



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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**Approved Planning Board Minutes**  
**Wednesday, March 18, 2015**  
**7pm @ the Community Development Department**

### Board

#### Members:

Alan Carpenter	Chairman	Present	Joel Desilets	Selectman	Present
Paul Gosselin	Vice Chair	Present	Jim Fricchione	Alternate	Excused
Kristi St. Laurent	Member	Present	Steve Bookless	Alternate	Excused
Ruth-Ellen Post	Member	Excused	Kathleen Difruscia	Alternate	Present
Margaret Crisler	Member	Present			
Dan Guttman	Member	Present	David Oliver	Alternate	Present

### Staff:

Laura Scott, Director, Community Development  
Suzanne Whiteford, Minute Taker

Chair St. Laurent called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance, member attendance with introduction of new board members.

Motion by Ms. Crisler to elect Alan Carpenter for Chairman  
Second by Mr. Desilets  
Motion passed 6-0-1, Mr. Carpenter abstained

Thank you from the PB to Ms. St. Laurent for her leadership and service.

Motion by Mr. Desilets to elect Mr. Paul Gosselin for Vice Chair  
Second by Ruth Ellen  
Motion passed 6-0-1, Mr. Gosselin abstained

Ms. Crisler suggested and Chairman agreed and asked for a moment of silence to respect the passing of Pat Skinner.

Chairman Carpenter excused himself from the marketing subcommittee which leaves 3 current Planning Board members serving on the committee. Ms. Crisler interprets the RSA as limiting the number of Planning Board members serving on another committee to 2. Ms. Scott will get back to the board with information regarding membership guidelines for multiple committees.

Chairman Carpenter asked Mr. Gosselin if he is interested and willing to continue in his current role as the WEDC representative. Chairman Carpenter asked the board if there was another member of the board interested in an opportunity to serve as the WEDC representative. No interest was expressed by any board members.

Motion by Mr. Desilets to appoint Mr. Gosselin to WEDC

Second by Kristi St. Laurent

Motion carried 6-0-1, Mr. Gosselin abstained

Mr. Gosselin accepted appointment to WEDC

### **Public Hearing - Case#2015-4 Preliminary Major Site Plan Application Lots 13-A-150 & 13-A-155**

A Preliminary Major Site Plan Application has been submitted for 38 Range Road and 7 Lamson Road (**Lots 13-A-150 & 13-A-155**), located in Limited Industrial, WWPD, and Cobbetts Pond and Canobie Lake Watershed Districts. The applicant, Karl Dubay, of The Dubay Group, Inc., on behalf of Nicole Devaney and the State of NH, is proposing to build a 10,000sqft, 2 story funeral home. The site will have 2 points of access (Rt 111 and Lamson Road), as well as associated parking, landscaping, signage and lighting. Wetlands impacts are proposed and Variances have been applied for. As part of this application, 7,785 sq ft will be added to Lot 13-A-150 from the State of NH and Lots 13-A-150 & 13-A-155 will be merged together.

Chairman Carpenter called the board's attention to 3 documents in addition to the proposed plan:

1. Notice of decision of variances granted by the ZBA
2. Letter from Historic Commission stating no objection to the plan
3. Outline from Mr. Dubay

Chairman Carpenter recused himself from the hearing, Mr. Gosselin to chair this hearing. Mr. Carpenter is an abutter to the property and will be participating from the podium.

Motion by Ms. Crisler to open the public hearing on a preliminary Major Site Plan for 38 Range Road and 7 Lamson Road (Lots 13-A-150 & 13-A-155), located in Limited Industrial, WWPD, and Cobbetts Pond and Canobie Lake Watershed Districts

Second by Ms. St. Laurent

Motion carried 6-0-0

- Mr. Gosselin seated alternative Mr. Oliver for Mr. Carpenter

Ms. Post and Ms. St. Laurent disclosed they live in close proximity to the proposed property. Ms. Post lives on Stonehedge Road which is in walking distance to the property. Both members agree their

participation as members of the board during this public hearing is not a conflict of interest, will not affect their judgement in any way, and offered opportunity for the applicant to register any objections.

Ms. Scott gave a staff report that tonight's hearing is a preliminary application. The Planning Board will not be approving or denying anything tonight. Tonight is an opportunity for the applicant to present the plan and get feedback from the Planning Board and the public. No final approval or denial will be made tonight.

Applicant Mr. Karl Dubay introduced Mr. Bob Carrier and invited Mr. Carrier to the podium to give a brief bio and speak about proposed plan.

Mr. Bob Carrier, has been a funeral director for 20 years, 17 of them spent working for Douglas and Johnson funeral home in Salem NH. Mr. Carrier and his family want to open a business and take up residence in Windham.

**Applicant's summary of proposed plan:**

- 60-70 deaths per year, speaks to the town's need for a funeral home
- The facility will be state of the art, ADA accessible, 2 story funeral home
- The property is ideal for a funeral home due to its close proximity to St. Matthew's church, Searle's facility, a florist, and is in the limited industrial zone which allows funeral homes.
- Will bring more business to Searle's facility
- Detention basin on the corner constructed by the D.O.T.
- Proposed site wraps around the back of the detention basin
- Curvilinear access design with right in and right out driveway at route 111
- Full 2 way driveway access point from Lamson Rd.
- Plan to retain existing utility shed
- Funeral home will be situated kitty corner facing the intersection over the detention basin
- Old Lamson Rd. cuts through the detention basin and wraps through the middle of the site
- The land is 4 acres total, will only be developing the front wrap around part of the property
- Will not develop the back part of the land which is wooded wetlands
- All underground utilities
- Purchasing a piece of excess right of way along the backside of the detention basin
- 62 parking spaces
- Overhanging the front of the building
- Crematory in the back
- Presby septic system
- Embalming products fully contained and taken off site, will not go into the septic system
- Reflection area on side of the building and porch on the opposite side, reflection areas
- Vehicle access door to the rear of the funeral home, well buffered
- In WWPD, in the lake protection overlay
- No drainage is being deposited into the D.O.T basin
- Full hydro study with full treatment

- No drainage into the D.O.T basin
- Collect, treat, and recharge own surface waters
- Turning feature near the curve cut and 111
- 24 feet wide, with wide 9x18 parking spaces
- Designed to allow for management of funeral services
- Intuitive common sense traffic management
- Very intuitive, common sense traffic management on the lot
- High efficiency LED lighting
- Detailed package was put together for D.O.T and zoning board.
- Considered a minor wetland impact
- Refer to memorandum from Karl Dubay of The Dubay Group, Inc. for summary features of the Carrier Family Funeral Home Design Review Site Plans.

Ms. Scott relayed Conservation Committee's approval of preliminary plan with an expectation to see the final plan inclusion of drainage and opportunity for final approval.

Ms. Crisler complimented the plan as impressive and suitable for the site. She posed the following concerns and questions:

- What is the impervious coverage?
- How does the proposed parking compare to other funeral homes and is there a chance of shared parking with surrounding facilities?
- Given the significant snow fall this winter and issues surrounding snow removal and storage is, there a plan for snow storage?

Applicant's response to above concerns and questions:

- Highest and best use economically and culturally for the town
- Referred to page 12, impervious coverage meets the 30% maximum allowance coverage
- Parking is planned to be in the mid 60's
- Snow storage was not thought through. Will look into a place for snow storage

Mr. Carrier: Spoke with "people" from St. Matthews, OK to park there if not in use. 62 parking spaces is quite a bit, most funeral homes have less than 50 parking spaces

Mr. Guttman: Thanked applicant and Mr. Carrier for considering Windham for their business. Questioned the traffic pattern, and hours of operation.

Mr. Carrier: Described the traffic route out of the funeral home and onto 28

Mr. Desilets: Complimentary of the plans and anticipates it a great asset to the town.

Ms. Post complimentary of the plan as an ideal concept, right business and right location. She posed the following questions and concerns:

- Major concern is water and drainage
- The plan is in the wetland, and paying close attention to the impact on WWPD

- Natural run-off, drainage with regards to wetland and WWPD
- Traffic flow well designed,
- Heavy traffic impact in and out of church on Sunday morning
- Inquired about a traffic study
- Placement of the propane tank and its close proximity to parking spaces with regards to propane delivery truck
- Inquired about the height of the rock wall
- Will it have any safety or planning issues related to cremation?

Applicant's response to above concerns and questions:

- Right in and right out driveway access was left in place by taking deed of the lot
- Met with district 5 at D.O.T. and engineers at Concord, both felt comfortable
- Need a driveway access permit
- Prefer not to spend money on traffic study, common sense, operates during off peak hours
- Respectfully asking the board to waive the traffic study and defer to the D.O.T
- A traffic study will not offer new information, it is very costly and the money can be spent on other things.
- Tanks are underground
- Turn into the service driveway and back out.
- System coordinated with fire department
- High wall, plan to 'stepping' the wall

Mr. Carrier: handed out emissions comparison for board review

Ms. Difruscia complimented the plan as impressive, an excellent location, and a wonderful asset to the town. She posed the following questions and concerns:

- Concern about drainage, questioned about a plan for a buffer zone between the parking area and the detention pond
- Inquiry about natural runoff into the detention basin and any known issues with overflow
- What's the pavement material?
- Any enhancement to the green area in the back?
- How will it connect to the church?
- How much of the 4 acres will be developed?

Applicant's response to above concerns and questions:

- Platform around entire top of the basin, grading has to be worked out for access all the way around and it's all vegetated
- Capture, treat, and recharge all water, no water can go into the basin
- Emergency valve in the edge of the basin to close if there is ever a problem (spill).
- No known issues with overflow, large flow and volumetric capacity
- Water remains in the basin creating a wet basin
- Natural flow right to left, decreased amount of water going through the
- Need to spend time and money on hydro

- Pavements will be regular asphalt, concrete water, various surface areas for esthetics
- Not proposing any plants in the wetlands
- No plan for a connection to the church at this time, natural place exists, will require a future application due to limited funds at this time.
- ¾ to 1 acre will be developed

Ms. St. Laurent's questions for applicant:

- Will the wetland impacts, detailed on sheet 7/16, be filled in and what are the mitigating affects for that throughout the site?
- Will anything be sent through the culvert, shown on sheet 8, going underneath 111 for draining flow to the wetland?
- Will the stone wall stockpile, seen on the existing condition plan on sheet 4/16, be reused on site?
- Will the brick fair point building driveway be rebuilt? It is colored in green on the plans.

Applicant response to above questions:

- Referring to sheet 7, impact location areas shown with square footages, will be transitional replanted.
- Have to make sure not to go above 10,000 square feet.
- Anything going into that culvert will be drainage analysis area for hydro cad
- Have to mitigate pre and post flow in the entire wetland system
- While not required, plan to design to A.O.T permit threshold
- The stockpile from the stone walls could not be used for structural purposes; will integrate their use into the landscape plans
- The driveway will be rebuilt, it can be seen on the landscape plans, and it was accidentally colored in green.

Mr. Gosselin opened discussion to the public

Alan Carpenter, 8 Glenwood Road, Windham

- Abutter
- How far is the edge of your parking area to the property line?
- Would additional parking run up along the property road?
- Would like to avoid the hearse driving past the house
- Concern about removing impervious area on Lamson Rd. Mr. Carrier owns half of the roadway which would require digging up half of a functional roadway. It makes sense to wait until the other property goes under construction then decide what to do with it.
- Main concern is about water. The basement of his property has never taken on water. If you walk 20 feet into the back yard in May it is squishy. How much filling is planned?
- The slope elevations indicate the water should be going away from the property
- Want to make sure the fill and speed of the run off doesn't start backing water into the residence
- Would like to see more detailed drawings for architectural review
- It is a wonderful plan and addition to our community

Applicant's responses to above questions and concerns:

- There is approximately 400 feet from the parking area to the property line
- Would like to avoid parking going into that area
- Plan to fill about 8000 square feet along the edge of the existing uplands around the curvilinear area, it is about 10 feet below the rear of abutter's back yard in terms of vertical elevation.
- Is design review required in the limited industrial district?
- Plan to do a good job anyway

Ms. Scott: Design review regulations do not apply.

Mr. Gosselin: Closed to the public. Traffic study is a burdensome expense and will not result in any significant change to plans. Agree with all other comments from the board.

Mr. Guttman: What is the maximum occupancy in the building during operation?

Mr. Carrier is not sure of the maximum occupancy. Try to offer the entire facility to one service at a time. He reviewed the inside layout of the funeral home structure and reviewed the plans for the onsite crematory.

Mr. Gosselin asked if crematory services will be provided to other funeral homes.

Mr. Carrier confirmed crematory services will be provided for other funeral homes.

Ms. Crisler asked who regulates crematories; clarified that the state outsources their inspections to the NH Funeral Directors Association and confirmed they will be subject to regular inspections.

Mr. Carrier: Under the NH funeral directors association which does Regular inspections of the crematory. He will be obtaining a state permit for to run a crematory. Mr. Carrier explained he plans to obtain required certification and operator's license to run a crematory; all which are governed by the NH Funeral Directors Association. They are subject to inspections every three years.

Ms. Scott explained the process is similar to the licensing bureau for hair salons and hair stylists. They are appointed and regulated by the state; they are part of the board appointed and regulated by the state.

Motion by Ms. Crisler to end the preliminary application process and waive the traffic study and consider the work done by the D.O.T. as adequate

Second by Mr. Guttman

Ms. Post: Concerned about combined impacts of other events going on at the same time.

Motion carried 6-1-0 Ms. Post opposed

Ms. Scott instructed applicant he has 1 year to submit final application.

8:22pm 5 minute recess

Roger Hohenberger presented '*Procedure for the Computation of 2015 Impact Fees for the Windham Public School District*'. Mr. Hohenberger pointed out updated data used that impacted the fee:

- Updated the bond figures based on the fact that the school board refinanced the bond this year which saved about \$1million dollars; as a result it changed the credits applied against the high school
- Analysis on the number of children/house from 'other' housing drastically changed as a result of Wentworth contributing a bunch of kids
- Updated the school enrollments and projections
- Updated the high school impact fee based on the new enrollment data
- Updated the Kindergarten impact fee based on the number of children in Kindergarten
- Included an impact fee calculated for the elementary needs project
- Calculated the revised impact fee schedule

Chairman Carpenter asked how the plan accounts for the hundred new families, based on the 100 new C.O.'s issued this year, coming to town. Enrollment in the school system has increased 20% in the past 5 years.

Mr. Hohenberger explained the numbers are taken from NESDEC which uses a cohort survival method for projection. Which results in a 1% error rate; referred to page 12. Reviewed the 5 things the NESDEC takes into consideration for the calculations and projections.

Mr. Gosselin pointed out the high school is not calculated in the numbers for a number of years. Many Windham students were Windham students, tuitioned out in different facilities prior to the high school phase in.

Mr. Guttman asked how pointed out the repatriation of the students since the high school has proven to be more successful is taken into account.

Mr. Hohenberger pointed out the NESDEC calculation takes repatriation of students into the calculations.

Ms. Post asked if the number of C.O.'s granted were ever part of the calculations and projections.

Mr. Hohenberger explained that the C.O.'s are taken into consideration; however the projection of new students does not play into the equation for calculating the impact fees. The calculations do not contain projections, they contain real numbers. Referenced the report and explained calculation methodology.

Ms. Post clarified that enrollment projections are coming exclusively from NESDEC, and the C.O.'s are taken into account by NESDEC for the projections.



Mr. Desilets referred to page 6 town population estimates. Per the town clerk, Windham currently has more residents (16,500) than the plan projects we will have for 2020.

Mr. Guttman inquired about the existence of a federal guideline for number of students/classroom. If one is available can the plan be amended to include the guideline?

Mr. Hohenberger is open to utilizing at a number different from 25 students/classroom.

Ms. Scott pointed out to the board that all hearings come before the PB will come under the existing school impact fees, and there are two pending hearings in the near future.

Ms. Post concerned about making a decision without upcoming data.

Chairman Carpenter clarified with Mr. Hohenberger the 2 data points that will be utilized in the updated report.

Tom Murray, Vice Chairman, Windham School Board addressed the following issues:

- Updated square footage and new NESDEC numbers will be given to Mr. Hohenberger
- Page 3, \$168 per square foot are in line with ICC numbers from construction perspectives
- Page 4, \$128 per square foot number was explained by Mr. Hohenberger
- Page 7, number of students/classroom is important to be accurate. If the numbers are low (inaccurately) the impact fee will be higher.
- Page 14, “Windham has some of the highest class sizes in the State of New Hampshire. The 21 students/class average in grades 3-4 is the 7<sup>th</sup> highest average class size in the state and the 22 students per class average in grades 6-8 is the 3<sup>rd</sup> highest in the state.” Pay attention to the numbers.
- Page 17, some of the gross square footages are off and NESDEC numbers; should be corrected with updated numbers. Make the numbers as accurate as possible meaning clearly defensible.
- Important to pay attention to state average, when the numbers are accurate we will be closer to the state average.
- Continue to grow, not growing in the lower grades
- Page 14, 20 students/classroom is the designed classroom which gives room for growth and takes into account the solution for the ‘bubble’ class.

Chairman Carpenter: these numbers are based on 25, hypothetically, if the number is decreased to 20 what is the impact on the impact fee

Mr. Hohenberger calculated the above hypothetical would be 125 square foot/student as opposed to the 101 square foot/student used in the calculations.

Charlie Wingate, 115 York Rd., Windham

- Never been sued, speaks to where our fee traditionally has been

- Page 14, this impact fee assumes we are aiming our school district to be the worse in the state
- Page 8, the credits are questionable calculated. The fees are calculated on a \$50 million dollar high school project doesn't accurately represent a kindergarten project.
- The calculations are low ball estimates
- Credits are questionably calculated, using credits from the high school to calculate the on the elementary school aspect is not realistic when based on a \$50 million dollar project.
- Credit calculation is not realistic
- Room to improve calculations based on actual numbers

Mr. Guttman: The delta is \$500 for the elementary, if we went down to 20 from 25.

Mr. Hohenberger cautioned we are looking at impact fees for the 6-8<sup>th</sup> grade.

Winfried Feneberg, Superintendent of Schools, Windham School District

- Numbers given here are state minimum standards
- Our performance and standards are not minimum
- Many classrooms are significantly smaller than the calculation of 900 square feet used in the calculations.
- Can't fit 25 kids in some classroom
- Numbers on page 14 represent a range
- Kindergarten not to exceed 18, which is the highest allowable number
- 16-18 reflects actual numbers in kindergarten
- We are facing upwards 30 students /classroom in middle school
- Educators recommendations to go with lower ranges to support what is good for NH students
- 20-22 between grades 2-8 is a good number and seems reasonable

Ms. Crisler: Roger has done an outstanding job and he admits he is conservative. We heard about the overcrowding conditions from the school board. We have been under collecting, not realistic about the cost of new construction, and need to be less conservative. We need to look at being a little aggressive, and look to see if the square footage used in the calculations is the actual not the desirable. We need to, look at lower class sizes particularly for the younger grades and plan accordingly on their impact fees.

Ms. Difruscia: The more accurate information is forthcoming in a short period of time and we need the information to make an informed and defensible decision on an obvious increased impact fee

Chairman Carpenter clarified that the credit calculation; the high school bond was used at the elementary level.

Mr. Hohenberger confirmed that the high school bond was used in the credit calculation at the elementary level. The only available real data is the high school credits as they were computed for the bond that was for the high school; otherwise it would be a total guess.

Chairman Carpenter expressed that he does not think this board is the most qualified body to tell you (Roger) what figure should be used for calculating the credits. The School Board has better information you are going to gather updated accurate data regarding square footage and the classroom size number

Mr. Gosselin recognized the challenge of calculating the credit

Charlie Wingate, 115 York Rd., Windham

- Cutting the bond rate in half will still be conservative based on the interest rate used in the recent refinance
- The variance between what was voted for.
- If you are too aggressive it means you pay the money back
- Kindergarten and high school are actual numbers that are defensible and provable
- The elementary school number is a guess, when it becomes actual, if no projects are done then the money is given back and that is perfectly reasonable. As long as we are tracking and maintaining it correctly, and we give it back when we get to an actual number it is completely above board to be more aggressive and be in the legal realm of what is correct and right
- Middle school numbers are a guess
- The PB should be annually passing the impact fee, PB has the responsibility to pass the impact fee
- PB has been delegating the decision to Roger, he is a volunteer, and it is the PB's responsibility

Chairman Carpenter clarified the PB has not delegated the decision to Roger, only utilized him as a resource to make a decision

Ms. Difruscia: Concur with Chairman's comments earlier about gathering more information and get the school board's perspective before making the decision

Ms. Crisler: In favor of decreasing the class room size

Ms. Scott: Mr. Hohenberger wants to know the classroom size. Is he coming back for a hearing or a workshop?

Mr. Desilets: Concur with his colleague and superintendent's comments. Would like to see it come back as a workshop. Get as much information as possible about appropriate class room size. Should shoot for a classroom size somewhere in the middle.

Motion by Mr. Gosselin: Give direction to Roger to revise the impact fee and bring it back as a workshop for a second look. Guidance to Mr. Hohenberger, start with updated NESDEC number and updated square footage numbers. Proposed students/classroom size to be: Kindergarten: 18, grades 1-3: 20, grades 4-8: 22, grades 9-12: 25, and look at the revised impact fee based on the proposed classroom sizes

Second by Ms. Crisler, would you consider the impact of the credit in the motion?

Mr. Desilets would like to see credits be part of the motion. More accurate numbers to make a decision. More information to make a more accurate credit determination.

Mr. Guttman the numbers for the class size proposed are the ideal numbers used by the administrator, but the peak values. Assume it was chosen as the lower risk position numbers, want to consider using a mean value as opposed to a peak value

Mr. Gosselin is comfortable with the proposed numbers as defensible numbers and not too extreme.

Mr. Hohenberger explained how the credit calculation is computed. He needs to know specifics of the bond which is not available.

Chairman Carpenter asked Mr. Gosselin to consider amending his motion using to include an adjustment to the credit value that is used. Do we need to bring it back to a workshop? Why not bring it back to a hearing? Prefer to spend more time on it now and go to public hearing.

Mr. Desilets requested to hear the entire motion again prior to voting and wants to be sure what the class size per student is.

Ms. St. Laurent concurs there is a need to look at decreased class size up to grades 4 and 5 to 20 students/classroom, not supporting the motion as written, could go to public hearing.

Ms. Scott reviewed Mr. Gosselin's motion to bring this back to a workshop, have Roger confirm the square footage of the buildings, get the updated NESDED numbers, adjust the credits for the elementary school, make a note about the population and how it's not used in the calculation, change in the class sizes to be Kindergarten 18, grades 1 through 3: 20, grades 4-8: 22 and the high school 25.

Mr. Gosselin amended his motion to change workshop to public hearing and willing to include grades 4 and 5 with 20 students per classroom, that way there won't be any dividing class sizes within different school buildings.

Ms. Crisler does not agree with the proposed increase in classroom sizes. Can the superintendent repeat his recommendations?

Winfried Feneberg, Superintendent of Schools, Windham School District repeated his previous recommendations.

Ms. Crisler second the amended motion.

Ms. St. Laurent confirmed number of students/classroom made in amended of the motion: Kindergarten: 18, grades 1-5: 20, grades 6-8: 22, grades 9-12: 25.

Mr. Desilets pointed out that the high school classroom numbers of 25 are 5% higher than the suggested superintendent's range.

Vote 5-2-0, Mr. Desilets and Mr. Guttman opposed.

Ms. Scott confirmed Mr. Hohenberger will have amended impact fee ready for April 15 PB meeting.

March 4 minutes reviewed and amended

Motion by Ms. Crisler to approve minutes as amended

Second by Mr. Desilets

Vote 5-0-2

Chairman Carpenter requested the PB meet next week for a workshop to discuss 2015 priorities. Asked the board to bring top 2 or 3 topics and come away with priorities for the community. Chairman Carpenter proposed a change to the PB meeting schedule to include 2 public hearings per month and 1 dedicated to workshop, take 1 Wednesday off every month.

Ms. Post suggests to talk about the proposed schedule change at next week's workshop.

Ms. Scott will check room availability for March 25 and the proposed PB workshop meeting. Schedule is on the agenda. Posted application meeting. Clarification of how to schedule applicants

Motion by Mr. Guttman suggesting that the Planning Board recommend to the Board of Selectmen to release the \$10,000 cash financial guarantee, as well as any associated interest.

Second by Mr. Gosselin

Vote 6-0-1 Mr. Desilets abstained, he will be voting at the selectman level.

Motion carried

Happy 31<sup>st</sup> Wedding Anniversary Ms. Crisler

Mr. Desilets motion to adjourn

Second Ms. Crisler

Vote 7-0-0

Meeting adjourned 10:15 p.m.