Town of INDIAN TRAIL north carolina
Indian Trail, North Carolina 28079
Telephone 704-821-5401
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PLANNING BOARD TRANSMITTAL

Planning Board Transmittal for the November 9, 2011 Town Council Meeting

Reference Name	**Case: ZT 2011-003 Vehicle Sales Uses Amendment**		
PB Meeting Date	April 19, 2011		
Members Present	Chair Whitehurst ☒	Gary Vaughn ☒	Larry Miller ☒
	Vice-Chair Cowan ☒	Kathy Broom ☒	Robert Rollins ☒
	Sidney Sandy ☒	Cathi Higgins ☐ Alternate	John Simulcik ☐ Alternate
	Vacant Seat ☐		
Case Found Complete	Yes ☒ No ☐		
Motion	Recommend approval w/modifications as transmitted		
Member making the motion	Board member Broom		
Second the motion	Board members Sandy and Vaughn		
Vote	5-2, w/Board members Cowan and Rollins against		

Purpose of the Amendment:
A request to amend Chapter 7150, along with Sections 520.020(G) and 1610.080(DD), of the Unified Development Ordinance (UDO), related to vehicle sales uses in the Town.

Town Council Action: *Receive transmittal report and public testimony and:*

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Executive Summary

This text amendment arises as a result of numerous requests received from potential and existing vehicle sale business owners throughout the Town. In doing so, staff has heard these requests, and now introduces this text amendment to address the following concerns related to auto sales uses in the Town:

1. A request by potential new automotive sales business owners to reduce the Town's minimum acreage required for an auto sales lot from a 2-acre minimum to a 1-acre minimum.
2. A request by existing auto sales businesses to reduce the minimum width landscaping requirement from a 20-foot wide area to 5-foot wide to allow a vehicular display area closer to the public right-of-way.
3. Staff proposes to amend the UDO's automotive sale definitions to clarify the distinction between retail versus wholesale type of vehicle sales, along with the Commercial Table of Permissible Uses.

Planning Board Meeting

The Planning Board heard this item at its regular meeting, and recommended the following modifications to this text amendment as follows:

1. **Minimum Acreage**: The Board considered the following for vehicle sales lots:

    a. Leaving the current minimum 2 acre requirement for all new or used car vehicle sales lots in the Town, or
    b. Reducing this current acreage requirement to a 1 acre minimum.

    - **Outcome**: After discussion, the Board recommended 5-2 to keep the 2 acre minimum for all vehicle sales lots in the Town, with Board members Cowan and Rollins voting against this.

2. **Vehicle Display Area**: The Board also discussed the ability for vehicle display areas to be located within the required front lot-line landscape area next to a public right-of-way (i.e., Hwy. 74). The Hwy 74 Corridor requires a minimum of a 20-foot landscaped area. The Board considered the following options:
    a. **Option #1**: Limit any vehicle display in the front landscaping area to 1 display space per 50 linear feet of street frontage for any vehicle sales lot;
    b. **Option #2**: Allow a maximum of 50% of linear total street frontage for any vehicle sales lot (i.e., if a lot has a total frontage of 100 feet, they would be allowed a maximum of 50 feet of display area);
    c. **Option #3**: Allow a maximum of 65% of linear total street frontage, much like Option #2, except for the following:
        i. **Addition**: A maximum of 85% is possible, provided that a proposed vehicle sales lot display area is adjacent to another existing vehicle sales lot, and that the adjacent sales lot conforms to the Town's UDO standards. (This request was presented by a business owner representative.)

- **<u>Outcome</u>**: After discussion, the Board unanimously recommended (7-0) to allow for a maximum of 65% of total linear street frontage for vehicle sales lots to use as display areas, and that for 85% to be allowed as provided and discussed subject to approval of a Special Use Permit (SUP) approval from the Town.

3. **<u>Multi-Tenant Retail Vehicle Sales Uses</u>**: The Board also discussed clarifying the distinctions between retail and wholesale auto uses in the Town proposed to be located within a multi-tenant center. In doing so, the Board was considered
   a. Allowing these types of uses by Special Use Permit (SUP); or
   b. Prohibiting such sales uses all together.

- **<u>Outcome</u>**: After discussion, the Board unanimously recommended (7-0) to allow multi-tenant vehicle sales uses by Special Use Permit in the Town.

The Planning Board, having considered the above items, then recommended approval of this text amendment, as amended, to the Town Council in a 5-2 vote, with Board members Cowan and Rollins voting against the recommendation.

In recommending the text amendment for approval to the Town Council, the Planning Board also made the required consistency findings as follows:

Draft Findings:

1. The following findings were made consistent with the Comprehensive Plan:

   1.3.1 of the Comprehensive Plan – Quality of Life; the proposed UDO amendment will help to provide for the overall health, safety, and welfare of all Indian Trail citizens by providing consistent standards for vehicle sale lots.
   1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO amendment will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities.

2. This UDO ordinance amendment is in the best interest of the public because it promotes a more efficient development system and review process, while providing a greater quality of life for all residents of the Town of Indian Trail.

<u>Project Contact</u>
Shelley DeHart, AICP
Director of Planning
srd@planning.indiantrail.org

<u>Town Council Attachments</u>:
TC Attachment 1 – Planning Board Staff Report for April 19, 2011
TC Attachment 2 – Draft Ordinance

TC ATTACHMENT 1

Planning Board Staff Report (04/19/11)

Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079
(704) 821-5401 (Phone)
(704) 821-9045 (Fax)
PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Zoning Staff Report

Case: ZT 2011-003 Vehicle Sales Uses		
Reference Name(s)	Amend/Add Chapter 7150, Section 520.020(G), and Section 1610.080(DD) of the Unified Development Ordinance	
Applicant	Town of Indian Trail	
Submittal Date	April 19, 2011	
Location	Town-Wide	
Tax Map Number	N/A	
Recommendations & Comments	**Planning Staff**	Approval of the proposed UDO amendments

Executive Summary

Staff is introducing this text amendment (ZT2011-003) relating to vehicle sales uses in the Town. The proposed amendments/additions are as follows:

- ***Amend UDO Chapter 7150 – Vehicle Sales Lots, amending use standards for retail and wholesale sales lots in the Town.***
- ***Add to UDO Section 1610.080(DD) – Definitions, which clearly defines retail and wholesale sales lot uses.***
- ***Add to UDO Section 520.020(G) – Table of Permissible Uses, which revises the Commercial Use Table to allow for retail and wholesale sales lot uses as amended and defined.***

Analysis

Vehicle Sales Lots and Minimum Acreage

The Town currently establishes use requirements for new and used vehicle sales lots in Chapter 7150 of the Unified Development Ordinance (UDO) as follows:

Chapter 7150. Vehicle Sales Lots

The intent of this section is to mitigate the adverse impacts of new and used vehicle sales lots within the Town of Indian Trail and to establish minimum criteria for all future sales lots.

7150.010 The minimum lot size shall be 2 acres in size.

7150.020 All required parking spaces and display areas shall be paved and striped in accordance with the Town of Indian Trail UDO and no cars shall be displayed within a public right-of-way or

within access driveways.

7150.030 Wheel stops, curbs or bollards are required along the exterior parking spaces of the display area to prohibit parking within landscaped areas or public right-of-way.

7150.040 All lighting shall be directed toward the interior of the site to reduce light pollution and no outdoor intercom will be permitted when a car dealership abuts a residential zoning district.

In looking at this Chapter, staff is of the opinion that there are unique features to these kinds of sales uses that are unlike any other business use throughout the Town. These features include, but are not excluded to, the following:

1. There are retail and wholesale vehicle sales uses that act and operate completely different from each other, and need to be clearly defined as to the type, nature and extent of the use;
2. Most of any retail vehicle use's inventory is often put on display to some extent to attract and promote business; and
3. Vehicle sales uses tend to vary in terms of the scale and scope of their operations, with some requiring very little acreage at all to operate as a business.

Staff has also conducted considerable research into vehicle sales uses for several nearby North Carolina municipalities. In doing so, staff finds that those municipalities researched have the following regulations in common for vehicle sales uses:

1. Lower minimum acreage requirements (1 acre in size, or a 60,000 square foot area requirement);
2. More allowance for display areas in and around the front-most landscaping area; and
3. Distinguishing and defining the differences between retail and wholesale vehicle sale uses.

In addition, staff also went back and analyzed the discussions that the Signage Subcommittee had regarding landscaping buffers and vehicle display areas back in March and April of 2009. Staff also brings two options for the Board's consideration on how much display can be permitted in the landscaping buffer area adjacent to a public right-of-way as follows:

1. **Option #1**: Allows one (1) parking display space per fifty (50) feet of linear street frontage, subject to the required parking dimensions standards in UDO Section 1070.020.
2. **Option #2**: Allows a maximum of 50% for the total linear street frontage for parking display area.

Therefore, staff now brings the following amended Chapter 7150 of the UDO for consideration as follows:

Chapter 7150. Vehicle Sales Lots

The intent of this section is to *provide standards to address the unique characteristics of this particular business type.* ~~mitigate the adverse impacts~~ of new and used vehicle sales lots within the Town of Indian Trail and to establish minimum criteria for all future sales lots.

7150.010 The minimum lot size shall be 2 acres in size***, and subject to the following Table:***

Table 7-1: Retail and Wholesale Vehicle Sales Uses:

Type of Vehicle Sales Use	***Use Regulation/Permitted***
Retail Sales- Stand-Alone Sales Lot	***Permitted By-Right, per UDO Section 520.020 (G)***
Retail Sales - Multi-Tenant Structure	***Special Use Permit (SUP), per UDO Section 520.020 (G) and Chapter 360***
Wholesale Sales – Office Only (No Vehicle Display or Storage)	***Exempted from this Chapter; allowed where permitted in UDO Section 520.020(G)***

7150.020 All required parking spaces and display areas ***within general traffic circulation areas*** shall be paved and striped in accordance with the Town of Indian Trail UDO and no cars shall be displayed within a public right-of-way or within access driveways.

7150.030 Wheel stops, curbs or bollards are required along the exterior parking spaces of the display area to prohibit parking within landscaped areas***, unless otherwise expressly permitted in this Chapter.*** ~~or public right-of-way~~.

7150.040 All lighting shall be directed toward the interior of the site to reduce light pollution and no outdoor intercom will be permitted ***for use*** when a car dealership abuts a residential zoning district.

7150.050 ***A special street frontage vehicle display area may be permitted and can encroach into the required landscaping area located adjacent to a public right-of-way, subject to the following requirements:***

A. ***A maximum of 65% of the linear road frontage may be used for vehicle display (Example: 100-feet of linear frontage shall not exceed 65-linear feet of street frontage display.) For any increases beyond the maximum 65% up to a total 85% vehicle display area, a Special Use Permit (SUP) will be required, subject to UDO Chapter 360, and the following two requirements:***

i. ***The vehicle sales lots requesting the additional display area must be adjacent to another vehicle sales lot in the Town; and***

ii. ***The adjacent vehicle sales lot must conform to the Town's UDO.***

B. ***The parking display space shall be paved with a suitable material (gravel, stone, asphalt, or cement) and equipped with a wheel stop, bollard, or curb to prevent overhang into the public right-of-way, sidewalk, or adjacent landscaped areas. Such a display space shall conform to the Town's minimum parking space dimensions requirements provided in UDO Section 1070.020.***

C. ***A minimum of five (5) feet of landscape area is required between property line at right-of-way and special street frontage display area.***

D. ***All street frontage vehicle display areas proposed shall be approved through the site plan review process. Flexibility in the placement location and orientation of the display space is permitted subject to approval of the Planning Director.***

Retail and Wholesale Auto Sales Uses

Staff also looked at the current definitions for vehicle sales and service in the Town, as well as the permitted uses for this general usage category.

A. Definitions

Based on the research conducted, staff is also of the opinion that the following changes can be made to UDO definitions in Section 1610.080(DD) as follows:

1610.080 Commercial Use Group Definitions

DD. Vehicle Sales and Service

2. Heavy Equipment Sales/Rentals

~~Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.~~

a. Retail – Involves sales and /or rental directly from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

b. Wholesale – Involves sales and/or rental not conducted directly from the premises of heavy construction equipment, trucks or aircraft, involving no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.

3. Light Equipment Sales/Rentals

~~Sale, retail or wholesale and/or rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.~~

a. Retail – Involves sales and /or rental directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.

b. Wholesale – Involves sales and/or rental not conducted directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, with no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.

B. Permitted Uses

Staff also looked at how auto sales uses could be classified in terms of allowed uses in the Town. In terms of handling retail and wholesale vehicle sales uses, staff is of the opinion that the new definitions provided will continue to be in harmony with the spirit and intent of the UDO. These new definitions proposed here will simply continue the current zoning allowed in Section

520.020(G) – Table of Permissible Uses for the prior use categories of heavy and light equipment sales/rentals as follows:

520.020(G) Table of Permissible Uses

Use Category	Zoning District						Use Standard
Vehicle Sales and Service	**CBD**	**NBD**	**GBD**	**RBD**	**O-VCD**	**O-DD**	
Auto Supply and Service	-	-	P	P	-	-	
Car Wash	-	-	P	P	-	-	
Heavy Equipment Sales/Rental ***(Retail)***	***-***	***-***	***-***	***P/S****	***-***		****See Chapter 7150***
Heavy Equipment Sales/Rental (Wholesale)	***-***	***-***	***-***	***P****	***-***	***-***	****See Chapter 7150***
~~Light Equipment Sales/Rental – Indoor~~ ***Light Equipment Sales/Rental (Retail)***	***-***	***-***	***P/S****	***P/S****	***-***	***-***	****See Chapter 7150***
~~Light Equipment Sales/Rental – Indoor~~ ***Light Equipment Sales/Rental (Wholesale)***	***-***	***-***	***P****	***P****	***-***	***-***	****See Chapter 7150***

Required Consistency Findings

The Planning Board is required to make two findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals:

   1.3.1 of the Comprehensive Plan – Quality of Life; the proposed UDO amendment will help to provide for the overall health, safety, and welfare of all Indian Trail citizens by providing consistent standards for vehicle sale lots.

   1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO amendment will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities.

2. This UDO ordinance amendment is in the best interest of the public because it promotes a more efficient development system and review process, while providing a greater quality of life for all residents of the Town of Indian Trail.

Staff Recommendation
Staff recommends that the Planning Board make the required consistency findings and recommend adoption of these UDO ordinance amendments as stated in this report to the Town Council.

Staff Contact
Jonathon Edwards
Junior Planner
je@planning.indiantrail.org

TC ATTACHMENT 2

ZT2011-003 Draft Ordinance

STATE OF NORTH CAROLINA)
) ORDINANCE #
TOWN OF INDIAN TRAIL)

AN ORDINANCE REGARDING VEHICLE SALES USES – CHAPTER 7150, SECTION 1610.080(DD), & SECTION 520.020(G) OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO), INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2011-003 requesting to amend Chapter 7150, Section 1610.080(DD), & Section 520.020(G) of the Unified Development Ordinance (UDO) dealing with vehicle sales uses; and

WHEREAS, this Zoning Amendment (ZT 2011-003) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on April 19, 2011 in a public meeting; and

WHEREAS, the Planning Board after hearing the amendment and deliberations made the following findings and recommended approval to the Town Council:

1. The proposed UDO amendment is consistent with the following goals:
   1.3.1 of the Comprehensive Plan – Quality of Life; the proposed UDO amendment will help to make the UDO consistent with state, federal and other regulatory standards for vehicle sales uses in the Town and provide for the health, safety, and welfare of all Indian Trail citizens.
   1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO amendment will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities.

2. This UDO ordinance amendment is in the best interest of the public because it promotes a more efficient development system and review process, while providing a greater quality of life for all residents of the Town of Indian Trail.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on July 12, 2011 and after receiving the transmittal, public comment, and deliberation, concur with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BE IT ORDAINED ON JULY 12, 2011 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – Division 700, Chapter 7150 is hereby amended for the use-specific regulations regarding vehicles sales uses throughout the Town:

Chapter 7150. Vehicle Sales Lots

The intent of this section is to *provide standards to address the unique characteristics of this particular business type.* ~~mitigate the adverse impacts~~ of new and used vehicle sales lots within the Town of Indian Trail and to establish minimum criteria for all future sales lots.

7150.010 The minimum lot size shall be 2 acres in size***, and subject to the following Table:***

Table 7-1: Retail and Wholesale Vehicle Sales Uses:

Type of Vehicle Sales Use	***Use Regulation/Permitted***
Retail Sales- Stand-Alone Sales Lot	***Permitted By-Right, per UDO Section 520.020 (G)***
Retail Sales - Multi-Tenant Structure	***Special Use Permit (SUP), per UDO Section 520.020 (G) and Chapter 360***
Wholesale Sales – Office Only (No Vehicle Display or Storage)	***Exempted from this Chapter; allowed where permitted in UDO Section 520.020(G)***

7150.020 All required parking spaces and display areas ***within general traffic circulation areas*** shall be paved and striped in accordance with the Town of Indian Trail UDO and no cars shall be displayed within a public right-of-way or within access driveways.

7150.030 Wheel stops, curbs or bollards are required along the exterior parking spaces of the display area to prohibit parking within landscaped areas***, unless otherwise expressly permitted in this Chapter.*** ~~or public right-of-way~~.

7150.040 All lighting shall be directed toward the interior of the site to reduce light pollution and no outdoor intercom will be permitted ***for use*** when a car dealership abuts a residential zoning district.

7150.050 ***A special street frontage vehicle display area may be permitted and can encroach into the required landscaping area located adjacent to a public right-of-way, subject to the following requirements:***

A. ***A maximum of 65% of the linear road frontage may be used for vehicle display. (Example: 100-feet of linear frontage shall not exceed 65-linear feet of street frontage display.) For any increases beyond the maximum 65% up to a total 85% vehicle display area, a Special Use Permit (SUP) will be required, subject to UDO Chapter 360, and the following two requirements:***

i. ***The vehicle sales lots requesting the additional display area must be adjacent to another vehicle sales lot in the Town; and***

ii. ***The adjacent vehicle sales lot must conform to the Town's UDO.***

B. ***The parking display space shall be paved with a suitable material (gravel, stone, asphalt, or cement) and equipped with a wheel stop, bollard, or curb to prevent overhang into the public right-of-way, sidewalk, or adjacent landscaped areas. Such a display space shall conform to the Town's minimum parking space dimensions requirements provided in UDO Section 1070.020.***

C. ***A minimum of five (5) feet of landscape area is required between property line at right-of-way and special street frontage display area.***

D. ***All street frontage vehicle display areas proposed shall be approved through the site plan review process. Flexibility in the placement location and orientation of the display space is permitted subject to approval of the Planning Director.***

Section 2 – Division 1600, Section 1610.080(DD) is hereby amended regarding the definitions of retail and wholesale vehicle sales uses throughout the Town:

1610.080 Commercial Use Group Definitions

DD. Vehicle Sales and Service

2. Heavy Equipment Sales/Rentals

~~Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.~~

a. ***Retail – Involves sales and /or rental directly from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.***

b. ***Wholesale – Involves sales and/or rental not conducted directly from the premises of heavy construction equipment, trucks or aircraft, involving no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.***

3. Light Equipment Sales/Rentals

~~Sale, retail or wholesale and/or rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.~~

a. ***Retail – Involves sales and /or rental directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.***

b. ***Wholesale – Involves sales and/or rental not conducted directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, with no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.***

Section 3 – Division 500, Section 520.020(G) – Commercial Use Table, is hereby amended regarding the zoning for retail and wholesale vehicle sales uses throughout the Town:

520.020(G) Table of Permissible Uses

Use Category	Zoning District						Use Standard
Vehicle Sales and Service	**CBD**	**NBD**	**GBD**	**RBD**	**O-VCD**	**O-DD**	
Auto Supply and Service	-	-	P	P	-	-	
Car Wash	-	-	P	P	-	-	
Heavy Equipment Sales/Rental ***(Retail)***	***-***	***-***	***-***	***P/S****	***-***		****See Chapter 7150***
Heavy Equipment Sales/Rental (Wholesale)	***-***	***-***	***-***	***P****	***-***	***-***	****See Chapter 7150***
~~Light Equipment Sales/Rental – Indoor~~ ***Light Equipment Sales/Rental (Retail)***	***-***	***-***	***P/S****	***P/S****	***-***	***-***	****See Chapter 7150***
~~Light Equipment Sales/Rental – Indoor~~ ***Light Equipment Sales/Rental (Wholesale)***	***-***	***-***	***P****	***P****	***-***	***-***	****See Chapter 7150***

Section 4 - This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 9TH DAY OF NOVEMBER, 2011.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable John J. Quinn, Mayor

Attest:

_____
Peggy Piontek, Town Clerk