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APPROVED

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

July 11, 2011

PRESENT: Nate Carmen, Chairman
Gary Daniels, Vice Chairman
Tim Finan, Member
Katherine Bauer, Member
Mike Putnam, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING

INSTRUCTIONS: The meeting was called to order by Chairman Carmen at 5:30 p.m. who introduced Board members and led the audience in the Pledge of Allegiance. Chairman Carmen noted that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

2. APPOINTMENTS:

5:30 p.m. – Community Facilities Committee (CFC). Merv Newton, CFC Chairman, indicated that it is great that some members of the BOS came to the Community Facilities Committee meeting and the members are excited to participate in this effort from start to finish. This will help with the hard sell to the voting public for an Ambulance Facility in these economic times. The CFC is looking forward to having a successful Warrant Article. The CFC is looking to have Phases in this effort. Phase I has an August 1, 2011 target date. Phase II has a September 12, 2011 target for design and cost data; this is a tight deadline but is a good goal. Phase III is the marketing of the proposal and the public outreach. Phase IV is the information meeting for the public prior to the town meeting process. There was a presentation for the police station when that was being proposed. A lot of public information was available for that and the CFC should be able to answer questions, etc., and answer questions from the public prior to voting day. Mark Fougere and Leighton White also feel it is a good first draft of the Phases.

Chairman Carmen and Selectman Bauer went to the CFC meeting after the last BOS meeting to find out what is going on. Chairman Carmen noted there is a concern that when the ambulance and fire building was put together, a report was given to the BOS and the BOS looked at the information and picked a design. This time, the BOS feels that more discussion needs to be had prior to voting day. The phasing is to have certain information available at certain times. Selectman Bauer agrees that to have the CFC on board is great, but there should be more working together with the CFC and BOS. Selectman Bauer indicated the timeline for Phase I being due August 1, seems difficult, can that actually happen? Mr. Newton responded that the design tool works well and some sites have already been evaluated. There are not a lot of sites to consider, it is narrowed down to several sites and it should go quick. Selectman Bauer asked about existing buildings, using the building that is on the site is the way people want to go, Vice Chairman Daniels asked about Phases III and IV, noting that the town also has PEG access and live streaming as ways of sharing information and marketing – that should be added to those phases. Selectman Finan agrees with the way this is laid out; part of the problem was the way we went about it. There were people on different committees and they did not all have the same opinions. The message that everyone is together is a big detail. Mr. Newton said that is why the Budget Committee hearings are in the Phase III portion. The Police Station committee met every week and that worked.

Selectman Bauer asked Bill Parker for his feelings on the timeframe for the town to have the buildings inspected. Bill Parker responded that Bill McKinney is out on vacation for another two weeks, so it will be difficult for him to get out to the other sites until he is back. The CFC should decide if it is worth looking at those buildings. Selectman Bauer would like to see the staff recommendation of whether the building could be renovated on site. Bill Parker also feels that there are experts on the committee that could also look at the buildings. Guy Scaife thanked the CFC for bringing this together, noting there is leeway in some of the dates. August 8 there is a Board meeting, if it gets done during the summer, it will be brought forward by the CFC. The Phase II data could be a real challenge. It could move to later in the month. Guy Scaife feels it is a great plan.

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1 Selectman Putnam moved to adopt the phased CFC plan for the charge. Vice Chairman Daniels seconded. All were
2 in favor. Motion passed 5/0. It was noted the dates in the charge are flexible and are not in concrete. Selectman
3 Putnam offered his assistance in looking at any of the existing buildings to determine the condition. Merv Newton
4 thanked Selectman Putnam for that offer.
5

6 **6:00 p.m. – New Commerce and Community Overlay District Introduction.** Sarah Marchant, Town Planner,
7 provided information regarding the new overlay district called Commerce and Community District. Ms. Marchant
8 further explained that an overlay district is on top of the other district that gives extra requirements or could be loos-
9 ening of requirements of a particular district. This give a little more structure to the district. Janet Langell, Plan-
10 ning Board Chairman, added that the core area of this district is the Brox property – the west end of town. There is a
11 Purchase and Sales agreement with Eecotech Partners which is what prompted this district to be established. Se-
12 lectman Bauer indicated that an overlay district takes precedence over the underlying zone. This district will expand
13 the abilities of its use. Selectman Finan asked if this will require zoning changes to be approved by the voters. Ms.
14 Marchant responded that this will be voted on in March 2012. Ms. Langell said the overlay district is part of the
15 zoning ordinance, the contract that was signed by the town and by Eecotech includes adding an overlay district. Ms.
16 Marchant said the next step begins with the public outreach through July 2011. Property owners will be a part of
17 drafting the ordinance by the end of August. Selectman Bauer asked what exactly is an overlay district? Ms. Mar-
18 chant explained using the map that all of the affected properties are notified of any changes to be proposed. The
19 Planning Board is looking at this district with a 20-30 year timeline. Some areas north of the bypass are also in-
20 cluded in case the town can get another access point to Route 101.
21

22 Vice Chairman Daniels asked about the impact that this district might have on the properties that abut it. Ms. Mar-
23 chant explained that traffic and/or abutters properties might have an impact, they would be taken care of at the level
24 of the development but cannot be predetermined. Vice Chairman Daniels asked whether property evaluations would
25 be affected. Ms. Marchant said she has not seen any affect to assessments on similar districts in other towns. Se-
26 lectman Bauer indicated if these uses are possible to come to this area, as a resident, she would feel threatened by
27 the uses that this property could house. Ms. Marchant responded that those uses in the agreement might not even be
28 used, the details and how it is laid out and all that has not been designed yet, once we get a good draft done, we can
29 have a discussion with abutters but at this point, it is too early. The Planning Board is very conscientious about ab-
30 utters and taking that into consideration. Selectman Bauer asked if the uses will be more identified by the March
31 vote. Ms. Langell said we may not be able to identify exactly what is where, it might not be at that level with the
32 overlay district. Ms. Marchant agreed, stating that the parameters will be identified to protect abutters.
33

34 Chairman Carmen said the middle of the Eecotech land could end up being the off-ramp for 101 which would take
35 the burden off Whitten Road. It may have an impact on the value of the homes; if you get there faster, it could bring
36 home values up. Ms. Langell said the ability to get better transportation access to Heron Pond School and Elm
37 Street is of value without using Whitten Road as much. This is long term, it may be that the major artery road com-
38 ing off the by-pass might run toward Osgood Road. This is to create a more walkable community. Soon, Milford
39 will grow, the census shows that, allowing the town to grow without pushing everyone out to the edges is a good
40 idea. Households are getting smaller and houses have been getting smaller. Selectman Bauer asked if this depends
41 on getting access off 101. Ms. Marchant responded that the overlay district is a good tool for the community. With
42 the Eecotech P&S, the cost of their plans is contingent on access from 101. The overlay district is in the best inter-
43 est of the town. Ms. Langell indicated the town is being pro-active instead of waiting for people to come to Milford.
44 Also, Ms. Marchant said the Planning Board wants to expedite the Planning process, if we can get through that
45 process quicker than another town, the developer might be more willing to come to Milford rather than somewhere
46 else. Ms. Langell quickly explained that an expedited process will not mean cutting corners, but allowing develop-
47 ers to know what is expected up front to get through the process so that when coming to the Conditional Use Permit,
48 a lot of the work is already done. In recent years, the process has been much smoother and faster. Selectman Bauer
49 asked if something would be given up to do that. How can we process things faster than we already do? Ms. Mar-
50 chant said the idea is to lay out what the town wants, then it is reasonable to go through the process. By being up
51 front with developers and laying the framework out, the developer can follow that. Right now is a good time to
52 work on this type of effort, with applications being down – setting up a checklist will make things easier and
53 smoother. The specifics that will need to be done for a development will be identified before March. Ms. Langell
54 added that there is more detail to come but just give the Planning Board a chance to get it to the Board of Selectman.
55

56 Vice Chairman Daniels noted that this will depend largely on a Route 101 access, we do not know how long that
57 will take. If someone comes in and wants to do other things, a developer could still go on without an access. We
58 need to make sure we educate people about this district. Ms. Marchant agreed. Chairman Carmen asked if there is

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software that can visually layout a district such as this once it is built up. Ms. Marchant said there is such software, however the town does not have it. Chairman Carmen thanked Ms. Marchant and Ms. Langell for the information.

3. PUBLIC COMMENTS (regarding items that are not on the agenda). There were no public comments.

4. DECISIONS

a) CONSENT CALENDAR. Chairman Carmen asked if there were any items to be removed from the Consent Calendar. Selectman Finan removed item 4a1 for discussion.

(1) Request for Acceptance of Unanticipated Funds Under \$5,000. The request for acceptance of unanticipated funds under \$5,000 was to accept the following:

Source	Amount	Purpose
BAE Systems Employee Community Fund, Inc.	\$ 186.14	General donation to the Milford Fire Department. The FD wishes to designate The donation to the Fire Rescue Donations Special Purpose Fund. This Check replaces the acceptance of \$210.73 from BAE on April 11, 2011
Milford Recreation Commission	\$ 115.00	Donation from the horse carriage ride Fundraiser at the July 4 th Family Fun Day. The donation is to be used for the Kaley Park Ph II Special Purpose Fund.

Selectman Finan asked about the details of the BAE replacement check. Guy Scaife was unsure of those details but will find out. Selectman Finan moved to accept the Consent Calendar. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

b) OTHER DECISIONS. There were no other decisions.

5. TOWN ADMINISTRATOR REPORT:

a) Fletcher Superfund Site Update. Guy Scaife explained that the Fletcher superfund site updates have been few and far between. There were meetings, but then there were no updates for a while. They did commit to do more updates on this effort on a quarterly basis. There has been no change on the Savage Well site since the last update. It is progressing but it is a multi-decade process, and there has been no real change. The EPA and DES met with Eecotech people to start talking about restrictions to the old police station site and the OK Tool site. Last year, Milford was pushing for a cap and parking lot on the Fletcher Site. GE came back that it was not fair to ask for both, they agreed to do one or the other. The EPA directed that the protection of the site was primary and the cap provides the best protection. The cap has been laid out for many years. A change was put through to expand the mouth of Keyes Drive at the entrance to Elm Street which will allow better traffic flow. The town can add walkways or sidewalks at our expense. Guy Scaife said the cap is the design with some added parking, there are poles on Keyes Drive and Elm Street that could include lighting at some point. The utilities corridor is not part of the design.

Vice Chairman Daniels asked if there will be parking on the current slope. Guy Scaife responded that the parking area is pretty flat, it is not on the hill. Selectman Finan asked if we can put flower beds. Guy Scaife said that is okay, but we cannot plant trees. Selectman Finan asked how do we decide what can be planted? Guy Scaife indicated the spec identifies that, the town can add fill to it as well, we just have to be careful not to create a drainage problem. Vice Chairman Daniels asked about monumentation on the site? Guy Scaife indicated the space on the right site could be expanded for that. The current fenced area will also be made into parking. We need to look at the area at the end of Keyes Drive for a turn around, it might be inexpensive to create and expand some parking there. The EPA anticipates the construction for the Fletcher Site to start in the spring of next year. Guy Scaife just got that confirmation and the key is the approval of this plan. We must plan on next year being the year Fletcher is started and Keyes Drive being down sometime during 2012 - internally we will be planning on that.

b) Miscellaneous. Paving and Retirement System. Guy Scaife explained there is minor disruption being caused by the paving plan, he is hoping that tonight (Monday, July 11) the crosswalks will be temporarily painted which will last a couple of weeks. The manholes will also be raised in the oval area down to Johnson Street. That

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1 will all take a couple of weeks. Selectman Finan thought the roads were actually pretty good now that they are
2 ground down. Selectman Bauer is glad to hear there will be temporary pedestrian crosswalks for safety. Selectman
3 Putnam asked about the yellow plastic markers and if they could be used in the oval area, since people unfamiliar
4 with the oval, coming into the oval on Route 13, are unsure where to go. Guy Scaife noted that and said something
5 will be done with that by tomorrow for safety.

6 Guy Scaife explained the Retirement System has some legal issues and it will take about three months to re-
7 calculate the figures. Funding support for Group 2 will have 2012 as the transitional year. How that will be allo-
8 cated needs to be figured out, Guy Scaife will keep the Board up to date as best he can.

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10 **6. DISCUSSIONS.**

- 11
12 a) **2011 Town Administrator and Board of Selectman Goals.** Chairman Carmen said this Board has been
13 remiss in coming up with a list of goals for 2011. It was started, but it was never narrowed down to specif-
14 ic goals. It is this Board's job to decide and prioritize the goals for the Town Administrator and then the
15 Board of Selectman. Vice Chairman Daniels asked if the draft list of goals were in any particular order of
16 prioritization. Guy Scaife is working on all of his items on an ongoing basis. Selectman Bauer does not
17 see a need to prioritize the Town Administrator's goals, since he is actively working on them all. Select-
18 man Bauer wants to see Board goals. Chairman Carmen suggested seeing the Town Administrator goals is
19 a start on the Board of Selectman goals. Vice Chairman Daniels stated if the Town Administrator has goals
20 that the Board of Selectman does not feel he should focus on, we should let him know. Selectman Putnam
21 stated the Recycling Committee is coming back so the Town Administrator will be able to focus his atten-
22 tion elsewhere.

23
24 Vice Chairman Daniels understands that the Town Administrator has to watch over all of these items but
25 the ambulance facility should be a top priority. If we can somehow reduce the budget for some of that, it
26 makes sense. If we make efforts to save money, it is a critical item and the Town Administrator may need
27 to be more specific with the budget. Selectman Bauer feels the goals are pretty self evident for the Town
28 Administrator. Vice Chairman Daniels suggested the top priorities of the Town Administrator should in-
29 clude: ambulance facility, economic development and budget. Selectman Putnam indicated the Fund Bal-
30 ance will not be tapped this year, it is where it should be and the town did not need to take out any Tax Ad-
31 vance Notes as was anticipated. Chairman Carmen asked if the Board could have interim reports so it will
32 know what is going on. Guy Scaife indicated any items on his list of goals that the Board does not feel he
33 should work on or should put more emphasis on he would like feedback on. All of the items are important
34 and are worked on concurrently. Budget decision early in the year are real; we have identified \$150,000 in
35 savings already to make up for the default budget; another \$130,000 in savings have been identified. We
36 know roughly what the State is cutting back. It is easy to throw out "let's just cut" but the impact is the
37 services to the taxpayers. Welfare is up 16% from last year, DHHS got the biggest cut, about 7%, which
38 flows down to the town and that is an obligation we cannot ignore. Increases in rates for electricity, fuel,
39 postage, etc. have all gone up. New positions have not been added, so we know we have additional costs
40 coming this way, but what services do we think the taxpayers want the Board to lessen? Selectman Putnam
41 said that does not need to be discussed tonight. The Recycling thing was the focus and a lot of time has
42 been put into Recycling and the committee can now focus on recycling so Guy Scaife can focus on other
43 primary things. MACC Base is due for renewal in 2012 and needs to be looked at for example. Chairman
44 Carmen does not think this is anything negative, just thinks it is good to go through and identify the high
45 focus items. The money that has been set aside for Osgood Pond dredging, for example, the town needs to
46 decide if that is going to be done.

47
48 Selectman Finan said there are some items that may not be the most important items but still need to be ad-
49 dressed, such as a Communications Plan, Policies and Codes on line, and the room reservations policy. All
50 these things have been on the goals for years but are not done because they are not a high priority. Risk
51 Management is another one and internal controls, which both still need to be done. Social Media, and how
52 the town addresses that, emergency contacts, changing weather patterns and how to deal with an emergency
53 all need to be addressed, but are a lower priority. Chairman Carmen suggested when the Board identifies a
54 need, this Board must convey that to the Town Administrator. Guy Scaife indicated that the June numbers
55 are in and the best estimate for the shortfall from the State is being processed. Selectman Finan offered to
56 take on the communications plan and identify some specifics. Selectman Bauer would like to see these
57 items on the agenda each meeting.

1 b) **Development of a Charge for the Recycling/Solid Waste Committee.** Chairman Carmen stated the Re-
2 cycling/Solid Waste Committee should look at the Recycling Ordinance to start. Vice Chairman Daniels
3 said they will meet on Monday at 7:00 p.m. for an organizational meeting and to look at where the last Re-
4 cycling Committee ended, just to get acclimated. Chairman Carmen said there is not an existing charge for
5 the Recycling/Solid Waste Committee but the ordinance needs to be updated anyway, they could be look-
6 ing at that. It is pretty easy to come up with a charge for this group, there is also solid waste and the trans-
7 fer station that needs to be looked at. Selectman Putnam suggested just having them start by looking at the
8 ordinance and expand and let the charge write itself as time goes on. Vice Chairman Daniels told the
9 committee he wants them to find more ways to increase recycling in town and increase revenue but balance
10 that with the finances of the taxpayers. The charge needs to be open so that they can look at things and
11 make some decisions. Chairman Carmen added that the Transfer Station needs help, he wants to see some
12 ideas put on the table to discuss. Selectman Bauer asked when the Aries report on different locations for a
13 Transfer Station was done. Vice Chairman Daniels responded that was in 2008. Chairman Carmen sees
14 four basic things for the Recycling Committee charge. Vice Chairman Daniels wants the charge to include
15 how different changes would affect the taxpayers. Selectman Putnam does not want to see any tax impact
16 to the taxpayers. Chairman Carmen wants to pull together a draft charge for the next Board of Selectman
17 meeting July 25. Vice Chairman Daniels agreed that he can draft the charge for that meeting.
18

19 c) **Request to Waive Frequency of Use Condition – Town Hall Auditorium and Banquet Hall.** A request
20 came in to utilize the Banquet Hall and Auditorium for the school year 2011-2012 for the Relaxed Home-
21 schoolers of NH, a non-profit organization, for use two times per month and have the fees waived. This is
22 not in keeping with the Town Policy on the use of the Town Hall Auditorium and Banquet Hall, and as
23 such has come before the Board of Selectman. Selectman Bauer has reservations on this request with two
24 times per month, every month during the school year. Chairman Carmen asked if this would open the door
25 for all kinds of requests such as this. It seems that this type of recurring request does not come in often,
26 however would this set a precedent? Selectman Bauer indicated the Winter Farmer’s Market is open to the
27 public, this use would not be, and it is a public building, with people working in the lower floors. Select-
28 man Finan has reservations, one of which is that this is for 33 kids and a parent, it is a lot of people, with
29 employees working throughout the day. Selectman Finan questioned if all the homeschoolers are Milford
30 residents? This is a semi-permanent request, it is really a school function.
31

32 Selectman Finan asked if they have approached the school for a facility. Are they Milford residents? Se-
33 lectman Putnam moved to deny the request. Selectman Bauer seconded for discussion. Selectman Bauer
34 also asked if this organization has looked into any other facility in town. This is a bunch of kids for school-
35 ing, that is a lot of noise and snacks and people are working in town hall. Vice Chairman Daniels asked
36 how many Milford residents were involved in the play that was approved in 2008 for this type of use. If we
37 are going to continue making waivers, we should look at the policy to see if it should be amended. Select-
38 man Finan suggested if the Board allows this, we need to change the policy. Chairman Carmen agreed.
39 They want the town to commit the auditorium and banquet hall for the school year but when the town needs
40 that space, they are kids, then they don’t have school, Chairman Carmen has a lot of issues with this request
41 and he would prefer that the Board deny it as well. Vice Chairman Daniels asked when they need an an-
42 swer. He feels the Board should table this until the next meeting in order to get some of the questions ans-
43 wered.
44

45 Guy Scaife suggested if this is tabled, that a homeschooler representative be present at the next Board
46 meeting to represent the request. Just maintaining the room, etc. when there are that many people for 9
47 months is a large and costly task. It is a school function, it is not just a meeting of parents. Selectman Put-
48 nam does not think we should do it, the policy should be looked at, but approvals are a case by case basis,
49 the policy will never address every situation. Vice Chairman Daniels stated the Board complicates the situ-
50 ation when it approves an exception to the policy. There might be interest in looking to see if the policy
51 needs to be amended. Selectman Finan said if the Board were going to waive the fee, we should review the
52 policy. In general the policy is good and people can always ask for a waiver, but this request is too much.
53 Selectman Putnam said every decision that has been made is in the best interest of the town.
54

55 Selectman Putnam moved to deny the request for one or two times per month for this organization for this
56 use, this is not the type of event the town wants to be held in the town hall on a recurring basis. If this
57 come back to Dawn Griska, she can forward it to the Board of Selectman again to act on. Guy Scaife said
58 it sounds like the Board of Selectman is in keeping with the policy but that the Board does not feel it is ap-

proprate for this type of activity to be in town Hall. Selectman Finan does not believe this is the type of activity should be held in a Town Hall. Selectman Finan suggested if this organization comes back, the Board should take a look at the policy for interpretation. Three were in favor, one opposed, one abstained. Motion passed 3/1/1 to deny the request.

7. SELECTMEN’S REPORTS / DISCUSSIONS

a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.

1) Wilton Stormwater Runoff Issues at the Isaac Frye Highway and McGettigan & Savage Roads Intersection. Chairman Carmen indicated this project is done, the water seems to be fine. The residents want the sand bags removed, but they will remain until the next big rain storm comes through to be sure it is holding. Chairman Carmen said the road crews are cautiously optimistic. Selectman Bauer suggested we do not know yet for sure that the problem is solved. The sand bags will remain until the next rain storm, and after that event, they may be removed.

b) OTHER ITEMS (that are not on the agenda).

ComCast. The ComCast franchise agreement is up later this year. It will come before the Board of Selectman for signature soon. Mike McInerney and Guy Scaife are working on this and the PEG Committee has been involved, nothing will change, just some recommendations for technology and that will come to the Board – the franchise fee will not change at this time.

Fireworks Ordinance. Vice Chairman Daniels has been asked about the ordinance on fireworks, banning them in town; he asked who prepared that ordinance? Selectman Putnam stated it was started by the Fire Department. Vice Chairman Daniels noted that Milford is the only small community that bans fireworks use. Selectman Putnam believes it was both the police and fire departments that originally brought that ordinance. Guy Scaife noted that the Fireworks ordinance came before the Board of Selectman earlier this year and was approved, to which Darlene Bouffard agreed.

8. APPROVAL OF FINAL MINUTES – June 13, 20, 27, 2011. Selectman Putnam moved to approve the minutes of June 13, 20 and 27, 2011. Vice Chairman Daniels seconded. All were in favor of the motion to approve the minutes as presented. Motion passed 5/0.

9. INFORMATION ITEMS REQUIRING NO DECISIONS.

a) E-911 Update – Street Number Ordinance. The E-911 renumbering project will not require an ordinance, since it will be covered in the existing municipal code adopted in 2010 and will just require an amendment.

b) Utility Pole Exemption. Regarding the utility pole tax exemption, this first year, Guy Scaife is recommending the town should plan on going with DRA’s number. We do not have adequate time to do otherwise and we should just use that for the time being. We will keep an eye on this for the coming years.

10. NON-PUBLIC SESSION. Selectman Finan moved to enter into Non-public session at 7:55 p.m. in accordance with RSA 91:A3(c) Reputation. Vice Chairman Daniels seconded. All were in favor. After discussion, Selectman Finan moved to come out of non-public session at 7:59 p.m. Selectman Putnam seconded. All were in favor. Motion passed 5/0. Chairman Carmen announced that in non-public session, the Board discussed approved a tax payment plan and approved two sets of non-public minutes (June 13 Reputation and Legal). The NPS minutes (two sets) were re-sealed on motion made by Selectman Finan and seconded by Vice Chairman Daniels. All were in favor. Motion passed 5/0.

11. ADJOURNMENT: There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 8:00 p.m. Selectman Finan seconded. All were in favor. Motion passed 5/0.

Nate Carmen, Chairman

Gary L. Daniels, Vice Chairman

Katherine Bauer, Member

Tim Finan, Member

Mike Putnam, Member