

ENROLLED ORDINANCE 175-26

AMEND THE TEXT OF THE TOWN OF LISBON ZONING CODE TO REPEAL AND RECREATE SECTION 28, RELATING TO THE B-P INDUSTRIAL/BUSINESS PARK SPECIAL USE ZONING DISTRICT (RZ54)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Town of Lisbon Town Board on November 25, 2019; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

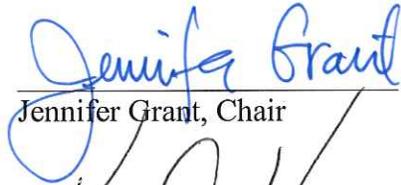
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to repeal and recreate Section 28 relating to the BP Industrial/Business Park Special Use Zoning District, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ54, is hereby approved.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

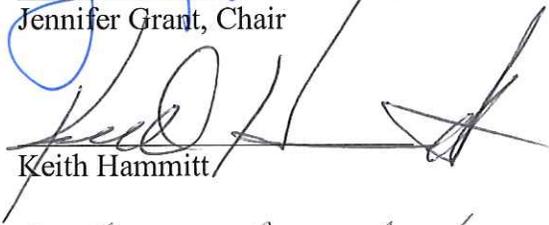
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE TEXT OF THE TOWN OF LISBON ZONING CODE TO REPEAL AND RECREATE SECTION 28, RELATING TO THE B-P INDUSTRIAL/BUSINESS PARK SPECIAL USE ZONING DISTRICT (RZ54)

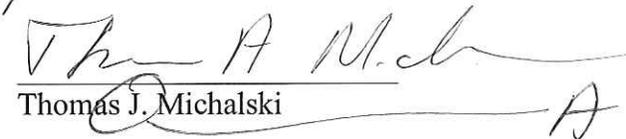
Presented by:
Land Use, Parks, and Environment Committee



Jennifer Grant, Chair



Keith Hammitt



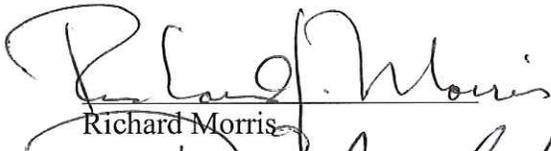
Thomas J. Michalski



William A. Mitchell



Chris Mommaerts



Richard Morris



Thomas J. Schellinger

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 8/31/2020, 
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date: 8/31/2020, 
Paul Farrow, County Executive

COMMISSION ACTION

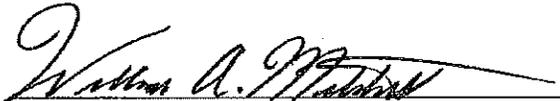
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the text of the Town of Lisbon Zoning Code hereby recommends **approval** of **RZ54 (Text Amendment/Town Lisbon Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

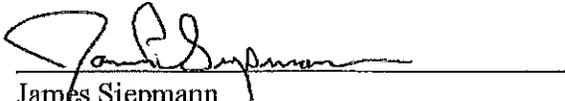
February 20, 2020



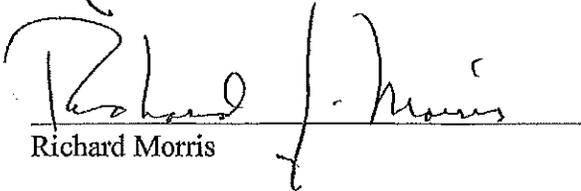
Robert Peregrine, Chairperson



William Mitchell, Vice Chairperson



James Siepmann



Richard Morris



Thomas Michalski



Robert Hamilton

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

DATE: February 20, 2020

FILE NO.: RZ54

APPLICANT: Town of Lisbon Board of Supervisors
W234 N8676 Woodside Road
Lisbon, WI 53089

REQUEST:
Repeal and recreate Section 28, B-P Industrial/Business Park Special Use Zoning District, of the Town of Lisbon Zoning Ordinance.

PUBLIC HEARING DATE: November 14, 2019

PUBLIC COMMENT: None

TOWN PLAN COMMISSION ACTION:

On November 14, 2019, the Town of Lisbon Plan Commission unanimously recommended approval of the text amendment, Ordinance 20-19, amending Section 28 of the Town of Lisbon's Zoning Ordinance regarding the B-P District to the Town Board.

TOWN BOARD ACTION:

On November 25, 2019, the Lisbon Town Board of Supervisors unanimously approved Ordinance No. 20-19 (attached) and recommended the same to Waukesha County.

STAFF ANALYSIS:

There are two special use zoning districts outlined in the Town of Lisbon's Zoning Ordinance (the B-P and B-4 Districts) that implement the Town of Lisbon's Comprehensive Development Plan where the uses allowed must incorporate design standards and require review by the Town of Lisbon and Village of Sussex Joint Planning Committee (JPC).

The Town is proposing to repeal and recreate these two special use zoning districts. The subject text amendment concerns the B-P Industrial/Business Park Special Use Zoning District. The B-4 Commercial Special Use Zoning District will be forthcoming at a later date. Specifically in the B-P District, the amendments will update the purpose and intent language, remove references to cell towers as the town has provided a separate section for cell towers, delete the prohibited uses list, and reinstitute the design standards. The revised text also maintains references to the binding Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and the Village of Sussex dated January 22, 2001. These amendments will aid in the administration of the zoning ordinance for development purposes.

In 2019, Waukesha County Planning and Zoning Division staff had conversations with the Town of Lisbon regarding the development of the former Lied's Nursery parcel, which contains 71.5 acres and is located at the southwest corner of CTH F and CTH V in the Town of Lisbon. The Town currently owns the property and created a Tax Incremental Finance district to help finance development in the area. The language that references the Lied's parcel in the existing B-P District

has been removed in the proposed B-P District and instead that portion of that parcel is proposed to be rezoned to the M-2 District (refer to RZ45).

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. Review of the revised Section 28 (B-P District) does not reveal any substantive changes to the zoning district but will provide a zoning district that is up to date and easier to administer for development purposes while maintaining permitted and conditional uses, design standards, and review by the JPC. Therefore, the proposed text amendment complies with the Town's Comprehensive Development Plan and all other aspects of the Town of Lisbon's Zoning Ordinance.

Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Senior Planner

Attachment: Town Ordinance 20-19

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RECEIVED

By Department of Parks & Land Use at 10:45 am, Feb 11, 2020

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

Ord. 20-19

**AN ORDINANCE REPEALING AND RECREATING SECTION 28 OF THE
ZONING CODE OF THE TOWN OF LISBON**

SECTION 1: Section 28 of the Town of Lisbon Zoning Code is hereby repealed and recreated to read as follows:

SECTION 28: B-P INDUSTRIAL/BUSINESS PARK SPECIAL USE ZONING DISTRICT

(a) Purpose and Intent

This zoning district is intended to provide for the orderly and attractive grouping of diverse office, retail, and customer service uses, and industrial uses of limited intensity where the appearance of such mixed uses is enhanced by pleasing building architecture and generously landscaped sites in accordance with the adopted Design Standards (Addendum E of the Town of Lisbon Zoning Ordinance) and is appropriately designated for said zoning in compliance with the Town's Comprehensive Development Plan as a Special Use District, and said zoning shall be reviewed in accordance with the Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and the Village of Sussex dated January 22, 2001, and received, considered and commented on by the Town of Lisbon and Village of Sussex Joint Planning Committee.

(b) Permitted Uses

The following uses may occur on individual sites or as part of a larger planned development subject to the approval of a site plan and plan of operation:

(1) The manufacture, fabrication, assembly, and/or processing of the following products; parts, supplies, or sub-assemblies of the same:

- Apparel and findings and related products
- Automatic temperature controls
- Automotive upholstery
- Baked goods and bakery products
- Beverages, non-alcoholic, including bottling
- Blank books, loose-leaf binders, and devices

- Boot and shoe cut stock and bindings
- Brooms and brushes
- Canvas products
- Cheese
- Cleaning, dressing and dyeing
- Commercial bakeries
- Computer hardware and software
- Confections
- Cosmetic and toiletries
- Costume Jewelry, novelties, buttons, and miscellaneous notions
- Curtains and draperies
- Dental equipment
- Electrical appliances and electronic devices
- Electrotyping and stereotyping
- Engineering, laboratory, scientific and research instruments/equipment
- Fabrics, broad and narrow woven
- Felt goods
- Flavor extracts and flavor syrups
- Floor coverings limited to rugs and carpeting
- Food locker plants, excluding slaughtering
- Footwear
- Fur products, packaging/assembly, excluding slaughtering or dressing
- Glass and glass products
- Graphics and/or graphic design
- Handbags and other personal leather goods
- Hats, caps and millinery
- Ice
- Ice cream and frozen desserts
- Jewelry
- Knit goods, yarns and threads
- Lace goods
- Lamp shades
- Leather, but not including tanning
- Luggage
- Manifold business forms
- Mechanical measuring and controlling instruments
- Men, Woman, and Youth furnishings, work clothes and garments
- Morticians goods
- Musical Instruments
- Office furniture
- Ophthalmic goods
- Optical instruments and lenses paper products
- Orthopedic, prosthetic, and surgical appliances
- Paper coating and glazing, and paper products/envelopes greeting cards

- Partitions, shelving, lockers, and office and store fixtures
- Pens, pencils, and other office and artist materials
- Pharmaceuticals
- Photoengraving instruments
- Photographic equipment
- Pizza
- Pleating, decorative, and novelty stitching and tucking for the trade
- Raincoats and other waterproof outer garments
- Robes and dressing gowns
- Signs and advertising displays
- Silverware and plated ware
- Surgical and medical instruments
- Textiles, dyeing and finishing
- Toys, amusement, sporting and athletic goods
- Umbrellas, parasols, and canes
- Venetian blinds and shades
- Wallpaper
- Watches, clocks, clockwork operated devices.

(2) Business and service facilities including:

- Accounting, auditing, and bookkeeping services
- Administrative and public service offices
- Advertising services
- Bakeries
- Banks and financial institutions, excluding drive-through facilities
- Barber shops and beauty shops
- Book stores, newspaper and magazine stores
- Cabinet makers
- Camera and photographs supply stores
- Computer software development
- Confectioneries
- Grocery stores/Drug stores
- Corporate headquarters
- Delicatessens
- Dental and medical clinics
- Duplicating and mailing services
- Data processing centers
- Electrician
- Employment services
- Hotels and motels
- Interior decorators
- Janitorial supplies
- Machine shops

- Office supplies and business machine stores
- Parking lots and structures
- Plumbing and heating services
- Professional offices of an architect, engineer, lawyer, accountant, doctor, dentist, realtor, optometrist, clergy, or other similarly recognized profession.
- Public relations offices
- Publishing, printing, and binding of books, newspapers, periodicals
- Radio and television studios, not including transmitting towers
- Real estate and insurance sales offices
- Research and development facilities
- Restaurants, including drive-in restaurants, but excluding drive-throughs
- Security brokers, dealers, and associated investment services
- Sheet metal services
- Studios for photography, painting, music, sculpture, art, or dance
- Travel agencies
- Limited warehousing and storage facilities for distributors provided that such warehousing and storage does not exceed 50,000 square feet or have more than 5 overhead doors.

(3) Other uses not specifically mentioned above may be permitted uses if, following a review and recommendation by the Town of Lisbon Plan Commission, the Town of Lisbon Board finds:

- a. The use is consistent with the intent and types of uses depicted above, and
- b. The use is not listed as a conditional use, and
- c. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.
- d. The Town of Lisbon and Village of Sussex Joint Planning Committee has received, considered and commented on the use.

(c) Permitted Accessory Uses

- (1) Garages for storage of vehicles used in conjunction with the permitted uses.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, distribution, warehousing, and other uses normally auxiliary to permitted business park uses.
- (4) Indoor storage and sale of machinery and equipment associated with the permitted business park uses.

- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- (7) Bus/taxi shelters or waiting areas.
- (8) Refuse areas.
- (9) Signage in accordance Town Sign Ordinance Chapter 13 of the Municipal Code (Addendum A).

(d) Conditional Uses

- (1) Business Uses The following commercial uses shall be conditional uses and may be permitted as specified:
 - a. Drive-Through Facilities such as drive-through banks, restaurants. For drive through restaurants refer to the conditional use for Restaurants, Supper Clubs, Lake Resorts (open to the general public), Taverns, Dance Halls, Pool Halls, Bowling Alleys, and Similar Uses. For all other drive through facilities refer to the conditional use for drive through facilities.
 - b. Radio and Television transmitting towers, receiving towers, relay and microwave towers, and broadcast studios. Broadcast studios and offices without towers may be permitted in this zoning district.
 - c. Commercial Day Care Centers (refer to Public and Semi Public Buildings and Uses) provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site.
 - d. Truck terminals of any size, warehousing, distribution centers, storage facilities for distributors, and mail-order centers over 50,000 square feet or with more than 5 overhead doors.

- e. Gasoline Service Stations with or without Convenience Stores – including car washes and oil change facilities provided that the use shall not cause-or shall include traffic control measures to ameliorate--traffic congestion; that lighting and glare shall not extend into adjacent residential neighborhoods; and that service islands shall comply with the minimum setback requirements of the zoning district. Canopies over a gasoline service island may extend into front, side or rear yard areas, but shall not encroach more than six (6) feet into any required yard and in no case, may a canopy extend into a street R.O.W.
- f. Outside Storage for commercial uses. All outside storage areas shall be at least 600 feet from residential, park, and public and institutional zoning districts located in the Town of Lisbon and the Village of Sussex. The Town Board may waive or reduce the 600-foot separation requirement. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Town Plan Commission review and approval. Screening may be a permanent opaque wall matching the building materials, fencing or landscaping as deemed appropriate by the Town Plan Commission. The height of the screening shall be sufficient to screen the product(s) in the outside storage area.

(2) Industrial Uses The following Industrial Uses shall be conditional uses and may be permitted as specified:

- a. Animal Clinics or Hospitals, excluding commercial kennels, provided all principal structures and uses are not less than 100 feet from any residential use.
- b. Outside Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar, and yeast or other industrial outside storage. All outside storage areas shall be at least 600 feet from residential, park, and public and institutional zoning districts located in the Town of Lisbon and the Village of Sussex. The Town Board may waive or reduce the 600-foot separation requirement. In all cases, outside storage should be screened from all sides. All screening plans are subject to Town Plan Commission review and approval. Screening should be a permanent, predominantly evergreen, planting screen, the individual trees to be of such a number and so arranged that they will have formed a dense screen within ten years or by a fence or masonry wall or a combination of the above. Individual trees shall be capable of reaching a height of ten feet within two years.

- c. Factory Outlets and retail sales of products made onsite in the principal industrial operation.
- d. Construction Services (refer to Contractor's Yard) not listed as permitted uses above.
- e. General Sales of Industrial Products, not listed as permitted uses above.

(3) Other uses not specifically mentioned above may be conditional uses if the Town Board finds:

- a. The use is consistent with the intent and types of uses depicted for the zoning district, and
- b. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.
- c. The Town of Lisbon and Village of Sussex Joint Planning Committee has received, considered and commented on the use.

This section is added to allow flexibility for the Town Plan Commission and Town Board, to consider multiple uses that cannot all be enumerated above in light of the difficulty and time constraints of adjusting zoning in a Town government.

(e) Lot Area and Width

- (1) Lots shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width.
- (2) To achieve a campus-like appearance, lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

(f) Building Height

- (1) No building or parts of a building shall exceed 60 feet in height.

(g) Setback and Yards

- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be a side yard of 25 feet on each side of all structures not exceeding 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet up to a maximum height of 60 feet.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 75 feet from the Conservancy or Conservancy Wetland and Floodplain zoning district boundaries, or less than 2 feet above the Regional Flood Elevation.
- (5) Service Islands for gasoline service structures shall be considered principal structures and shall comply with building setback requirements. Canopies over a gasoline service island may extend into a front, side, or rear yard, but shall not encroach more than six (6) feet into any required yard and in no case, may a canopy extend into a street right-of-way.
- (6) Parking Setbacks shall be as follows for this zoning district: Arterial Roadway 30 feet from the right of way, other street yard 25 feet from the right of way. Parking Side and Rear Yard shall be a minimum of 5 feet from the property line. The actual setbacks, side yards, and rear yards for a particular site may need to be increased to address landscaping and buffering requirements for the site as determined by the Town Board.

(h) Design Standards:

The following guidelines are specific standards that apply to this zoning district. In addition, development in this zoning district must follow the adopted Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts (Addendum E) and other general guidelines within Chapter 11 of the Lisbon Municipal Code which is the Town's Zoning Ordinance (hereinafter referred to as Chapter 11) related to design issues. Where a conflict exists, this section and the adopted Design Standards (Addendum E) shall apply.

(1) Parking and Storage

- a. Surfacing. All off-street loading, driveways, parking areas shall be surfaced with an asphaltic or Portland cement pavement in accordance with Chapter 11 and the Town of Lisbon standards and specifications so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties. Surfacing of loading areas shall be completed before occupancy is granted. Storage areas shall be surfaced with an asphaltic or Portland cement or reground asphaltic surface. If the storage areas are a reground asphalt product, the design shall require approval of the Town Engineer before installation to ensure compliance with maintenance and dust free standards.
- b. Landscaping. All public off-street parking areas which serve twenty (20) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Zoning Ordinance shall be provided with accessory landscape areas totaling not less than seven and one-half (7 1/2) percent. The minimum size of each landscape area shall not be less than 150 square feet and landscaped areas shall be distributed evenly throughout the parking area. Location of landscape areas, plant materials, and protection afforded the plantings shall be reviewed by the Town Plan Commission. All Plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. Those parking areas for twenty (20) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six (6) feet.
- c. Openings for driveways shall provide adequate access to a public street. No driveway for any other use shall be less than 24 feet in width at the street right-of-way line nor shall it exceed 32 feet at the street right-of-way line.

d. Storage. Parking spaces required to meet the minimum parking requirements of Chapter 11 shall not be used for the long term storage of motor vehicles, recreational vehicles, boats, commercial or industrial inventory, or equipment. Parking spaces shall not be used or leased to persons not using the principal use. Parking spaces are considered accessory to the principal use, unless prior approval for such shared or secondary use has been granted by the Town Plan Commission.

(2) Lighting shall be installed and maintained in accordance with the standards set forth herein:

a. Type. Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement shall be required so as to facilitate compliance with this section.

b. Orientation. Exterior lighting fixtures shall be orientated so that the lighting element (or a transparent shield) does not throw rays onto neighboring properties. No lighting sources shall be visible from outside its premises. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. No horizontal throw via outward projecting lenses or optics shall be permitted contributing as a point glare source. The intensity of illumination, measured at the property line, shall not exceed 0.2 foot-candles.

c. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset and where it is reasonable to expect pedestrian use shall provide artificial illumination in such areas at a minimum intensity to meet the standards set forth in the American National Standard Practice for Roadway Lighting and those standards set forth in the Illuminating Engineering Society of North America's Lighting for Parking Facilities.

d. Flashing, flickering, or other distracting lighting which may distract motorists is prohibited. Lighting which creates or becomes a public nuisance is not permitted.

(3) General Landscaping and Buffering other than outlined in Section (h)(1)b shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.

Where incidences of residential uses and uses allowed in this district are located adjacent to one another, the proposed use shall provide a buffer from the existing use by means of landscaping and berms in accordance with the adopted Design Standards (Addendum E) and/or similar standards if located in the Village of Sussex. Where the two uses are proposed simultaneously, a joint landscaping plan shall be developed by and between the two uses that satisfies the intent of the adopted Design Standards (Addendum E) and/or similar standards if located in the Village of Sussex and so that there is minimal overlap in the buffering provided.

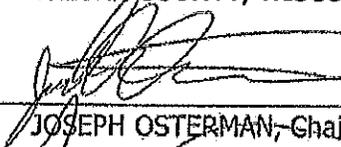
- (4) Building and Structures and Materials shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (5) Other Site Planning and Design Issues shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (6) Signage shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (7) Pedestrian Orientation shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (8) Environmental Protection shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (9) Erosion Control Developments must follow the Town Erosion Control Ordinance, Land Disturbance Ordinance, the Waukesha County Storm Water Management Regulations, Wisconsin Department of Natural Resources NR-216, NR-151 and applicable Chapter 30 regulations.

SECTION 2: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This Ordinance shall take effect upon passage and posting as provided by law.

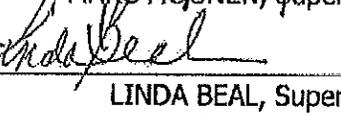
AMENDED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 10th day of February, 2020.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

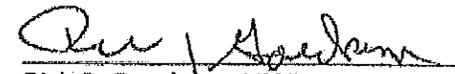
BY: 
TEDIA GAMINO, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: 
Rick J. Goeckler, MMC
Interim Town Clerk

