TOWN COUNCIL PROCEEDINGS

JULY 15, 2019 **JACKSON, WYOMING**

The Jackson Town Council met in regular session in the Council Chambers of the Town Hall located at 150 East Pearl at 6:01 P.M. Upon roll call the following were found to be present:

MAYOR: Pete Muldoon.
COUNCIL: Hailey Morton Levinson, Jim Stanford, Arne Jorgensen, and Jonathan Schechter.
STAFF: Larry Pardee, Roxanne Robinson, Lea Colasuonno, Roger Schultz, Kelly Thompson, Tyler Sinclair, Tyler Valentine, Brendan Conboy, Floren Poliseo, Johnny Ziem, Brian Lenz, and Sandy Birdyshaw.

Mayor Muldoon introduced new Town employee Don Hokanson, Street Operator and Utility Locator.

Public Comment. None.

Consent Calendar. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve the consent calendar including items A-J as presented with the following motions.

A. **Meeting Minutes**. To approve the meeting minutes as presented for the July 1, 2019 regular meeting.

B. **Disbursements.** To approve the disbursements as presented. Ace Hardware $806.24; Advanced Pump & Equipment, Inc $15,449.87; Airgas Usa, Llc $114.00; American Striping Company $53,104.50; Architectural Building Supply $284.00; Arete Ventures Llc $2,000.00; B-Cycle Llc $140,850.00; Best Best & Krieger $657.00; Big R Ranch & Home $121.25; Bisco $124.63; Bison Lumber $19.25; Blue Spruce Cleaners,Inc $349.81; Brimeyer, Ashley $74.19; Brower Psychological Services Inc $325.00; Brushbuck Guide Service $37.00; Buckrail, Llc $375.00; C & A Professional Cleaning Serv Llc $199.80; Caselle Inc. $1,800.00; Centurylink $215.85; City Of Driggs $1,781.93; Civicplus $7,200.00; Control System Technology, Inc. $817.50; Convergeone, Inc $1,334.00; David Stubbs $250.00; Dean's Pest Controll Llc $745.00; Delcon Inc $1,901.18; Dlt Solutions, Inc. $2,606.80; Dude Solutions, Inc $12,090.65; Electrical Wholesale Supply $493.68; Energy Laboratories Inc. $1,260.00; Fire Services Of Idaho $1,440.00; Fitzgerald, Todd $489.00; Freedom Mailing Service Inc. $1,859.56; Friends Of Pathways $23,448.00; Gfoa $170.00; Grand Targhee Resort $17,667.00; Greenway Painting Llc $2,288.31; Bruce Hayse, Md $180.00; High Country Linen $3,489.08; Hirst Applegate, Llp $5,898.95; Hunt Construction Inc $14,620.50; Jackson Curbside Inc. $840.00; Jackson Hole Law, Pc $1,503.50; Jackson Hole News & Guide $5,261.56; Jackson Lumber Inc $44.89; J-B Mechanical $228.95; Jorgensen Associates, Pc $2,670.00; Kzjh/Kjax $672.00; Leigh, Christopher S. $200.00; Lepco $1,496.24; Local Gov't Liability Pool $83,606.00; Lower Valley Energy Inc $26,725.76; Dbr Inc. $120.00; Mailfinance $468.69; Mcdonald, Jeff $300.00; Mike's Welding Inc $74.00; Miller Sanitation $8,288.00; Msc Industrial Supply Co $206.15; Napa Auto Parts Inc. $38.76; Nelson Engineering $8,047.75; Newlevel Group $3,993.56; One Call Of Wyoming $340.50; Ops Strategies $1,260.00; O'ryan Cleaners $115.60; Pethealth Services Inc $365.00; Poco Llc $1,094.67; Quick Brown Fox Llc $550.00; Rendezvous Insurance Inc. $26,309.63; Rink-Tec International, Inc $13,422.66; Roxanne Devries Robinson $66.00; Robinson, Sami $2,150.00; Rogers, Robert $155.00; Rui Inc. Dba Village Gardner $1,743.25; Schmillen, Scott $1,187.50; Servpro Of Idaho Falls $450.00; Silver Creek Supply $316.18; Silverstar $2,279.06; Smith Power Products,Inc. $770.07; Snake River Mep Complete, Inc $1,846.50; Snake River Roasting $198.65; Spring Creek Animal Hospital $479.18; St John's Hospital $185.00; Standard Plumbing Supply Co. $19.64; Swagit Productions, Llc $1,775.00; Tank, Joanne $2,000.00; Teton County Inmate Fund $1,008.00; Teton County Clerk $155,210.25; Teton County Housing Authority $95.17; Teton County Integrated Solid Waste/Recy $1,624.79; Teton County School District 1 $52,225.00; Teton County Special Fire Fund $286,803.73; Teton County Transfer Station $26.00; Teton County-Fund 10 $78,370.09; Teton County-Fund 13 $1,187.94; Teton County-Fund 19 $36,390.56; Teton Motors Inc $596.97; Teton Trash Removal, Inc. $45.50; Teton Youth & Family Services $39,500.00; Thyssen Krupp Elevator Corp. $297.86; Trefonas Law, P.C. $94.20; Virginian Village Condo Hoa $1,080.00; W.A.R.M. Property Insurance $188,942.62; Wam $12,315.45; Watchguard Inc. $1,375.37; Water Werks, Inc $1,586.84; Watts Steam Store Rocky Mt. Inc $319.95; Westbank Sanitation $49.98; Western States Equip Company $1,515.00; Westwood Curtis $205,001.37; White Glove Cleaning, Inc. $1,333.13; Wilson, Elisa $3,684.38; Wyoming Department Of Health $240.00; Wyoming Financial Insuance, Inc $6,750.00; Wyoming Law Enforcement Academy $130.00; Wytrans $60.00; Xerox Corporation $548.61; Yellow Iron Excavation, Llc $954.00; Zylab International Inc. $5,288.48.

C. **June 2019 Municipal Court Report**. To accept the June 2019 Municipal Court Report into the record.

D. **Temporary Sign Permit: High School Football Kick Off (P19-168)**. To approve the temporary banner in conjunction with JHHS Football subject to three (3) conditions of approval.

E. **Temporary Sign Permit: Stomping the Divots (P19-173)**. To approve the temporary banner in conjunction with Jackson Hole Therapeutic Riding Association subject to three (3) conditions of approval.

F. **Temporary Sign Permit: Jackson Hole Ski Club (P19-174)**. To approve the temporary banner in conjunction with Jackson Hole Ski Club subject to three (3) conditions of approval.

G. **Stage Stop Lease Renewal with Chamber of Commerce.** To approve a new lease with the Chamber of Commerce for use of the Stage Stop Building with a term of three years that includes the option to extend the lease with written authorization.

H. **Encroachment Agreement for 40 East Pearl (P19-140)**. To authorize staff to prepare an Encroachment Agreement, approved by the Interim Town Attorney, between the Town of Jackson and property owner, Teton County, to allow temporary shoring nails and related temporary construction to encroach into the Town's alley right-of-way south of 60 East Pearl Ave and waive any removal fee subject to the following conditions: 1. Applicant shall provide all exhibits to the agreement to the satisfaction of the Town Engineer; 2. Exhibits shall show the property line and the encroachment dimensioned from the property line; 3. Record drawings of the installed shoring shall be provided to the Town Engineer; 4. Any portion of the temporary wall constructed within the public alley right-of-way shall be removed to a depth of ten feet below the surface during backfill; and 5. Soil nails shall not be installed above, interfere with, or contact existing Town utilities

I. **Encroachment Agreement at 437 N. Glenwood (P19-126)**. To authorize staff to prepare an Encroachment Agreement between the Town of Jackson and property owner, Abilene, LLC, to allow a canopy to encroach 4 feet into a Town right-of-way for 21'-9" and with 9 feet of ground clearance, subject to final review and approval by the Town Attorney.

J. **Bid 20-02: 2019 Fall Street Patching Project**. To approve the 2019 Fall Street Patching Project with Evans Construction Co. of Jackson, Wyoming in the amount of $167,212 and upon legal approval authorize the mayor to execute all necessary contract Agreements.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Teton County Funded START Green Line Service. Darren Brugmann made staff comment. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to approve the request for the change in service level and budget adjustment for expanded Green Line service for Summer 2019 as funded by Teton County. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P18-365: Conditional Use Permit for St. John's Parking at 630 East Broadway. Brendan Conboy made staff comment. Paul Beaupre, St. John's Health CEO made comment on the parking lot.

Based upon the findings as presented in the staff report and as made by the applicant for item P18-356, a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to make findings 1-8 as set forth in Section 8.4.2.C (Conditional Use Permit Standards) of the Land Development Regulations relating to 1) Compatibility with Future Character; 2) Use Standards; 3) Visual Impacts; 4) Minimizes adverse environmental impact; 5) Minimizes adverse impacts from nuisances; 6) Impact on Public Facilities; 7) Other Relevant Standards/LDRs; and 8) Previous Approvals to approve a Conditional Use Permit for a surface parking lot for the property addressed at 630 East Broadway subject to the departmental reviews attached here and the following four conditions of approval:

1. Prior to issuance of a Grading Permit, the applicant shall provide a bond in the amount of 125% of the cost of all landscaping.
2. The applicant shall replace the existing and now abandoned curb cut to Town standards to match the grade of existing sidewalk.
3. The applicant shall submit lighting plans with Grading Permit submittal that demonstrate compliance with Sec. 5.3.1 Exterior Lighting of the LDRs that demonstrates compliance with light trespass, controls, total allowable lighting on site, and required lighting reduction times.

4. The applicant shall develop a comprehensive Parking Management and Alternative Mobility Plan to be reviewed and approved by Planning Staff and to be submitted in conjunction with any future applications requiring Town approval.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-105, -107: Zoning Map Amendment for Café Genevieve Block at 135 and 175 E Broadway. Tyler Sinclair made staff comment. George Putnam made comment on behalf of the applicant. Public comment was given by Michael Stern on behalf of the Historic Preservation Board, and Ryan Nouri.

Based upon the findings for an amendment to the Official Zoning Map as presented by staff, and the applicant for Items P19-105 and P19-107 related to 1) Consistency with the purposes and organization of the LDRs; 2) Improved implementation of the desired future character in the Comprehensive Plan; 3) Need to address changing conditions or a public necessity; and 4) Consistency with other adopted Town Ordinances, a motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve a change to the official zoning map from Urban Commercial (UC) to Downtown Core (DC) for a portion of the properties located at 135 & 175 East Broadway Avenue subject to this staff report and the departmental reviews attached hereto. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-114: Zoning Map Amendment for 105 E. Broadway. Tyler Valentine made staff comment. John Stennis made comment on behalf of the applicant.

Based upon the findings as presented in the staff report and as made by the applicant for Item P19-114, a motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to make findings 1-4 as set forth in Section 8.7.2.C (Zoning Map Amendment) of the Land Development Regulations relating to 1) consistency with the purposes and organization of the LDRs; 2) improved implementation of the desired future character in the Comprehensive Plan; 3) need to address changing conditions or a public necessity; and 4) consistency with other adopted Town Ordinances to approve a change in the official zoning map from Urban Commercial (UC) to Downtown Core (DC) for the property located at 105 East Broadway Avenue, subject to this staff report and the departmental reviews attached hereto. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Resolution 19-17: A Resolution Adopting the Downtown Parking and Mobility Management Plan. Tyler Sinclair made staff comment.

A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to approve Resolution 19-17 a resolution accepting the Downtown Parking and Mobility Management Plan, dated May 2019.

RESOLUTION 19-17: A RESOLUTION ACCEPTING THE TOWN OF JACKSON DOWNTOWN PARKING AND MOBILITY MANAGEMENT PLAN

WHEREAS, the 2012 Jackson/Teton County Comprehensive Plan provides Policy 7.2.a, which calls for the creation of a transportation network based on "complete streets" and "context-sensitive" solutions, and Strategy 7.3.S.1, which calls for a reevaluation of parking standards that currently promote travel by single occupancy vehicle; and

WHEREAS, the Jackson/Teton County Integrated Transportation Plan was adopted by the Town and County in 2015 to be a "blueprint for implementing the transportation provisions of the Town/County Comprehensive Plan," which includes parking and mobility strategies;

WHEREAS, the Town adopted the Community Streets Plan in 2015 to build upon the policies of the Jackson/Teton County Comprehensive Plan and to serve as an adaptable guide and "toolkit" of preferred street right-of-way design solutions that should be implemented to foster a multimodal transportation system that works for people driving cars, riding transit, traveling by bike or on foot;

WHEREAS, Consultant Kimley Horn and the staff of the Planning, Public Works, Police, START, and Pathways departments, guided the planning process to create the Downtown Parking and Mobility Management Plan to accomplish Policy 7.2.a and Strategy 7.3.S.1 of the 2012 Jackson/Teton County Comprehensive Plan;

WHEREAS, the process of creating the Downtown Parking and Mobility Management Plan was greatly aided and influenced by significant public input from downtown business owners, the Chamber of Commerce, Friend of Pathways, and the general public; and

WHEREAS, the Downtown Parking and Mobility Management Plan will be implemented over the coming years to guide the management, enforcement, and evolution of parking strategies in the Downtown of Jackson; and

WHEREAS, the Downtown Parking and Mobility Management Plan is intended as a guide for decision makers on topics such as governance, customer service, planning, technology, enforcement, as well as parking facility and systems management. Specifically the plan provides strategies and tools to:

1) Identify governance and management structures that will work best for Jackson that will also contribute to the successful implementation of other community goals;
2) Position parking as a contributor to the vitality of Downtown;
3) Establish positive and proactive community relations;
4) Encourage on-street parking turnover and promote increased community vitality;
5) Identify management strategies and technologies to improve the customer experience, while also controlling operating costs and enhancing system financial performance;
6) Position parking management within the larger "mobility management" context in a way that promotes a balanced system of parking and multi-modal transportation alternatives; and,

WHEREAS, the attached Downtown Parking and Mobility Management Plan, dated May 2019, shall be accepted by this Resolution and shall serve as the guiding document in achieving the policies and actions as described above. The Plan may be altered or amended at any time by the Town of Jackson and the document solely serves as a guiding document and is not a regulation.

NOW THEREFORE, BE IT RESOLVED that the Jackson Town Council hereby accepts the attached Downtown Parking and Mobility Management Plan, dated May 2019, as a guiding document to assist in reaching the policies and actions as described above.

This resolution is hereby adopted on the 15th day of July 2019.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Resolution 19-18: A Resolution Approving a Grant Agreement with the Federal Aviation Administration on behalf of the Jackson Hole Airport Board. Sandy Birdyshaw made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve Resolution 19-18 Approving a Grant Agreement with the Federal Aviation Administration on behalf of the Jackson Hole Airport Board for Phase 2 of the Access Road Rehabilitation project, in the maximum obligation amount of $2,555,642.00.

RESOLUTION 19-18: APPROVAL OF GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION ON BEHALF OF THE JACKSON HOLE AIRPORT BOARD. AIP Grant No. 3-56-0014-060-2019

WHEREAS, Teton County and the Town of Jackson formed the Jackson Hole Airport Board on January 17, 1968 pursuant to Wyoming Statute §10-5-202 and 16-1-105; and

WHEREAS, as such the Jackson Hole Airport Board ("Board") is authorized to receive grants from Federal Aviation Administration ("FAA") for planning and/or improvements to the Jackson Hole Airport (the "Airport"); and

WHEREAS, the Board has received a grant offer from the FAA for the "Rehabilitate Access Road (Phase II) at the Airport in the amount of Two Million Five Hundred Fifty-Six Thousand Six Hundred Forty Two Dollars ($2,556,642.00); and

WHEREAS, the FAA requires a resolution of approval from the Town of Jackson in order for the Airport to receive such a grant; and

WHEREAS, the Town of Jackson Town Council desires as a co-sponsor to approve and accept such grant in such amount, and to authorize the appropriate officers of the Town of Jackson to execute the associated grant agreement, in the form annexed hereto as Exhibit A.

NOW, THEREFORE, it is resolved by the Town Council of the Town of Jackson, Wyoming that it hereby provides approval for the Board to accept FAA AIP Grant Number 3-56-0014-060-2019 in the amount of Two Million Five Hundred Fifty-Six Thousand Six Hundred Forty Two Dollars ($2,556,642.00) and in the form annexed hereto as Exhibit A, for the purpose of Rehabilitating the Access Road (Phase II) at the Airport, as more fully described in the Project Application.

PASSED and APPROVED this 1st Day of July, 2019.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Resolution 19-19: A Resolution Updating Section 4.20 of Aspen Hill Cemetery Rules and Regulations. Sandy Birdyshaw made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve Resolution 19-19 Updating Section 4.20 of the Rules and Regulations for Aspen Hill Cemetery as presented.

> **RESOLUTION 19-19: A RESOLUTION UPDATING RULES, REGULATIONS, RATE CHARGE AND CONDITIONS FOR ASPEN HILL CEMETERY.**
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> **WHEREAS**, it is the desire of the Town of Jackson to make Aspen Hill Cemetery, owned and operated by the Town, a quiet, beautiful resting place for the dead where a sense of repose will be obtained. To secure these effects, the Town has spent, and will continue to expend, considerable sums of money, but to preserve these effects will require the cooperation of every lot owner. Everything which would mar the general beauty and harmony of the cemetery must be avoided. Peace and good order must prevail, and the sacredness of the place must be maintained at all times. It is to this end that these rules and regulations have been formulated after careful study, and are designed so that the rights and privileges of individual plot owners or persons are not unduly restricted. The cooperation of plot owners, individuals and the general public will help in protecting the beauty of the cemetery and keeping maintenance costs at a reasonable level.
>
> **BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, THAT THE FOLLOWING RULE AND REGULATIONS SHALL BECOME EFFECTIVE UPON PASSAGE:**
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> *The full resolution was not copied into the minutes to save space. The update included only Section 4.20 which now reads:*
>
> **Section 4.20**. <u>Town May Buy</u>. In the event a plot owner is not able to use the plot, the owner or a descendant, heir-at-law, estate administrator or representative, or spouse, may apply to transfer and sell the plot(s) back to the Town of Jackson at the current plot price as determined by the Cemetery Fees Resolution in place at the time of the plot buyback.
>
> DATED THIS 15TH DAY OF JULY, 2019.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance A: An Ordinance Amending the Zoning District Map at 460 East Broadway to Public/Semi-Public (P/SP).
Ordinance B: An Ordinance Amending the Zoning District Map at 660 East Broadway to Public/Semi-Public (P/SP).
A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to continue Ordinance A and B on second reading to an upcoming workshop to be considered along with a Memorandum of Understanding as discussed earlier today with St. John's Medical Center. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council. Mayor Muldoon asked the Council to reconsider the vote of approval of the motion taken in the July 1, 2019 Joint Information Meeting to "*direct and authorize the Jackson/Teton County Housing Authority Board to list 3590 North Kennel Lane for sale at a price determined by consultation with our real estate advisor and later approved by the Commission and the Council that can then be reinvested in the Housing Supply Program and also direct planning staff to include 3590 North Kennel Lane for consideration as a potential receiving area for workforce housing through the Growth Management Plan project*." This action was taken at the July 1, 2019 Joint Information Meeting. Robert's Rules of Order states that the purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. He stated he believed the Council needs to reconsider this item because he was acting under the belief a floor had been set for the sale price which he was opposed too. He now understands that such floor had not been set.

A motion was made by Pete Muldoon and seconded by Hailey Morton Levinson to reconsider the vote on approval of the motion to *"direct and authorize the Jackson/Teton County Housing Authority Board to list 3590 North Kennel Lane for sale at a price determined by consultation with our real estate advisor and later approved by the Commission and the Council that can then be reinvested in the Housing Supply Program and also direct planning staff to include 3590 North Kennel Lane for consideration as a potential receiving area for workforce housing through the Growth Management Plan project*" as he voted against this motion for approval and was on the prevailing side. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Mayor Muldoon stated the original motion is now on the floor "*to direct and authorize the Jackson/Teton County Housing Authority Board to list 3590 North Kennel Lane for sale at a price determined by consultation with our real estate advisor and later approved by the Commission and the Council that can then be reinvested in the Housing Supply Program and also direct planning staff to include 3590 North Kennel Lane for consideration as a potential receiving area for workforce housing through the Growth Management Plan project*." Mayor Muldoon called for the vote. The vote showed 3-2 in favor, with Stanford and Schechter opposed. The motion carried.

Funding Request for Early Childhood Project. Hailey Morton Levinson made comment on working with the County to perform a needs assessment and determining the inventory of childcare services. A motion was made by Hailey Morton Levinson and seconded by Pete Muldoon to approve the appropriation of $2,500 from the Mayor and Council Professional Services line item for an inventory and needs assessment for early childcare with the understanding the Council would need to approve the final scope of work, and a contract for services at a future meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Pete Muldoon gave an update from the START Board meeting.

Jim Stanford made comment that the County would be hearing the Mercill proposals tomorrow and suggested providing comments from Council for their consideration. A motion was made by Jim Stanford and seconded by Jonathan Schechter to authorize the Mayor to sign a letter on behalf of the Council to the County Commissioners related to the Mercill property proposals. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Jonathan Schechter made comment on the Airport Board meeting.

Mid-Year Check-In on the 2019 Council Priorities. *This item was continued from today's workshop to this meeting*. Tyler Sinclair made staff comment.

Priority #3 – Predictable Funding of Local Government. A motion was made by Pete Muldoon and seconded by Hailey Morton Levinson to direct staff to bring back a framework for better understanding of how funding is tied to expenditures and what options are, including a plan of how we get there over the next year or so, and to capture the discussion points, challenges, and disagreements raised during the SPET discussion so a more predictable process could be put in place based on those points.

Priority #4 – Improving/Protecting Flat Creek Riparian System. Jim Stanford made comment on steps taken so far on this priority and keeping track of each effort and resources invested, so to know the results of the efforts. The Council held discussion on setting aside time to discuss priorities during workshops.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Town Manager's Report. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to accept the Town Manager's Report into the record. The Town Manager's Report contained an update on sales and lodging tax, municipal contracted prosecutors, and Trial by Water-a first day on the job with Don Hokanson. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Adjourn. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 7:52 p.m. minutes:spb

TOWN OF JACKSON

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ATTEST: Pete Muldoon, Mayor

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Sandra P. Birdyshaw, Town Clerk

Published JH News & Guide: July 24, 2019