

11a

RESOLUTION NO. 2010-21

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 2-19 "Minutes and Procedures of Meetings," of the Code of Ordinances of the Town of Lauderdale-By-The-Sea, Florida, provides that the Town Commission may establish procedures relative to Town Commission meetings and agendas; and

WHEREAS, the Town Commission adopted Resolution 2010-07 on May 11, 2010 setting forth such procedures (the "Procedures Resolution"); and

WHEREAS, the Town Commission seeks to revise the Procedures Resolution to allow the Commission to choose to hold only one Commission meeting a month, and therefore repeals Resolution 2010-07 and replaces it with this Resolution; and

WHEREAS, these procedures shall be administered and implemented with flexibility, to assure that the will of the majority is accomplished while the rights of the minority are protected, to the end of accomplishing Town business in an efficient, effective and respectful manner; and

WHEREAS, the adoption of these procedures is in the best interest of the Town of Lauderdale-By-The-Sea.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The recitals contained in the preamble to this Resolution are incorporated by reference herein.

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28 **Section 2. Procedures Adopted.** The following Town Commission Meeting and
29 Agenda Procedures are hereby adopted:¹

30 A. TOWN COMMISSION MEETINGS

31
32 i. **Regular Meetings.** Pursuant to Town Code Section 2-16, the Town Commission
33 shall hold regular meetings ~~on the second and fourth Tuesdays~~ of each month at
34 Jarvis Hall, and may decide not to have a regular meeting in a given month.
35 Regular Commission meetings are traditionally held at 7:00 p.m. on Tuesdays.
36 The Commission may cancel or reschedule regular Commission meetings as it
37 determines to be necessary. A regular meeting may be recessed to a later date
38 certain which is announced at the regular meeting. All meetings shall be open to
39 the public, except as may be expressly exempted by state law, and shall include a
40 section devoted to public comment. The Town Manager or his or her designee
41 (hereinafter referred to as "the Town Manager") shall attend regular meetings,
42 shall prepare an agenda with appropriate backup, and shall assure that relevant
43 staff persons are present for the items on the agenda. The Town Attorney or his
44 or her designee (hereinafter referred to as "the Town Attorney") shall attend
45 regular meetings. The purpose of such meetings is to conduct the business of the
46 Town. If an item results in extensive discussion at a regular meeting, any
47 Commissioner² may move that the item be continued to a roundtable. Items
48 requiring Commission action to become effective must return to a regular or
49 special Commission meeting if such action is to be taken.

50
51 ii. **Roundtable Workshop Meetings.** The Town Commission shall meet at least
52 once a month in a roundtable to be conducted as a public meeting, but without
53 public comment. Roundtables are traditionally held on the second and fourth
54 Wednesdays of each month at 7:00 pm, if the amount of business to be conducted
55 justifies having two roundtables in a month. The Town Commission shall
56 determine whether the amount of business in a given month justifies one or two
57 roundtable meetings, and schedule them accordingly. The Commission may
58 cancel or reschedule roundtable meetings of the Commission as it determines to
59 be necessary. A roundtable may be recessed to a later date certain which is
60 announced at the roundtable. The Town Commission shall discuss the agenda
61 items and provide feedback, but shall not take action at roundtables. The Town
62 Manager shall attend the roundtable, prepare an agenda with appropriate backup,
63 and assure that relevant staff persons are present for the items on the agenda. The
64 Town Attorney shall attend roundtables.

65
66 iii. **Special Meetings.**

¹ Changes from Resolution 2010-07 are shown in strike-through and underline text, to indicate deletions and additions respectively.

² All references to Commissioner herein shall be construed to also refer to the Mayor-Commissioner.

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- 67
68 (a) Special meetings shall be handled as provided in Town Code Section 2-18.
69
70 (b) With the written notice and following the procedures required in Section
71 2-18, the Commission may hold special meetings at any time on the call of
72 the Mayor, the Manager or any Commissioner, upon no less than 24
73 hours' notice to each Commissioner and the public. Alternatively, special
74 meetings may be called on such shorter notice as any two (2)
75 Commissioners shall deem necessary in case of an emergency affecting
76 life, health, property or the public peace. Immediately upon convening
77 such special meeting, the Town Commission shall consider any such
78 determination of emergency, and may continue the meeting if an
79 emergency is found to exist by at least three (3) Commissioners.
80 Emergency special meetings shall always be scheduled with as much
81 notice as is possible under the circumstances.³
82
83 (c) A majority of the Commissioners shall constitute a quorum to transact
84 business, but a lesser number may meet and adjourn from time to time
85 and, if necessary, may compel the attendance of absent Commissioners.
86 Commission meetings are traditionally held at 7:00 p.m., but shall be
87 scheduled to accommodate the schedule of all Town Commissioners as
88 much as is feasible. The Town Manager shall attend the special meeting,
89 shall prepare an agenda with appropriate backup, and shall assure that
90 relevant staff persons are present for the items on the agenda. The Town
91 Attorney shall attend special meetings. Only those matters listed on the
92 agenda of the special meeting shall be discussed, and no additional items
93 may be added at the special meeting.
94
95 (d) Notice to the public shall be accomplished by posting at the Town Hall.
96 Notices shall state the place, date and hour of the special meeting and the
97 purpose for which such meeting is called and no further business shall be
98 transacted at the meeting, except as stated in the notice. Discussions at a
99 special meeting shall be limited to the items listed on the agenda for such
100 meetings. All special meetings shall be open to the public, except as may
101 be expressly exempted by state law.
102
103 (e) A special meeting may be recessed to a later date certain which is
104 announced at the special meeting.
105
106 iv. **Robert's Rules of Order.** For matters not addressed by this Resolution, all
107 meetings of the Town Commission shall be governed by the rules of procedure
108 provided by Robert's Rules of Order. Unless objection thereto is made by a

³Section (b) shall not be given effect unless and until Section 2-18 of the Town Code of Ordinances is revised to authorize its provisions.

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Commissioner, the Mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor.

B. DUTIES AND RESPONSIBILITIES OF THE MAYOR

- i. **Mayor to Serve as Presiding Officer.** The Mayor shall be the presiding officer at all Town Commission meetings. The Vice Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer (Mayor Pro Tem) to carry out the functions of Mayor for that meeting, as defined in this Resolution.
- ii. **Mayor to Determine Questions of Order.** The Mayor may determine questions of order raised by the Commission or ask the Town Attorney to advise on such questions. The Town Attorney shall be the parliamentarian and shall decide appeals by the other Commissioners of the Mayor's ruling on a point of order. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Town Commission, following a proper motion and a second appealing the Mayor's or Town Attorney's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order at any time.
- iii. **Mayor's Conduct of the Meeting.** In accordance with Town Charter Section 5.2(1), the Mayor shall have a voice and a vote on all questions and items, and be called last, but does not have veto power. The Mayor may make and second motions upon passing the gavel. The Mayor shall introduce agenda items by the agenda item and number. The Town Attorney shall read the titles of legislation as may be requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item up for consideration. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item, under the guidelines established herein. All comments or questions by the attending public shall be directed to the Mayor. All motions shall be read aloud before a vote is taken. After a decision is made, it shall be read back by the Town Clerk as clearly and concisely as possible.
- iv. **Mayor to Maintain Decorum at Town Commission Meetings.** Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor shall maintain order and decorum in accordance with Section 2-23 of the Code. All comments shall relate to Town business. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal attacks. Proper titles shall be used at all times, to contribute to a respectful and business-

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153 like atmosphere. The Mayor may interrupt to maintain order and decorum, but
154 such interruption shall not reduce the speaker's time. The Mayor is given the
155 right and the authority to require such person to leave Jarvis Hall, to be
156 accompanied, if necessary, by a Police Officer, in accordance with Section 2-23.
157 In the event the audience, or a part thereof, becomes unruly, the Mayor may either
158 recess or adjourn the meeting. Persons violating Florida Statute Section 871.01
159 may be arrested by police officers present and noting the willful interruption or
160 disturbance.

162 C. ORDER OF BUSINESS

163
164 The order of business of the Town Commission at the regular Commission meetings shall
165 be as follows:

- 166 (1) Call to Order/Invocation/Pledge of Allegiance
- 167 (2) Additions, Deletions, Deferrals of Agenda Items
- 168 (3) Special Presentations
- 169 (4) Public Comments
- 170 (5) Public Safety Discussion
- 171 (6) Approval of Minutes
- 172 (7) Consent Agenda
- 173 (8) Ordinances
- 174 (9) Resolutions
- 175 (10) Quasi-Judicial Public Hearings
- 176 (11) Commissioner Comments
- 177 (12) Old Business
- 178 (13) New Business
- 179 (14) Town Manager Report
- 180 (15) Town Attorney Report
- 181 (16) Adjournment

182
183
184 Where any applicable law may require a different order or procedure for the Commission
185 meeting, such as for meetings involving the budget, those laws shall be followed and the
186 meeting procedures altered as may be appropriate.

188 D. COMMISSION DISCUSSION

- 189
190 i. **Discussion by Commissioner.** Discussion by Commissioners shall be limited to
191 three minutes except as may otherwise be determined by a majority of the Town
192 Commission. Each Commissioner shall be afforded the opportunity to offer
193 rebuttal on each item discussed, which shall also be limited to three minutes. A
194 Commissioner, once recognized by the Mayor, shall direct all comments or
195 questions on the subject matter being discussed to the Mayor only.
196 Commissioners shall not engage in cross conversation with other Commissioners

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197 or the public, and shall not engage in personal attacks. Commissioners shall not
198 interrupt another Commissioner who has the floor, and shall be polite and
199 respectful. Those who are disruptive shall receive at least one warning before
200 being ejected in accordance with Code Section 2-23. The Town Manager may
201 play a role in keeping the Town Commission discussion on topic and keeping the
202 meeting moving forward. The Mayor shall not unreasonably withhold or delay
203 recognition of any Commissioner desiring to speak. The Mayor shall recognize
204 other Commissioners in rotation and not call on any Commissioner a second time
205 or subsequent time until such time as all Commissioners shall have had an
206 opportunity to speak.

- 207
208 ii. **Questions by Commissioners.** In the event a Commissioner wishes to direct
209 questions to another Commissioner or to the public, the questions shall be
210 directed to the Mayor who, in turn, will recognize the Commissioner or member
211 of the public who wishes to answer the specific questions. In the event a
212 Commissioner wishes to direct a question to the Town Manager, the question
213 shall be directed to the Town Manager through the Mayor, who will, in turn,
214 recognize the Commissioner. All questions of Town staff shall be made through
215 the Town Manager.
216

217 E. **PUBLIC PARTICIPATION AND DISCUSSION**

- 218
219 i. **Public Hearings.** Individuals wishing to speak on matters that appear on the
220 agenda as "Public Hearings" need only to be recognized by the Mayor. The
221 public shall be permitted to speak after the Mayor opens an item for Public
222 Hearing, for a maximum of three minutes each. After the Public Hearing is
223 closed by the Mayor, only Commissioners or Town administration shall discuss
224 the item.
225

- 226 ii. **Addressing Commission: Manner and Time.** Public discussion at public
227 hearings or at items which are opened to public discussion (other than the general
228 Public Comment portion of the meeting) shall be limited to three minutes
229 maximum per person. However, the Mayor may authorize the extension of this
230 time frame, after due consideration for the substance, content, and relative
231 importance of the subject. Each person who addresses the Commission shall
232 approach the speaker's podium, shall give his or her name and state whether he or
233 she is a resident of the Town. No person other than the member of the public
234 recognized by the Mayor as having the floor shall be permitted to enter into
235 discussion without the permission of the Mayor. No person shall approach the
236 dais without first receiving permission from the Mayor. All questions from the
237 public to the Commission shall be addressed through the Mayor, and shall be
238 handled in the manner that the Mayor sees fit. The normal practice shall be for
239 the Town Manager to designate a staff person to follow up on questions or
240 requests, and to avoid conversation between the public speaker and the members

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of the Commission or the Town administration. Any answers that may be given shall not reduce the speaker's time. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other Town officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 3-23.

F. COMMISSION MEETING ITEMS

- i. **Special Presentations.** This section of the agenda is reserved for presentations, proclamations or items of special recognition.
- ii. **Public Comments.** Individuals wishing to speak on matters not on the agenda for a public hearing, but still pertinent to the Town, may do so by signing in with the Town Clerk prior to the meeting. A statement shall be included in the agenda of each Commission meeting at which public comments is an item on the agenda, summarizing these procedures. The Mayor will recognize those persons who signed in under the agenda item "Public Comments," and may also recognize other persons who desire to speak. The time limit for each person to speak shall be three (3) minutes. The speaker is allowed uninterrupted time to present his or her point of view. Persons may reserve their comments for one agenda item at the time that the item is being discussed, in lieu of using their public comment time. The Town Manager shall follow up on public comments as appropriate, and shall inform the Town Commission of any such follow up.
- iii. **Public Safety Discussion.** The chiefs of the Town's police, fire and emergency medical service providers will attend each regular Commission meeting, and be available to answer questions from the Commission on their activities during this section of the agenda.
- iv. **Consent Agenda.** There shall be a consent agenda during each regular Town Commission meeting. The consent agenda shall contain motions and other matters which, in the opinion of the Town Manager, may be handled and implemented without necessity for discussion. Unless a Commissioner specifically requests that an item be removed from the consent agenda, such items shall be approved and adopted by a single motion and vote of the Commission.
- v. **Ordinances and Public Hearings.** Ordinances or other items requiring a public hearing shall be placed on this portion of the agenda.
- vi. **Resolutions.** Resolutions not included on the consent agenda shall be placed on this portion of the agenda. The Mayor may allow public comments on Resolutions.

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- 285 vii. **Commissioner Comments.** This section of the agenda shall be utilized by the
286 Mayor and Commissioners to provide informational reports. Each Commissioner
287 and the Mayor shall have a maximum of five minutes for such reports, and there
288 shall be no discussion with other Commissioners of such items. The order of
289 speaking shall be determined at random.
290
- 291 viii. **Old and New Business Commissioner Agenda Items.** Commissioners may
292 submit a request for the preparation of policy, legislation or action by the Town
293 Attorney or Town Manager. Except for informational reports, a signed written
294 memorandum or form provided for such purposes shall state the purpose of the
295 item/action, the major points to be covered, the reasons for necessary action,
296 whether visual aids such as maps, plans, photos or PowerPoint-style presentations
297 may be appropriate, and the specific action or motion desired by the
298 Commissioner. This agenda request shall be provided to the Town Manager prior
299 to the deadline for closing the agenda of the meeting for which it is requested, and
300 date stamped on the front of the first page upon receipt by Town staff. If the item
301 can be resolved by the Town Manager without action of the Commission, the
302 Manager shall be given the opportunity to do so. Once heard, the request shall
303 not be acted upon until such request is approved by motion of the majority of the
304 Town Commission. As much as possible, the topic of the report or item shall be
305 provided to the Town Manager prior to the close of the agenda, so that the item
306 may be noticed to the public.
307
- 308 ix. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town
309 Manager shall attend all meetings of the Commission and has the right to take part
310 in the discussion, but not to vote. The Town Manager shall recommend for
311 adoption such measures as the Manager deems appropriate, necessary or
312 expedient for the interests of the Town. This section of the agenda shall be
313 utilized by the Town Manager for reports and additional items for Commission
314 direction or action. The Town Manager shall produce a written progress report
315 for all major pending events in the Town, and an updated version shall be
316 provided as backup for the Town Manager Report at each regular Commission
317 meeting. The Manager may show an item as complete when he or she deems it
318 so, in a separate section at the bottom of the progress report. Upon approval of
319 the report by the Town Commission, the completed item may be removed from
320 the next progress report.
321
- 322 x. **Town Attorney Report.** The Town Attorney shall make any report to the
323 Commission at this point in the agenda. However, if the Town Attorney has
324 substantial matters for the Commission to discuss or decide, they shall be
325 presented as agenda items.
326
- 327 xi. **Adjournment.** All meetings of the Town Commission, whether they be special
328 or regular meetings, shall be adjourned at 11:00 p.m. However, the Town

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Commission, by affirmative vote of four (4) Commissioners present at the meeting, may extend the meeting beyond the time limit. In any event, the motion to continue the meeting must provide for a specific time frame which the Town Commission will honor for the purposes of continuing the meeting.

F. COMMISSION AGENDA PREPARATION

i. **Agenda Closing Dates.** The agenda for all regular meetings of the Town Commission shall be closed by noon on the Monday of the week prior to the date of the meeting. The agenda for all roundtable meetings of the Town Commission shall be closed by noon on the Tuesday of the week prior to the date of the meeting. The Manager shall determine the agenda closing date for any special meetings at least seven (7) days prior to the date of the meeting. No additional items shall be added to the agenda of the regular meeting after the agenda closing date unless it is deemed to be an emergency. An emergency item requiring immediate Commission action may only be added to the agenda by majority vote of the Town Commission at the meeting. Alternatively, the item may be deferred to a date certain.

ii. **Placement of Commissioner Items on Agenda.**

(a) *Regular Meetings.* All appropriate background material shall accompany the item on the form given for this purpose, and the action proposed to be taken shall be clearly stated. All information relating to items to be placed on the agenda shall be submitted by the Town Commissioner to the Town Clerk by 12:00 noon on the Monday of the week prior to a regular meeting. A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk no later than 5:00 p.m. on the Friday prior to the regular meeting, and is also posted on the Town website. In the event that pertinent information relating to the agenda item is missing or unaccounted for prior to the meeting, the Town Commission may remove the item from the agenda at the regular meeting. Voluminous agenda items, such as the responses to requests for proposals or qualifications, shall be provided to the Town Commission by the Town Clerk no later than 5 p.m. on the Thursday prior to the date of the regular meeting, if feasible. Any PowerPoint-style presentations to be presented at a regular Commission meeting by Town staff, or by other persons if an advance copy of such presentation has been provided to the Town staff, shall be provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, if feasible.

(b) *Roundtable Workshop Meetings.* All appropriate background material shall accompany the item on the form given for this purpose, and the item of discussion and any action to be considered shall be clearly stated. All information relating to items to be placed on the agenda shall be submitted by the Town

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373 Commissioner to the Town Clerk by 12:00 noon on the Monday of the week prior
374 to a regular meeting. Items requiring no backup shall be submitted to the Clerk
375 by noon on Wednesday, one week prior to the roundtable meeting. A complete
376 package of all agenda material shall be provided to the Town Commission by the
377 Town Clerk no later than 5:00 p.m. on the Monday prior to the date of the
378 roundtable meeting, and is also posted on the Town website. The Town
379 Commission may discuss the item, defer the item to a later roundtable, or indicate
380 that the item is ready to be placed on the agenda of a regular or special
381 commission meeting for action.
382

383 iii. **Preparation of Legislation.** All Ordinances and Resolutions shall show the
384 name of each Commissioner and whether such Commissioner voted for, against
385 or failed to vote. All Ordinances and Resolutions, once approved by the Town
386 Commission, shall be executed by the Mayor and attested by the Town Clerk.
387

388 iv. **Sequence of Agenda Items.** Upon request by the Mayor, items on the agenda
389 may be moved out of sequence in order to expedite the matters before the Town
390 Commission, or assure that items that are related to each other are considered in
391 context.
392

393 v. **Procurement/Purchasing Agenda Items.** The Town Manager shall provide
394 suitable relevant backup and information on the item, including any information
395 on past experience with bidders or responders on a purchasing item.
396

397 vi. **Minutes.** The Town Clerk shall have minutes ready for approval on the next
398 available Commission meeting agenda if feasible, given the number and length of
399 pending minutes and other workload considerations. Minutes shall record all
400 actions taken by the Commission, and shall contain sufficient detail regarding
401 decisions made, comments received, and discussion of the Commission.
402

403 G. OTHER PROCEDURES
404

405 i. **Town Charter.** Nothing herein shall conflict with procedures mandated by the
406 Town Charter.
407

408 ii. **Motion to Reconsider.** A motion to reconsider any question which has been
409 determined by the Town Commission may be made only by a Commissioner who
410 voted on the prevailing side and who, not later than the next regular meeting
411 following that on which such question was so determined, requested that a motion
412 to reconsider be placed on the next regular meeting agenda.
413

414 iii. **Roll Call Vote.** Any Commissioner may demand the yeas and nays on any
415 question submitted, or to be submitted, to voice vote and, when so demanded, the

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416 Town Clerk shall call the roll of Commissioners present and record the vote of
417 each Commissioner.

418
419 iv. **Tie Vote.** Tie votes automatically fail.

420
421 v. **Action Agenda.** An action agenda shall be circulated by the Town Clerk
422 within forty-eight hours of each Commission meeting if feasible, containing a
423 brief description of action taken or discussion among the Commission on each
424 agenda item.

425
426 vi. **Order of Seating.** On the Commission dais (facing the audience), the Town
427 Clerk shall be seated at the left end and the Town Manager shall be seated at the
428 right end. The Mayor shall be seated in the center of the dais, with the Town
429 Attorney seated to his or her left side.

430
431 vii. **Waiver of the Procedures.** The intent of these procedures is to assure the
432 smooth and efficient functioning of the Commission meeting, and to prioritize the
433 completion of Town business. The procedures shall always be applied and
434 interpreted to carry out the will of the majority of the Commission while giving
435 due consideration to the rights of the minority. However, any Commissioner may
436 propose to waive the strict application of the procedures in a particular
437 circumstance. The procedure shall be waived upon a proper motion, second and
438 approval of the waiver by a simple majority. A permanent change to the
439 procedures shall be accomplished by adopting an amending Resolution.

440
441 H. **QUASI-JUDICIAL PROCEEDINGS**

442
443 Quasi-judicial proceedings shall be exempted from this Resolution and shall be governed
444 by Town Code.

445
446 **Section 3. Conflict.** All resolutions or parts of resolutions in conflict herewith,
447 including Resolution 2010-07, be and the same are hereby repealed to the extent of such conflict.

448 **Section 4. Severability.** The provisions of this Resolution are declared to be
449 severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be
450 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
451 sections, sentences, clauses, and phrases of this Resolution, but they shall remain in effect, it

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452 being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any
453 part.

454 **Section 5. Effective Date.** This Resolution shall become effective immediately upon
455 its adoption.

456 PASSED AND ADOPTED THIS ___ day of _____, 2010.

457
458

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460

461
462

Mayor Roseann Minnet

463 ATTEST:

464
465

Town Clerk June White

467
468

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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470

471
472

Town Attorney Susan L. Trevarthen