

**MINUTES
REGULAR MEETING
GORHAM TOWN BOARD
AUGUST 9, 2017**

The Gorham Town Board held a Regular Meeting on Wednesday August 12, 2017 at 7:00 PM at the Gorham Town Hall. Present were Supervisor Lightfoote, Councilmembers; Glitch, Case, Malcolm and Chard. Water/Wastewater Chief Operator Coston, Code Enforcement Officer Freida, Assessor Mineo and Town Clerk Perrotte. Highway Superintendent Ayers was necessarily absent.

Other guests in attendance; Rob Brenner, Bill Pellicano, Rick Szkapi, Jared Hirt, Will McCoy, Rita Kulp, Bob Guscoira and many local residents with interest in the re-zoning of Pelican Point, LLC.

1. Call to Order/Pledge to the Flag
2. Privilege of the Floor:

Mr. Steve Mumby representing the Town of Gorham Historical Society. Mr. Mumby gave a brief history of the Society. He said the Historical Society is grateful to the Town Board for the yearly stipend the Town gives them to share with the Town Historian Dennis Hogan. The Historical Society interacts closely with Mr. Hogan. Mr. Mumby said they could not be happier with Mr. Hogan as well as Ruth, the new Librarian, they have a real good relationship with her.

Mr. Mumby said they use about one third of the money from the Town for one particular day, "Life during the Civil War". A reenactment day for Marcus Whitman students that has been a major undertaking for the past seven years.

Mr. Mumby said he is pleased to see so many in attendance at tonight's Board meeting. Mr. Mumby said the Historical Society has representatives from all over the Town. The area of Town that is lacking is down along the lake. He encouraged the Lake residents to get involved because the Historical Society strives to be representatives of the whole Town.

A resident asked about launching kayaks at Deep Run Park.

Supervisor Lightfoote said he checked on that today, those are the rules for Deep Run Park, you cannot launch from the Park. The County is still working on getting a launch set up at Ontario Beach Park. He suggested she check the Ontario County Website regarding public hearings on that.

Mrs. Linda Roche 4785 County Road 11 she said she would like to re-affirm their continued opposition to the re-zoning request that is on the docket tonight.

4. Approval of Minutes – 7/12/17 Regular Meeting and Public Hearing Minutes.

On the motion by Councilmember Chard, seconded by Councilmember Malcolm, the minutes from the 7/12/17 meeting and public hearing were approved as submitted.

066-2017

5. Audit of Bills:

Abstract # 8

A	199-223	\$17,976.19
B	205-209	148.67
SL	221.222	652.63
DB	145-156	34,204.74
SS	65-706	519.28
SW1	132-145	9,536.94
HN	52	2,675.00

On the motion by Councilmember Glitch, seconded by Councilmember Case, the bills were approved for payment. Motion carried unanimously. (5-0)

067-2017

6. Reports of Town Officials:

- a. Water/Wastewater Plants - written report on file.
- b. Highway Superintendent - written report on file.
- c. Zoning – written report on file. Zoning Officer Freida said the Security System has been installed.
- d. Assessor – no report on file. Assessor Mineo said the equalization rate is at one hundred percent, it is important to have the distribution of tax burden distributed evenly.
- e. Town Clerk - written report on file.
- f. Supervisor – verbal report on file.

On the motion by Councilmember Glitch, seconded by Councilmember Malcolm, the reports of Town Officials were approved. Motion carried unanimously. (5-0)

068-2017

7. Business:

- a. Local Law #3-2017

ADOPTION OF LOCAL LAW NO. 3-2017 CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PARCELS AND AMENDING A PORTION OF THE TOWN OF GORHAM ZONING MAP

1. Resolution Determination of Significance – The Short Environmental Assessment Form was prepared and reviewed by the Town Board. It was determined that the proposed local law will not result in any adverse environmental impacts.

Supervisor Lightfoote offered the following resolution and moved for its adoption. The motion was seconded by Councilmember Case, and was adopted by the following vote:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GORHAM,
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 3 OF 2017**

WHEREAS, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined Local Law No. 3 of 2017 to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Form Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on August 9, 2017, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____
Brian Case	X_____	_____
Richard Malcolm	_____	X_____
Jake Chard	X_____	_____

Motion carried (4-1).

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2. Resolution Authorizing Adoption of Local Law # 3- 2017 - Councilmember Case offered the following resolution, along with the stipulations recommended by the Town Planning Board, and moved for its adoption on the basis of its consistence with the Town’s Comprehensive Plan and furthers the health, safety and welfare in the community, based on the materials and testimony provided. The motion was seconded by Councilmember Chard. The Board held a brief discussion.

Councilmember Glitch asked if there is another way to get this done without changing the zoning, could special use permits or variances be granted but not necessarily change the zoning.

Supervisor Lightfoote said not with the current zoning designation. There would have to be a change in zoning in order for them to be afforded the opportunity to do what they want to do and they still have to be coming forth to the Planning Board for site plan review and approvals and stipulations.

Councilmember Malcolm said he had no problem with the original proposals that were made last August. When the annexation was proposed for the 364 property. Councilmember Malcolm said “In my opinion it changed the character of the proposal and I think it’s inappropriate for us to change the zoning from R-R to General Business for that 364 property. I believe if the proposals were re-done and brought back with just what was proposed last August there would be support for that.”

The motion was adopted by the following vote:

**RESOLUTION AUTHORIZING ADOPTION
BY THE TOWN BOARD OF THE TOWN OF GORHAM OF LOCAL LAW NO. 3
OF 2017 ENTITLED
"A LOCAL LAW CHANGING THE ZONING DISTRICT CLASSIFICATION OF
CERTAIN PARCELS AND AMENDING A PORTION OF THE TOWN OF
GORHAM ZONING MAP"**

WHEREAS, a resolution was duly adopted on June 14 2017, by the Town Board of the Town of Gorham, for a public hearing to be held by said Town Board, on July 12, 2017 at 7:00 p.m. at Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Changing the Zoning District Classification of Certain Parcels and Amending a Portion of the Town of Gorham Zoning Map" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on June 28, 2017 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on July 12, 2017, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gorham hereby adopts said Local Law No. 3 of 2017, entitled "A Local Law Changing the Zoning District Classification of Certain Parcels and Amending a Portion of the Town of Gorham Zoning Map", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Gorham, to give due notice

of the adoption of said local law to the Secretary of State of New York, to amend the Town's official zoning map in accordance with this Local Law, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on August 9, 2017, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	_____	X_____
Brian Case	X_____	_____
Richard Malcolm	_____	X_____
Jake Chard	X_____	_____

Motion carried (3-2).

070-2017

"Planning Board Recommendation"

RESOLUTION MAKING RECOMMENDATION ON REZONING OF TAX PARCELS
141.10-1-63.000, 141.10-1-64.000, and 141.00-1-64.500 to GB GENERAL BUSINESS

WHEREAS, The Gorham Town Board has requested the Gorham Planning Board provide a recommendation on the proposed rezoning of tax parcels 141.10-1-63.000, 141.10-1-64.000, and 141.00-1-64.500 currently owned by Pelican Point LLC to General Business (GB); and

WHEREAS, Tax Parcel 141.10-1-64.000 is currently zoned R-1 Single Family Residential and is adjacent to property zoned R-1 Residential on all sides, including a parcel on which is situate a pump station owned by the Canandaigua Lake County Sewer District and parcel the north and west, and to parcel 141.10-1-63.000 for which rezoning to GB has been requested; and

WHEREAS, Tax Parcel 141.10-1-63.000 is currently zoned R-1 Single Family Residential and is adjacent to property zoned R-1 Residential on the west and north and GB to the south and east, and is bounded by said Canandaigua Lake County Sewer District Pump Station property and Tax Parcel 141.10-1-64.000 to the west; and

WHEREAS, Tax Parcel 141.00-1-64.500 is currently zoned Rural Residential (RR) and is bounded by property that is zoned RR to the north and east, property that is zoned Farmland Priority (FP) to the south, property zoned R-1 to the west, and a small portion zoned GB to the south; and

WHEREAS, The owner and the applicant requesting the rezoning currently operates a Marina business on tax parcels 141.00-1-60.000, 141.13-1-1.000, 141.13-1-2.000, and 141.13-1-3.000, all of which are owned by the applicant and zoned GB; and

WHEREAS, The 1997 Comprehensive Plan of the Town of Gorham makes the following notes concerning Walden Marina (that being the previous name of the business where Pelican Point Marina is now located):

1. That Walden Marina is the only public boat launching site on Canandaigua Lake within the Town.
2. The existing levels of service [for public boat launching] were judged to be sufficient as they met the needs of Town residents without attracting a large amount of traffic from adjacent communities.
3. The traffic pattern on County Road 11 is an area of concern, and the Town should work with the County to limit on-street parking and with the landowner to develop solutions to present and future traffic issues at this site; and

WHEREAS, Representatives of Pelican Point LLC have appeared before the Planning Board and stated their intention in purchasing the three parcels subject to said rezoning request was to provide additional car parking on their property on County Road 11, and to achieve this they are proposing to store boats on tax parcel 141.00-64.500 that is accessed from State Rt 364; and

WHEREAS, The Town of Gorham's 2009 Comprehensive Plan Update made no alternative findings to update the portions of the 1997 Comprehensive Plan concerning the subject properties and the marina business, and neither plan contemplated an expansion of the

marina business; and

WHEREAS, The Planning Board has reviewed the Town's Comprehensive Plan, the application for rezoning, the location and proposed use of the site, and information provided by adjacent property owners; now, therefore, be it

RESOLVED, That this Board hereby makes the following findings:

1. The operation of a marina within the Town that serves local residents is an important part of the quality of life to the community.
2. Pelican Point LLC is the operator of a scale of facility that aligns with the Town's Comprehensive Plan.
3. There is a continued need to improve traffic patterns on County Road 11 at and surrounding the Pelican Point Marina to ensure public safety. This need is clearly stated in the Town's Comprehensive Plan.
4. The grade and elevation differences between the property owned by Pelican Point LLC fronting on County Road 11 and property also owned by Pelican Point LLC fronting on State Rt 364 (tax parcel 141.00-1-64.500) prevents movement of boats or automobiles between the properties without the use of County Road 11 and State Rt 364 (meaning no interior circulation is possible).
5. There is a significant public benefit to be had in improving on-site parking at Pelican Point Marina and in improving traffic patterns on County Road 11 in the area of Pelican Point Marina.
6. The scale of Pelican Point Marina is at or near the size adequate to serve the needs of the Town of Gorham in terms of the number of boats stored and moored at the Marina.
7. Any rezoning of the subject properties should include tax parcel 141.10-1-52.000 owned by the Canandaigua Lake County Sewer District in order to make a contiguous block of GB zoned property.
8. Any use of tax parcel 141.00-1-64.500 must be tightly controlled to ensure that there is no disturbance to adjacent residential properties and that the town's access management local law is complied with to the maximum extent practical.

; and further

RESOLVED, That upon due consideration of these factors the Planning Board recommends the applicant's property be rezoned to General Business (GB) with the following conditions:

1. All of the applicant's property be combined into a single tax parcel.
2. Tax parcel 141.10-1-52.000 also be rezoned to General Business (GB).
3. The applicant provide a deed restriction or other document in a form acceptable to the Town Board and suitable for filing in the office of the County Clerk limiting the use of what is now Tax parcel 141.00-1-64.500 to outdoor boat storage and that no other commercial business can be located on said property.
4. That the rezoning be subject to development of a site plan approved by the Town Planning Board that:
 - a. Provides a visual barrier between boat storage and parking areas and the adjacent residential property on both County Road 11 and State Rt 364.
 - b. Provides a means of internal vehicular circulation minimizing the use of County Road 11 for moving boats, trailers, and vehicles on the applicant's property, with the exception of the transport of boats to the applicant's property accessed from State Rt 364 (what is now tax parcel 141.00-1-

- 64.500).
- c. Identifies customer parking, boat and boat trailer storage areas, display areas, and other incidental uses of the property, including a plan to stabilize the bank bounding tax parcel 141.10-1-51.210.
- d. Establishes the maximum number of boats to be stored on site by Pelican Point Marina, this number being sufficient to meet the needs of the community, so that a maximum size of the operation is set and that will require future review by the Planning Board before it is increased.
- e. Addresses the requirements of the Town's Access Management Local Law to the maximum extent practical.
- f. Addresses exterior lighting.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on August 9, 2017 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X___	___
William Glitch	___	X___
Brian S. Case	X___	___
Richard Malcolm	___	X___
Jake Chard	X___	___

Motion carried (3-2).

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- b. Sewer rate discussion tabled to next meeting
- c. Extra manpower for the Water Department –

Chief Operator Coston said the part time employee for the Water Department is retiring in September. He used to do the weekend shift but now only does one day, Saturday. The Water Plant runs seven days a week. Mr. Coston said they need more manpower.

Councilmember Glitch said "if we need somebody let's not beat this horse to death, let's pull the trigger and get it done."

The Board agreed. The Town still has a list from the last employee hired.

Supervisor Lightfoote said he would have Mr. Coston's secretary check with Human Resources to see if we can still use those applicants.

Councilmember Chard said "So you used to have more people under you?"

Chief Operator Coston said yes, the Water Plant previously had five full time employees and two part time employees. The part time employees each worked twenty-five to thirty hours per week. Currently the plant has four full time

employees and one part time employee who works one day on the weekend. Since we run twenty four seven, the part time employee can put in fifteen to sixteen hours in one day.

d. Hopewell Water Agreement – Supervisor Lightfoote, Councilmember Glitch, Chief Operator Coston and Water Department employee Chris Cummings reviewed the contract. This contract is in place for forty years. Supervisor Lightfoote offered the contract and asked for its approval. Councilmember Malcolm seconded the motion that carried unanimously (5-0). Councilmembers signed the contract along with Town of Hopewell Supervisor and Councilmembers.

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e. Supervisor Lightfoote said the Town of Gorham has come to an agreement to purchase the Development Rights on fifty acres of land owned by Joseph Christofferson. The Town buys the Development Rights, the Land Trust takes care of all the necessary legal fees and closing costs. The Town paid for the appraisal of \$4,500.00. The development value on the fifty acre parcel is \$81,300.81.

Supervisor Lightfoote said the money is earmarked for this type of purchase and is in the Open Space Reserve Fund. The transfer of money is subject to permissive referendum pursuant to article 7 of the Town Law of the State of New York.

f. Permissive Referendum –

Councilmember Glitch made a motion to transfer \$85,800.81 from the land Preservation Reserve Fund to the Land Preservation Fund to complete the purchase of property development rights on a parcel on Jones Road. This transfer pursuant to permissive referendum. The motion was seconded by Councilmember Case, with no further discussion the motion carried unanimously. (5-0)

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g. Supervisor Lightfoote said “since we participate, as a Town, in the County’s Updated Solid Waste Plan some of the moneys that are coming through from Casella have been diverted to this and our share is \$36,000.00.”

Mr. Lightfoote met with a representative from the County Planning Department and Highway Superintendent Ayers. They met at the Town Transfer Station to go over some of the things we need and some of the things that other towns are doing. The highlight is on better recycling efforts and ways to improve the environmental waste stream here at the Town level.

Highway Superintendent Ayers would like to purchase two new recycling containers and two new higher top open containers. They have been needed for several years since the current ones are in very rough shape. The additional six thousand could be used for various things that would be up to the Board to approve. Some suggestions were organic waste containers or better electronic waste recycling efforts.

Supervisor Lightfoote said New York State requires the Town to sign a contract to do what we say we're going to do with the money.

h. Appoint Deputy Town Clerk – Town Clerk Perrotte said she would like to appoint Brenda Jones as one of her Deputy Town Clerks. Mrs. Jones is the Deputy Tax Collector as well as an office floater at the Town Hall and since she is already in the building three days per week it would be additionally helpful if she could help out in the Town Clerk's office.

Councilmember Case asked if Deputy Clerk Rita Kulp was not going to do it.

Town Clerk Perrotte said "Rita is still my Deputy, I can have up to three. Mrs. Kulp is typically here every Wednesday from 9am-1pm. I come in from 1pm-7pm on Wednesdays. Occasionally I might have to run to the bank on a Tuesday or Thursday and since I don't have a Deputy in the building I would have to close my office. Mrs. Jones is already here in the building so it makes sense to appoint her as one of my Deputies."

Supervisor Lightfoote said it allows Mrs. Jones to fill in in the Clerk's office and it is an appointed position.

On the motion by Councilmember Chard, seconded by Councilmember Glitch, to appoint Brenda Jones as Deputy Town Clerk, effective immediately. Motion carried unanimously. (5-0)

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i. Budget Discussion – Supervisor Lightfoote suggested tentatively setting a budget workshop for the next regular meeting on September 13, 2017. If the time at the next regular meeting is not going to work Supervisor Lightfoote will set a special meeting date for a budget workshop.

8. Correspondence – regarding the re-zoning of Pelican Point, LLC.

July 13, 2017

4792 County Road 11
Rushville, NY 14544

Mr. Fred Lightfoote
Town of Gorham Supervisor
4736 South St.
Gorham, NY 14461

Dear Mr. Lightfoote:

Speaking for the silent majority, 95% of all people on East Lake Road love having Pelican Point Marina in the Cove and available for business. At the July 12, 2017 meeting, some people expressed concern about multiple businesses being derived from the potential rezoning. Wouldn't that be wonderful in the Town of Gorham where services are hard to find!

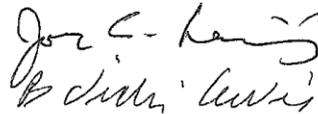
The traffic everyone is complaining about is really only a few weekends a year. The marina is very slow during the week and six months of the year the Marina is non-existent.

Remember how desolate it was before the Marina and all the improvements they made, not to mention the additional tax base the Marina has created for the Town.

Bill, Terry, Kyle and Jeff represent exceptional management and are really concerned about their influence on the community. They have created jobs, services and convenience for everyone in the Town of Gorham without any negative effects. We relish the idea of their rezoning request becoming a reality.

Any positive consideration the Board can give the Marina would be greatly appreciated. As the closest neighbor to the Marina, this is how we truly feel. Please pass a copy of this to each of the Board Members. Thank you.

Sincerely,



Jon and Vicki Lewis

9. Privilege of the Floor:

Mr. Will McCoy said "I appreciate the opportunity to be here to see what's going on with the Town Board. I have no position on the Pelican Point thing but, I'm glad you took the time and the care and the deliberations that you did. I was also impressed that Richard explained his negative vote very clearly and precisely you're not obligated to do that but I think that's good for relations. I personally

think we could benefit by a few Town meetings with the population. We used to have the East Shore Association, there are a lot of things that go on that we're vaguely aware of but if there's an opportunity for people to learn. For instance there used to be the Sheriff would come in, today he might talk about what's going on with opioids particularly in our area of town. There are a lot of issues that could come up. The recent assessment we had, it was quite a major undertaking with virtually no information on it other than a legalized form that we received on it. I think that it's worth generating the goodwill with the citizenry to offer that kind of thing. I picture one at the Crystal Beach Fire Hall, one at the Gorham Hamlet Fire Hall with the same kind of agenda at each. The storm run-off's and things. Those are big issues it would be good for people to know more than they see from the Messenger. I think the goodwill you build up with that, by face to face contact, would really pay off if we hit some disaster. We've been really fortunate that the Town hasn't had a major issue, a major disaster but, it's money in the bank to have that goodwill. I just think we've lost some of that, particularly over in the Beach area when we lost the East Shore Association. I think person to person contact, if it doesn't work it doesn't work but, I think it's worth thinking about. I know you've got a busy agenda but I think it's nice to have the citizens understand you and be on your side when you face a big problem. I appreciate the chance to be here and I certainly thank you for all the time you put in beyond what would normally be expected from a Board."

Councilmember Glitch said it's a good idea and Supervisor Lightfoote said point well taken.

Mr. McCoy finished up by saying "I appreciate the chance to be here and I certainly thank you for all the time you put in beyond what's expected from a Board, the scope of this kind of thing just keeps growing."

Mr. McCoy added "I call it the Town Dump, I think Roger and that crew up there have really done a nice job over the last few years. It is very much more customer friendly than it used to be. It's cleaner, it's neater, it's well kept up, they're watching what's going on. The whole thing is a very good experience."

Supervisor Lightfoote said "thank you it's very nice to hear that."

10. Executive Session: at 8:34pm on the motion by Supervisor Lightfoote, seconded by Councilmember Chard, the Board entered into executive session to discuss litigation, Cregg v Town of Gorham.

At 8:48pm on the motion by Councilmember Glitch, seconded by Councilmember Chard, the Board returned to regular session.

No action was taken in executive session. Both motions carried unanimously. (5-0)

075-2017

11. Set Next Meeting Date – the next regular meeting of the Gorham Town Board will be held on September 13, 2017 at 7pm at the Gorham Town Hall.

12. Adjournment - With no further business, on the motion by Councilmember Malcolm, seconded by Councilmember Glitch, the meeting was adjourned at 8:51pm.

Respectfully submitted,

Darby Perrotte
Town Clerk