



**Town of Porter**  
**Town Board Meeting**

3265 Creek Road  
Youngstown, NY 14174  
[TownofPorter.Net](http://TownofPorter.Net)

~ Minutes ~

John

**Monday, October, 15, 2007**

**7:00 PM**

**Town Hall Auditorium**

**I. Call to Order**

7:00 PM Meeting called to order on October 15, 2007 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Thomas Baia	Town of Porter	Deputy Supervisor	Present	
Nancy Orsi	Town of Porter	Councilwoman	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Absent	
John Mac Arthur	Town of Porter	Town Clerk	Present	
Karen Schmidt	Town of Porter	Assessor	Absent	
Norm Ault	Town of Porter	Bookkeeper	Present	
Mike Dowd	Town of Porter	Attorney	Late	7:30 PM
Dave Britton	Town of Porter	Engineer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	

**II. Public Portion**

**1. Report 2007-134**

**Public Comments**

Public Comments  
Town of Porter Town Board Meeting  
Monday, October 15, 2007

“Mike Mahar, CWM-“We started discharging treated wastewater into the Niagara River from Pond #3 on earlier this month, we have been doing this for many years, as of this date we have discharged approximately 7.5 million gallons of treated wastewater, and will be done by the end of November with approximately 25 million gallons to be discharged into the Niagara River.”

John Minnick, 2630 Lake Road-“Have there been any meetings scheduled to discuss the lagoon of Mr. Danielewicz, and what is the town doing?”  
Supervisor Wiepert-“The Town Attorney and the Town Building Inspector are working on this.”

April Fideli, 343 Howard Drive-“I am concerned about the “blackout times” the trucks coming by the school going to CWM or leaving CWM. ” “I would like to see the CAC Agreement changed to agree with the hours of the Pre-K school hours.” With these trucks going to and from

CWM, and a lot of construction trucks working at the school, there could be an accident waiting to happen.” “It has been a year when we first started talking about this, and nothing has been done about this. “Another problem is trucks convoing.” “The only thing that has changed was the speed limit lowered to 35 MPH, which Supervisor Newlin (Town of Lewiston) was instrumental in obtaining.

Mike Mahar, General Manager CWM-“We have not had any complaints regarding convoing since January 2, 2007”. “We have not had any violations of the ‘blackout’ hours since April 20, 2007”. “We have agreed to” blackout” hours as part of our CAC agreement to try and minimize the impact of CWM truck traffic during the heaviest bus traffic times”. “We have no control when Lew-Port decides to schedule their pre-kindergarten programs or any other programs”. “We are not prepared to modify the existing agreed to “blackout” hours at this time as doing so would not allow trucks to enter the facility for most of the morning, the result of which would significantly impair the operation of our business”. “The next time negotiations would occur on “blackout” hours would be when the new CAC or RMU-2 is convened”.

Here are the “blackout” hours as they appear in our Transport Rules and Regulations: *CWM has agreed to a “blackout” period for scheduled arrivals between 7:30 A.M. and 9:00 A.M. and 2:15 P.M. and 3:45 P.M. on school days.*

Supervisor Wiepert-“The CAC Committee may have to take a look at this, and possibly change the CAC Agreement with respect to truck traffic, and ‘blackout’ rule.” “I suggest that you talk to Lew-Port School Supt. Don Rappold on these problems.”

April Fideli-“CWM should be responsible to the children in this community.”

Councilwoman Orsi-“I think the change in starting times, may be attributed to the teacher’s contract at school.” I would suggest that you go back to the CAC Committee and get the Agreement fixed or changed.”

Supervisor Wiepert-“At one time we discussed the possibility of an alternate route into CWM.” “There was discussion that trucks could possibly come in off Porter Center Road, to the back entrance to CWM.” “No further discussion followed on this alternate route or routes.”

April Fideli- “I will never go onto CWM property, never”.

Supervisor Wiepert-“We discussed this at a CAC Meeting about alternate routes, but no route was found to be feasible, maybe we should review this again”.

Mr. William Choboy, 740 Lake Road-“I was on this CAC Committee, and other Departments were present, to discuss this alternate route problem, no alternate route was found, there was not much time to work on this and come up with a solution”. “You need two (2) Town Board Members to be on this CAC Committee to work on this”.

Carla Benedict-“Mr. Wiepert can you tell me what is going on with the lagoon problem of Mr. Danielewicz?”

Supervisor Wiepert-“The Town Attorney and Town Building Inspector are working on this”.

Carla Benedict-“What is this treated wastewater going into the Niagara River? “

Mr. Mahar-“Every year around October we discharge from one of the ponds treated wastewater into the Niagara River.”

Mr. Cleland Truesdale, 3249 Lutts Road-“I have a complaint about the number of large construction trucks and construction vehicles going down Lutts Road, they are noisy and are exceeding the 10 ton weight requirement, they are ruining the road.” This has been going on all summer and is still going on.”

Highway Supt Hillman, “I will contact the Sheriff’s Department and see if they will come out to check this out and enforce this 10 ton weight limit on Lutts Road.”

Amy Wityrol, 4726 Lower River Road-“There is a CAC Meeting at the Lewiston Town Hall on Thursday, October 18<sup>th</sup> at 3:00 P.M.” DEC will be present to discuss a PCB Investigation and also to review the Radiation Testing Information.” I would like to encourage Town Board Members to attend, and perhaps these transportation issues can be addressed.” “The CAC Agreement expires in July 2008.” “

John Mac Arthur, Town Clerk

**RESULT:      REPORT ISSUED**

**III. Reports**

**1. Resolution 2007-112**

**Minutes Approval**

Resolution accepting the September 10, 2007 Town Board meeting minutes and the October 4, 2007 Special Town Board meeting as presented.

**RESULT:      ADOPTED [UNANIMOUS]**  
**MOVER:**      Nancy Orsi, Councilwoman  
**SECONDER:**   Larry White, Councilman  
**AYES:**        Wiepert, Baia, Orsi, Baker, White

## 2. Resolution 2007-113

## Payment of Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT - SEPT 2007 9/30/07

FUND	01	10,760.53
FUND	02	5,390.23
FUND	04	113.73
FUND	06	80.83
FUND	07	1,106.38
FUND	12	1,525.00
FUND	35	3,292.00
		<u>22,268.70</u>

VOUCHER 'S 9804 THRU 9839

WARRANT: # 10 OCTOBER 2007 10/15/07

FUND	01	11,191.75
FUND	02	58,682.16
FUND	03	27,062.50
FUND	04	17,461.88
FUND	06	58,299.12
FUND	07	13,382.02
FUND	10	802.36
TOTAL		<u>186,881.79</u>

VOUCHER 'S 9840 THRU 9939

209,150.49

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, Baia, Orsi, Baker, White

## 3. Report 2007-135

## Town Clerk

## Town Clerk's Report for September 2007

Water Receipts Collected for September, 2007:	\$29,150.99
Sewer Receipts Collected for September, 2007:	4,538.31

License and Fees for September, 2007:	830.02
S.P.C.A. Report:	9

Deputy Town Clerk Gail Zachary attended a day-long 2010 Census Program training workshop at UB on September 19<sup>th</sup>. Address lists will be mailed to the Town; which is the first step in verifying discrepancies between their list and Town records.

<b>RESULT:      REPORT ISSUED</b>
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**4. Report 2007-136**

**Supervisor**

1. Supervisor's Monthly report for September 2007 was distributed to all Town Board members on October 1, 2007.
2. August Sales Tax \$79,016.85. This is up \$4,663.86 from August last year.
3. Resolution to accept the Supervisor's Report for September 2007.
4. Resolution making the Tentative Budget the Preliminary Budget and set a Public Hearing for November 5, 2007 for Public Comments.

<b>RESULT:      REPORT ISSUED</b>
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**5. Resolution 2007-114**

**Supervisor**

Resolution accepting the Supervisor's September report, as presented.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Councilman
<b>SECONDER:</b>	Thomas Baia, Deputy Supervisor
<b>AYES:</b>	Wiepert, Baia, Orsi, Baker, White

**6. Resolution 2007-115****Preliminary Budget Public Hearing**

Resolution declaring the Town of Porter 2008 Tentative Budget the Town of Porter 2008 Preliminary Budget and to set a Public Hearing to review the 2008 Preliminary Town of Porter Budget on Monday, November 5, 2007 at 7:00PM in the Porter Town Hall. The Town Clerk will see that all notifications are made in a timely manner.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Councilman
<b>SECONDER:</b>	Nancy Orsi, Councilwoman
<b>AYES:</b>	Wiepert, Baia, Orsi, Baker, White

**7. Report 2007-137****Supervisor's Assistant**

Bookkeeper's Monthly Report - September 2007

1. Completed processing all September 2007 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for September 2007 and distributed it to the Supervisor and Town Board members.
3. Completed Bi-weekly and Monthly payrolls.
4. Completed Check registers for all check payments.
5. Continued maintenance on the Web Page - [www.townofporter.net](http://www.townofporter.net)
6. Continues working with Deputy Town Clerk on the Minute Traq program.
7. Continued working on 2008 Budget.
8. Tentative Budget filed with the Town Clerk on September 27, 2007.
9. Need permission to attend a NYS GFOA Cash Management Workshop on November 14<sup>th</sup> in Batavia, NY. The cost is \$75.00.
10. Need the following budget adjustments:

01-1355.0002	Assessor Equipment	\$1,050.00
01-1355.0004	Assessor Contractual	(\$1,050.00)
07-8120.0004	Sewage Coll Contractual	\$30,000.00
07-0909.0000	Fund Balance	(\$30,000.00)

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Resolution 2007-117****NYS GFOA Cash Management Workshop**

Authorize Bookkeeper Norm Ault to attend the NYS GFOA Cash Management Workshop in Batavia, NY on November 14<sup>th</sup> for a cost of \$75.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Councilman
<b>SECONDER:</b>	Thomas Baia, Deputy Supervisor
<b>AYES:</b>	Wiepert, Baia, Orsi, Baker, White

**9. Resolution 2007-118****Budget Adjustments**

Authorize the following budget adjustments:

01-1355.0002	Assessor Equipment	\$1,050.00
01-1355.0004	Assessor Contractual	(\$1,050.00)
07-8120.0004	Sewage Coll Contractual	\$30,000.00
07-0909.0000	Fund Balance	(\$30,000.00)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy Orsi, Councilwoman
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Wiepert, Baia, Orsi, Baker, White

**10. Report 2007-138****Assessor**

1. Completed monthly inspections for verification of sale and completion of building projects.
2. Processed monthly sales transfers and splits.

3. Attended Planning Board and Zoning Board meetings.
4. Prepared apportionments for school bill.
5. Reinstalled Pictometry software.
6. Attended 2008 New York State Assessment Administration conference in Buffalo. Attended classes on legislation, new topics in agricultural assessment, Trusts and Life Estates, and countywide assessing.

<b>RESULT:      REPORT ISSUED</b>
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## 11. Report 2007-139

### Department of Public Works

Department of Public Works  
Monthly Report for September 2007

#### Highway Department:

1. Completed monthly brush pickup. Last pickup will be Monday November 5<sup>th</sup> and Tuesday November 6<sup>th</sup>.
2. Provided assistance with trucks hauling blacktop to the Town of Pendleton, Town of Lewiston and the Village of Youngstown for their paving projects.
3. Completed roadside mowing on state highways and have started an additional round of mowing on town roads.
4. Provided assistance to Ransomville Fire Company with equipment and manpower for the construction of an access road to their new soccer fields.
5. I attended the Regional Storm Water Coalition MS4 training seminar on October 10<sup>th</sup>.
6. Niagara County Snow and Ice Contract is still in negotiation, hope to have it finalized for submittal at the November board meeting.
7. New York State Snow and Ice Contract is up for renewal. I have submitted copies of the agreement for execution by board resolution.
8. I need a board resolution declaring the 1998 Chevrolet pickup as surplus property and to authorize me to sell same by local bid. Does the board wish to set a minimum bid??
9. I would like permission to attend the New York State Highway Expo in Syracuse on Wednesday October 17<sup>th</sup>.
10. We recently posted the 45 MPH signs on Lake Road.

#### Drainage Department:

1. We will continue the drainage mowing weather permitting.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. Completed the installation of 25 Orion water meters.
3. We repaired a water main break on Parker Road.

Lakeshore Sewer Grant:

I have solicited RFQ for the final two projects in the grant.

Lakeshore Sewer Lift Station SCADA system:

O'Connell Electric Company	\$18,124.00
Art McGill Electric Inc.	\$20,527.00

Lakeshore Sewer Lift Station Safety and Security Lighting:

O'Connell Electric Company	\$4,900.00
Art McGill Electric Inc.	No quote submitted

I recommend that both projects be awarded to O'Connell Electric Company as they were the low quote on both projects.

This will complete the work covered by the Lakeshore Grant.

Respectfully submitted,

Scott B. Hillman  
Highway Superintendent

<b>RESULT:      REPORT ISSUED</b>
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**12. Resolution 2007-119**

**Surplus Property**

Authorize the Highway Superintendent to sell the 1998 Chevrolet pick-up as surplus property by local bid. Minimum bid to be accepted \$ 4,500.00.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Thomas Baia, Deputy Supervisor  
**SECONDER:** Larry White, Councilman  
**AYES:** Wiepert, Baia, Orsi, Baker, White

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**13. Resolution 2007-120**

**New York State Ice & Snow Contract**

Authorization to renew the New York State Ice & Snow Contract for 2007-2008 winter

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Thomas Baia, Deputy Supervisor  
**SECONDER:** Nancy Orsi, Councilwoman  
**AYES:** Wiepert, Baia, Orsi, Baker, White

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**14. Resolution 2007-121**

**New York State Highway Expo**

Authorize Highway Superintendent Scott Hillman to attend the new York State Highway Expo in Syracuse on Wednesday October 17<sup>th</sup>.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Nancy Orsi, Councilwoman  
**SECONDER:** Larry White, Councilman  
**AYES:** Wiepert, Baia, Orsi, Baker, White

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**15. Resolution 2007-122**

**SCADA System & Security Lighting**

Authorize O'Connell Electric to furnish & install SCADA System for \$18,124.00 and Safety & Security Lighting for \$4,900.00.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Nancy Orsi, Councilwoman  
**SECONDER:** Thomas Baia, Deputy Supervisor  
**AYES:** Wiepert, Baia, Orsi, Baker, White

**16. Report 2007-140**

**Building Inspector/Code Enforcement Officer**

**TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF SEPT 2007**

No.	NAME	ADDRESS	ISSUED FOR	COST	FEE:
74-07	Serchia, Frank	3739 Lower River Road	Garage	50,000	35
75-07	Roberts, Sean	3502 Creek Road	Deck	1,000	25
76-07	Purgarich, Anthony	3890 Ransomville Road	Deck	2,000	25
77-07	Guetta, Paula	827 Lockport Road	Shed	1,600	25
78-07	Paschke, Douglas	2479 Parker Road	New Home	119,500	275
79-07	Crogan, Dawn	2175 Lake Road	New Home	200,000	275
80-07	Nolf, Neil	2391 Lake Road	Alterations	12,000	50
81-07	Hogan, Thomas	3921 Dickersonville Road	New Home	160,000	275
82-07	Collard, Anthony	840 Lockport Road	Shed	1,000	25
<b><u>Estimated Total Cost of Construction</u></b>				<b>547,100</b>	<b>1,010</b>

<u>C/O #</u>	<u>Certificate of Occupancy Issued</u>
13-07 Robert Jordon	2479 Lockport Road Single Family Home

**RESULT: REPORT ISSUED**

**17. Report 2007-146**

**Historian**

“Since late March two of the major projects I have worked on have come to fruition. As part of the Axis POW Coalition we presented a very successful day-long workshop to the public on the prisoners of war at Fort Niagara during World War II. The evaluations for the program reported outstanding feedback.

I chaired the Allied POW committee with the President of the Porter Historical Society, Village of Lewiston Historian, Deputy Director of Niagara County Historical Society, and VA POW Coordinator. This involved more than twenty community organization, numerous individuals,

the Youngstown VFW Post, and the Village Board. I interviewed twelve ex-POWs. These tapes will become part of the permanent historical records of the Town. I made the displays, handouts etc. (which acknowledged the Town’s financial support for the program). My plan for the future is to put together a documentary about these POWs who were inducted at Fort Niagara and held as POWs at camps in Europe and the Pacific. The program held on October 6 was a historic event for our community! The ex-POWs as a group returned to the Fort in the morning. I gave them a guided tour of the remnants of “new” Fort Niagara and the Visitor’s Center. They enjoyed the luncheon at the Post, which was part of the monies you approved, followed by a Police escorted caravan on Rte. 93 and on Main Street piped by the MacKenzies (through the courtesy of the Village Board) with Girl Scouts and Boy Scouts lined up on the streets waving the flag! The Army and Coast Guard color guard presented the flag at the Fellowship Hall. It was a very moving and powerful program for the community!

One of the other exciting projects is the history of farming exhibit at the Castellani Art Gallery at Niagara University. I was part of a committee that organized this display. It is open to the public until January. There are a number of Town of Porter displays in the exhibit. Please try to see this!

I have done research at the East Aurora Historical Museum and town hall, Erie County Historical Society, Buffalo Public Library, and other facilities to try and locate information about the former “Hays house” on Church Street near East Avenue. I found documentation in the Niagara County Clerk’s Office that it was owned by President Millard Fillmore, but have not been able to find any record that he lived there at anytime.

Norm Ault, Doug Diez, and I are continuing to work together on the project for historical markers to be erected in Ransomville as part of a project/grant of the Ransomville Business Association. I continue to attend meetings, respond to requests and do research.

Suzanne Dietz, Town Historian

**RESULT:      REPORT ISSUED**

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**18. Report 2007-141**

**Attorney**

Nothing to report

**RESULT:      REPORT ISSUED**

**19. Report 2007-142****Engineer**

Need resolution setting a Public hearing on the Stormwater Local Laws.

Need a resolution on the Townwide Drainage District

<b>RESULT:      REPORT ISSUED</b>
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**20. Resolution 2007-123****Stormwater Public Hearing**

**WHEREAS**, Local Law Introductory No. 1 of 2007 (“Local Law for Erosion and Sediment Control”) and Local Law Introductory No. 2 of 2007 (collectively, the “Local Laws”) have been proposed, which seek to reduce stormwater pollution, enhance water quality, and improve aquatic habitats by requiring that a Stormwater Pollution Prevention Plan be submitted for all land development projects disturbing more than one acre of land, or less than one acre if part of a larger plan of development, and by prohibiting illicit discharges to the Municipal Separate Storm Sewer System (“MS4”); and

**WHEREAS**, the Local Laws have been drafted using model language from the New York State Department of Environmental Conservation (“DEC”) and the New York State Department of State in order to fulfill the MS4 Phase II stormwater management requirements of the National Pollutant Discharge Elimination System as administered by the State Pollutant Discharge Elimination System; and

**WHEREAS**, the Local Laws shall amend Local Law No 1 of 1968, as amended, and Local Law No. 2, of 1978 as amended, of the Town of Porter Local Laws (“Local Laws”); and

**WHEREAS**, all terms used but not defined herein shall have the meanings given to them in § 617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

**WHEREAS**, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

**WHEREAS**, in accordance with § 617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Town Board may proceed under SEQR as if it were the only involved agency and, therefore, as the lead agency; and

**WHEREAS**, the approval of the Local Laws by the Town Board (the “Action”) constitutes an unlisted action under SEQR; and

**WHEREAS**, the Town Board must make a determination as to the environmental impact of the Action; and

**WHEREAS**, a public hearing has been called for November 13, 2007 (“Public Hearing”) regarding the Local Laws; and

**WHEREAS**, all proposed zoning changes must be sent to the Niagara County Planning Board (“Planning Board”); and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes an uncoordinated review of the Action whereby the Town Board shall act as lead agency; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the preparation of a short EAF to be circulated with the Planning Board together with the full text of the Local Law for Erosion and Sediment Control; and

**BE IT FURTHER RESOLVED**, that the Town Board will consider whether or not to issue a negative declaration with respect to adopting the Local Laws during the Public Hearing.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, Baia, Orsi, Baker, White

**21. Resolution 2007-124**

**Townwide Drainage District**

Authorization for CRA to prepare a Map Plan & Report for the formation of a Town wide Drainage District per their proposal dated October 3, 2007 in an amount no to exceed \$3,000.00.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Thomas Baia, Deputy Supervisor  
**SECONDER:**   Nancy Orsi, Councilwoman  
**AYES:**        Wiepert, Baia, Orsi, Baker, White

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## 22. Report 2007-145

### Correspondence

1. Letter from the Office of Real Property reporting the Town of Porter has qualified for the (NYSORPS) Excellence in Equity Award.
2. Letter from Mayor Neil Riordan in behalf of the Town of Porter Historical Society concerning the Kelley property.
3. Letter from Town Historian Sue Dietz concerning the Allied POW program she presented.

**RESULT:**       **REPORT ISSUED**

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## 23. Report 2007-143

### Town Board Comments

The Town Board had no comments and with nothing pending before the Board the meeting was adjourned at 8:00PM.

Submitted by

John Mac Arthur  
Town Clerk

**RESULT:**       **REPORT ISSUED**

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24. Report 2007-144

Calendar of Events

Oct 25 <sup>th</sup>	Zoning Board	7:30PM - Porter Town Hall
Nov 1 <sup>st</sup>	Planning Board	7:00PM - Porter Town Hall
Nov 5 <sup>th</sup>	Preliminary Budget Public Hearing	7:00PM - Porter Town Hall
Nov 5 <sup>th</sup> 6 <sup>th</sup>	Final Town Wide Brush Pick-up	
Nov 6 <sup>th</sup>	Election Day	6:00AM - 9:00PM - Get out and Vote
Nov 12 <sup>th</sup>	Town Hall Closed	
Nov 13 <sup>th</sup>	Town Board Meeting	7:00PM - Porter Town Hall (Tuesday)

<b>RESULT:      REPORT ISSUED</b>
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