

BOARD OF ALDERMEN
*Public Hearing/Regular Meeting
Waterbury Arts Magnet School ~ Atrium
16 South Elm Street
MONDAY, APRIL 20, 2009 AT *6:00 and 7:00 P.M.

“SUMMARY MINUTES”

PUBLIC HEARING

*6:00 P.M.: For the purpose of seeking public input regarding the Mayor’s Proposed City of Waterbury Budget and the Capital Budget and Resolutions pertaining thereto, for Fiscal Year ending June 30, 2010, as submitted by Mayor Michael Jarjura.

ON A MOTION OF ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN MISSET, THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO OPEN THE AFOREMENTIONED PUBLIC HEARING AT 6:00 P.M.

ON A MOTION OF ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN MISSET, THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO CLOSE THE AFOREMENTIONED PUBLIC HEARING AT 6:05 P.M.

PRAYER

PLEDGE OF ALLEGIANCE

ROLL CALL

<u>PRESENT:</u>	VANCE, JR.	PERNEREWski, JR.	MISSET	NOGUEIRA
	RUSSO	PETTEWAY	PHELAN	PICCOCHI
	NEGRON	BOOKER, JR.	BURGIO, SR.	PALLADINO
	DENZE, SR.	TELESCA		

ABSENT: CIOCHETTI

A MOTION MADE BY ALDERMAN TELESCA, AND SECONDED BY ALDERMAN BURGIO, SR., TO CHANGE THE ORDER OF BUSINESS TO ALLOW THE PUBLIC SPEAKING TO BE IN FRONT OF THE EXECUTIVE SESSION PASSED BY A 7 Yea, 6 Nay, 1 Abstention ROLL CALL VOTE.

YEAS: Aldermen Petteway, Negron, Booker, Jr., Burgio, Sr., Denze, Sr., Palladino and Telesca.

NAYS: Aldermen Pernerewski, Jr., Russo, Misset, Nogueira, Phelan and Piccochi.

ABSTENTION: Alderman Vance, Jr.

OFFICIALLY SCHEDULED PRESENTATION:

EXECUTIVE SESSION/S:

- {1} For the purpose of discussing the proposed mediation resolution titled “Health Department Litigation ADR Resolution” {Item #2}, requested by Alderman J. Paul Vance, Jr.
- {2} For the purpose of discussing the proposed purchase of the Wachovia Building, as requested by Alderwoman Anne P. Phelan.
- {3} For the purpose of discussing pending litigation against the city Mr. Phil Nargi as it relates to the Health Lease on Bank Street, as requested by Alderwoman Anne P. Phelan.

ON A MOTION OF ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN RUSSO, THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO ENTER INTO EXECUTIVE SESSION AT 8:00 P.M.

ON A MOTION OF ALDERMAN RUSSO, FOLLOWED BY A SECOND BY ALDERMAN PICCOCHI, THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO RETURN TO THE REGULAR ORDER OF BUSINESS AT 9:25 P.M. NO VOTES WERE TAKEN WHILE IN EXECUTIVE SESSION.

PUBLIC SPEAKING
APPROVAL OF MINUTES

Regular: Monday, November 10, 2008
***SHERIFF'S CALL: TUESDAY, JANUARY 6, 2009**
Sheriff's Call: Monday, January 12, 2009
Reconvened Regular: Monday, January 12, 2009
Regular: Monday, February 23, 2009

ON A MOTION OF ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN RUSSOGUEIRA, THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO APPROVE THE AFOREMENTIONED MINUTES AS SUBMITTED, WITH THE FOLLOWING *CORRECTIONS: {1} JANAURY 6, 2009, Page 44, That It Be Noted That Aldermen Phelan And Ciochetti Voted ***NO***. {2} JANUARY 6, 2009 Page 46 - Middle of the Page - Should Be Corrected to Read ***LOYOLA PROJECT***.

RECESS

ON A MOTION ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN RUSSO, THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO RECESS INTO STANDING COMMITTEES AT 9:25 P.M.

- {1} *Intergovernmental Committee:* 9:26 P.M. to 9:35 P.M.
- {2} *Finance Committee:* 9:35 P.M. to 9:45 P.M.
- {3} *Charter/Revision Committee:* 9:45 P.M. to 9:46 P.M.
- {4} *Land Committee:* 9:46 P.M. to 9:50 P.M.
- {5} *Rules/Law Committee:* 9:50 P.M. to 9:56 P.M.
- {6} *Public Safety/Committee:* 9:56 P.M. to 10:10 P.M.

ON A MOTION ALDERMAN RUSSO, FOLLOWED BY A SECOND BY ALDERMAN PERNEREWski, JR., THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO RETURN TO REGULAR ORDER AT 10:11 P.M.

*Consent Calendar: #3 ~ 6, 8 ~ 10, 12, 13,
15, 16, O. B. #1 & 9.*

HELD: #2.

Non-Consent: #11.

"Passed by Unanimous Roll Call Vote"

*Motion made to "Approve as Read" by Alderman Pernerewski,
Jr., and seconded by Alderman Piccochi.*

1. James T. Nemec
Supervisor of Parks
Dept. of Public Works

Re: Submittal of the monthly report covering activities carried out within the Department and its division during the reporting period of February 21, 2009 to March 20, 2009.

Received and Placed on File.

2.

Alderman J. Paul Vance, Jr.

Re: Seeking approval of a Resolution titled “Health Department Litigation ADR Resolution”, requesting that the Corporation Counsel notify the Board of Aldermen of the schedule and type of alternative dispute resolution (either mediation or arbitration) so that representative(s) from the Board of Aldermen may attend and participate.

Referred to the Intergovernmental Committee.

ON A MOTION OF ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN NOGUEIRA, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO APPROVE ITEM #2, AS STATED ABOVE.

3.

Frank Koshes, Captain
WTBY Police Department

Re: Seeking approval of to apply for the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant {JAG}. Said grant is a formula grant provided to certain municipalities and does not require any local matching funds on the part of the city and if approved the grant may provide up to \$429,942.00 for use in specific law enforcement applications.

Referred to the Intergovernmental Committee.

ON A MOTION OF ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN NOGUEIRA, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO APPROVE ITEM #3, AS STATED ABOVE.

4.

James T. Nemec
Supervisor of Parks and Public Buildings
Dept. of Public Works

Re: Submittal of the status of funds from the BOA budget transfer of surplus, as requested on 3.24.2009.

Referred to the Finance Committee.

ON A MOTION OF ALDERMAN RUSSO, FOLLOWED BY A SECOND BY ALDERMAN DENZE, SR., THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO, RECEIVE & PLACE ON FILE, ITEM #4, AS STATED ABOVE.

5.

Carrie A. Swain, Clerk
Board of Education

Re: Requesting review and approval of a Professional Services Agreement with Haskins Laboratories, Inc., to provide literacy initiative services at Generali, Sprague and Wendell Cross Schools.

Referred to the Intergovernmental Committee.

ON A MOTION OF ALDERMAN PHELAN, FOLLOWED BY A SECOND BY ALDERMAN BURGIO, SR., THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO APPROVE ITEM #5, AS STATED ABOVE.

6.

Carrie A. Swain, Clerk
Board of Education

Re: Requesting review and approval of a Professional Services Agreement with Michael Ben-Avie, Ph.D., to provide evaluation studies required by the Building Brighter Communities - Smaller Learning

Referred to the Intergovernmental Committee.

ON A MOTION OF ALDERMAN NOGUEIRA, FOLLOWED BY A SECOND BY ALDERMAN BURGIO, SR., THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO APPROVE ITEM #6, AS STATED ABOVE.

7. Ofelia F. Matos
Budget Director
- Re: City of Waterbury's Monthly Financial Report for January & February 2009.

Received & Placed on File.

8. Michael J. Jarjura
Mayor, City of Waterbury
- Re: Submittal of the City of Waterbury's Capital Improvement Plan for Fiscal Years 2010 - 2014.

Referred to the Finance Committee.

ON A MOTION OF ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN RUSSO, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO REFER TO THE BUDGET SUBCOMMITTEE, ITEM #8 AS STATED ABOVE.

9. Craig A. Sullivan
Corporation Counsel
- Re: Seeking approval of an amendment to Chapter 97 of the City of Waterbury Code of Ordinances.

Referred to the Charter Revision~Ordinance Committee.

ON A MOTION OF ALDERMAN RUSSO, FOLLOWED BY A SECOND BY ALDERMAN PICCOCHI, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO SET A PUBLIC HEARING FOR MAY 11, 2009 @ 6:55 P.M., #9, AS STATED ABOVE.

10. Alderman Arthur J. Denze, Sr.
- Re: Requesting that the BOA invite a DPUC senior representative to the Board of Aldermen's next meeting to advise relative to the Class I approval and where the Chestnut Hill BioEnergy LLC proposal regarding the DPUC permitting process and whether the city or the DPUC will act first to review, approve or deny a formal application.

Referred to the Public Safety Committee.

ON A MOTION OF ALDERMAN BURGIO, SR., FOLLOWED BY A SECOND BY ALDERMAN PALLADINO, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO GO THROUGH THE STEPS TO INVITE FOLKS TO A WORKSHOP MEETING TO BE SCHEDULED ITEM #10, AS STATED ABOVE.

11. Alderman Frank A. Burgio, Sr.
- Re: Requesting that the BOA request that the Board of Education forward all reports by and/or for the Board of Education regarding a twenty-eight [28] page document addressed to John Theriault and Paul F. Guidone regarding payroll and overtime

information as soon as they become available.

Referred to the Rules/Law Committee.

ON A MOTION OF ALDERMAN PERNERESKI, JR., FOLLOWED BY A SECOND BY ALDERMAN PALLADINO, THE BOARD OF ALDERMEN VOTED BY A 13 Yeas ~ *1 Nay, VOTE THAT ALL DOCUMENTS RELATING TO THE ABOVE INCIDENTS AND ALL REPORTS BY AND/OR FOR THE BOARD OF EDUCATION REGARDING THE SAME BE FORWARDED TO THE BOARD OF ALDERMEN AS SOON AS THEY BECOME AVAILABLE.

***Alderman Piccochi.**

12.

Lynn M. McHale, General Manager
Water Pollution Control

Re: Requesting approval of the second amendment to the Utility Preliminary Engineering Agreement between the State of Connecticut and City of Waterbury, which pertains to grant funding for the Harpers Ferry Pump Station Project.

Referred to the Intergovernmental Committee.

ON A MOTION OF ALDERMAN PHELAN, FOLLOWED BY A SECOND BY ALDERMAN NOGUEIRA, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO APPROVE ITEM #12, AS STATED ABOVE.

13.

Ofelia F. Matos
Budget Director

Re: Requesting approval of budget transfers within the city's General Fund for the FY ending June 30, 2009, in the amount of **\$137,000.**

Referred to the Finance Committee.

ON A MOTION OF ALDERMAN RUSSO, FOLLOWED BY A SECOND BY ALDERMAN PERNERESKI, JR, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO APPROVE ITEM #13, AS STATED ABOVE.

14.

Kevin Taylor, Senior Project Manager
Waterbury Development Corporation

Re: Notification of a public presentation of the WTBY Intermodal Transportation Center options on Tues., April 21, 2009.

Receive & Place on File.

15.

Lisa Lessard
905 Pearl Lake Road

Re: Requesting that the Board of Alderman become engaged with the excessive noise issue within the city.

Referred to the Intergovernmental Committee.

ON A MOTION OF ALDERMAN NOGUEIRA, FOLLOWED BY A SECOND BY ALDERMAN BURGIO, SR. THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO REFER TO THE POLICE COMMISSION ITEM #15, AS STATED ABOVE.

TO BE ADDED:

ON A MOTION OF ALDERMAN PERNEREWski, JR., FOLLOWED BY A SECOND BY ALDERMAN MISSET, THE BOARD OF ALDERMEN VOTED BY A 12 Yea, *2 Nay, ROLL CALL VOTE TO ADD THE FOLLOWING THE AGENDA AND REFER TO THE LAND COMMITTEE.

***Alderman Russo And Piccochi.**

16.

Atty. Dawn E. DeSantis
Office of the Corporation Counsel

Re: Fawn Crest Subdivision Easements.

Referred to the Land Committee.

ON A MOTION OF ALDERMAN CIOCHETTI, FOLLOWED BY A SECOND BY ALDERMAN NOGUEIRA, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO APPROVE CONDITIONED UPON AND SUBJECT TO THE APPROVAL BY CORPORATION COUNSEL OF THE DECLARATION OF THE PROPERTY OWNERS ASSOCIATION AND ALL DOCUMENTS AS TO LEGAL FORM, ITEM #16, AS STATED ABOVE.

STANDING COMMITTEES:

ON A MOTION OF ALDERMAN PICCOCHI, FOLLOWED BY A SECOND BY ALDERMAN PICCOCHI, JR., THE BOARD OF ALDERMEN VOTED WITH *1 Nay AND **1 Abstention TO APPROVE & AUTHORIZE THE DIRECTOR OF FINANCE TO MAKE REFUNDS TO TAXPAYERS REPRESENTING OVERPAYMENTS OF TAX BILLS IN THE AMOUNT OF \$63,518.93.

***Alderman Burgio, Sr.**
****Alderman Vance, Jr.**

OLD BUSINESS:

1.

J. Paul Vance, Jr., President
Board of Aldermen

Re: Status of Funds from the Board of Aldermen Budget Transfer of Surplus. [Received on 3-23-09 and referred to the Finance Committee.]

ON A MOTION OF ALDERMAN CIOCHETTI, FOLLOWED BY A SECOND BY ALDERMAN NOGUEIRA, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO RECEIVE & PLACE ON FILE OLD BUSINESS ITEM #1, AS STATED ABOVE.

2.

Ric Livingston
PHR. Sr. H.R. Generalist
Human Resources

Re: Seeking approval of a new job specification of the position of Permit Center Coordinator. [Received on 6-25-07 and referred to the Personnel Committee.]

3. George C. Tzepos
444 Middlebury Road
Middlebury, CT 06762
- Re: Requesting the layout and discontinuance of Warren Street, Waterbury. **[Received on 4-06-09 and referred to the Land Committee.]**
4. Alderman Dennis Odle
Alderman Frank Burgio, Sr.
Alderman Cicero Booker, Jr.
Alderman Art Denze
- Re: Request approval of a resolution to establish and fund top quality senior centers. **[Received on 9-24-07 and referred to the Committee of the Whole.]**
5. Joyce Petteway
J. Paul Vance, Jr.
Board of Aldermen
- Re: Requesting consideration of a concept regarding blight and the use of eminent domain for properties having been cited multiple times for blight violations and being used for drug trafficking. **[Received on 9-09-08 and referred to the Intergovernmental Committee.]**
6. Craig A. Sullivan
Corporation Counsel
- Re: Proposed Amendment to Chapter 31 of the City of Waterbury Code of Ordinances. **[Received on 4-06-09 and referred to the Charter Revision~Ordinance Committee.]**
7. William J. St. John, Jr.
St. John, Scappini, Lombard & Stevens; Attorneys at Law
13 First Avenue; Waterbury
- Re: Notice of the sell of property on Dube Lane by Columbus Home Association, Inc., a tax paying corporation, to Waterbury Christian Fellowship Inc., a tax-exempt corporation. **[Received on 2-23-09 and referred to the Finance Committee.]**
8. Craig A. Sullivan
Corporation Counsel
- Re: November 25, 2008 referral of City Projects Resolution & Ordinance proposal. **[Received on 01-12-09 and referred to the Charter Revision~Ordinance Committee.]**

9. Peter Abare Brown
Director of Human Resources
- Re: Request for salary range adjustments for Assistant Corporation Counsel and Attorneys. **[Received on 1-20-09 and referred to the Personnel Committee.]**

ON A MOTION OF ALDERMAN MISSET, FOLLOWED BY A SECOND BY ALDERMAN RUSSO, THE BOARD OF ALDERMEN VOTED BY UNANIMOUS CONSENT CALENDAR ROLL CALL VOTE TO RECEIVE & PLACE ON FILE OLD BUSINESS ITEM #9, AS STATED ABOVE.

10. Michael J. Dalton
City Clerk
- Re: Resolution from the Land Use Regulatory Revision Project Advisory Committee {LURRPAC}

regarding establishing a Conservation Commission for the city. **[Received on 11-10-08 and referred to the Charter Revision~Ordinance Committee.]**

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| 11. Alderman Paul Nogueira
Alderman J. Paul Vance, Jr. | Re: Seeking approval of a Resolution entitled “Loyola Development Corporation/City of Waterbury Funding Partnership Resolution”. [Received on 1-20-09 and referred to the Charter Revision~Ordinance Committee.] |
| 12. Alderman Paul K. Pernerewski, Jr. | Re: Seeking approval of a Resolution authorizing the Mayor and Budget Director to transfer \$200,000 to WDC to be dispersed to the Loyola Development Corporation for the South End Redevelopment project. [Received on 1-20-09 and referred to the Charter Revision~Ordinance Committee.] |
| 13. John M. Wabiszczewicz
Attorney at Law
150 Prospect Street | Re: Requesting approval of an easement by St. James Associates, LLC to the City of Waterbury [Received on 9-22-08 and referred to the Land Committee.] |
| 14. John Jedrzejczyk
Director of Finance | Re: Bond authorization acquisition of the Wachovia Building on South Main Street in the amount of \$5,000,000 . [Received on 10-06-08 and referred to the Finance Committee.] |
| 15. John Jedrzejczyk
Director of Finance | Re: Bond authorization for: Water Department Office expansion and renovation in the amount of \$750,000 . [Received on 9-08-08 and referred to the Finance Committee.] |
| 16. Peter Abare Brown
Director of Human Resources | Re: Seeking approval of the resubmission of a new job specification for Water Distribution foreperson. [Received on 1-20-09 and referred to the Personnel Committee.] |
| 17. John P. Lawlor, Jr.
Director of Public Works | Re: Lease Agreement Extension; Waterbury Commons LLC (Sovereign Bank Bldg.) [Received on 01-12-09 and referred to the Intergovernmental Committee.] |
| 18. Alderman Paul K. Pernerewski, Jr. | Re: Seeking adoption of an amendment to Chapter 31 of the Code of Ordinances of the City of Waterbury, entitled “An Omnibus Ordinance relative to the |

implementation of Charter Provisions pertaining to Appointive Boards and Commission required by Section 6C-1 of the Charter. **[Received on 11-24-08 and referred to the Charter Revision~Ordinance Committee.]**

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| 19. Mayor Michael J. Jarjura | Re: Recommendation from the Mayor’s Economic Development Task Force relative to the proposed reconstruction of Interstate 84 and Route 8. [Received on 11-10-08 and referred to the Land Committee.] |
| 20. Michael J. Jarjura
Mayor | Re: Mayor’s Proposed Budget for Fiscal Year ending June 30, 2009. [Received on 4.06.2009 and referred to the Finance Committee.] |
| 21. Michael J. Jarjura
Mayor | Re: Capital Budget Resolutions regarding the implementation of the Capital Budget of the City of Waterbury for Fiscal Year July 1, 2009 to June 30, 2010. [Received on 4.06.2009 and referred to the Finance Committee.] |
| 22. Craig A. Sullivan
Corporation Counsel | Re: Proposed Amendment to Chapter 31 of the City of Waterbury Code of Ordinances. (<i>“An Omnibus Ordinance regarding implementation of Charter Provisions Pertaining to Appointive Boards and Commissions required by Section 6c-1 of The Charter”</i>). [Received on 4-06-09 and referred to the Charter Revision~Ordinance Committee.] |
| 23. David Simpson
Deputy Director of Operations
Bureau of Public Works | Re: Submitting to the Board on behalf of John P. Lawlor; Director of Public Works, relative to the “Usage, Needs and Contractual Requirements” as it relates to the Vehicle Purchase Opportunity Resolution as requested by the Board at its 2.09.2009 regular meeting. [Received on 2-23-09 and referred to the Intergovernmental Committee.] |
| 24. J. Paul Vance, Jr., President
Board of Aldermen | Re: Seeking approval of a Vehicle Purchase Opportunity Resolution. [Received on 2-09-09 and referred to the Intergovernmental Committee.] |
| 25. Joshua M. Angelus
Waterbury Neighborhood Council
67 Hillside Avenue | Re: A Resolution to support Education funding titled, <i>The American Recovery and Reinvestment Act of 2009</i> . [Received on 2-09-09 and referred to the Intergovernmental Committee.] |

26. J. Paul Vance, Jr., President
Board of Aldermen

Re: City Plan Ordinance Enforcement. **[Received on 3-23-09 and referred to the Rules/Law Committee.]**

27. Aldermen Cicero B. Booker, Jr.
Frank A. Burgio, Sr.
Arthur Denze, Sr.
Carlo Palladino
Michael J. Telesca

Re: Whereas: The Board of Aldermen of the City of Waterbury has entered into a 5-year lease for the location of the Health Department of the City of Waterbury by overruling the veto of said lease by Mayor Michael J. Jarjura by a vote of 10-3;

Therefore let it be Resolved: That the Board of Aldermen do hereby seek legal advice independent of the Corporation Counsel of the City of Waterbury and the funds to pay for said advice. **[Received on 3-23-09 and referred to the Rules/Law Committee.]**

28. Craig Schmidt
Risk Manager

Re: Contract with Berkley Administrators of CT.

NEW BUSINESS

ON A MOTION ALDERMAN DENZE, SR., FOLLOWED BY A SECOND BY ALDERMAN BOOKER, JR., THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO REQUEST OF JAMES NEMEC A COPY OF PUNCH LIST ITEMS RELATIVE TO WORK TO BE DONE AT TOWNPLOT PARK AS NOTED IN MONTHLY REPORT DATE MARCH 20, 2009.

ADJOURNMENT

ON A MOTION ALDERMAN BURGIO, SR., FOLLOWED BY A SECOND BY ALDERMAN TELESKA, THE BOARD OF ALDERMEN VOTED UNANIMOUSLY TO ADJOURN @ 10:40 P.M.

MJD:Amb

