until the letter was received. As a result of this letter, Mr. Sima provided Mr. Milone with some budgets, an audit report, and Mr. Jaskot received a 2<sup>nd</sup> audit report. From this information a summary was prepared to provide to the Council.

In reviewing the audit report, Mr. Milone said it is clear there had been a trend of declining revenue, over-utilization of fund balance, and in a 2 year period \$198,000 was used and the fund is dried up. The per capita cost increase to the towns did not increase very much. Given the fact that the revenues were declining so dramatically, Mr. Milone said the towns should have been asked to support a higher increase in the per capita fees. This was the only way this could possibly provide the assistant Chesprocott needed since daily fees were declining. Mr. Milone could not speak to financial projections for this year as they have not been seen by him or Mr. Jaskot. He is relying on the best judgment of the health district to presume that the \$55,000 is what is needed to bridge the gap to June 30, 2012.

Tom Wegrzyn, Director, Chesprocott, submitted a report to the Council on the financial status of the health district.

Mr. Wegrzyn commented on the fact that the yearly projections were not met for this year or last year. In setting the budget the district tries to take the interest of the district in mind, costs, and the municipalities it serves. With regard to the supplemental

assessment request he said there is supporting documentation which was submitted to the Town Council.

Chesprocott was formed in 1975 and was recognized by the State in October 1975.

With regard to the financial situation of the health district, Mr. Wegrzyn said that public health, safety and environmental issues have grown over the years, and Chesprocott has met these needs. He has reduced staff over the years, case load was reduced, nursing staff, office staff and data entry clerk positions were reduced, and the full time sanitarian is now part time. The nursing position is paid through a grant.

Chairman Slocum commented on the fact that fiscal liability is as important as the services provided, and asked how this situation has grown over the years. He said the Town has an operating budget that is reviewed for obligations with some fees increased for services.

In response, Mr. Wegrzyn said that Chesprocott has been conservative, he feels good about the budgeting process, there were high interest earnings for some time, the need for 3 to 4 months of operating expenses was retained, but cash flow has been a critical issue. At one time there was 6 months of operating expenses retained, and the Board decided to spend some of this money down, and had 3 months of operating expenses in reserve in the fund balance.

In 2010 there were union negotiations, no pay increases for non-union people, and the per capita fee was \$6.15. In 2011 the economic crisis hit the health district hard; there was over-estimation of revenue; fees were not raised; and there was no increase in activity. Mr. Wegrzyn said the bottom fell out and the district did not realize its expected revenue projections. The 2011 report had a budget deficit of \$22,000. This year expenditures were pared down, but not significantly enough.

Mr. Wegrzyn stated that Chesprocott is responsible to estimate revenue for services, but the Board did not want to raise fees where there was no further activity.

Municipalities pay a set amount, and the district was requesting quarterly payments early. Mr. Wegrzyn stated that information was presented to the municipalities on reduction of expenses; the district will keep the older vehicle; and there are possible further staff reductions, which will generate unemployment expenses.

According to Mr. Wegrzyn about 20% of the health district revenue is fees from services, and fees for services are unpredictable. The district had to take legal defensive actions which were beyond what was budgeted, and things happened that were not planned for or budgeted.

The report to the Council was reviewed by Mr. Wegrzyn. This report shows the current fiscal status for revenue and expenses through June 30, 2012. Total expenses are

\$90,581; total revenue is \$32,730; and the supplemental assessment request is \$55,000 which will not totally cover the excess expense costs.

The FY 2012-13 budget has been done and approved by the Board, and Mr. Wegrzyn noted it shows a reduction in expenditures, staff and salaries.

Mr. Ecke thanked Mr. Wegrzyn for his efforts with the health district and for putting together the information submitted to the Council. He asked how the district can work on revenue for next year.

In reply, Mr. Wegrzyn noted that the flu vaccine results in some revenue with the demand increasing over the years. Fee schedules have been changed; the district has developed a regulation for nail salons/barber shop fees; and has increased fees 10% to 20%. The staff will be looking at other health districts to compare fee schedules. And, there is a State level audit annually.

Mr. Ecke requested that this annual audit report be submitted to the Town of Cheshire.

Ms. Flynn-Harris asked about the public notice for fee increases as of July 1<sup>st</sup>.

Mr. Wegrzyn stated that there has been a notice of the fee increases in the flyer for food service facilities.

Ms. Flynn-Harris asked if Prospect and Wolcott have paid the special assessment.

They have not paid the assessment and Mr. Wegrzyn said he has not received a response from either town to the letter he sent.

Mr. Sima stated that the district used its reserve down to 4 months, did not raise fees high enough to the towns, and it becomes difficult for the towns, at the 11<sup>th</sup> hours, to find revenue for Chesprocott. He noted that some towns in the State would not have the revenue to pay this assessment, but Cheshire is a financially well managed town.

Every year the district watched the services go down, and the analysis shows 40% to 70% fee drop, but there was no big jump in fees to the towns, which is the only source of revenue left for the district. Mr. Sima asked whether the district is confident that the number for next year will be viable to make it through next year, and if there is the ability to start rebuilding the reserve fund for future emergency situations. He also noted that it was just in the past year when Mr. Wegrzyn started the staffing and hourly reductions, and asked if there is the ability to handle any increase in services if the economy starts to open up in the coming fiscal year with the current staffing. This is something Cheshire needs to know about, and if there is confidence on the part of the Director that there will be enough money, or not enough money.

Mr. Wegrzyn said he is confident in next year's budget; the revenue is conservatively stated; expenses have been reduced; there is less activity anticipated; and by the end of April there will be an estimate of costs to the municipalities.

Regarding the letter he sent to the municipalities, Mr. Wegrzyn said there is no precedent for the special assessment. It has never been undertaken by any other entity in the State. Further staff cuts will not provide the mandated services to the public.

In 2010, Mr. Sima commented on the \$106,000 budgeted for revenue, but revenue was only \$69,000. The next year the budgeted revenue was \$123,000, and only \$59,000 was received in revenue. He asked what was budgeted for this year.

Mr. Wegrzyn reported that revenue for septic installation is budgeted at \$3,000; septic repairs at \$3,500; soil test fees are \$7,100; and these amounts are less than prior years. The budget proposal takes into consideration whether the fund balance can be built up again, and the proposal has a net gain of \$37,000. The goal is to have 3 to 4 months of operating expenses in reserve.

After review of the financials and listening to Mr. Wegrzyn, it was stated by Mr. Schrumm stated this has been a problem for the last few years, and not just driven by the economy. He sees two problems. The Council cannot provide oversight for Chesprocott, and the towns buy services from the health district.

First, if Cheshire pays this assessment (and the Town must do this for public health services) Mr. Schrumm stated that Mr. Wegrzyn reports to a Board of Directors, and he questioned where they have been during this time. He noted there are people on this Board who do not show up for meetings, and there are no quorums, so the monthly financials of Chesprocott are not reviewed. Mr. Schrumm said the Town of Cheshire wants monthly reports. The question is who will oversee what is going on with the health district for the next few years to insure we are not back into this situation once again. This situation has been a rolling, slow motion of bankruptcy of Chesprocott, and someone was not watching. There is a 7 member Board of Directors which is not meeting, does not have a quorum, and this must be relayed to the towns so there can be replacements of people who will attend meetings. The question is what will be done with the Board members going forward so there is some oversight here.

Regarding the lack of participation by Board members, Mr. Wegrzyn said the municipalities were informed about this lack of attendance and participation. The reappointment of members is the decision of the towns, and the new Board has demonstrated a commitment.

Mr. Milone reported to the Council that he and Mr. Jaskot looked at the Chesprocott financials and they were confused about a few things. It appears that things started to go bad for the district in the FY 09-10 where there was an \$88,000 deficit, and \$68,000 was in two accounts – personnel and fringe benefits. In looking at the documents, the personnel budget was \$367,000 with actual expenses of \$404,000, so this account was

over spent by \$37,000. The fringe benefits were budgeted at \$106,000, with actual expenses at \$137,000, which is over budget by \$31,000. Mr. Milone asked Mr. Wegrzyn what happened in these two areas.

In response, Mr. Wegrzyn stated that he would have to research this back to the contract negotiations occurring at that time. The budget was set before completion of negotiations. Or, there could be an error.

Mr. Milone commented on the difference of \$68,000, 30% in fringe benefits and 10% in salaries, and requested that this be researched with information provided to the Town.

VOTE The motion passed unanimously by those present.

**8. Approval of tax appeal settlement and stipulated agreement.**

MOTION by Mr. Falvey; seconded by Mr. Sima.

BE IT RESOLVED, that the Town Council approves Resolution #052212-6.

RESOLUTION #052212-6

BE IT RESOLVED, that the Town Council hereby approves the tax appeal settlement and authorizes the execution of the Stipulation of Judgment for Matthew Berry v. Town of Cheshire et al, and

BE IT FURTHER RESOLVED, that the Town Attorney or his designee is authorized to execute on behalf of the Town said Judgment in the form and upon the terms and conditions as presented at this meeting.

VOTE The motion passed unanimously by those present.

**9. Approval of Mixville Hills Land Management Plan.**

MOTION by Mr. Sima; seconded by Mr. Falvey.

BE IT RESOLVED, that the Town Council approves Resolution #052212-7.

RESOLUTION #052212-7

BE IT RESOLVED, that the Town Council approves the Mixville Hills Land Management Plan as presented and attached, and as approved by the Environment Commission and the Parks and Recreation Commission.

Discussion

Mr. Sima informed the Council that this land management plan was reviewed by the Planning Committee. It is the same as other plans, and has some minor wording

changes. He stated that this area is the uplands almost across from Darcey School, and the access is the steep ravine.

VOTE The motion passed unanimously by those present.

**10. Referral of election districts ordinance amendment to the Ordinance Review Committee.**

Chairman Slocum referred this matter to the Ordinance Review Committee.

Committee Chair, Ms. Nichols, advised that there will be a meeting schedule within the next few weeks.

**11. FY 11-12 Fiscal Summary**

Mr. Milone explained that he was watching the last Council meeting at home while on medical leave, and thanked the Council for their good wishes for his quick recovery. He also noted that the Council had some questions regarding the fiscal summary, and Mr. Jaskot has provided the third quarter analysis and projections on the budget. It was indicated the surplus had grown by about \$90,000.

A summary sheet of the General Fund Balance Analysis was prepared in April 2012, and Mr. Milone reviewed the changes in the numbers as of this meeting. The surplus has grown from \$1.4 million to \$1.89 million; and the estimated fund balance has grown from \$9.7 million to \$9.8 million.

When the Council and staff were determining on how best to use the surplus there was an expectation of increasing the use of fund balance as revenue in next year's budget by \$50,000, and this did not happen. Therefore, the projected use of surplus is \$950,000; the projected fund balance is \$8.9 million or 9.13% of estimated expenditures.

Other than the use of the surplus, the Council has not committed using the surplus for anything other than what it decides. Mr. Milone said staff would like to get the Council to make a determination, by the July meeting, on how the balance of the projected surplus would be used. In the analysis, there were staff recommendations, including \$100,000 transfer to the Pool; \$150,000 for Recycling Program; and another \$100,000 for Debt Service Reserve. There will be another \$100,000 for the Council to utilize than was expected a month ago, because the \$50,000 in additional revenue is not being utilized, and the surplus has grown. Mr. Milone noted that the \$30,000 going to Chesprocott is not factored into the analysis, so the surplus will be less than what is stated in the analysis. He will get back to the Council to develop a strategy on how to use the surplus.

Mr. Milone reviewed the 2<sup>nd</sup> page of the analysis. There is a balance of about \$190,000 in CNR; there are projects to be closed out totaling \$37,000; there is proposed utilization of \$150,000 of the FY 2012 surplus into CNR; and there is \$80,000 in FY 2013 budget for the revaluation, which will not be needed. This totals \$456,817.

According to Mr. Milone the bids for the toters will be back, and he will come back to the Council to put together the four stated elements for enough money to acquire the toters.

Regarding the recycling program, Mr. Milone requested that a Solid Waste Committee meeting be scheduled to lay the ground work for the transition to the change to single stream recycling. The Town administration has put together an "Implementation Committee" of staff members. This committee will meet with other municipalities that recently went forward with the new recycling program. Following the research and collection of information by the committee, the Council can hold a public information session on the new single stream recycling program in late July or early August, for implementation in October in Cheshire.

Debt Service Reserve – Mr. Milone stated that some of the surplus money is recommended to be redirected to debt service reserve. If the Town is successful with the refunding there will not be a debt service increase in FY 2014, which will position the Town better in terms of having additional money in this account.

Mr. Milone advised that the Town has two months after the fiscal year ends to make any year end adjustments, and the final decision for reallocation of projected surplus must be decided by the Council's August meeting.

Since the Town is getting the funding for the treatment plant with the loan and grant from the Clean Water Fund, Mr. Schrumm requested that there be an analysis on the debt projections for the treatment plant, and characterization on this debt service.

Mr. Jaskot stated that during the budget process he did one analysis on the 80/20 loan and grant. Now, the phosphorous has changed, so it will be 30/70 for this piece of the project. He will try to incorporate this into a new analysis and update the data for the Council.

With more money coming in Mr. Schrumm said the surplus grows a little near the end of the fiscal year. At this meeting there was approval of \$30,000 to Chesprocott. In April the information showed fund balance as percentage of the budget at 8.9%, and it would have grown to 9.13%, with the Town trying to get this down. According to Mr. Schrumm the Town could have more money than what is stated in the analysis (items D – 1, 2, 3, 4). If we do, knowing what the debt service number looks like will help the Council decide on putting extra money into debt service reserve, or do something else.

Through the capital budget process over the next month, Mr. Jaskot said that he wants to get a good handle on projected cash flow for the treatment plant project. He will put information together on the 30/70 CWF for the Council.

Mr. Schrumm commented on doing the bond refunding in a good market, and there will be \$387,000 improvement which will change the debt projections.

Mr. Milone stated the intention of staff is for Council to have two scenarios to look at. He explained that Mr. Jaskot did the 80/20, and this will be broken down further, breaking out the \$7 million in phosphorous. Right now, assuming a \$31.3 million project, \$7.2 million of this is phosphorous. By the time Council receives the capital budget, Mr. Milone hopes to break this up further, taking the \$7.2 million and factoring it at the 30% grant and 70% loan. The projections provided by Mr. Jaskot a month ago will be better.

There is still a chance that DEEP will permit Cheshire for the higher phosphorous level, which means treating the phosphorous with chemicals, and not having to retrofit the plant. This would save the Town \$6 million, and this is another scenario to be looked at, taking the \$31 million down to \$25 million, with the 80/20 split on \$25 million.

Mr. Milone and Mr. Jaskot will attend the WPCA meeting of May 24, 2012 to review the revised debt numbers with the Authority. An understanding is needed from WPCA to take out the phosphorous portion. There will also be a discussion with WPCA on the information from RWA representative, Mr. Borowy (at last Council meeting) regarding the RWA providing information to Cheshire so the Town can move to a consumption based charge for sewer usage.

Mr. Milone stated that staff wants to get a better understanding from WPCA on how they are proceeding, and show the impact of the debt service information already developed. Interest rates are now at 2.75%, and the assumption in all debt analyses was 5%, and this information will help with the other portion of borrowings.

Regarding the FEMA money and the pool, Mr. Schrumm asked for a year end analysis on the status of this money, including the revenue issue.

Mr. Milone said there is ongoing discussion on the recovery of business interruption funds which is still being negotiated, and the other issue is the dehumidification unit. There will be a complete summary to the Council by late June of all the pieces of this issue, and any open items will be qualified accordingly.

## **12. Pending claims and litigation; executive session**

MOTION by Mr. Schrumm; seconded by Mr. Talbot

MOVED that the Town Council enter Executive Session at 9:03 p.m. to include Town Manager Milone to discuss pending claims and litigation and land acquisition.

VOTE           The motion passed unanimously by those present.

MOTION by Mr. Schrumm; seconded by Mr. Falvey.

MOVED that the Town Council exit Executive Session at 9:20 p.m.

VOTE           The motion passed unanimously by those present.

**11.   ADJOURNMENT**

MOTION by Mr. Schrumm; seconded by Mr. Falvey.

MOVED that the Town Council meeting be adjourned at 9:20 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk