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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
May 27, 2014
APPROVED – June 10, 2014

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CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Edmund Gleason, Mr. William McDevitt, Mr. Doug Viger, Mr. Robert Haverty, Mr. Hal Lynde, Acting Town Administrator Joseph Roark

ABSENT: None.

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PLEDGE OF ALLEGIANCE

MINUTES REVIEW

May 13, 2014 & May 30, 2014 - Deferred.

ANNOUNCEMENT(S)

- State Primary Election – September 9, 2014 – 7AM-8PM at Pelham Memorial School
- General Election - November 4, 2014 - 7AM-8PM at Pelham Memorial School

OPEN FORUM

No one came forward.

APPOINTMENT(S)

Fire Chief James Midgley to discuss:

- **ComStar Collections**
- **New Fire Station Status:**
 - Siding
 - Drain Problems

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Fire Chief James Midgley came forward and began the discussion by explaining ambulance billing. He provided the Selectmen with a breakdown summary of 2013. He said ComStar is the Fire Department's billing agent and handles most municipalities within the State. It would be cost prohibitive for the Fire Department to hire someone inside the agency to do the billing. Chief Midgley spoke about three areas: 1) contractual; 2) other insurances; and 3) patient-no insurance.

The contractual companies are Blue Cross, Medicaid, Medicaid HMO, Medicare and Medicare HMO and have set government rates that cannot be third-party billed against the ambulance call. He stated they couldn't go after payment from the person who received the services. He said the reason their percentage of recouping money was higher than most was because the Fire Department charged a more reasonable rate of approximately \$700-\$1,200 for an ambulance ride, than other companies (such as Trinity) who charge in the range of \$3,000-\$4,000. The difference was the ambulance companies were a 'for profit' business; whereas Pelham was not. He noted that the recouped rate was approximately 95% leaving very little that wasn't collected.

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Chief Midgley then spoke about ‘patient-no insurance’ which encompassed people who didn’t respond to the ambulance billing company, people who give wrong addresses, and people who don’t have insurance. Some who don’t have insurance receive an ambulance write off. In this category, the Fire Department recoups approximately 20%. He said if the Town wanted to increase its revenue, they could participate in an ambulance billing company other than ComStar to collect from the patient-no insurance group of people. Chief Midgley said the billing company would conduct more in depth research, contact people at work, bring them to small claims court, etc. Doing so would represent roughly \$50,000 in outstanding charges. He said if that was the avenue the Selectmen wanted to take, ComStar would take a larger percentage of money collected than they would for a larger bill. He noted the company would do the same amount of work to collect a smaller bill as they would for a larger bill; the return would be smaller.

Mr. Gleason understood that a patient was responsible for any amount over what Medicare picks up. He questioned why they had to write the whole amount off and if there was a contractual provision that necessitated such. In his own experience he had ambulance services a few years ago and received a bill; however, when he uses ambulance services now, he doesn’t receive a bill. He wanted to know what happened for the total Medicare portion to be written off. Chief Midgley said the Fire Department’s contractual agreements with Medicare, Medicaid, Blue Cross etc. don’t allow them to balance bill for ambulance services that are paid for by government insurance. Mr. Gleason asked for an explanation as to why he received bills two years ago and didn’t today. Chief Midgley said billing had changed since that time and had continued to do so.

Mr. Gleason reviewed the ambulance write-off spread sheet that showed the amount increasing at a very significant rate. In looking at the dates, Chief Midgley replied some of the amounts carried over. There are two different categories of write-offs: 1) write-offs that the Selectmen allow; and 2) contractual write-offs. When reviewing the write-offs allowed by the Selectmen there were approximately five patients. The contractual write-offs are calculated by ComStar based upon the billing rates allowed by government insurance. There was a brief discussion regarding the dollar amount to be collected; that figure was reflected under the spread sheet column for ‘Total Allowable’.

Mr. Roark was interested in what collection efforts were made. Chief Midgley explained that ComStar made three attempts for notification and sends a letter. Mr. Roark understood that the uncollected accounts weren’t turned over to a collection agency. He also understood that ComStar had an extension of services through First Financial who would take the typical steps at collection. He reviewed their policies and procedures and provided a summary of such, which included reporting to a credit agency and possible legal action. Presently there is approximately \$50,000 in non-insured; if they were able to collect 20% the Town would have approximately \$10,000 of the balance. He wanted to know if the Selectmen wanted to move toward having an agreement with a collection agency for any of the outstanding non-insured patients. Chief Midgley said if an agreement was signed, ComStar would forward the records to the collection company. There would be no additional burden placed on the Fire Department to follow this process.

Mr. Gleason asked how uninsured balances had tracked over the past few years and wanted to know if the amounts were increasing each year. Chief Midgley said the amount was increasing because call volumes had increased. Mr. Gleason asked if the agreement with First Financial for their compensation would be based on the percentage of recovery, or if it would be a set annual figure. Chief Roark said the collection agency slogan is basically ‘no collections, no charge’. He noted they made a percentage from the amount collected. He said the effort and expense is on them; there was no upfront cost to the Town. Because it was such a low percentage on collections, he didn’t want to burden the Fire Department with more administrative duties. ComStar will sift out the no-insurance

99 cases and automatically forward them to First Financial; eventually, they will forward a check to the
100 Fire Department when funds are collected.

101

102 Mr. Roark asked the Selectmen if they wanted to seek a somewhat low percentage of returns from
103 non-insured patients. Mr. Haverty's response was no. He said there was some percentage of the
104 people who didn't have the ability to pay. He said they had been in an accident, transported to the
105 hospital and probably has a host of things related to the unfortunate situation that happened to them.
106 He didn't want to have a collection agency go after them at that point. Mr. McDevitt agreed with Mr.
107 Haverty, with the exception of people that may abuse the system. Chief Midgley didn't feel there
108 were people at this time that abused the system. He explained that there were some who needed the
109 system more than they financially had the ability to pay for. Overall people used the service for what
110 they needed.

111

112 Mr. Viger reviewed the chart and saw that the amount of revenue that they didn't collect was
113 primarily Medicaid. That amount was a relatively small portion of the entire revenue stream. He
114 didn't see what the Town would be chasing. Mr. Gleason believed they were looking at the uninsured
115 figures; not the figures that were written off by contractual obligations. Mr. Viger said the uninsured
116 figure was also a small amount compared to the overall chart. Mr. Haverty said the \$50,000 that was
117 uncollected from the patients with no insurance seemed like a large figure; however, only
118 approximately 20% (\$10,000) would be collected from it. He wasn't in favor of collecting that
119 \$10,000 from people that had an accident, were possibly out of work and trying to figure out which
120 bill to pay versus putting food on their table.

121

122 Mr. Gleason disagreed. He felt the Selectmen had a fiduciary responsibility to the Town to try and
123 protect its assets as well as the tax rate. He said the fact was the amount was increasing each year and
124 the Selectmen should take some measure to try and recover some of it. Mr. Haverty said when he
125 looks at the approximate \$50,000 that was not being collected, and looks at the users of the service
126 who weren't paying, he didn't feel the vast majority were people who were trying to gain the system.
127 He believed the majority were people who didn't have the means to pay it. Mr. Gleason said there
128 was no evidence to that fact and felt it was wrong to make that assumption.

129

130 Mr. Lynde asked if they could choose who to collect from. Chief Midgley answered no; billing
131 policies couldn't be inflicted separately on individuals. Mr. Lynde questioned if the money already
132 being collected would be included in the agreement. Chief Midgley answered no. He said once the
133 case was turned over to the collection agency, the amount of money they haven't collected is what
134 they would chase.

135

136 Mr. Roark said he researched collection percentages of hospitals versus non-hospitals. In the
137 ComStar information he read that the client (Town) had the option of not having patient debts
138 reported to credit bureau.

139

140 Mr. Lynde excused himself from the meeting for a few minutes. The Selectmen suspended their
141 discussion regarding collecting ambulance fees until he returned. (* see below)

142

143 The Selectmen then discussed the fire station siding and drain problems. Chief Midgley told the
144 Board that the siding refit was being brought to near conclusion possibly by the end of the week. He
145 said painting would be done by Wednesday. The sign and lighting fixtures would then be reattached.

146

147 Mr. Lynde returned.

148

149 Mr. Gleason questioned if anyone would review the work to determine if it was adequately done so
150 the probability of recurrence was not there. Chief Midgley said Eckman Construction was on site
151 reviewing the work to ensure that the recommendations of the product manufacturer were being
152 followed. He said he hadn't seen any waves in the product with the recent temperature fluctuations.
153 Mr. Gleason questioned if the issue with the siding was first noticed during hot weather when there
154 was expansion/contraction. Chief Midgley said he noticed it when they first took over the building.
155 He said the hotter it got, the more waves there were. The waves started to recede with the cooler air,
156 but the areas that buckled didn't go back. He said it all looked good now. Mr. Gleason wanted to
157 know if the re-work came with some kind of extended warranty. Chief Midgley didn't believe so.
158 He said once the work was done in the next month, their criteria would be met.

159
160 Chief Midgley addressed the drainage. He said they met with Triton Storm Water to discuss
161 significant cost savings ideas. The preliminary proposal is to have two rain gardens, one on each side
162 of the issue that would be connected by a pipe. The pipe will allow the two areas to play off each
163 other. There was an area containing too much loam making it difficult to have water penetration at
164 any significant rate. A report will be given to the Selectmen shortly.

165
166 Mr. Roark concurred. He said there was a meeting with Triton, Mr. McDevitt and Mr. Gleason.
167 Triton wasn't convinced that the original drainage proposal was the proper way to move forward.
168 They felt the work could be done in a more aesthetically pleasing fashion with less excavation and
169 disruption. He said the bid was believed to be less than what was expected. Mr. Roark said
170 documentation regarding the work and phasing was available for the Board. He said the work would
171 be done in the least intrusive but most cost effective manner.

172
173 Chief Midgley briefed the Board regarding a meeting on site with Triton regarding the HVAC drain
174 coming off the front door. The problem appeared to be the down spout not clearing into the main
175 pipe drain. The drain was cleared. Chief Midgley said they were experiencing some runoff issues
176 mainly because there was no grass to support and hold the dirt in. There is some damage occurring to
177 the driveway edge. He believed once they got some dirt back, seed down, and water into those areas
178 it would probably hold well, so they wouldn't have significant runoff. The driveway was pitched
179 away from the building and functioning properly; however, the erosion is an unintended consequence
180 of not having stable earth at the edge of the pavement.

181
182 Mr. Gleason said it was indicated that the new proposal from Triton would be less than what was
183 approved to proceed. He asked if the new proposal would be brought back to the Board. Mr. Roark
184 said he would like review the new proposal and bring it back to the Board either in a meeting
185 situation, or to the Chairman. He said they would like to have everything put in place so the grass
186 could be put in during the time of year it would be possible for it to grow. He got an indication from
187 Triton that once the plan was approved they could move forward with the project fairly quickly.

188
189 Mr. Lynde said the Board had already approved the drainage project with a maximum dollar amount.
190 He felt they should allow for changes to be approved by the Chairman as long as they stayed below
191 the dollar amount. There were no objections. Mr. Gleason said he was well acquainted with the
192 project. Mr. McDevitt noted that Steve Keach of Keach Nordstrom (Town's engineering firm) had
193 also been present at the on-site meeting and was enthusiastic about the proposed solution. Mr. Roark
194 said he and Chief Midgley would move quickly.

195
196 Mr. Gleason asked if there were any pending items with the fire station. Chief Midgley answered no;
197 the remaining items were: 1) siding, 2) drainage, 3) irrigation and 4) façade over the garage doors and
198 expected to be completed shortly.

199

200 Mr. Lynde complimented Chief Midgley about the sign. Chief Midgley said he was working with
201 department heads to keep rotating information. Information connected with the Fire and Police
202 Departments took priority.

203

204 * The Selectmen went back to the discussion regarding ComStar. Mr. Gleason asked the Selectmen
205 how they wanted to proceed.

206

207 Mr. McDevitt said he could have a good argument on either side. He understood they had an
208 obligation to correct the money they could. He said he also listened to Mr. Haverty. He believed the
209 process was working well, but the Selectmen should periodically review the situation. Mr. McDevitt
210 said he was comfortable arguing in front of most tax payers that the Selectmen gave consideration,
211 discussed repercussions and decided to allow the system to work the way it was. At present, he was
212 not in favor of a change to the system. Mr. Lynde agreed.

213

214 Mr. Gleason said it seemed to be the first time the Selectmen had a discussion. He asked how often
215 the report was generated. Chief Midgley said they could report as often as the Selectmen wanted.
216 Mr. Gleason wanted to see a report on a quarterly basis. Chief Midgley said the ComStar write-off
217 report was done monthly and submitted to the Town Administrator for sign off. The activity tracking
218 report was generated upon request to ComStar.

219

220 Mr. Gleason said he would like to review and sign-off on the reports when they came in. Chief
221 Midgley said he would have the reports addressed to the Chairman.

222

223 **OTHER BUSINESS**

224

225 **Town Administrator Short and Long-term Objectives**

226

227 Mr. Gleason provided the Selectmen with his recommended short and long term objectives for the
228 new Town Administrator. He said they were contractually obligated to provide a set of objectives that
229 would be reviewed after 90-days. He reviewed the items and asked for input.

230

231 Mr. Viger felt it was important for the new Town Administrator to provide new observations on the
232 operations of the Town.. Mr. Gleason felt that was covered in the objective: *Identify operating*
233 *deficiencies and provide recommended corrective actions.* He said this would provide the
234 opportunity for the Board to receive feedback on what the administrator was observing within the
235 departments.

236

237 There was no objection to the proposed list of objectives. Chairman Gleason and Vice Chairman
238 McDevitt will meet with the new administrator when he comes on board. Mr. Viger will meet with
239 the new administrator to discuss budgetary items.

240

241 Mr. Gleason noted he identified three additional long-term items for the Board's consideration:
242 1) codifying the Ordinances; 2) identify electronic storage opportunities; and 3) investigate
243 restructure of public works for possible cost savings. The Selectmen discussed the proposed items
244 and had no objections.

245

246 **2015 Town Budget Schedule**

247

248 The Selectmen were provided with a copy of the proposed budget schedule, which was consistent
249 with that used in the past. There were no objections.

250

251 Mr. McDevitt suggested removing Cemetery from the budget list since a representative doesn't
252 present their budget to the Selectmen. Mr. Lynde felt the invitation should be left open. They have
253 the opportunity to present their budget, and can make the decision to do so. Mr. Gleason agreed. The
254 Selectmen will leave Cemetery on the budget review schedule.

255

256 **Proposed Park Rules for Review**

257

258 As requested at the previous meeting, Park and Recreation Director Brian Johnson submitted a series
259 of proposed signs for Selectmen review. Mr. Roark didn't have any issues with the proposed signs
260 and thought they would be a good addition to the parks. He said the signs would take the guess work
261 out of what the rules for each park were. He said the signs would be attractive and have a uniform
262 motif.

263

264 Mr. McDevitt made note that the rules didn't address snowmobiles. He recalled the Selectmen
265 speaking with representatives of the snowmobile club (Border Riders) about issues with Pelham
266 Veteran's Memorial Park ('PVMP'). The current rules indicate the park would be closed after dusk.
267 He didn't believe it was the Board's intention to prohibit night time snowmobiling. He said they may
268 need to add a sentence to permit winter snowmobiling. Mr. Roark said PVMP contained a portion of
269 a State trail through it; whereas Muldoon Park didn't. He had never known the groomed/State trails
270 to be closed at night. Mr. Viger questioned if trucks with trailers parked at PVMP after dusk would
271 be in violation. Mr. McDevitt answered yes; although he didn't believe that was the Board's
272 intention. He didn't recall the Selectmen having a discussion about prohibiting snowmobiles at the
273 parks. Mr. Viger said it wasn't just snowmobiling, it was a question if the trucks with trailers would
274 be a violation at the park if that park was closed. Mr. Roark said coming from a profession of such
275 judgments, he didn't think they would be able to regulate every situation on a sign. Having a truck
276 with a trailer and people returning on a snowmobile would be a discretionary matter for
277 consideration. He suggested not getting caught up in the details; the idea was park use from dawn to
278 dusk. Mr. Roark said snow machines didn't typically do the same damage as a wheeled machine. As
279 the Police Chief his concern was safety. Since it wasn't addressed in the signs, he recommended
280 putting the signs forward as they were proposed and have a discussion as part of the reworking of the
281 Ordinances.

282

283 Mr. McDevitt noted that in the PVMP rules the park was only open to Pelham residents and their
284 guests. Mr. Roark suggested having the lifeguards and Police handle the situation. He felt the
285 proposal was far superior to what was at the parks. The signs would be a good head start.

286

287 Mr. Haverty saw there was verbiage requiring proper behavior and restricting profane language in or
288 around the park. For consistency, similar verbiage should be added to the rules of Raymond and
289 Muldoon Parks.

290

291 Mr. Lynde suggested adding a line that stated recycling encouraged. He said the Town could supply
292 recycle containers so the people who wanted to recycle would have a place to deposit. Mr. McDevitt,
293 who is a faithful recycler, said in public people disregard recycling and make the container a trash
294 barrel. He was in favor of trying it out. Mr. Roark suggested starting at PVMP during the summer
295 with a few containers that Parks & Recreation could monitor. If there is good success, they could
296 then try it at Muldoon Park. Mr. Lynde felt there was nothing wrong with saying recycling
297 encouraged, whether or not there was a container. He agreed with Mr. Roark's suggestion, but felt
298 they should begin both PVMP and Muldoon Park.

299

300 The Board concurred they would encourage recycling at both PVMP and Muldoon Park. Mr. Roark
301 will speak with the Transfer Station Superintendent to obtain containers for glass and plastic.

302

303 Mr. Haverty questioned if smoking was allowed at Town parks. Mr. Roark was aware that smoking
304 was prohibited at the skate board park. Mr. McDevitt said they would need to research. He recalled
305 the subject being discussed in conjunction with a Town building approximately a year ago. He was
306 under the impression that there was a broad RSA that prohibited smoking in municipal facilities. He
307 said there was an enabling legislation that let the Selectmen decide whether to allow smoking or not.
308 Mr. Gleason said the question had come up at the Senior Center. The former Town Administrator
309 advised him of a Federal requirement that smoking was prohibited within 50ft. of the doors.

310

311 With regard to the no hunting policy, it was brought to Mr. Viger's attention that 'per order of the
312 Board of Selectmen' was not legal. He was told that the State Fish and Game had specific posting
313 requirements. He suggested investigating the matter since they would be investigating other State
314 requirements. Mr. Gleason said the Selectmen would have a discussion on a separate night and made
315 a note to do so on an upcoming agenda.

316

317 Mr. Roark asked if the Selectmen wanted to address smoking at this time since signs were being
318 generated. He noted that the school had banned smoking on all school property.

319

320 Mr. McDevitt didn't want to be a smoking lobbyist, but commented prohibiting smoking in the parks
321 was a broad thing to do, particularly in a State that relied heavily on cigarette taxes and a Town that
322 permitted construction of cigarette devoted stores at the entrance of its commercial area. He didn't
323 feel comfortable prohibiting smoking anywhere within the parks. He said he hadn't heard any
324 complaints about smoking and preferred to take a wait and see attitude on the subject.

325

326 Mr. Haverty felt it was contradictory to allow smoking at an athletic field. He stated cigarettes could
327 cause problems if they weren't properly disposed of, which could cost the Town quite a bit of money.
328 He said by prohibiting smoking they were simply saying not to smoke near children playing sports
329 and don't smoke in the woods where disposing a cigarette could cause a fire. He said if people
330 wanted to smoke they could do so where it was permitted; the Town park is not that place. Mr. Viger
331 and Mr. Lynde agreed.

332

333 Mr. Lynde made a motion ban smoking at the Town Parks. Mr. Haverty seconded. Mr. Viger said he
334 would vote no. Mr. McDevitt was concerned that they were about the pass something that they didn't
335 understand the enabling legislation. He questioned under what RSA they were banning smoking.
336 Mr. Viger said smoking was legal and it was common sense as to whether people smoked around
337 people, fields or outside spaces. He felt it was wrong to ban smoking in an outside space. Mr.
338 Haverty commented that drinking was legal, but the Town didn't allow it.

339

340 Mindful to Mr. McDevitt's comment, Mr. Lynde amended his motion to include 'subject to the
341 authority to do so'.

342

343 Mr. Gleason felt it was appropriate (to ban smoking) where children were present and public who
344 didn't like smoking. He understood Mr. McDevitt's point and commented that smoking was not
345 allowed in municipal buildings. He felt it was a good move to ban smoking, especially where there
346 were children.

MOTION: (Lynde/Haverty) Subject to the Selectmen's authority, smoking is banned
within the Town Parks.

VOTE: (3-2-0) The motion carried. Mr. McDevitt and Mr. Viger voted no.

347

348 **Miscellaneous Discussion – VHB contract (flood study)**

349

350 Mr. Gleason said he was advised by the Planning Director that Attorney Rattigan confirmed that he
351 had successfully negotiated the ‘sticking’ points of terms in the VHB agreement. The Planning
352 Director had reviewed the contract to confirm it represented the final negotiated contract language;
353 VHB agreed to the changes that Attorney Rattigan was seeking. The Selectmen were provided with
354 the contract for signature.

355

356 Mr. Gleason said it was important to have VHB complete their work prior to Quantum doing their
357 work. He asked the Board to sign the contract before leaving the meeting.

358

359 **Miscellaneous – Arbitration hearing relative to a Fire Fighter**

360

361 Mr. Gleason told the Selectmen legal counsel had advised there would be an arbitration hearing on
362 July 24, 2014 or July 30, 2014. He asked that the Board members let him, the Fire Chief or the Town
363 Administrator know which date they would be available.

364

365 **April 2014 Revenue & Expenses Review**

366

367 The Selectmen were provided with a revenue and expense breakdown. Mr. Gleason said it appeared
368 overall they were holding the line pretty well and revenues were up by approximately 4%. He said
369 they were aware of the obvious concerns with the Highway Department.

370

371 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

372

373 Mr. Roark said he received the paperwork from Quantum regarding the Abbott Bridge that would
374 need to be returned to the State so they know the Town is interested in proceeding. The bridge was
375 recently added to the State’s red list. Mr. Gleason asked if Quantum was looking for the Town to
376 sponsor them as its engineering firm. Mr. Roark hadn’t reviewed the paperwork in depth, but knew
377 Quantum had made contact with the Department of Transportation to try and fast track Abbott Bridge
378 as a potential for when the State determines what they would work toward.

379

380 Mr. Viger commented that the Memorial Day festivities were well attended and as organized as he’d
381 ever seen. He said it was nice to be part of it and felt everyone had done a good job.

382

383 Mr. Lynde attended a presentation in Concord on the substance abuse crisis in New Hampshire. He
384 summarized the discussions. There was emphasis to try and have more flexibility in the laws to allow
385 people to go to rehabilitation versus simply incarceration. He said he would write up a more formal
386 report for the Board’s information. Mr. Lynde reported that the Pelham High School Band was
387 having a concert Thursday evening beginning at 7pm. He encouraged everyone to attend.

388

389 Mr. Haverty, Mr. McDevitt and Mr. Gleason had no reports.

390

391 **REQUEST FOR NON-PUBLIC SESSION**

392

MOTION: (Haverty/Lynde) Request for a non-public session per RSA 91-A:3,II, a
(Personnel)

ROLL

CALL: Mr. Gleason-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Mr. Haverty-Yes;
Mr. Lynde-Yes

393

394 It was noted that when the Board returned, after the non-public session, the Board would not take any
395 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
396 meeting. The Board entered into a non-public session at approximately 8:03pm.

397

398 The Board returned to public session at approximately 9:10pm.

MOTION: (Haverty/Lynde) To seal the minutes of the non-public session indefinitely.

VOTE: (5-0-0) The motion carried.

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400

401 **ADJOURNMENT**

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MOTION: (Haverty/Lynde) To adjourn the meeting.

VOTE: (5-0-0) The motion carried.

403

404 The meeting was adjourned at approximately 9:10pm.

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407

408

Respectfully submitted,
Charity A. Landry
Recording Secretary