MINUTES OF THE REGULAR MEETING BOARD OF TRUSTEES VILLAGE HALL MAY 10, 2017 7:30 PM

PRESENT:

Mayor Daniel F. DeVita Trustee Kevin Jusko Trustee Jeffrey Miritello Trustee Richard Nicklas Trustee Martin Novick Trustee Nicholas Tsafos Howard Avrutine, Village Attorney Karen A. Navin, Clerk / Treasurer Nancy Popper, Deputy Clerk Michael F. McNerney, Supt. of Buildings James Antonelli, Village Engineer

EXCUSED:

Trustee Jeffrey Nemshin

MAYOR DE VITA called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department Monthly Report for April 2017, which had been distributed to the Board upon receipt. Statistics are as follows:

	APRIL	YTD	PRIOR YTD
Auto Accidents Personal Injury	0	4	2
Auto Accidents Property Damage	3	8	8
Aided Cases Resulting from Auto Accidents	0	7	2
Aided Cases Other	3	24	15
Arrests	0	0	0
Summonses - Moving Violations	25	149	86
Summonses - Parking	3	8	9
Fire Calls	1	3	2
Patrol Mileage	4500	18000	18150
Offenses - Case Reports	0	4	3
Suspicious Autos	3	12	9
Suspicious Persons	1	5	6
Suspicious Phone Calls	0	0	1
Recorded Alarms	21	73	77
Vacant Houses	7	26	33
Disturbances	1	7	4
Malicious Mischief	0	0	1
Non-Case Incidents	0	1	1
Animal Nuisance Complaints	0	6	2
Assist from NCPD	0	0	0

Stop Signs Expired Registration 0 4 Cell Phone 1 **Disobey Traffic Control Device** 2 Speeding 5 Improper U Turn 0 5 Unlicensed Operation 2 Defective Lights 0 Uninspected Motor Vehicle 2 No Passing Zone 3 No Insurance 3 Parking 0 Failure to Signal DWI 0 0 Seat Belt 1 Village Ordinance

During the month of April, twenty-eight (28) tickets were issued, as follows:

P.O. Mergel was present and spoke to the Board regarding recent events.

PUBLIC HEARING: F1-2016 – DIEFENDORF – 12 WAYLOR LANE

Mayor DeVita called the public hearing to order on the application submitted by Christine Diefendorf, 12 Waylor Lane, to regrade the rear yard of the property. A stenographer was present and the transcript will be affixed to and made a part of these minutes.

The Village Attorney entered exhibits into the record as follows:

- Notification from the Nassau County Planning Commission dated April 14, 2017 that the above matter is hereby referred to the Laurel Hollow Board of Trustees to action as it deems appropriate
- Updated Application with Site Grading and Drainage Plan prepared by Nicholas DeSantis, PE, dated 2/20/2017 and last revised on 3/10/2017
- Legal Notice dated April 10, 2017
- Affidavit of Posting from Nicholas Porcaro that the legal notice was posted conspicuously on the bulletin board at the Village Hall on April 28, 2017
- Affidavit of Publication from James Slater that the legal notice was published in the Oyster Bay Guardian on April 28, 2017
- Document that confirms that the legal notice was published to the Village website & sent to Village website News subscribers on April 27, 2017
- Affidavit from Deputy Clerk stating that legal notice was mailed to the individuals set forth on list attached to the affidavit on April 27, 2017
- Affidavit of Mailing from Applicant, indicating that the Notice of Public Hearing was mailed on April 17, 2017 to the persons named on said affidavit
- Excerpt from draft minutes of the Planning Board meeting held on 1/31/2017 regarding Diefendorf Tree Removal Application
- Revised New Planting Plan and Tree Removal Plan submitted to Planning Board on 1/6/2017

Monroe Diefendorf was present and discussed the application with the Board.

Hearing no questions, it was moved by Trustee Tsafos, seconded by Trustee Jusko and unanimously carried, with Trustee Nemshin not present, that the hearing be closed to further evidence and testimony.

It was moved by Mayor DeVita, seconded by Trustee Jusko and unanimously carried, with Trustee Nemshin not present, that the Board declare itself lead agency under the New York State Environmental Quality Review Act (SEQRA).

It was moved by Trustee Tsafos, seconded by Trustee Jusko and unanimously carried, with Trustee Nemshin not present, that the action be deemed an Unlisted Action under SEQRA.

It was moved by Mayor DeVita, seconded by Trustee Nicklas and unanimously carried, with Trustee Nemshin not present, after submission of the SEQRA Short Form from the Village Engineer and based upon the recommendation of the Village Engineer, that the Board issue a Negative Declaration under SEQRA.

The Village Attorney asked Mr. Diefendorf to submit an updated plan depicting the removal of 10 trees and the planting of 12 new trees, as previously approved by the Planning Board, all of which was subject to approval of the subject Fill Permit application by the Board of Trustees.

It was moved by Trustee Miritello, seconded by Trustee Novick and unanimously carried, with Trustee Nemshin not present, that application F1-2016 be granted in accordance with the plans presented.

BUILDING DEPARTMENT REPORT

POOL EQUIPMENT

Board members reviewed the May 9, 2017 report from Mr. McNerney regarding noise generated by pool equipment, prepared after a meeting of the ad-hoc committee.

After discussing the matter, Board members requested that the Clerk / Treasurer prepare a draft local law inserting the work 'unreasonable' between the words 'any' and 'noise' in §145-20.H. of the Code. The matter will appear on the agenda for June 21st to schedule a public hearing.

PROPOSED LOCAL LAW REQUIRING CONSTRUCTION DEPOSITS

Board members requested that the matter of a local law that would require construction deposits be part of the Building Department Report for the June meeting.

ENGINEER'S REPORT

UNITED PAVING – CEDARWOOD COURT

Board members discussed the May 9th email from the Village Engineer regarding work performed by United Paving on Cedarwood Court. The matter of the Maintenance Bond submitted by United Paving will be discussed as part of the Engineer's Report at the June 21st meeting.

VILLAGE STORMWATER PROGRAM

Board members reviewed the Engineer's Report as it pertains to the Village Stormwater Program. The Clerk / Treasurer reported that no comments were received regarding the Draft Stormwater Management Program Annual Report Year 14, prepared by the Village Engineer. The draft report has been posted to the website for public comment. It was moved by Trustee Miritello, seconded by Trustee Tsafos and unanimously carried, with Trustee Nemshin not present, that the Mayor be authorized to execute the MCC Form and that the Village Engineer be authorized to submit the Final Report on behalf of the Village.

The **MINUTES** of the April 6, 2017 meeting of the Board were unanimously approved on a motion by Trustee Miritello, seconded by Mayor DeVita, with Trustee Nemshin not present.

The Financial Reports and Report of Unpaid Taxes were distributed to the Board.

2017-2018 TAX LEVY

It was moved by Trustee Tsafos, seconded by Trustee Miritello and unanimously carried, with Trustee Nemshin not present, that the following resolution be adopted:

WHEREAS §1420.1. of the Real Property Tax Law of the State of New York mandates that the Board of Trustees levy the tax for the ensuing year by May 15th, and

WHEREAS the Board of Trustees has adopted a budget for the period June 1, 2017 thru May 31, 2018 showing an amount to be raised by taxation of \$2,396,643.00, and

WHEREAS the taxable assessed value of the village for the period June 1, 2017 thru May 31, 2018 is as follows:

Class 1	1,742,889
Class 3	13,370
Class 4	25,885
TOTAL	1,782,144
TAV	

NOW, THEREFORE, BE IT RESOLVED, that there be levied and assessed against the real property of the Incorporated Village of Laurel Hollow the sums for Village Government and other charges for the fiscal year 2017-2018 at rates \$100 of assessed valuation, as follows:

Class 1	137.1163
Class 3	24.0614
Class 4	14.0660

for a total to be raised of \$2,396,643.

VILLAGE ATTORNEY RETAINER AGREEMENT

The Board reviewed the proposal from Howard D. Avrutine to provide legal services for the 2017-2018 official year after which it was moved by Trustee Tsafos, seconded by

Board of Trustees May 10, 2017

Trustee Novick and unanimously carried, with Trustee Nemshin not present, that the Mayor be authorized to execute the retainer agreement with Howard D. Avrutine for the period June 1, 2017, thru May 31, 2018.

CHANGE IN 2016-2017 HOLIDAY SCHEDULE

The Clerk / Treasurer reported that the Village Hall will be open on Monday, July 3, 2017, a date previously approved as a Holiday, as it is the last day that Village taxes can be paid in person without penalty. In addition, the Highway Staff will be working as they took a Holiday on Good Friday and Nancy Popper will be off as she worked on Good Friday. No action is required.

APPROVAL OF ABSTRACTS

It was moved by Trustee Tsafos, seconded by Trustee Novick and unanimously carried, with Trustee Nemshin not present, that the following abstracts of vouchers be approved for payment:

- #1028 for prepaid items from 04/07-05/10/2017 in the amount of \$15,651.50
- #1029 in the amount of \$41,454.42

VERIZON FIOS FRANCHISE RENEWAL

No action was taken and the matter will appear on the agenda for the June 21st meeting.

PROCEEDS OF COURT GRANT

Board members continued discussion on use of the balance of the proceeds of the Village Justice Court Grant, \$2,874.00. No action was taken and the matter will appear on the agenda for June 21st.

EMPLOYEE / RETIREE DENTAL INSURANCE

The Board reviewed proposals received for employee and retiree dental insurance plans, after which it was moved by Trustee Nicklas, seconded by Trustee Tsafos and unanimously carried, with Trustee Nemshin not present, that the Clerk / Treasurer be authorized to renew employee dental coverage with Empire Dental / Complete Program at rates quoted and retiree dental coverage with Healthplex, with no change in premium, both effective for 6/1/2017.

CONTRACT FOR STREET SWEEPING SERVICES

Board members continued discussion on the contract with Dejana Industries for Street Sweeping Services, which expires on June 26, 2017. The Clerk / Treasurer will provide a copy of the contract specifications to the Village Attorney, and the matter will appear on the agenda for June 21st.

FINES FOR PARKING TICKETS

Board members reviewed the May 8th email from the Court Clerk addressing fines for parking tickets. No Board action is required as, rather than imposing a penalty, there will

be an incentive for paying parking fines in a timely manner. Parking fines will be set at \$150.00, with an incentive reduction to \$75.00 if paid on or before the court date.

PUBLIC ACCESS TO RECORDS POLICY

It was moved by Trustee Miritello, seconded by Trustee Tsafos and unanimously carried, with Trustee Nemshin not present, that the following policy be adopted, and that a copy of the policy be posted to the Village website:

PUBLIC ACCESS TO RECORDS OF THE INCORPORATED VILLAGE OF LAUREL HOLLOW

Section 1. Purpose and scope Section 2. Designation of records access officer Section 3. Location Section 4. Hours for public inspection Section 5. Requests for public access to records Section 6. Subject matter list Section 7. Denial of access to records Section 8. Fees Section 9. Public notice Section 10. Severability

Section 1 Purpose and scope:

(a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.

(b) These regulations provide information concerning the procedures by which records may be obtained.

(c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

(d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 Designation of records access officer:

(a) The Board of Trustees is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

The Village Clerk and/or Deputy Clerk 1492 Laurel Hollow Road Syosset, NY 11791 contactus@laurelhollow.org (516) 692-8826

(b) The records access officer is responsible for ensuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall ensure that agency personnel:

(1) Maintain an up-to-date subject matter list (see The New York State Education Department Record Retention and Disposition Schedule MU-1)

(2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

(3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

(4) Upon locating the records, take one of the following actions:

(i) Make records available for inspection; or,

ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(5) Upon request for copies of records:

(i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,

(ii) Permit the requester to copy those records.

(6) Upon request, certify that a record is a true copy; and

(7) Upon failure to locate records, certify that;

(i) The Incorporated Village of Laurel Hollow is not the custodian for such records, or

(ii) The records of which The Incorporated Village of Laurel Hollow is a custodian cannot be found after diligent search.

Section 3 Location:

Records shall be available for public inspection and copying at:

The Laurel Hollow Village Hall 1492 Laurel Hollow Road Syosset, NY 11791

Section 4 Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are: 9:00A.M. – 4:00 P.M., Monday through Friday (except holidays)

Section 5 Requests for public access to records:

(a) A written request may be required, but oral requests may be accepted when records are readily available.

(b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

(c) A response shall be given within five business days of receipt of a request by:

(1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) granting or denying access to records in whole or in part;

(3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

(4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain and, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

(1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

(2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

(3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;

(5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6 Subject matter list:

The subject matter list shall be The New York State Education Department Record Retention and Disposition Schedule MU-1

Section 7 Denial of access to records:

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, which shall be identified by name, title, business address and business phone number.

(b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

(c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

The Board of Trustees 1492 Laurel Hollow Road Syosset, NY 11791 (516) 692-8826

(d) Any person denied access to records may appeal within thirty days of a denial.

(e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access.

(f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(g) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government Department of State One Commerce Plaza 99 Washington Avenue, Suite 650 Albany, NY 12231

(h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

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Section 8 Fees:

- (a) There shall be no fee charged for:
 - (1) inspection of records;
 - (2) search for records; or
 - (3) any certification pursuant to this part.
- (b) Copies may be provided without charging a fee.
- (c) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;

(2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or

(3) an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(d) The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

(1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or

(3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(e) When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (d)(1) and (2) above.

(f) An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(g) An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(h) An agency may waive a fee in whole or in part when making copies of records available.

Section 9 Public notice:

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10 Severability:

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

YOU HAVE A RIGHT TO SEE PUBLIC RECORDS

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

The Incorporated Village of Laurel Hollow has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

The Laurel Hollow Village Hall 1492 Laurel Hollow Road Syosset, NY 11791

The following officials will help you to exercise your right to access:

1. Agency officials who have in the past been authorized to make records available

2. Records Access Officer(s)

The Village Clerk and/or Deputy Clerk 1492 Laurel Hollow Road Syosset, NY 11791 Board of Trustees May 10, 2017

contactus@laurelhollow.org (516) 672-8826

If you are denied access to a record, you may appeal to the following person(s) or body:

The Laurel Hollow Board of Trustees 1492 Laurel Hollow Road Syosset, NY 11791 contactus@laurelhollow.org (516) 672-8826

VILLAGE LANDMARKS

Mayor DeVita asked the Village Attorney to research Landmark Preservation statutes in other villages. The matter will be an agenda item for June 21st.

PROPOSAL FOR SERVICE CONTRACT – TELEPHONE SYSTEM AT VILLAGE HALL

It was moved by Trustee Novick, seconded by Trustee Jusko and unanimously carried, with Trustee Nemshin not present, that the Clerk / Treasurer be authorized to renew the service contract with SST Communications for the telephone system at the Village Hall for the period 5/30/2017-5/30/2018 at a cost of \$344.00.

REPORT ON COPIES OF SMALL CLAIMS ASSESSMENT REVIEW PROCEEDINGS FILED

The Clerk / Treasurer reported that she had received thirty-seven (37) copies of Small Claims Assessment Review Proceedings filed with Nassau County for the 2017-2018 Tax Year.

CROWN CASTLE

The Village Attorney reported on discussions with Crown Castle and their representatives. No action was required, and the matter will appear on the agenda for June 21st.

REQUEST FOR SPECIAL EVENT – ROLLING THUNDER CHAPTER 1 NEW YORK

Board members reviewed correspondence from Rolling Thunder Chapter 1 New York regarding their first annual Gold Star Family charity motorcycle ride, which will take place on June 25, 2017, between the hours of 11:00 AM and 1:30 PM. A portion of the route will run through the Village on Route 25A, both east and westbound.

Board members did not voice any objections to the event.

AIR CONDITIONER AT VILLAGE HALL / CLIMATE SMART COMMUNITIES

Board members discussed whether to replace the air conditioning equipment at the Village Hall, installed in 1999, and whether the cost might be covered under the Climate Smart Communities Program.

The matter will appear on the agenda for the June 21st meeting.

AUTHORIZATION TO PAY VOUCHER PRIOR TO AUDIT – VILLAGE OF OYSTER BAY COVE / POLICE SERVICES

It was moved by Trustee Jusko, seconded by Trustee Novick and unanimously carried, with Trustee Nemshin not present, that upon submission of a voucher, and approval by Mayor DeVita or Trustee Tsafos, the Clerk / Treasurer be authorized to pay the Village of Oyster Bay Cove for the first half of the 2017 police contract, and the Syosset Fire District for the first half of the 2017 fire protection contract (less credit for the overpayment made in 2016) prior to audit by the Board of Trustees at their June 21st meeting.

APPOINTMENT OF REPLACEMENT ELECTION INSPECTOR FOR JUNE 20, 2017 VILLAGE ELECTION

The Clerk / Treasurer reported that Mr. Hartman would not be able to work as an Election Inspector at the June 20, 2017 election. It was moved by Mayor DeVita, seconded by Trustee Novick and unanimously carried, with Trustee Nemshin not present, that Sabatino Ruggiero (R), 1709 Greenway, Woodbury, be appointed to fill the vacancy, at a rate of \$150.00 for the day.

DISCUSSION ON FINANCING FOR CAPITAL IMPROVEMENTS

Board members discussed possible benefits of issuing Village obligations to finance road improvements. Mayor DeVita will reach out to Munistat Municipal Financial Advisor Services and the matter will appear on the agenda for June 21st.

There being no further business to come before the Board, the meeting was adjourned at 9:40 p.m.

Karen A. Navin Karen A. Navin, Clerk / Treasurer

ALSO PRESENT: Monroe Diefendorf John Moutopoulos Arthur Brings P.O. Mergel

12 Waylor Lane 4 Hemlock Court Cold Spring Harbor Laboratory Oyster Bay Cove Police Department

THE NEXT MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:30 P.M. ON WEDNESDAY, JUNE 21, 2017