MANCHESTER TOWN BOARD – REGULAR MEETING MARCH 12, 2024 - 6 P.M.

The Regular Monthly Meeting of the Manchester Town Board was held tonight, January 9, 2024, 6:00 p.m. at the Manchester Town Hall with the following members present:

David Phillips Supervisor

Kevin Blazey Deputy Supervisor/Councilman

Matt Shannon Councilman
Scott DeCook Councilman
Jaylene Folkins Councilwoman

OTHERS PRESENT: Devon Hayes, Town Clerk; Jason Lannon, Highway Superintendent; Willie Murphy, Deputy Highway Superintendent; Jennifer Fagner, Assessor

ALSO PRESENT: Town of Manchester residents: Valerie Clapp (Shortsville), Seamus Clapp (Shortsville), William Young (Clifton Springs), Matt Worden (Clifton Springs)

ABSENT: Steve DeHond, Code Enforcement Office; Kevin Lyke, Water Superintendent

CALL TO ORDER: Supervisor Phillips called the March 12, 2024, regular Town Board meeting to order at 6:00 p.m.

> RESOLUTION #40- APPROVAL OF MINUTES, REGULAR MEETING FEBRUARY 2024

On motion of Councilman Shannon, seconded by Councilman Blazey, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve the minutes from the regular Town Board Meeting held on February 13, 2024.

> RESOLUTION #41 - APPROVAL OF SUPERVISOR'S MONTHLY FINANCIAL STATEMENT

On motion of Councilman Blazey, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve the Supervisor's Monthly Report as submitted. See Minute Book Attachment for report.

RESOLUTION #42 - APPROVAL OF TOWN CLERK'S MONTHLY REPORT On motion of Councilman DeCook, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to accept the Town Clerk's report as follows:

Town Clerk Interest	\$.45
Bingo Proceeds	\$ 95.88
Transfer Coupons	\$ 5,479.16
Zoning Fees	\$ 55,734.60
Miscellaneous	\$ 100.00
Marriage Certified Copies	\$ 20.00
Death Certified Copies	\$ 60.00
Conservation	\$.72
Dog Licensing	\$ 1,387.00
Late Fees	\$ 160.00
TOTAL COLLECTED	\$ 63,037.81
PAID TO NYSDEC	\$ 64.28
PAID TO NYS DEPT OF HEALTH	\$ 0

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PAID TO NYS AG & MARKETS	\$ 81.00
PAID TO STATE COMPTROLLER	\$ 0
PAID TO SUPERVISOR (TOWN)	\$ 63,037.81

Supervisor Phillips received and reviewed the following correspondence with the Board at this time (See minute book attachment for all correspondence):

- a. Supervisor Monthly Report
- b. Town Clerk Monthly Report
- c. Manchester Fire Department, monthly report
- d. Charter Communications, Franchise payment
- e. Finger Lakes Power Systems, diminished photo-voltaic production
- f. Ag & Markets, municipal shelter report
- g. Allied CPA, Town Clerk and Tax Collector audit report
- h. Mercy Flight, thank you letter
- i. Charter Communications, change in channel lineup
- j. Charter Communications, change in channel lineup
- k. NYSEG, tree trimming notification
- I. Sample resolution for energy benchmarking
- m. Williamson Lawbook, quick pay software quote
- n. Highway Superintendent, equipment replacement plan
- o. Copy of Encroachment Agreement and additional maps
- p. Claudia Tenny, Community Funding Process FY2025
- q. Champion Asphalt/Suit Kote paving and striping for parking lot quote
- r. Manchester Fire Department monthly report
- s. Interfund transfer \$2,884.26 from A688 to SW5-8340.4

~ Valerie Clapp to address the board – This statement was transcribed from a recording of the Town Board meeting.

Thank you for your time, my name is Valerie Platt. I live on West Main Street, Shortsville Village for just about 12 years. Recently owned, operated, and closed the business (Molly Moochers) and address the board tonight as I've been made aware of some deficiencies in the space.

I lease a space on Main Street Shortsville. The leased space is or was for the purpose of operating a restaurant. The restaurant space has since closed its doors as required by the County Health Department due to frozen pipes and later deemed unfit for human occupancy by code enforcement due to inadequate inside temperatures. Code enforcement Officer Steve DeHond was contacted and discovered the standard. When we discovered the standards up in New York State, he came that day and while he was present, several other glaring items were highlighted with corresponding code numbers, and the letter was issued to the owners of the property later that week. The letter cites the following and I'll just read the bullet points from the letter that was issued to the Landlord.

West side exterior wall shows signs of deterioration at the roofline, repair as weather permits. Repairing broken windows to keep weather and birds out. Numerous bricks are loose on the entire building, repair when the weather permits. Basement door needs to be repaired and prevent water from entering the basement. Exterior wood surfaces shall be protected from the elements. Paint unprotected wood surfaces when the weather permits and there's an open electrical box in the ceiling in the basement that must have a cover installed.

At this point I'm calling out and questioning the town code enforcement responsibilities, lack of response and shortcomings. I previously attempted to ask several questions of the code enforcement staff with no answers or incomplete answers. After several attempts, I did schedule a meeting with town supervisor Dave Phillips to seek answers. Supervisor Phillips almost immediately made it clear the zoning questions were not his area of expertise and he was somewhat blindsided by these questions, and I resolved to e-mail directly to code enforcement to ask these questions again as to eliminate emotion and to eliminate any confusion.

After over a week I had no reply, follow up to Supervisor Phillips was made and I was later informed for the Village of Shortsville attorney had advised code enforcement to not answer any of my questions. A follow up was sent to the Shortsville mayor, Mr. Mink, who was to be meeting code enforcement that week to discuss these issues and my questions because his eventual reply was the same and with no explanation. And I'll just read 3 sample questions from a list of about 17 or 18 questions that I had said to Steve DeHond in that e-mail one being "What is the expected timeline by which Thunderbolt properties have to repair/remedy the deficiencies listed in the letter dated February 1st, 2024." Second question "Are areas of public safety to be required to be blocked off?" Question 3 "In regard to inspection dated 12/15/2023 was the property owner made aware of a CO hazard at the hot water tank. What timeline was established to Correct. And should tenants be notified." I'll state that I still don't think that has been remedied. In my opinion, it's clearly obvious that to avoid answering one or any of these

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questions is an admission of error or guilt. There seems to be a lack of organization standards and accountability at a level that should be of utmost concern to our community leaders and residents. Things have slipped through the cracks and have been intentionally or have been intentionally avoided.

As a taxpayer, I deserve answers. I deserve better from my community, and our community deserves better leadership. Dismissing a resident, a business owner, taxpayer and showing favor to professional slumlords who own and rent space of 1719 W Main Street or any other location at this point is unacceptable. I know that one of the two partners were invited to meet with Town staff at some point, since all of these findings, and I'd love to wonder how he was accommodated and were his questions answered. The letter sent to the landlords was addressed to Don and Marty. A little casual considering the State of New York would consider the building of an overall condition worthy of being condemned and there's not so much as a placard on the door stating that the space is unfit for human occupancy, which is also in this letter from the code enforcement. This letter should have been in order of compliance with the timeline issued. This all leaves the owners in a very favorable position for selling the building, leasing the space again or continuing its status quo. In seven years, no building maintenance inspections have been conducted. The certificate of occupancy should have been issued for two businesses to operate and acquire a liquor license and they were. And the building has also changed owner ownership once in the seven years that we looked back to see when there were not any building inspections completed. Finally, and more recently the third floor, it has been made aware to Steve DeHond that on the third floor is riddled with pigeon feces to an alarming level, considering that there are human dwelling spaces immediately below and the roof leaks like a sieve.

As code enforcement he said he had no concern considering it was a non-leased space. The west wall of the building dropped a huge percentage of its masonry on the ground in the summer of 2022. The repairs were never completed. The entire facade is a brick facade on a stick-built structure and masonry work is alarmingly deteriorated and should at minimum be barricaded. There's a little girl who plays in the side yard. There are children who live upstairs. Patrons from local businesses who park alongside the building.

Someone should be held accountable. I deserve answers to very reasonable questions, and now putting the ball in your court. I don't really have anything else to say, and yet I could say a ton more. I understand how this forum works and I'd be happy to e-mail anything and everything to anyone who's interested. That's about all I've had time to organize. The list really does go on and on. I'm probably going to exit. Thank you for listening.

Response from Supervisor Phillips

The health department was adamant they never issued an order that the business close. There was a fire inspection done on December 15, 2023. At that time, it was determined that there was no CO2 leak. The exhaust pipe for the water heater weather seal failed. No heating problem was mentioned at that time. Code Enforcement was initially contacted by the business owners in January after the business had closed to look at the heating system.

RESOLUTION #43 ACCEPTING THE INDEPENDENT AUDIT FOR THE TOWN CLERK/TAX COLLECTOR

On motion of Councilwoman Folkins, seconded by Councilman Blazey, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to accept the Town Clerk and Tax Collector audit findings performed by Allied Financial Partners

RESOLUTION NO. 44-2024

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this

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information the Town of Manchester is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Manchester desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Manchester; and

WHEREAS, the Town of Manchester desires to establish procedure or guideline for Town of Manchester staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

- (A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.
- (C) "Commissioner" shall mean the head of the Department.
- (4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Manchester that is 1,000 square feet or larger in size.
- (5) "Department" shall mean the Town hall and Highway building.
- (6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.
- (7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
- (8) "Energy Use Intensity (EUI)" shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.
- (9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
- (11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
- (12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.
- (13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

- (1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.
- (2) The Commissioner may exempt a particular Covered Municipal Building from the

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benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

- (1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.
- (2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

- (1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
 - (a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and
- (2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
 - (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
 - (b) For each Covered Municipal Building individually:
 - (i) The status of compliance with the requirements of this Policy; and
 - (ii) The building address, primary use type, and gross floor area; and
 - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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I, Devon Hayes, Town Clerk of the Town of Manchester do hereby certify that the Town Board of the Town of Manchester adopted the aforementioned resolution on March 12, 2024, by the following vote:					
	Scott DeCook Jaylene Folki	s, Supervisor Board member s, Board member ns, Board member n, Board member	Aye Aye Aye Aye		
This resolution	was adopted.				
Dated: March 1	12, 2024				
		Devon Hayes Town of Man			
> RESOLUTION #45 TO APPROVE THE ORDER FOR REPLACEMENT TRUCK TO BE PURCHASED IN 2026 WITH COST NOT EXCEEDING \$320,000.00 On motion of Councilman DeCook, seconded by Councilman Shannon, the following resolution was unanimously ADOPTED:					
\	OTE:	AYES - 5	NAYS - 0		
	/ED, to approve the ong \$320,000.00	order for replacement	highway truck in the year 2026 not		
payments. This	s program would ha	ve a credit card read	oftware for credit card water er specifically for water payments ng system with any payment		
> RESOLUTION	ON #46 TO APPROV	E USING WILLIAMS	ON LAW QUICK PAY FOR WATER		
On motion of Councilwoman Folkins, seconded by Councilman DeCook, the following resolution was unanimously ADOPTED:					
\	OTE:	AYES - 5	NAYS - 0		
RESOL	/ED , to purchase Qu	ick Pay through Williar	mson Lawbook		
➤ RESOLUTION #47 TO APPROVE APRIL 9 TH , 2024 AT 6:00 PM FOR A PUBLIC HEARING TO BE HELD TO UPDATE THE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH WILLO-CREST FARM On motion of Councilman Blazey, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:					
\	/OTE:	AYES - 5	NAYS - 0		
	/ED, to hold a public ght of way encroachm		024, at 6:00pm regarding an update		

March 12, 2024 Resolution #48-2024

➤ RESOLUTION #48 ACCEPTING RECORDS AND DOCKETS AUDIT FOR THE TOWN JUSTICE OFFICE PERFORMED BY ALLIED FINANCIAL PARTNERS FOR THE FISCAL YEAR ENDING IN 2023

On motion of Councilman Blazey, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to accept the Town Justice office audit findings performed by Allied Financial Partners

I, Devon Hayes, Town Clerk of the Town of Manchester do hereby certify that the Town Board of the Town of Manchester adopted the aforementioned resolution on March 12, 2024, by the following vote:

	Aye	Nay
David Phillips	_X_	
Kevin Blazey	_x_	
Jaylene Folkins	_ x _	
Scott DeCook	_x_	
Matt Shannon	_X_	

Dated: March 18, 2024

Devon Hayes, Town Clerk Town of Manchester

➤ RESOLUTION #49 TO APPROVE THE QUOTE FROM SUIT-KOTE (CAPE SEAL) FOR THE COST OF REPAVING THE TOWN PARKING LOT AND THE QUOTE FROM CHAMPION ASPHALT MAINTENANCE FOR PARKING LOT RESTRIPING

On motion of Councilman DeCook, seconded by Councilman Blazey, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, accept the bids to repave and stripe the Town parking lot

Department Reports:

- a. HIGHWAY SUPERINTENDENT, Jason Lannon reported the following:
 - Clean up from recent windstorms are being done
 - Researching the cost of a mini excavator to possibly have it added to the equipment replacement plan
 - New employee Scott O'Brien is doing well
 - The salt requirement has been met
 - Last year's CHIPS \$312,981.00 anticipating that next year's budget will be 20% less
- b. CODE ENFORCEMENT OFFICER, Supervisor Phillips on behalf of Steve DeHond, reported the following:
 - 9 Permits in the Town of Manchester
 - Collected \$55,724.60 in fees
 - Construction Costs are \$7,683,591.00
 - Completed 10 existing building and fire inspections between the three Villages and Town
- c. ASSESSOR, Jennifer Fagner, reported the following:
 - Continuing to work on the paperwork for the Reval. Will be sending out notices soon
 - The office is steady with walk-ins and phone calls

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- d. TOWN CLERK, Devon Hayes, reported the following:
 - Tax collection- notices went out to everyone with an outstanding balance. There are 241 tax bills that need to be partially or fully paid. I will be receiving tax payments until April 1st.
 - Working with online companies to try to sell excess printer toner
 - Cemetery information has been posted on the Town website
 - Information from the most recent Ontario County free rabies clinic was sent to the Town. Letters have gone to the dog owners who do not currently have dog licenses.
- e. WATER SUPERINTENDENT, Kevin Lyke, reported the following:
 - Continuing to work with the EPA. A meeting will be set up with all the towns
 involved with the City of Canandaigua water. The goal will be to set up a
 flushing schedule and adding interconnects to reduce water age in the
 system
 - The most recent water testing (February) results were the best they have been in the Town's recorded history. There was a local farm which used a greater amount of water this quarter than is normally used. They typically use 100,000 to 200,000 gallons with a current reading of more than 2 million gallons. The thought is that this water usage was the main factor in the water testing results being the best they have been in a long time. The Town does spill/flush water to move it through the pipeline. Supervisor Phillips asked if the Town Board would be open to reducing the water rate for customers once they use so many (millions) of gallons. This would create little need for the Town to flush water while providing water to the end user. The Town Board felt this was a win/win situation. Information will be gathered to determine what usage would be reasonable to qualify for a high usage per gallon water discount.
- f. Supervisor Dave Phillips, reported the following:
 - The General Fund received its first semiannual franchise payment from Spectrum/Charter Communications in the amount of \$19,013.94. This is lower than in previous years and this line item may need to be adjusted in future budgets.
 - The Zoning Fund received a very large permit fee from Catalyze Holdings in the amount of \$54,040 which certainly helps the Zoning Fund Revenues for the month of February.
 - The Highway Fund received \$54,434 from Ontario County for snow removal. This amount is the same received in 2023.
 - The Refuse and Garbage Fund ended the month of February with a savings account balance much higher than it has ever been at this time of year. It is presumably due to the increase in fees.
 - The Central and County Road 13 Water districts are financially slightly better than in recent years. When the rate is raised for the next quarterly water bill it is hoped the revenues will increase in the Central Water District.
 - At the end of February, the Town's finances are stable with some revenues received not as expected. However, the funds are doing much better than in previous years.

> RESOLUTION #50 – APPROVAL OF FUND TRANSFER FROM A688 \$2,844 TO SW5-8340.4 ARPA FUNDS FOR WATER IMPROVMENTS

On motion of Councilman Blazey, seconded by Councilman Shannon, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve the fund transfer listed.

ADDENDUM ITEMS - None

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BOARD MEMBER ITEMS:

- Councilwoman Folkins
 - 1.) Question: Are there any projects in mind regarding the Claudia Tenny grant letter?
 Supervisor Phillips stated no
- Councilman DeCook
 - 1.) Question: Should he reach out the Fire Departments to find out which hydrants should have a Quick Connect?

 Supervisor Phillips said yes. It would benefit all.
- Councilman Shannon:

1.)

• Councilman Blazey:

1.)

- Supervisor Phillips:
 - 1.) The Town's insurance is due to expire next week. The insurance is having trouble with their software, and they don't have a new quote for us. Normally the cost would be up for adoption at tonight's meeting. The quote will be actioned in next month's meeting.
 - 2.) Port Gibson cemetery is currently looking for lawn service. The Town does budget money for the cemeteries. The budget will be checked to see how the Town is able to help.
 - 3.) The Town Court office currently has 12 hours of unused court clerk hours, and they would like 24 hours available for a part time position. Supervisor Phillips asked for a Town Board member to join him to analyzing case load. Jaylene Folkins volunteered to meet and review the request.

> RESOLUTION #51 - MOTION TO APPROVE VOUCHERS

On motion of Councilwoman Folkins seconded by Councilman DeCook, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve February vouchers.

ADJOURNMENT: There was no other business before the Board at this time; Councilman Shannon moved to adjourn the meeting, 7:08 p.m., seconded by Councilman DeCook, unanimously approved.

Respectfully Submitted,

Devon R Hayes, Town Clerk

**Next Meeting(s):

Regular meeting: April 9, 2024 -6:00 P.M.

• Regular meeting: May 14, 2024 - 6:00 P.M.

• Regular meeting: June 11, 2024 - 6:00 P.M.

• Regular meeting: July 9, 2024 - 6:00 P.M.

Regular meeting:
 August 13, 2024 -6:00 P.M.

Regular meeting: September 10, 2024 - 6:00 P.M.

• Regular meeting: October 8, 2024 - 6:00 P.M.

• Regular meeting: November 12, 2024 -6:00 P.M.

Regular meeting: December 10, 2024 - 6:00 P.M.