



# Town of Porter

## Town Board Meeting

~ Minutes ~

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

Kara Hibbard  
716-745-3730

Monday, August 12, 2019

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on August 12, 2019 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
J. Duffy Johnston	Town of Porter	Supervisor	Present	
Jeff Baker	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Present	
Irene Myers	Town of Porter	Councilman	Present	
Tim Adamson	Town of Porter	Councilman	Absent	
Kara Hibbard	Town of Porter	Town Clerk	Present	
Kimberli Boyer	Town of Porter	Bookkeeper	Present	

### II. Resolutions/Reports

### III. Resolutions

#### 1. Resolution 2019-88

#### Minutes Approval

Resolution needed to approve the minutes from the July 8, 2019 Town Board meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Deputy Supervisor
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

#### 2. Resolution 2019-89

#### Audited Vouchers

Resolution needed to approve the vouchers as audited by the Porter Town Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	J. Duffy Johnston, Supervisor
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

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3. **Resolution 2019-90**

**Acceptance of Supervisor's Report**

Resolution needed to accept the Supervisors report from the July 8, 2019 Town Board meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry White, Councilman
<b>SECONDER:</b>	Jeff Baker, Deputy Supervisor
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

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4. **Resolution 2019-91**

**Solar Energy Systems Amendment**

Public hearing was left open until the input from the Niagara County Planning Board was received and it's been received.

Resolution needed to adopt the amended Zoning Law.

**Motion was made by Deputy Supervisor Baker and seconded by Councilman White to adopt the amended Zoning Law.**

**Roll call vote was taken and all present board members were in favor.**

**Motion to close the public hearing was made by Deputy Supervisor Baker and seconded by Councilwoman Myers.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Deputy Supervisor
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

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5. Resolution 2019-92

**Resolution for Court Clerk Attending Conference**

Court Clerk, Lisa Hastings, would like board approval to attend the NYS Association of Magistrates Court Clerks - Annual Conference and training from September 29 - October 2, 2019 in Syracuse, NY. The cost would be \$774.38. This conference is mandatory.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Irene Myers, Councilman
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

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6. Resolution 2019-93

**Resolution to Appoint Selah Lowery, Real Property Appraisal Aide to Full Time**

Resolution to appoint Selah, Real Property Appraisal Aide, to full time starting 8/14/19.

**Motion was made by Deputy Supervisor Baker and seconded by Councilman White to appoint Selah to full time.**

**Roll call vote was taken and all present board members were in favor.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Deputy Supervisor
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

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7. Resolution 2019-94

**Resolution to Purchase a Teeter Totter**

Town Board Resolution needed to approve a purchase of a teeter totter with greenway money for \$3004.33.

**Motion to adopt the resolution was made by Deputy Supervisor Baker and seconded by councilwoman Myers.**

**\*\* Grant Writer, Rotella, mentioned that there will be \$16,200.00 left in greenway money after this purchase.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Deputy Supervisor
<b>SECONDER:</b>	Irene Myers, Councilman
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

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**8. Resolution 2019-95**

**Removal of Building on Parcel 771 Blairville Road**

Resolution needed to schedule a hearing with the owner that the board conducts is necessary before demolition - per section 200-85 of Town Law.

**Motion was made by Councilman White and seconded by Councilwoman Myers to go ahead and conduct a hearing next month.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry White, Councilman
<b>SECONDER:</b>	Irene Myers, Councilman
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

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**9. Resolution 2019-96**

**Resolution Needed for National Grid to Change Lights.**

Resolution to contract with National Grid to change out 155 sodium street lights to LED. Approximate cost would be \$500.00.

Supervisor Johnston stated that all municipalities except for the Town of Wheatfield are going with National Grid. The Town of Porter has 155 sodium lights and in the beginning, we were going to piggyback with somebody else but we do not have enough to go with Nypa. We need to spend roughly

\$500.00 to buyout the sodium lights and we will get a credit from National Grid for \$8700.00 and the Town will save \$1087.00 annually in energy. There will be no maintenance charges involved.

**Motion was made by Deputy Supervisor Baker and seconded by Councilman White to adopt the resolution to contract with National Grid.**

**Roll call vote was taken and all present board members were in favor.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Deputy Supervisor
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	J. Duffy Johnston, Jeff Baker, Larry White, Irene Myers
<b>ABSENT:</b>	Tim Adamson

#### **IV. Reports**

##### **1. Report 2019-92**

###### **Supervisor's Report**

7-10 Attended Lake Ontario REDI meeting in Sommerset, I am on the Planning Committee

7-18 Had a Niagara County water board meeting

7-25 Met with Verizon, we are working on Wi-Fi phones for Porter on the lake

7-29 Attended the Niagara County shared services meeting

7-30 Lake REDI meeting in Orleans County

8-2 Bartended for Nancy Price scholarship charity

8-3 In a dunk tank for the Moose handicap playground charity

8-8 Lake REDI meeting at Sommerset

8-9 Met with National Grid on the LED street light project

8-12 Lake REDI meeting at Lockport

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**2. Report 2019-94****Bookkeeper**

Bookkeeper's Monthly Report - August 2019

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Completed processing all July, 2019 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for July, 2019 and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Completed bank rec for the month of July.

Printed and will be sending out Budget worksheets ready for 2020 budget.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**3. Report 2019-93****Town Clerk**

Water for the month of July was \$18,934.68

Sewer for the month of July was \$17,518.30

Clerk Fees for the month of July were \$849.86

Received and referred to council the Article 7 from CWM Chemical.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 4. Report 2019-95

##### Assessor

- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Continued to update STAR exemptions due to changes processed by the State
- Took part in an online webinar training for Porter GIS
- Filed a corrected Final Assessment roll to reflect STAR changes ordered by NYS
- Attended the Niagara County Assessors Association meeting

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

384Brentwood Dr	AV \$147,000	Sale Price \$187,000
3388 Dickersonville Rd	AV \$83,900	Sale Price \$120,000
369 Brentwood Dr	AV \$150,100	Sale Price \$218,000
972 Lake Rd	AV \$128,500	Sale Price \$179,000
328 Howard Dr	AV \$130,800	Sale Price \$240,000
903 Lockport Rd	AV \$95,500	Sale Price \$145,000
401 Lynnbrook Dr	AV \$152,900	Sale Price \$244,000
913 Balmer Rd	AV \$124,600	Sale Price \$200,000
626 Main St	AV \$173,000	Sale Price \$324,900

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**5. Report 2019-96****Recreation**

1. The Summer Story Hour Program has ended. The Fall program begins on September 10<sup>th</sup> at the Youngstown Library, and on September 11<sup>th</sup> at the Ransomville Library.
2. The Summer Recreation Program continues until Thursday, August 15<sup>th</sup> at SafeShot (Stevenson Elementary School). Average weekly attendance for the month of July was 704 children; average daily attendance was 140 children.
3. Yoga and Hall Walking continue until the end of August at SafeShot (Stevenson School) in Ransomville. The schedule is:

**TUESDAYS:**

  - \* Gentle Yoga: 6:30pm - 7:30pm
  - \* Hall Walking: 6:30-7:30pm

**THURSDAYS:**

  - \* Hall Walking: 6:00-8:00pm
4. Our lease with SafeShot ends August 31, 2019, and all programs there will end. As a result, for the month of September, we will move Tuesday night Yoga to the Youngstown Red Brick at 6:30pm.
5. Chair Yoga continues at the Youngstown Red Brick on Tuesday mornings at 9:30am, and Gentle Yoga is offered there on Wednesday evenings at 6:30pm.
6. Tai Chi is offered on Fridays at 11:00am at Porter on the Lake Park, and will continue through the end of September.
7. Adult Water Aerobics continues at the Fort Niagara State Park swimming pool on Wednesdays at 10:00am until August 28<sup>th</sup>.



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8. Our next meeting will be Monday, September 9, 2019 at 7:00pm.

**\*\* 8/16/19 @ 10:00 AM, everything from Stevenson School will be moved to the park except for the electronics, which will be stored in the garage at the Town of Porter. 22 employees from recreation are helping with the move.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**6. Report 2019-97****Building Inspector/Code Enforcement Officer****CODE ENFORCEMENT OFFICE - MONTHLY REPORT****July 2019**

- ◆ Reviewed and issued **Building Permits**; per Permit Report - attached herein. Thirteen (13) permits have been issued for the month of July.
- ◆ Received, inspected, and issued **new Complaint/Violations**; per Complaint report - attached herein. Seventeen (17) **New** formal concerns has been processed, multiple open complaints under review/analysis.
- ◆ Completed thirty-three (33) **inspections** for Permits and or Violations.
- ◆ Prepared information and attended **Planning Board** regular meeting on July 11, 2019.
- ◆ Prepared information and attended **Zoning Board of Appeals** regular, meeting on July 25, 2019.
- ◆ Attended the Niagara County Planning Board meeting on July 15, 2019; for the Solar Energy Systems law - amendment. Niagara County Planning Board voted to approve our Solar Law amendment.
- ◆ Conducted a formal Fire Safety Inspection at Ransomville Speedway/Trackvision LLC.
- ◆ Attended Justice Court proceedings on July 23 & July 24, 2019 to administer four (4) different active Complaints.
- ◆ Received notification from Town Clerk Kara Hibbard that Local Law 1 of 2019 & Local Law 2 of 2019 have been received and filed, on July 10, 2019, with the Department of State. This is the final action required for the Town adopted Law amendments. LL1-2019 is Water Service Line installation amendment; LL2-2019 is Special Use Permit amendment of the Permitted use table. Copies of the new regulations will be copied and distributed to the Planning Board members and the Zoning Board of Appeals members.

- ◆ Updated department's computer software, IPS, via remote access session; enabling the "Periodic Inspection" module. This should allow for more efficient record keeping and tracking of "Fire Safety Inspections."

## COMPLAINT REPORT BY TYPE

**July 2019**

<u>COMPLAINT TYPE</u>	<u>OWNER</u>	<u>PARCEL</u>
<u>LOCATION</u> <u>SBL</u>		
REFUSE STORAGE:		
043-19	CHRISTOPHER SCHULZ 46.00-2-50.1	3309 CREEK RD
REFUSE STORAGE:		
044-19	ROBERT THALER 3427 CREEK RD	60.00-1-3
REFUSE STORAGE:		
045-19	MARIA LEWIS 3413 CREEK RD	46.00-2-40.1
ACTIVITY WITHOUT A PERMIT:		
046-19	JOSHUA STACK 786 BLAIRVILLE RD	59.00-2-51
PROPERTY MAINTENANCE:		
047-19	UMH MELROSE LLC 60.00-2-44.2	999 BALMER RD
PROPERTY MAINTENANCE:		
048-19	KURT COOK 3983 CALKINS RD	59.00-2-63
NON-CONFORMING USE:		
049-19	ATUL JAJOO 464 RIVERVIEW DR	59.00-2-63
PROPERTY MAINTENANCE:		
050-19	JOSHIA TAN 3881 RIVER RD	59.00-1-13.211
PROPERTY MAINTENANCE:		
051-19	NORTH BUFFALO RENTAL RANSOMVILLE RD 62.14-1-14	3661
	LLC	
UNLICENSED VEHICLES:		

052-19	ADAM DANIELEWICZ	2264 LOCKPORT
RD	61.00-1-50.12	

## ACTIVITY WITHOUT A PERMIT:

053-19	ROBERT SUDBRINK	459 POWELL DR
	45.32-1-13.1	

## PROPERTY MAINTENANCE:

054-19	PA RENTALS INC	445 POWELL DR	45.32-1-7
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## ACTIVITY WITHOUT A PERMIT:

055-19	NICHOLAS LIGAMMARI	3783
RANSOMVILLE RD	62.18-1-13	

## ACTIVITY WITHOUT A PERMIT:

056-19	KEVIN HEFFLER	3715 RIVER RD	59.00-1-20
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## ACTIVITY WITHOUT A PERMIT:

057-19	MICHELLE CARDIS	3526 PORTER
CENTER RD	61.00-1-34.1	

## PROPERTY MAINTENANCE:

058-19	ELEANOR LEE LAMANTIA	3020 ORCHARD DR
	31.83-1-21	

## PROPERTY MAINTENANCE:

059-19	LYNN FUNK	1483 SUNRISE LN	32.16-1-16
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## PERMIT REPORT BY TYPE

July 2019

PERMIT TYPEPARCEL LOCATIONSBLAPPLICANT

## ALTERATION:

061-19		RONALD KEW	1005 LAKE RD
	32.18-1-24		

## SHED:

062-19		BRANDON MORRIS	341 RIVERVIEW
DR	59.14-1-35		

## PORCH:

063-19  
AVE 62.10-3-24

MICHAEL MILLER

3612 CURTISS

SHED:

064-19  
46.00-1-44.2

PAUL WESTOVEN

3188 CREEK RD

SOLAR ENERGY SYSTEMS:

065-19  
AVE 62.10-4-22

JOHN PERRY

3589 CURTISS

SHED:

066-19  
CIR 59.10-3-2

PAUL ORSI

387 FOXPOINT

ABOVE GROUND POOL:

067-19  
AVE 62.10-3-26

GEORGIA CLARK

3620 CURTISS

SHED:

068-19  
RANSOMVILLE RD

MICHAEL JORDAN  
48.00-1-22.2

3413

AGRICULTURAL STRUCTURE:

069-19  
WILSON RD

LAKESHORE LAND CO LLC YNGSTWN-  
47.00-1-9

AGRICULTURAL STRUCTURE:

070-19  
RD 45.00-1-58.2

BRENDA BANK

785 LOCKPORT

DEMOLITION:

071-19  
LOCKPORT RD

STEVEN HUTTENMAIER  
62.10-2-10

2485

DECK:

072-19  
59.00-1-20

KEVIN HEFFLER

3715 RIVER RD

SHED:

073-19  
RANSOMVILLE RD

DEBORAH PARKER  
62.00-1-27

3903

*Peter Jeffrey*

Code Enforcement Officer, Town of Porter

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Report 2019-98****Highway**

Department of Public Works

Monthly Report for July 2019

Highway Department:

1. Completed the scheduled monthly brush pickup.
2. Completed installation of a new cross culvert on Dickersonville Rd.
3. Completed a yard culvert installation on Howard Drive.
4. Completed another round of roadside mowing.
5. Provided assistance to the Village of Lewiston with trucks for their milling and resurfacing project.
6. Provided assistance with trucks to the Town of Wilson for their oil sealing project.
7. Assisted Ken Young Paving with trucks for the town hall parking lot milling and resurfacing project.
8. Completed the resurfacing of Braley Rd from Youngstown/Wilson Rd to Porter Center Rd with assistance from the Towns of Wilson, Cambria, Wheatfield, Pendleton, Lewiston, Village of Lewiston and the Village of Youngstown. Both Shared Pavers were used on the project.
9. Set up the electrical system and generator for the Summer fest.

Drainage Department:

1. Completed cleaning of the off road ditch from Dickersonville Rd to Braley Rd.
2. We are continuing the off road mowing program.
3. We completed the off road drainage project between Mallory Drive and Etta Place.

Water and Sewer Department:

1. Completed our monthly meter reading.
2. Completed 3 water meter pit service installations.
3. Completed 15 water meter transponder replacements.
4. Completed mowing of the sewer ROW between Youngstown Estates and Collingwood Subdivision.
5. Completed replacement of a residential grinder pump
6. Collected the 3<sup>rd</sup> quarter DBP water samples.

**\*\* Superintendent Hillman stated that the surveys were completed for the drainage behind the post office and Attorney Dowd said that he will get the surveys and work on them.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Report 2019-99**

**Grant Writer**

Grants Status Report: Projects we are currently working on:

**Greenway:** Balance of \$19,312.33 remains.

**LWRP:** Total reimbursement of \$18,386.00 has been received and semi-final report submitted to DOS. A project extension has been requested, as the State (DOS) needs to review the draft LWRP that can take some time.

Working on volunteer hours report for next reimbursement. Bernie has one more to upload from committee. Same status waiting on State to respond.

**Porter 2018 DASNY SAM #14325 Improvements to Porter on the Lake**

**Facility Including the Construction of a Barn:** Waiting on executed contract. The SEQR review is still being finalized now. Once completed, we will perform our final audit of the file and if no issues are found, we will send this up for State Approval soon.

**Porter Vacuum Truck CFA application:** the 2019 CFA application is open and we are working on the application with Scott Hillman. Scott is working with 4 neighboring communities to submit a joint application. Working with Scott, several components

need to be met in order to qualify. This info has been given to Scott and we will review and prepare what we can and what we need. A revised resolution will be presented at the meeting. Project was not submitted since we did not get any supporting documents from the joint applicants. We can resubmit under the EFC grant coming up in the fall.

### Fort Niagara Beach:

1. Environmental Review Record
  - Certifying Officer has been designated
  - SEQR, SHPO & THPO determinations have been received.
  - EA and EIS are not required.
  - Joint application was submitted to NYSDEC, NYSDOS and USACE on June 14, 2019.
  - Floodplain Development Permit Application was submitted to the Town of Porter on June 20, 2019
2. Status of engineering plans and specifications
  - In response to comments from NYSDEC, revised plans were submitted to NYSDEC on July 11, 2019.
  - Bid documents, including specifications, are being prepared.

Upcoming targets:

EFC opening in the fall (water projects).

NYS Archives open this fall.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2019-100****Attorney**

Attorney Dowd and Supervisor Johnston met with the Youngstown Village Board of Trustees 2 weeks ago and they are still awaiting their response to the signing of the water/sewer contract. Supervisor Johnston stated that this should have been done a while ago.

Attorney Dowd said that we should have a response in a month.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Report 2019-101****Calendar of Events**

Aug. 22 - Zoning Board meeting @ 7:00 PM

Sept. 2 - Recreation meeting (moved to September 9th at 7:00 PM)

Sept. 5 - Planning Board meeting @ 7:00 PM

Sept. 9 - Town Board meeting @ 7:00 PM

Labor Day is September 2 and Town Hall will be closed.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**11. Report 2019-102****Public Comments**

Mayor of Wilson, Arthur Lawson, presented Supervisor Johnson with an award for all the hard work and dedication he put forth with the outreach program for the veterans which was hosted here at the Town of Porter.

Mr. Lawson also works for the NYS Division of Veterans Services. 80 veterans showed up at the Town on June 18, 2019 and of those 80 people, he is still helping 14 receive services.

In the state of New York, there are over 800,000 veterans. In Western, NY there are over 131,000 veterans and only 49,000 are eligible for health care. The remaining 82,000 have to rely on contacts like him to discover some path to try and receive health care. His job is to go out and locate these vets and try and help them. He feels that everybody who has served our country honorably deserves these

services.

Rusty Tower spoke up about Porter on the Lake and said that he witnessed a guy pulling up to the dumpster and dumping storm doors and other garbage in the container.

Councilwoman Myers asked if the Town can put signs up in front of the dumpster saying it's unlawful to dump your personal trash or maybe they can be locked.

Supervisor Johnston stated that the dumpsters cannot be locked because Modern needs to empty them.

Attorney Down said that throwing garbage in someone else's dumpster is illegal. If the Town can catch who is doing this they should be reported to the police. It is illegal.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 12. Report 2019-103

### Town Board Comments

Councilwoman Myers thanked everyone that came out to help for Summerfest. It was really appreciated!

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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