



# Town of Porter

## Town Board Meeting

~ Agenda ~

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

Kara Hibbard  
716-745-3730

Monday, December 14, 2020

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on December 14, 2020 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Present	Absent	Late	Arrived
Councilman Jipp Ortiz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Supervisor J. Duffy Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Deputy Supervisor Jeff Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Larry White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Tim Adamson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Town Clerk Kara Hibbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bookkeeper Kimberli Boyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### II. Minutes Acceptance

### III. Resolutions

- Resolution 2020-87**  
Minutes Approval
- Resolution 2020-88**  
Audited Vouchers
- Resolution 2020-89**  
Acceptance of Supervisor's Report
- Resolution 2020-90**  
Adoption of Waterfront Consistency Review Law
- Resolution 2020-91**  
Local Waterfront Revitalization Program
- Resolution 2020-92**  
Health Insurance for Retirees
- Resolution 2020-93**  
Surplus Material

**8. Resolution 2020-94**

Easement Regarding the Town of Porter and Village of Youngstown

**9. Resolution 2020-95**

Authorize Payment to Cerrone Inc. Regarding the Completed Waterfront Project

**IV. Reports****1. Report 2020-129**

Supervisors Report

**2. Report 2020-130**

Bookkeeper

**3. Report 2020-131**

Town Clerk

**4. Report 2020-132**

Assessor

**5. Report 2020-133**

Building Inspector/Code Enforcement Officer

**6. Report 2020-134**

Highway

**7. Report 2020-135**

Grant Writer

**8. Report 2020-136**

Recreation

**9. Report 2020-137**

Calendar of Events

**10. Report 2020-138**

Public Comments

**11. Report 2020-139**

Town Board Comments



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**2020-87**

Meeting: 12/14/20 07:00 PM

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## **Minutes Approval**

Resolution to approve the minutes of the November 9, 2020 Town Board meeting.



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**2020-88**

Meeting: 12/14/20 07:00 PM

## Audited Vouchers

### TOWN OF PORTER

**WARRANT: POST AUDIT #11A - DEC, 11/30/20**  
**2020**

<b>FUND</b>	<b>01</b>	2,488.22
<b>FUND</b>	<b>02</b>	104.73
<b>FUND</b>	<b>04</b>	306.02
<b>FUND</b>	<b>06</b>	198.80
<b>FUND</b>	<b>07</b>	1,182.47
<b>FUND</b>	<b>10</b>	0.00
<b>FUND</b>	<b>35</b>	0.00

**TOTAL** **4,280.24**

**VOUCHER 'S 28439 THRU 28456**

**WARRANT: # 12 DECEMBER, 2020 12/10/20**

<b>FUND</b>	<b>01</b>	12,083.08
<b>FUND</b>	<b>02</b>	10,584.34
<b>FUND</b>	<b>04</b>	53,182.99
<b>FUND</b>	<b>06</b>	1,043.56
<b>FUND</b>	<b>07</b>	187.96
<b>FUND</b>	<b>10</b>	0.00
<b>FUND</b>	<b>11</b>	26,174.54
<b>FUND</b>	<b>28</b>	0.00
<b>FUND</b>	<b>35</b>	0.00

**TOTAL** **103,256.47**

**VOUCHER 'S 28457 THRU 28539**

**TOTAL** **107,536.71**

Resolution to approve the vouchers totaling \$107,536.71 as audited by the Porter Town Board.



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**2020-89**

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## **Acceptance of Supervisor's Report**

Resolution to accept the Supervisors report from 11/9/20



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**2020-90**

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## **Adoption of Waterfront Consistency Review Law**

### **TOWN OF PORTER RESOLUTION FOR THE ADOPTION OF WATERFRONT CONSISTENCY REVIEW LAW**

**WHEREAS**, the Town of Porter has prepared a Local Waterfront Revitalization Program (LWRP), pursuant to Article 42 of the New York State Executive Law - the Waterfront Revitalization of Coastal Areas and Inland Waterways Act; and

**WHEREAS**, the LWRP and supporting laws were prepared under the review and guidance of the Town of Porter Waterfront Advisory Committee, with planning consultation assistance and reviewed by the New York State Department of State and other affected agencies; and

**WHEREAS**, to provide a framework for agencies of the Town of Porter to incorporate the policies and purposes contained in the LWRP when reviewing applications for actions or direct agency actions within the Waterfront Revitalization Area, and to assure that such actions and direct actions by Town agencies are consistent with the LWRP policies and purposes, a Waterfront Consistency Review Law and supporting Waterfront Assessment Form were prepared; and

**WHEREAS**, in accordance with Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), the Porter Town Board, as the designated SEQR Lead Agency, conducted a coordinated review to identify and evaluate the potential impacts of adopting the Town of Porter Waterfront Consistency Review Law, and adopted a SEQR Negative Declaration of Significance on December 14<sup>th</sup>, 2020; and

**NOW, THEREFORE BE IT RESOLVED**, that the Porter Town Board hereby adopts the Town of Porter Waterfront Consistency Review Law and Waterfront Assessment Form; and

**BE IT FURTHER RESOLVED**, that this local law is adopted under the authority of Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of Executive Law); and

**BE IT FURTHER RESOLVED**, that the Town of Porter Town Clerk shall file this newly adopted Law with the New York State Secretary of State's Office, as required.

**Resolution needed to adopt the Waterfront Consistency Review Law and file with the New York Secretary of State.**

#### **FINANCIAL IMPACT:**

n/a



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**2020-91**

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## **Local Waterfront Revitalization Program**

### **Resolution to Adopt the Town of Porter Local Waterfront Revitalization Program And Authorization to Submit to the New York State Department of State For Final Approval**

**WHEREAS**, the Town of Porter has prepared a Local Waterfront Revitalization Program, pursuant to Article 42 of the Executive Law; and

**WHEREAS**, the Draft Local Waterfront Revitalization Program (LWRP) and related local laws have been completed with planning consultant assistance, under the guidance of the Town of Porter Waterfront Advisory Committee, the Town Code Enforcement Officer and the Town Board; and

**WHEREAS**, the LWRP was subject to the required 60-day review and modifications were made to the draft program document in response to comments received from this review; and

**WHEREAS**, that the Town Board held a public hearing on August 11, 2020 in the Town Hall auditorium, where the public was provided a final opportunity to offer comments on the draft LWRP.

**WHEREAS**, the Town of Porter Town Board, as SEQR Lead Agency under the provisions of the State Environmental Quality Review Act, prepared an environmental assessment form and evaluated the impacts of this action in accordance with the requirements of Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law; and

**WHEREAS**, the Town Board determined that there would be no adverse impacts to the natural, institutional, economic, developmental or social resources of the Town and, therefore, issued a negative determination of significance, which has been properly filed and published; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Porter Town Board, having conducted a thorough and valid review process, hereby adopts the Town of Porter Local Waterfront Revitalization Program; and

**BE IT FURTHER RESOLVED**, that the Town of Porter Town Board hereby directs the Planning Consultant or appropriate designee to transmit the adopted LWRP and a certified copy of this resolution, along with copies of adopting resolutions for SEQR legislative actions directly related to the LWRP, to the

New York State Secretary of State for approval pursuant to Article 42 of the New York State Executive Law - the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

**Resolution needed to Adopt the Town of Porter Local Waterfront Revitalization Program**





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**2020-92**

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## **Health Insurance for Retirees**

Resolution needed to keep the same 2 Insurance plans (with Bene Care) as last year for the retirees.

Forever Blue 799 (PPO) Plan 34 - \$433.00/Monthly

Senior Blue 699 (HMO) Plan 22 - \$394.00/Monthly



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**2020-93**

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## Surplus Material

Items to be declared Surplus by the Town Board:

1. Hewlet Packard 24 inch wide Printer/ Plotter HP Designjet 111 with floor stand.
  - a. new ink cartridges, unit prints still not printing clearly with new ink cartridges , will need to be cleaned /services, low hours of use, manufactured in 2010.
2. Panasonic ZS8 Lumix digital camera 16x optical zoom 14.1 megapixels.
3. Brother ADS-100W Desktop Scanner
4. Brother ADS-2000e Desktop Scanner
5. Handshoemouse , wireless computer mouse
6. Certera Laptop Personal Computer Model No: L55110 Windows 7 Operating system, Intel Core 2 Duo CPU T7100@1.80 GHZ 320 GB hard drive.
7. Sony, Digital Data Projector, Model no: VPL-EX4 manufacture date of 2007.



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**2020-94**

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## **Easement Regarding the Town of Porter and Village of Youngstown**

### **RESOLUTION**

At a regular meeting of the Town of Porter Town Board held on December 14, 2020 it was determined that;

**WHEREAS**, the Town of Porter operates sanitary sewer transmission facilities located on Town Property located within the Town of Porter near its municipal boundary line with the Village of Youngstown near the terminus of Swain Road located in the Village and;

**WHEREAS**, it is necessary for the Town of Porter to access the Town Property to properly operate and maintain these facilities and;

**WHEREAS**, the Town must cross over land owned by the Village between the terminus of Swain Road and the Town Property and;

**WHEREAS**, the Village has agreed to provide an easement over its property providing access to the Town Property; and

**WHEREAS**, the Village has requested that the Town grant access over to the Town Land; it is

**RESOLVED**, that the Town Supervisor is authorized to execute any documents or instruments necessary to effectuate the grant of a mutual easement as described above.



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**2020-95**

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## **Authorize Payment to Cerrone Inc. Regarding the Completed Waterfront Project**

Resolution needed to authorize payment to Cerrone Inc. regarding the Waterfront project that has been completed.



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**2020-129**

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## Supervisors Report

11-17 Met with Greg Stevens of Greenway, for the bike trail

11-18 Had a zoom meeting with Region One on upcoming training for zoning and planning members

11-20 Tim covered for me at a sewer meeting in Lewiston

12-11 Met with the Lake Ontario Preparedness group on the bike trail

I prepared a grant application for the Ralph Wilson foundation, trying to get a kayak launch and extend the nature trail at Porter on the Lake



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**2020-130**

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## **Bookkeeper**

Completed processing all November 2020 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for November 2020 and distributed it to the Supervisor & Town Board members.

Completed all bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Completed bank recs for the month of November and they balanced.

Met with Bene-Care representative, Carrie Butler to go over the healthcare options for retired employees.

Scheduled a meeting for retired employees healthcare options for December 4<sup>th</sup>.



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**2020-131**

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## **Town Clerk**

Water for the month of November was \$31,431.05

Sewer was \$21,609.25

Clerk Fees = \$837.01



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**2020-132**

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## **Assessor**

### **Monthly Assessor's Report November 2020**

- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Sent the file to the County for use in printing 2021 Niagara County Tax bills, and transmitted the Letter of Agreement to Niagara County authorizing the posting and collection of unpaid sewer, water and town charges onto 2021 Niagara County Tax
- Field reviewed sales, took new photos, and updated inventory on sales from this past year for both the Town and the Village
- Participated in a virtual meeting with the Town Supervisor, the Town Attorney, and the County Attorney to discuss current litigation
- Transmitted quarterly sales reports to NYS Dept of Taxation and Finance, ORPTS
- Sent a Porter Refuse District mailing list to Modern at their request
- Conducted a final inspection for an addition at 754 Lockport Rd
- Mailed renewal applications to property owners who received the Agricultural Exemption, the Aged - Low Income Senior Exemption, and Disability with Limited Income exemption on the 2020 assessment roll. Renewals are due March 1, 2021

#### **Sales of note, which will affect our equalization rate going forward:**

1 Main St #18	AV \$78,500	Sale Price \$245,000
396 Church St	AV \$151,500	Sale Price \$263,000
563 Lockport St	AV \$151,500	Sale Price \$255,000
2559 Lockport Rd	AV \$88,000	Sale Price \$243,000
675 Johnston Dr	AV \$105,400	Sale Price \$175,250
1766 Young-Wilson Rd	AV \$159,000	Sale Price \$275,000
1803 Braley Rd	AV \$69,000	Sale Price \$100,900
1577 Lake Rd	AV \$70,000	Sale Price 155,000
2333 Lake Rd	AV \$291,400	Sale Price \$330,000



3118 Park Ave

AV \$32,000

Sale Price \$65,900



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**2020-133**

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## Building Inspector/Code Enforcement Officer

- ◆ Reviewed and Issued **Building Permits**; per attached Permit Report; seven (7) permits have been issued in the month of November.
- ◆ Received, Inspected, and Issued **new Complaint/Violations**; per attached Complaint report; seven (7) **New** formal concerns have been processed.
- ◆ Completed Thirty (20) **inspections** for Permits & Complaints.
- ◆ Organized and Administered the **Solar Advisory Committee** meeting no. #6 on November 16<sup>th</sup>.
- ◆ Coordinated/Reviewed any/all **new Planning and Zoning Board applications** and documentation, with the respective Board(s) personnel.
- ◆ Prepared information and attended the regular **Planning Board** meeting on November 5, 2020.
- ◆ Prepared information and attended the regular **Zoning Board** meeting on November 19, 2020.
- ◆ Attended Justice Court for Code Enforcement charged Violations on November 4, 2020.
- ◆ **Runaway Bay Subdivision's** construction of their new utilities (Public Improvements) are Substantially complete. Topping layer of Asphalt paving will be completed in the Spring.
- ◆ **Ft. Niagara Beach - Town Parkland's** Lakeshore Stabilization project is Substantially complete.
- ◆ Began Reviewing **open Complaints & Permits** for year end reporting.
- ◆

### Permit Report - *November 2020*

<b>Number</b>	<b>Issue Date</b>	<b>Owner</b>	<b>Permit type</b>	<b>Parcel Location</b>	<b>SBL #</b>
<b>114-20</b>	11/2/2020	Ronald J Szatkowski	Alteration	1564 Lockport Rd	47.03-1-41
<b>115-20</b>	11/3/2020	Katherine Moore	Fence	3095 N Creek Rd	46.00-1-72
<b>116-20</b>	11/3/2020	Joseph Calato	Pole Barn	3585 Ransomville Rd	62.10-3-41.1
<b>117-20</b>	11/5/2020	Upstate R. A. Management	Signs	3636 Ransomville Rd	62.14-1-4
<b>118-20</b>	11/19/2020	Anthony & Susan Santarosa	Alteration	383 Foxpoint Cir	59.10-3-1
<b>119-20</b>	11/25/2020	John Austin	Alteration	3786 Ransomville Rd	62.18-1-15
<b>120-20</b>	11/30/2020	Mary Moretti	Alteration	2547 Lake Rd	21.18-1-45

**COMPLAINT REPORT - NOVEMBER 2020**

<b>Number</b>	<b>Issue Date</b>	<b>Owner</b>	<b>Permit type</b>		<b>SBL #</b>
<b>F04-20</b>	11/02/20	Fire Damage	Christopher Copeland	2381 Lockport Rd	62.00-1-3.1
<b>109-20</b>	11/10/20	Activity without a Permit	Catherine Mary Garrison	2498 Lockport Rd	62.10-2-36.1
<b>110-20</b>	11/18/20	Property Maintenance	E Nashwinter	3673 Ransomville Rd	62.14-1-44
<b>111-20</b>	11/20/20	Boat, Trailer, RV storage	Paul Traver II/Erroll Honadle	3645 River Rd	59.14-1-29
<b>112-20</b>	11/24/20	Drainage Issues	Dominick Ciliberto	3604 Estes Pl	62.10-2-52
<b>113-20</b>	11/24/20	Property Maintenance	Daniel Rougeux	1545 Lake Rd	32.16-1-22
<b>114-20</b>	12/01/20	Sewage Issues	Ronald Martin	2365 Youngstown-Wilson Rd	34.00-1-39.2



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**2020-134**

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## Highway

### HIGHWAY

- 1.COMPLETED BRUSH PICK UP FOR THE YEAR (UNLESS WE HAVE A WINDSTORM)
- 2.COMPLETED HOT PATCHING CROSS CUTS ON DICKERSONVILLE RD AND CAIN RD.
- 3.COMPLETED PUTTING WREATHS AND BANNERS UP IN RANSOMVILLE.
- 4.COMPLETED A LOAD OF RECYCLING TV'S COMPUTERS SETS.
- 5.COMPLETED GETTING PLOW FRAMES AND PLOWS WINGS AND SALTERS IN TRUCKS.
- 6.SALTED ROADS TWICE (2 STORMS).
- 7.COMPLETED MOWING CEMETERIES FOR THE YEAR.

### DRAINAGE

- 1.COMPLETED MOWING ROADSIDES AND DITCHES FOR THE YEAR.
- 2.COMPLETED EXCAVATING DITCHES AND CREEKS FOR THE YEAR.
- 3.PUT A 40'X36" PIPE IN BIG DITCH ON THE LAMB FARM BETWEEN THE TWO FIELDS (LAMB PURCHASED THE PIPE).
- 4.AS ALWAYS STILL CLEANING DEBRI AND TREE LIMBS OUT OF CREEKS AND DITCHES SO WATER RUNS.

### WATER AND SEWER

- 1.COMPLETED WATER METER READINGS.
- 2.COMPLETED SERVICING LIFT STATIONS AND GENERATORS.
- 3.COMPLETED WINTERIZING FIRE HYDRANTS.
- 4.COMPLETED HOOKING UP 2 HOUSE SERVICE ON LAKE ROAD AND RANSOMVILLE ROAD (1375 LAKE RD 3140 RANS RD).

### PORTER ON THE LAKE

CLOSED FOR THE SEASON



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**2020-135**

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## Grant Writer

Grants Status Report: Projects we are currently working on:

**LWRP:** The Project is considered complete with the exception of the resolutions stated for tonight's meeting. Once these have been passed and adopted by the Town of Porter the project will be completed. Thank you to the committee for a job well done and thank you to the Town Board for their support. We would like to present and pass the following resolutions.

1. Resolution Adopting the LWRP
2. Resolution Adopting LWRP Codes
3. Letter to State confirming the adoption of the LWRP

**Fort Niagara Beach:** Current Status: Construction is complete pending the landscaping restoration stated for the spring of 2021.

1. Release fund have been approved by the State and ready for reimbursement. Current request was \$20,000.00. But because we haven't started construction (at the time of request) we were only allow 50% of that \$40,000. Future reimbursement will move along faster since all approvals are in place.
2. We have requested all current expenditures (invoices and cancelled checks from the Town) so we can process the next payment.
3. Greenway Ecological Fund Application will be re-present in January 2021 requesting the \$23,000 for the landscaping restoration.

EFC & DOT funding is scheduled of spring of 2021.



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**2020-136**

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## Recreation

- Yoga Classes continue at the Ransomville Free Methodist Church in Ransomville (as the Youngstown Red Brick is still closed). Chair Yoga is held on Tuesday and Thursday mornings at 9:30 am. All Levels Yoga is on Tuesday evenings at 6:30 pm, and Gentle Yoga is on Wednesday evenings at 6:30 pm.
- The Fall Story Hour program continues as a virtual weekly themed program. Children can go to the Ransomville or Youngstown Library each week and get a Story Hour bag, which contains a craft, activity and book ideas that match the weekly theme. There are also videos of stories and activities posted on the Town of Porter Story Hour Facebook Page for the children to watch.
- We request the reappointment of Gail Zachary to a 5-year term as Recreation Commissioner, with a term beginning January 1, 2021 and expiring December 31, 2025.
- The following appointments for 2021 were approved by the Commission:
  1. Nancy Orsi, Chairperson
  2. Sharon Rugg, Story Hour Director
  3. Amanda Shackelford, Assistant Story Hour Director
  4. Laurel Price, Assistant Story Hour Director
  5. Tim Shippy, Recreation Director (Summer Program)
  6. Kathy Zasucha, Assistant Recreation Director/Coordinator
  7. Lisa Hastings, Secretary/Treasurer
- Our next meeting will be Monday, January 4, 2021 at 7:00 pm at Town Hall.































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**2020-137**

Meeting: 12/14/20 07:00 PM

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## Calendar of Events

- |          |   |  |
|----------|---|--|
| 12/17/20 | - | Zoning Board meeting at 7:00 PM              |
| 12/21/20 |   | Solar Committee meeting at 7:00 PM           |
| 12/28/20 | - | Year End Town Board meeting at 3:00 PM       |
| 1/4/21   | - | Town Board Organizational meeting at 3:00 PM |
| 1/7/21   | - | Planning Board meeting at 7:00 PM            |
| 1/11/21  | - | Town Board monthly meeting at 7:00 PM        |



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**2020-138**

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**4.10**

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## Public Comments

report



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**2020-139**

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## Town Board Comments

report