

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
August 8, 2022

PRESENT:	Paul Dargie, Member	John Shannon, Town Administrator
	Tim Finan, Member	Tina Philbrick, Executive Assistant
	Gary Daniels, Member	Andy Kouropoulos, Videographer
	Laura Dudziak, Member	
	Dave Freel, Member	

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:
Chairman Dargie called the meeting to order at 5:30 p.m., introduced Board members, and then led the audience in the Pledge of Allegiance. Chairman Dargie announced that the Town Administrator has given his notice and his last day will be September 2, 2022.

2. APPOINTMENTS – (Approximate times)

5:30 p.m. – Fire Alarm Horn – Jennifer Fowler

The Fowler family is requesting the town discontinue the use of the fire alarm horn that is activated when there is an emergency call. They live close to the oval and when activated, their 12 year old autistic son has an extremely negative reaction which results in self harm when the horn goes off.

Chief Flaherty, Milford Fire Chief. This is a horn that has been used traditionally. With technology as it is today, it really is just that tradition. We have not blown it for about 6 weeks and there haven't been any complaints. Operationally it doesn't affect his department. He is leaving the decision up to the Board because the Town owns the whistle. He explained what it was previously used for.

Ray Anderson, Director of MACC Base said the whistle is just a piece of the process. It used to be used for school closing but hasn't been used for a long time. With technology we haven't been using it, and there really is no need to blast that horn for school closing. We haven't used the horn in 4 to 6 weeks and haven't noticed any difference. They get immediate notification to all emergency cell phones.

Chairman Dargie said historically, he's always like the horn. He would be in favor of eliminating the use of the horn because of the Fowlers situation.

Mrs. Fowler said they also like the horn, but the randomness of the horn is difficult. We work with our son on things that he has difficulty dealing with the randomness of the horn, his agitation is getting worse. He's running into walls and biting his arms. Mr. Fowler said they wouldn't ask if they didn't feel it wasn't needed.

Selectman Finan asked if there was an out of the norm use for it. Chief Flaherty said no. Chairman Dargie said it historically it was set off at 11:45 to notify factory workers of lunch. Selectman Freel feels that the 11:45 whistle should stay and get rid of the other fire calls. Mr. Fowler said his son hears it at school and he's been curled up on the floor of the principal's office. We know we are asking for a big thing. Mrs. Fowler said he is hurting himself and when he's at him, she physically puts him in the shower. They live close to the Middle School and he hears the horn during the day. We love the history of it. We wouldn't be asking if we felt it was needed.

Selectman Dudziak asked if there is any safety reason why we should keep it. Chief Flaherty said no. He doesn't have any concerns about not blowing the whistle. Director Anderson said he doesn't have any concerns if we were to stop using the horn. He gets the historical value and pre all of the apps that we now use he would hear it go off. He doesn't pay any attention to it now because he gets immediate notification on his cell phone. It doesn't have any bearing on our ability to get to an emergency.

Claire Brewer, a Milford Resident, asked if the Fowlers child reacts to other things like Fire trucks and Police vehicles. Ms. Fowler said he only has a reaction to the horn. It doesn't make sense to them; he doesn't get bothered by anything else. He told us it sounds like a girl screaming. We don't know how to get him to not respond that way. It's not a common noise to him. He can't connect the pieces. Claire Brewer said she loves the horn and she's noticed that it's been gone the last few weeks.

Selectman Freel said it should be put to a community vote. We should think about it as a whole town. Chief Flaherty said we've already made some concessions to some citizens and have not had any complaints. He is a parent and has some heart. He couldn't imagine going through what they are. If it's just a matter of suspending something and to see if it will help then we can do it.

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Director Anderson said there used to be a siren on each corner of the building and when they broke, the town voted not to replace them. It didn't change any anything. The horn doesn't have any bearing on emergency services.

Selectman Daniels said we also have a Paul Revere bell that was part of tradition of Milford and it's has also been stopped because of deficiencies. He suggests recommending to the historical society to take the history of the horn and add it into their historical tour and it would be a continued part of Milford's history.

Claire Brewer asked if they can put it as a survey to the citizens using survey monkey. Chairman Dargie isn't in favor of that. Selectman Finan understands about tradition and the community also understands about compassion. We have an opportunity to be compassionate at no cost. Maybe we can put it back on in a few years. It's the right thing to do. Traditions evolve constantly, they change. Selectman Dudziak is concerned about this opening up other things for children that react negatively to other things. Selectman Finan said you can't turn off the police and fire sirens, or flashing lights, but this we can do.

Selectman Freel said it should be put to the town. We can suspend it. Put it on the ballot for March and let the time decide. It's Milford. He hears the dilemma and feels for them.

Tina Philbrick, a Milford resident, said is obvious that some of you have never worked with autistic children, she has and it's difficult when they have a sensory issue. She hasn't heard the horn for weeks and she hasn't missed it. Many people living around the Oval complain about the horn. If it isn't needed, then why not stop it. Maybe asked the Fowlers if you can go to their house one day when the horn goes off and see the reaction for yourself. They also have other children that they have to think of.

Doug Rick, a Milford resident, said he has tinnitus and the siren is one of the things that aggravate it more than anything else. You can't protect yourself from it. It's noise pollution. It serves no use.

Amy Shannon, a Milford Resident, feels that the child deserves the respect and compassion of this town. She agrees with what Ms. Philbrick said. It would only be fair to that child.

Selectman Daniels made a motion to approve the request to discontinue the use of the Fire Alarm Horn. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

5:45 p.m. – Request to Appoint Daniel Sadkowski to the Zoning Board of Adjustments as an Alternate Member – Term Expires 2025

Mr. Sadkowski has served on the Amherst Zoning Board as well as other committees and is requesting to serve on Milford's Zoning Board. The Zoning Board is in full support.

Selectman Finan made a motion to approve Daniel Sadkowski to the Zoning Board of Adjustments as an Alternate Member. Seconded by Selectman Daniels. All were in favor. The motion passed 5/0.

5:50 p.m. – Moose plate Grant Application Approval – Conservation Commission Member, Chris Costantino

Andy Hughes, Conservation Chair said the State distributes Moose Plate grants to municipalities to support conservation. The funds can be up to \$30,000. They are hoping to use it for a study on the BROX Community Lands. Chris Costantino, Conservation Member said the end result will be a management plan to help guide the town in making a healthy decision on the use of this property and protect the species out there.

Chairman Dargie said we know there are at least three endangered species out there. He doesn't feel we will get anything out of this study. Ms. Costantino said it could give us more options. NH Fish and Game keeps saying that we can't do anything out there.

Chairman Dargie said there have been some changes about what we can do at the Brox property. Having another study won't help this. Ms. Costantino said she hopes that the end result will help. She's trying to find a way forward.

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Selectman Finan asked if the funds will have any strings attached. Ms. Costantino said no. They are asking for the funds to create a management plan only. It's just a way to utilize best practice. Mr. Hughes said there is value in getting recommendations on what it can be used for.

Chairman Dargie asked if there would be any mandatory outcomes on this. Ms. Costantino said no. Selectman Daniels said he thought we had a plan already. He's concerned that putting something like this in will disrupt what's already been done.

Mr. Palance, a Milford resident, said to do nothing is a non-starter. We have to look at what is possible in the future. This will give us some options.

Selectman Freel asked why we would take money from the state for this. Chairman Dargie said it would be to hire someone to do the study. Selectman Dudziak said she doesn't understand why they wouldn't allow them to apply for a grant. Selectman Finan said it isn't costing the town anything and this is what Conservation is supposed to be doing. It's free money to do a study that lines up to what their charter is.

Chairman Dargie would be in favor of doing it after the AoT permit is resolved. Selectman Dudziak asked if there was a deadline for this. Mr. Hughes said September 9, 2022. He thinks more information is better.

Chairman Daniels said the species there are well known. We know when we can't be there. This won't change what we currently do now. Selectman Finan said it's rational to have a management plan. Selectman Dudziak agreed. Ms. Costantino said the grant money has to be used by 2025. We need outside guidance about what the level of water should be in the pond. Right now there is a conflict on how to manage it. Fish and Game threatened the outcome of the AoT process if we don't

Selectman Finan asked if Ms. Costantino thought that doing this will affect the AoT permit. Ms. Costantino said she didn't think so.

Selectman Dudziak said she doesn't see a reason why we should not do this. Administrator Shannon said it could give us ammunition against NH Fish and Game. He sees it as a benefit. It is not tax payer money, it is money given from the sale of the moose plates.

Lincoln Daley, Community Development Director asked Conservation to define the scope of the study. There is value in having this money available after the AoT permit is issued.

Ms. Costantino the end result would be a management plan that would help us move forward. NH Fish and Game did a field survey of how the animals are using that property and they haven't released it to us. Mr. Daley said it may be time to revisit the master plan to assist the town with the long term development of that property.

Selectman Finan recommends allowing them to apply and then come back to us to review what they want to do with it. Chairman Dargie said to apply they have to have the Board's ok. He will vote in favor in hopes that Conservation will keep the AoT permit process in mind. Selectman Daniels said his concern is that if NH Fish and Game will see this being done and not allow the AoT permit. He doesn't have a problem going after the grant but would like to see it after the AoT permit is accepted.

Ms. Costantino said we can put this off another year; she just has time for it now. Selectman Freel would rather wait.

Selectman Dudziak asked if the entire Commission on board with going forward with the grant. Ms. Costantino said no one said no. She has the same concerns as everyone else about the AoT permit. Our job is to understand the natural resources of our town. This grant meets the criteria that we have. Mr. Hughes said we don't have to rush with this grant, it won't expire until 2025.

Selectman Dudziak made a motion to authorize the Conservation Commission to apply for the Moose plate Grant. Seconded by Selectman Dargie. The motion passed 3/2 with Selectman Daniels and Freel opposed.

6:00 p.m. – Town Planner/Engineer – Community Development Director, Lincoln Daley and Public Works Director, Leo Lessard

Mr. Daley is requesting the town create a Town Engineer position to support the activities, essential functions, mandates, and expanding responsibilities of the Public Works Department and Office of Community Development. This position will benefit the Town by improving operational and technical engineering capacities for all departments and improve services to residents/development community. Further, the Town Engineer will provide cost effective engineering solutions associated with the planning, design, construction, and administration of capital improvement projects and the maintenance of Town infrastructure and environmental programs. Mr. Daley provided a draft job description.

The 2023 budget impact will be net neutral. They would reclassify the Public Works Highway Manager position and use existing departmental budgetary funds utilized for outside engineering consulting services, MS4 compliance, and related projects and revenue streams generated from transitioning from outside engineering consultant to in-house review/inspectional services for land use development projects and permits.

They are hoping to establish the position by October of this year and will need approximately \$35,000 to fund this position for the remaining quarter of this year. An ARPA funding request was submitted to the Board for consideration. The 2023 budgets would be adjusted for the both Departments to include the total annual cost of the Town Engineer position. Mr. Daley and Mr. Lessard explained why this position was needed.

Selectman Finan asked if this would impact the vacant planner position. Mr. Daley said it would remove much of the responsibility and allow that person to do many of the things that were put on the back burner because they didn't have time before. It would allow the Town Planner to work more closely with the Planning Board.

Selectman Daniels said he didn't have any objection to the position. He asked why Mr. Daley couldn't take from his budget to pay for the last quarter. He is concerned about using ARPA money for this. There is money in the budget now from vacant positions and you could use that instead of the ARPA money. Mr. Daley said money left in his budget has already been earmarked for other things. We also paid for an intern over the summer. We are looking for opportunities to fund this position. Having an Engineer start this year would allow us to go forward with a number of projects that are scheduled to start this year. Mr. Daley said it would fall under Public Works.

Administrator Shannon said the ARPA decision is scheduled for the next meeting. For tonight, we just need a decision to make a change from Highway Manager to Town Engineer. We may be able to find the money in the operating budget for maybe two month worth of engineer. The ARPA money can be used for Government Services and the Town Engineer falls under that. It may take 6 to 8 weeks to find someone. It's a specialized field.

Selectman Freel remembers Mr. Lessard saying he wasn't going to hire another highway manager. The MS4 thing came down and he thought it was so they could get another position. A lot has happened in the last 3 months. Mr. Lessard said he wasn't going to fill the highway managers position but he also said he wanted to leave it open for an engineer. There is about \$20,000 left over from the highway position after giving out raises. Finance Director, Paul Calabria will find out how much was used for outside engineering.

There was discussion about Mr. Daley including about \$10,000 in revenue. This usually goes into the general fund. Plans need to be checked. The engineer will be utilized full time. There is enough for a person to do. MS4 requires us to inspect all the culverts as an ongoing project. The person would do it in the summer and other things in the winter.

Selectman Daniels asked what the process would be going forward. Who is going to decide how much will be paid for this engineer and where the money will come from. Administrator Shannon said when they identify where the money will come from in the budget, they would be happy to bring that information to the Board.

Selectman Freel wants to know how much money they will save from out sourcing. Mr. Daley said the overall impact to the budget will be zero. Administrator Shannon said they will get a panel of people to interview the engineer.

Selectman Daniels made a motion to reclassify the Town Planner/Engineer Position with Department Heads returning to the Board to discuss salary and where the money is coming from for the remainder of this year. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.

6:15 p.m. – 1st Public Hearing to Update the Current Stormwater Ordinance, Chapter 5.32 – Community Development Director, Lincoln Daley

Chairman Dargie opened the public hearing.

Mr. Daley provided an overview of why the update is needed. The Town's current stormwater regulations were adopted in 2007 and do not meet the current technical requirements for stormwater retention and treatment and references are outdated. The ordinance would impact/apply to developments that disturb 43,560 square feet or larger, (1 acre). Mr. Daley reviewed highlighted changes to the original document. Engineering analysis and cost would depend on the size of the property and the type of the property. This permit is an unfunded mandate. GIS coordinates and files are required and Community Development can help the land owners with that. The waiver process applied to properties under 1 acre and because of the increase, it's mute. The MS4 permit requires that the minimum threshold that a town or city can actually adopt is up to 1 acre. This draft was done with our consultant, the Community Development Office, the Planning Board and Conservation Commission.

Katherine Kokko, a Milford resident, asked how this ordinance affects agriculture. She read the definition of Best Management Practices on page three of the ordinance as a "structural or non-structural device designed to temporarily store or treat urban stormwater runoff in order to mitigate flooding, reduce pollution and provide other amenities". Ms. Kokko asked who was making that decision, what is the criteria and how are people managing farmland supposed to respond to that. Mr. Daley said that New Hampshire has several best management practices in place. The guide, 7:16 New Hampshire Best Management Practices for erosion control on timber harvesting operations and also Best Management Practices for Agricultural New Hampshire, revised in 2019. Each one has a very detailed explanation of what Best Management Practices are for those two industries.

Ms. Kokko said then someone making changes to their land is expected to come to the town of Milford to seek permission and an exemption under this and have their management practices evaluated. Her example was someone having an acre of brush and wanting to put hay in instead. Assume that they have to even out the land by grading. Mr. Daley said hopefully their consulting engineer would evaluate the initial permit and offer guidance on the impact of that use based on the Best Management Practices provided by the state. Ms. Kokko said she will have follow-up questions at the next meeting. There will need to be different processes in place.

Chairman Dargie closed the public hearing. The next public hearing will be held on August 22, 2022.

3. PUBLIC COMMENTS (regarding items that are not on the agenda)

Chris Labonte, a Milford resident, asked if MIT was still on-going. He referenced a donation that the Board accepted two weeks ago for completion of the Granite Stage Project from the Amato Family Fund/NH Charitable Foundation - \$5,000 to MIT. He sees nothing as far as schedules or minutes on the town's website. Tina Philbrick, Executive Assistant to the Town said if Mr. Labonte had any questions, he could follow up with Kent Chappell as he was part of that organization. The Town doesn't get anything here from that organization.

Mr. Labonte doesn't understand how you give someone money that doesn't exist. Chairman Dargie said its unfinished project and the disbanding is a year old but they are trying to wind down. It's still a legal entity with a treasurer and a check book. They are the ones that did the stage and are finishing up their operations. Selectman Freel said they don't have to have meetings. Chairman Dargie said they should have meetings once a quarter. He has no concerns about accepting the money. Administrator Shannon talked to Mr. Chappell about this.

Katherine Kokko, asked about public meeting last week, she hasn't seen the minutes? Chairman Dargie said he's working on them. Ms. Kokko reminded the Board that they were late. She also asked if all public meetings could be posted on the town's website and facebook page. She asks that the Board ask Administration to make this change to encourage more public awareness.

Selectman Dudziak said the purpose of public comments is for the public to comment. It isn't a question and answer session. If they have questions, the appropriate time to ask them would be during the two weeks prior to the meeting by contacting Town Administration. Ms. Kokko said she asked and the Town Administrator didn't respond. Selectman Dudziak said we shouldn't be answering questions. If you have a question, you should be on the agenda. Ms. Kokko said it's clear that there isn't an interest in obtaining more public participation.

Claire Brewer, a Milford Resident supports what Ms. Kokko is asking. The more people that see this the more involved they will be. The web site isn't user friendly.

4. DECISIONS

a) CONSENT CALENDAR

1. Approval of Intent to Cut, Map 5 Lot 18, Hartshorn Mill Road
2. Acceptance and Appropriation of Gifts of Property under \$5,000 (31:95(e)) – 14 Craftsman 5 gallon latching buckets for the Milford Fire Department from Lowe's - \$167.72

Selectman Daniels made a motion to approve Consent Calendar as presented. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

b. OTHER DECISIONS

N/A

5. TOWN STATUS REPORT –

a. Town Status – Town Administrator

1. **ARPA Funding** - The town staff along with the Water and Sewer Departments and the Wadleigh Library has prepared a list of possible projects on which the remaining American Rescue Plan Act (ARPA) funding may be used. The BOS will make their decisions based on information provided by a project's sponsor and the current list can be found on the town website under the '2023 Budget' tab. The second tranche of funding in the amount of \$859,030.92 was received on August 2nd. It will be noticed and accepted at the August 22nd BOS Meeting.
2. **FY23 Budget Cycle Schedule** - The FY 2023 Budget Cycle Timeline has been developed by Town staff in cooperation with the Budget Advisory Committee. It can be found on the town's website by clicking on the '2023 Budget' tab. Department Heads have received the first draft for review and will meet individually with the TA and Finance Director in the next few weeks. Other information concerning the budget process will be placed in the same location as it becomes available.
3. **Keyes Park Swimming Pool** – The pool will remain open until August 18th at 7:00 pm.

6. DISCUSSIONS

1. Traffic Safety Recommendation for Savage Road and McGettigan Road

The Traffic Safety Advisory Committee (TSAC) held a meeting July 26 pertaining to Savage Road and McGettigan Road. Placing a stop sign westbound in that intersection is not recommended. Options recommended are:

- Post a Cross Road Intersection (W2-1) sign (aka, intersection ahead sign) along the Savage Road westbound approach at the appropriate location between Clark Road and 441 Savage Road.
- Stripe double yellow centerlines along the four legs at and in the vicinity of the intersection within Town of Milford jurisdiction.
- Trim vegetation on the corners of the intersection within the Town of Milford's right-of-way as needed to improve sightlines.
- Post supplemental plaques to support the existing STOP signs indicating that three of the approaches are under stop control
- Increase Milford Police presence at the intersection and along Savage Road east of the intersection.

Selectman Dudziak made a motion to approve the recommendations of the Traffic Safety Recommendation. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

Leo Lessard said the vegetation has already been cut, he extended the yellow lines in both directions and he has a cross sign that he can put up.

2. BOS Committee Appointments: SAU40 Steering Committee and Town Compensation Committee

Chairman Dargie volunteered to be on the SAU40 Steering Committee and Selectman Finan volunteered to be on the Town Compensation Committee. Lincoln Daley, Community Development Director asked if he could sit in on the SAU40 Steering Committee as well.

Chairman Dargie would like to be appointed to the SAU40 Steering Committee. Selectman Finan would like to be appointed to the Compensation Committee.

3. Federal Hill Cost – Captain Frye

Captain Frye presented the Board with costs associated with new and upgraded communications for the new U.S Cellular monopole, located on Federal Hill. Vendors have agreed to hold the prices if we create purchase orders. He asked that the Board approve the prices to avoid additional costs. He also asked the Board to approve of some of the ARPA Funds and the Sole Sourcing of the companies listed below for the completion of the Milford Emergency Services radio communications upgrade located at Federal Hill, Crown Castle and MACC Base. He asked the Board to sole source several companies; we are already using 2-Way and Motorola for the other cell tower.

- The use of the ARPA funds- \$312,469.00
- Sole source 2-Way and Motorola, County Store Engine House, Ciardelli Fuel.
- Approve Wilson Electric as the Electrician for this project; this company was the only company that provided an estimate. Two other companies denied the project.

Infrastructure cost for Federal Hill cell tower site

Cost for 2-Way Communications

- \$186,286.16

Equipment cost from Motorola, for Federal Hill Cell Site, MACC Base, Crown Castle Cell Site

- \$205,885.83

Cost for Generator- Generac from County Stores

- \$2,098.50

Cost for Propane connection- Ciardelli Fuel

- \$1,200.00 plus \$500.00 for fuel- \$1,700.00

Cost for electrical connections

- \$ 10,000.00

Total cost for Federal Hill Project= \$405,970.49

Surplus from MACC Base

- - \$93,501.82

Cost less the surplus to be covered by 2022 ARPA funds- \$312,468.67

The Board decided to wait until the ARPA money is accepted at the August 22nd meeting and they will discuss this at that point.

Chris Labonte, said we sole sourced because it was an emergency. Why is there a need to sole source if this is the second phase. What would be the harm of putting it out to bid. Chairman Dargie said we want the same equipment. Administrator Shannon said he feels it would best to go with what we had. Captain Frye said it would keep everything the same with the same support for both places.

Mike Thornton, a Milford resident, said he heard rumors that the state levy cost for using the Federal Hill tower. Captain Frye said the state hasn't decided what they are going to do.

Ms. Kokko, clarified that the ARPA funds are related to putting equipment on a tower at Federal Hill. Captain Frye said yes. Ms. Kokko asked if we know what we are going to have to pay for using that tower. Captain Frye said they are not sure if we are going to have to pay anything. Ms. Kokko asked if putting equipment on the tower constitute a long term obligation. Captain Frye said not at this time. Administrator Shannon said if there ends up being a long term lease, we will put a warrant article in just like we did this year. Ms. Kokko said the procurement policy has a purpose and objective and there is a reason that it's out there. Her impression is that the Board tends to lean towards sole sourcing because it feels like it's the easiest solution.

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7. PUBLIC COMMENTS. (Regarding items that are not on the agenda) There were no comments at this time.

8. SELECTMEN’S REPORTS/DISCUSSIONS

a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES

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

Selectman Daniels made a motion to place all public hearings on the web site. Seconded by Selectman Free. All were in favor. The motion passed 5/0.

9. APPROVAL OF FINAL MINUTES - Selectman Freel moved to approve the minutes of July 25, 2022 as amended. Seconded by Selectman Daniels. All were in favor. The motion passed 5/0.

10. INFORMATION ITEMS REQUIRING NO DECISIONS.

a. N/A

11. NOTICES. Notices were read.

12. NON-PUBLIC SESSION – Selectman Daniels made a motion to go into non-public under in Accordance with NH (RSA 91-A:3, II(b)) – Personnel. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

Selectman Freel made a motion to exit non-public. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

Selectman Daniels moved and Selectman Finan seconded to seal the non-public minutes under Reputation. The minutes were sealed under reputation because it would affect adversely the reputation of any person other than a member of this board. In non-public, the Board discussed a personnel matter and made 2 decisions.

13. ADJOURNMENT: Selectman Freel moved to adjourn at 8:40. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

Paul Dargie, Chairman

Laura Dudziak, Member

Tim Finan, Vice-Chairman

Dave Freel, Member

Gary Daniels, Member