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3 **APPROVED**
4 **TOWN OF PELHAM**
5 **BOARD OF SELECTMEN–MEETING MINUTES**
6 **OCTOBER 17, 2023**

7 **CALL TO ORDER** – Chairman Cote called the meeting to order at approximately
8 6:30pm
9

10
11 **PRESENT:** Jaie Bergeron, Heather Corbett, Kevin Cote, Jason Croteau, Charlene Takesian,
12 Town Administrator Joseph Roark
13

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15 **ABSENT:** None
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18 **PLEDGE OF ALLEGIANCE**
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21 **MEETING MINUTES REVIEW**
22

23 October 3, 2023
24

25 **MOTION:** (Corbett/Croteau) To approve the October 3, 2023 meeting minutes as amended.
26

27 **VOTE:** (5-0-0) The motion carried.
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29

30 **OPEN FORUM**
31

32 No one came forward in open forum.
33
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35 **APPOINTMENTS**
36

37 **Public Notice (Revised): 2nd Hearing for adoption of dog policy at the parks and athletic**
38 **fields**
39

40 Chairman Cote explained that this proposed ordinance is not intended to limit the ability of dogs
41 to accompany citizens when utilizing common areas of Town of Pelham parks and athletic fields
42 for recreation and observing athletic events. This proposed ordinance does seek to specify that no
43 dogs are allowed on athletic areas (fields, courts, playgrounds, courses etc.) to limit sanitary and
44 safety concerns as well as prevent possible damage to athletic fields.
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46 No one from the public came forward. Chairman Cote closed the public forum. Chairman Cote
47 stated that the Board of Selectmen will vote on November 7, 2023.

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Tammy Penny, Finance Director: Special warrant articles

Ms. Penny stated that she has three articles for tonight’s discussion, and the Board can choose to vote on them tonight or wait until a future meeting. The first article up for discussion is the Highway Block Grant. This article is recurring year after year and is funded with the gas tax and motor vehicle state registration fees. This grant can be used for construction and maintenance on any class four and five roads, including purchasing equipment or implementing sidewalks. Ms. Penny explained that the New Hampshire municipal advisor she spoke with recommended changing the language of the article slightly, in case her estimate for the grant is too high. She explained that historically the Town has been conservative with the estimate, and if they receive more money they use it to offset the tax rate. However, if the Town was to receive less money, that may be a problem. Ms. Penney explained that the DRA wants her to remove the line in the article stating, “no money to be raised by taxation”, even though the bulk of it is grant offset. She would like to change the line to: No money to be raised by taxation if this grant is fully realized. Should this grant not be fully realized then the difference would come from taxation. Any amount received above the cited amount in this article will be used to reduce the tax rate, as it has in recent years.”. Ms. Penny noted that if the Board agrees to change the language she will have the Town Attorney take a look at it.

Chairman Cote asked if the Town put \$351,000.00 in the warrant article but only raised \$345,000.00, why are they not able to spend only whatever funds are available. Ms. Penny explained that the DRA told her they may disallow the article, but she is unsure of what exactly this means. Chairman Cote asked what happens if they put \$300,000.00 in the warrant article but they are given \$400,000.00. Ms. Penny explained that the extra \$100,000.00 would offset the tax rate. Chairman Cote stated that he thinks they should leave the article the way it is since they still get about two hundred voters who vote no on the article. Chairman Cote is worried if they change the language more residents may vote no. He added that they can put in a low number, like \$325,000.00, and, since they more than likely receive more than that amount, the extra can go to offsetting the tax rate.

Ms. Takesian asked how the Town has almost \$1,000,000.00 in the Highway Block Grant Fund if the extra money always goes to offset the tax rate. Ms. Penny explained that the Town is allowed to carry funds over the years if the Highway Department does not spend it all. Ms. Penny clarified that only the unspent funds of the amount listed in the warrant article can be carried over, any extra funds will offset the tax rate and cannot be carried over by the Town. Ms. Takesian asked Ms. Penny to clarify what happens if they estimate they will receive more from the grant than they end up receiving. Ms. Penny stated that a representative from the DRA told her that they could disallow the article, but she is unsure of the implications of that. Chairman Cote added that they could change the language in the article to protect them from that if they wanted to. Chairman Cote stated that he thinks they should keep the wording of the article as simple as possible. Ms. Penny noted that they can play conservatively in their estimation for the grant and leave the language as it is, as they have been successful with this historically. Mr. Croteau stated that he thinks this is a good idea as well. Chairman Cote asked the Board what

93 they thought they should put in the article for an amount. He noted that they could put in
94 \$351,000.00 or be more conservative. Mr. Croteau asked Ms. Penny if she thinks her
95 recommended amount of \$343,671.00 is what the Board should go with. Ms. Penny explained
96 that she got this estimate from the Department of Transportation. Chairman Cote asked if they
97 passed the electric vehicle tax yet. Ms. Penny stated that they will be starting to impose that tax
98 next year. Town Administrator Roark noted that he believes there is already a surcharge when
99 registering electric vehicles.

100

101 The Board agreed that they would like the language of the warrant article to remain the same.
102 Chairman Cote asked the Board if they would like to stick with the amount of \$351,767.00 or cut
103 it back to \$340,000.00 or \$345,000.00. Mr. Bergeron stated that he thinks \$345,000.00 is a good
104 estimate to go with. The rest of the Board agreed. The Town Administrator noted that the article
105 will be reviewed by the DRA and legal counsel.

106

107 Ms. Penny explained that the next article up for discussion is CMAQ. She stated that the Town
108 has funds that are about to expire. Back in 2018, voters passed a special warrant article that
109 approved \$2,000,000.00 to be appropriated for addressing traffic congestion problems at the
110 intersections of Sherburne Road and Mammoth Road and Mammoth Road and Marsh Road. At
111 the time, a congestion mitigation air quality program (CMAQ) grant through the NHDOT was
112 awarded to the Town, covering 60% or \$1,200,000.00 of the project. Ms. Penny noted that
113 \$130,000.00 was to come from exaction fees and \$670,000.00 from unassigned ballot. This no-
114 tax impact special warrant article passed with a 987 to 359 vote. Ms. Penny explained that due to
115 construction delays, only some phase one design costs have occurred. These costs come to
116 \$183,000.00. The \$670,000.00 that came from the unassigned fund balance originally is
117 currently sitting in a capital project fund. The total appropriation is going to lapse at the end of
118 this year due to the way the article was written. Ms. Penny added that the costs of the project
119 have increased, it is now close to \$3,500,000.00. Because of the increases, the State has now
120 agreed to fund 80% of the construction and 60% of the design. She stated that the Town will still
121 need the same \$670,000.00 in the unassigned fund balance, and when writing the article, she
122 noted that there will be no tax impact. Ms. Penny added that the only cost would be if the voters
123 turned the article down, as they would have to return money to the State.

124

125 Chairman Cote noted that if the voters did not pass the article the Town also would not get
126 rotaries put in at these intersections. Ms. Penny and Town Administrator Roark agreed with
127 Chairman Cote. Town Administrator Roark asked what would happen to the exaction fees. Ms.
128 Penny stated that she is unsure because they already spent them on the project, so if they do not
129 go forward with the rest of the project the Town would have to seek legal opinion on that.
130 Chairman Cote stated that he could not believe they did not make it a non-lapsing fund. Ms.
131 Penny explained that her proposed language for this article comes from RSA 32:74, which will
132 not allow the funds to expire in the future if they were to run into this problem again. Ms.
133 Takesian asked what would happen to the original warrant article. Ms. Penny explained that the
134 original article would expire, but, if passed, there is language in the new article that will not
135 allow this one to expire. She noted that the only other change to the new article is asking for
136 more funds since the costs have increased. However, there is no tax impact.

137

138 Ms. Takesian asked Ms. Penny if she knew when the State was going to proceed with installing
139 the rotaries. Ms. Penny said she is unsure of the date at the moment. Town Administrator Roark
140 stated that the last he remembers is they will be starting the Southern rotary in 2025 and the
141 Northern rotary in 2026. He noted that they are being held up due to surveying and a cultural
142 review for historical and architectural findings. Ms. Corbett stated that she thinks the Town will
143 need to run an extensive public education program about this warrant article, so the voters are
144 very aware of what is going on. Chairman Cote agreed.

145
146 Mr. Bergeron asked if the Board should be voting on these warrant articles. Ms. Penny explained
147 that the Board can vote now, or they can wait until legal review, adding that she needs to get the
148 article drafts over to the Budget Committee by November 4, 2023. Town Administrator Roark
149 noted that they could vote, noting the vote is contingent with the articles being approved by the
150 DRA and legal. Ms. Penny added that they should vote before the Budget Committee.

151
152 Chairman Cote suggested they backtrack to the first article they discussed to make a motion and
153 vote.

154
155 **MOTION:** (Bergeron/Corbett) To send the Highway Block Grant warrant article as written:
156 Shall the Town vote to raise and appropriate the sum of \$345,000.00 for repair,
157 maintenance, purchase of equipment and upgrading of Town roads to be offset by
158 the State Highway Grant. This will be a non-lapsing account per RSA 32:7 IV, no
159 money to be raised by taxation.

160
161 **VOTE:** (5-0-0) The motion carried.

162
163
164 Chairman Cote made sure the Board had nothing else to discuss regarding the CMAQ warrant
165 article before looking for a motion and vote.

166
167 **MOTION:** (Corbett/Takesian) To accept the language for the CMAQ warrant article as
168 written: Shall the Town vote to raise and appropriate the sum of \$3,460,000.00 to
169 construct two round-a-bouts at the intersections of Sherburne Road and Mammoth
170 Road and Mammoth Road and Marsh Road. Said appropriation will be offset by a
171 congestion mitigation air quality program (CMAQ) grant, in the amount of
172 \$2,680,000.00 and to be partially offset with exaction fees on the deposit of
173 \$110,000.00 and to authorize the Selectmen to expend not more than \$670,000.00
174 from the unassigned fund balance to offset the remaining costs of the project. No
175 money to be raised by taxation. This special article is to be a non-lapsing
176 appropriation for RSA 23:7 IV.

177
178 **VOTE:** (5-0-0) The motion carried.

179
180
181 Ms. Penny stated that the next warrant article up for discussion is regarding the Muldoon Park
182 renovations. She explained that the Town's Parks and Recreation Director, Brian Johnson,
183 introduced a 50/50 matching grant possibility for the Muldoon Park renovations. This renovation

184 is listed on the Town's 2024 Capital Improvement Plan (CIP), with an estimated cost of
185 \$122,000.00, and is ranked as urgent. The Town has recently learned that the estimated project
186 costs have increased to \$446,000.00 as of 2023. Ms. Penny noted that these costs are if the
187 project was done this year, in 2023, so she recommends appropriating \$500,000.00 for the
188 project to cover inflation. The deadline to apply for the grant is December 15, 2023. The notice
189 of grant awards is not anticipated until November 2024. Ms. Penny explained that Mr. Johnson
190 has confirmed with the Land and Water Conservation Fund, which is supplying the grant, that
191 the Town could withdraw the grant application before April 1, 2024, should the matching fund
192 warrant article fail if the Board of Selectmen votes it through. Ms. Penny noted that it does not
193 look good for the Town to receive a grant and then not use it, so it is best if they withdraw their
194 application if they cannot match the funds. Ms. Penny added that if the warrant article does pass
195 in March, but the Town is not awarded the grant, they will have a voter-approved appropriation
196 out there that will be a part of the tax break calculation. If the Town knows that the project is not
197 going to move forward, she would recommend the Town adjust the revenue projections or use an
198 unassigned fund balance, so there is no tax impact on the residents for a project that is not going
199 to occur.

200

201 Ms. Penny stated that she does not think the timing is right for this, and the Town will be waiting
202 until November to hear if they were awarded the grant or not, but they will be setting the tax rate
203 in October.

204

205 Town Administrator Roark explained that he has spoken to Mr. Johnson and he understands that
206 as this project escalated the reality of it may not be perfect timing for this year. The playground
207 expense escalated due to the requirements of what playgrounds must have. He explained that the
208 majority of the playground is required to be covered in a soft, foam-like floor. It is very
209 expensive to install this. Town Administrator Roark added that the playground equipment has to
210 be handicap accessible as well. Chairman Cote asked if these are requirements because the funds
211 would be coming from State money. Town Administrator Roark explained that it was not
212 because the funds would be coming from State money, that these requirements are per an RSA.
213 He added that the Town will likely scale down the size of the playground, so they do not need to
214 install as much of the special padding.

215

216 Ms. Penny read the language of the warrant article for the Board of Selectmen: Shall the Town
217 vote to raise and appropriate the sum of \$500,000.00 for Muldoon Park renovations, with 50% to
218 be offset with an anticipated grant from the Land and Water Conservation Fund, and the
219 remainder to be raised with taxation, this special article will be a non-lapsing appropriation per
220 RSA 32:7 IV.

221

222 Mr. Bergeron explained that the need for the Muldoon Park playground renovation started due to
223 issues with some of the swings and the Town's liability as pointed out by the insurance
224 company. Mr. Bergeron added that he believes they can still repair the swings. Chairman Cote
225 agreed. Mr. Bergeron also added that when they first discussed the grant it seemed like a good
226 idea because it would not have cost the Town a lot of money for the renovations, but now the
227 amount has increased significantly. He is also worried about the upkeep of the special padding
228 they need to install.

229

230 Ms. Takesian asked if they could just fix the swings, and not move forward with the whole
231 renovation. Town Administrator Roark explained that this is the plan for now so that it will pass
232 the insurance inspection. Chairman Cote asked if the Town does not need to follow the new
233 RSAs about the playground requirements, since the playground is already built. Town
234 Administrator Roark confirmed this, adding that the RSA states that beginning January 1st any
235 new playgrounds have to follow the new RSA.

236

237 Ms. Takesian asked how much the needed repairs would cost. Town Administrator Roark
238 explained that he is unsure, but they may only need to replace some of the hardware and chains
239 on the swing sets.

240

241 **MOTION:** (Bergeron/Croteau) To not send the Muldoon Park renovation warrant article to
242 the Budget Committee.

243

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

245

246 Mr. Croteau asked if they need to hire a company to make the playground repairs or if the
247 Town's handyman can do it. Town Administrator Roark stated that he believes that the Town
248 can handle replacing the parts and will want to call the insurance company to inspect the repairs
249 once they are complete. Mr. Croteau asked if the insurance company told them not to allow the
250 playground to be used until the repairs were made. Town Administrator Roark explained that the
251 insurance company did not tell them to close the playground, the Town was just given notice
252 they needed to make repairs.

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254

255 **Tammy Penny, Finance Director: Tax rate setting**

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257 Ms. Penny explained that this is the time of year the Town is communicating its revised revenue
258 estimates to the Department of Revenue. The Board can choose to use additional fund balance to
259 offset the tax rate. Ms. Penny explained that in January when she reports to the Town's
260 appropriations to the DRA, she also has to estimate revenues for the next year by looking at
261 trends and law changes. She tries to remain conservative, so no one is surprised by the tax rate.
262 Ms. Penny stated that she is anticipating about \$541,000.00 more in revenue than what is on the
263 plan. Most of this is due to interest earnings, motor vehicle revenues, and meals and room
264 revenues. She noted that it is good news for the taxpayers that during budget time she was
265 anticipating a \$5.81 rate, but now, even if the Board does not choose to use additional fund
266 balance to offset the rate, the anticipated rate is \$5.44. Ms. Penny is recommending the Board of
267 Selectmen use some additional fund balance to offset the rate because she thinks some of the
268 other components will be increased.

269

270 Ms. Penny clarified that fund balance is not a balance in a bank account, it is a measure of equity
271 between revenue and expenditures and represents the difference between assets and liabilities.
272 The Town should maintain adequate fund balance levels to mitigate revenue shortfalls and help
273 stabilize the tax rate. This is because New Hampshire municipalities rely heavily on property

274 taxes collected only twice a year to meet obligations that occur year-round. Adequate fund
275 balance reserves do improve cash flow and may help to avoid the need for short-term borrowing
276 to meet obligations. Ms. Penny added that different organizations have different
277 recommendations. The New Hampshire DRA is 5-17% of your obligations, the New Hampshire
278 GFOA is 8-17% of your obligations. Ms. Penny stated that she would like to come before the
279 Board next year to propose a fund balance policy where they aim for a certain range, and if they
280 go above it they use it for certain things, and if they go below it they take action. She noted that
281 the Town does not currently have a policy in place.

282
283 Ms. Penny noted that in 2022 the Town's fund balance was \$6,395,065.00 or 11.31% of their
284 obligations. She is anticipating that the Town will fall at \$6,845,065.00 or 12.13% for 2023 if the
285 Board uses \$300,000.00 to offset the tax rate. She noted that this percentage is an estimate
286 because they do not know the whole denominator due to the school's portion of the tax rate not
287 being set yet. Ms. Penny explained that if they use \$300,000.00 in unassigned fund balance to
288 offset the tax rate it would result in a rate of approximately \$5.42. She noted that on a
289 \$500,000.00 home, this would come out to an average savings of around \$7.51.

290
291 Chairman Cote explained that, after reviewing Ms. Penny's chart, they are looking at a Town
292 side tax rate of about \$5.54. This equates to about a \$50.00 increase in taxes on a \$500,000.00
293 home. He noted that he was impressed with the Town's fund balance growth, and he would like
294 to be on the higher side of the 8-17% range. He explained he would rather not use additional
295 fund balance or use a minimal amount of it to keep growing the balance. Chairman Cote asked
296 the rest of the Board for their opinions. Ms. Takesian asked if this was only regarding the Town
297 portion of the tax rate. Ms. Penny confirmed. Ms. Takesian asked how much the county portion
298 of the tax rate increased for this year. Ms. Penny stated that this number is finalized, and the
299 increased rate will result in a \$58.00 increase per average home. Ms. Penny added that the
300 county has been using additional fund balances for the past few years to offset their tax rate, but
301 they cannot do this any longer as expenses have caught up with them. The county rate is
302 increasing to \$0.97 per \$1,000.00 as opposed to last year's rate of \$0.85 per \$1,000.00.

303
304 Chairman Cote noted that there are a lot of things to consider, as the school's contracts are up
305 this year, and are negotiating the teacher's contracts that they will eventually vote on. He also
306 stated that basic inflation and higher cost of living need to be considered as well. The total tax
307 rate increase will not just be \$50.00 or \$100.00, but other things are increasing as well. He added
308 that using \$300,000.00 of additional fund balance will only offset the Town's tax rate increase
309 for taxpayers.

310
311 Mr. Croteau asked if when the school returns money into the budget it goes into the general fund.
312 Ms. Penney explained that it does not go into the general fund, it helps to offset their tax rate.
313 She noted that the school is anticipating \$2,700,000.00 being returned to offset the portion of
314 their tax rate.

315
316 Mr. Bergeron thanked Ms. Penny for her explanation of the additional fund balance. He also
317 stated that he supports using \$300,000.00 from the fund balance to offset the tax rate. Ms.
318 Takesian agreed and also thanked Ms. Penny for her explanation.

319
320 Ms. Penny stated that she would report back when she got the final number from the schools.

321
322 **MOTION:** (Bergeron/Takesian) To have the Board of Selectmen authorize the use of
323 \$300,000.00 in unassigned fund balance to reduce the 2023 tax rate.

324
325 **VOTE:** (5-0-0) The motion carried.

326
327 Chairman Cote noted that since he has become a Selectmen he believes this is the lowest amount
328 of unassigned fund balance they have used to offset the tax rate. Chairman Cote thanked Ms.
329 Penny.

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331

332 **DISCUSSION**

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334 **Accept resignation from Sara Landry, Senior Center Director**

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336 Town Administrator Roark stated that the Town regrettfully accepts the resignation of Sara
337 Landry, the Town's long-time Senior Center Director. Dated October 4, 2023, Town
338 Administrator Roark read Ms. Landry's letter or recognition: Dear Mr. Roark, I am writing to
339 inform you of my resignation from my position as the Director of the Hobbs Community Center
340 Senior and Adult programming effective October 31, 2023. I have valued the almost thirteen
341 years that I have worked in this position, and I am proud of what I have accomplished during my
342 time in this role. I have appreciated the opportunities afforded to me while I have worked for the
343 Town of Pelham. I would be happy to meet with you at your convenience to discuss the
344 transition of my duties. Sincerely, Sara Landry.

345

346 Town Administrator Roark stated that Sara will be missed at the Senior Center and he
347 understands that she has a new job opportunity, and he wishes her well.

348

349 **MOTION:** (Croteau/Corbett) To accept Sara Landry's resignation as Senior Center Director.

350

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

352

353

354 **Town seeking volunteer for Nashua Regional Planning Commission**

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356 Town Administrator Roark announced that the Town will be seeking a volunteer to represent the
357 Town to the Nashua Regional Planning Commission (NRPC). The title will be the Town of
358 Pelham Commissioner. This position was recently vacated by Mr. Hennessey. It is for a four-
359 year term. The NRPC consists of a voluntary board of commissioners that represents each
360 member community. Commissioners are nominated by the planning board in their municipality
361 and are appointed by the governing body. Each community is entitled to two representatives, and
362 communities with over 10,000 in population are entitled to three representatives. The full
363 commission meets quarterly to adopt and oversee an array of planning programs provided to

364 NRPC members. The executive committee, which is elected from the body of the full
365 commission, meets monthly. Any citizens interested in volunteering should fill out a volunteer
366 application and forward it to the Board of Selectmen's office at mbinette@pelhamweb.com.
367 Applications are available at the Board of Selectmen's office or online at the Town's website at
368 pelhamweb.com/employment. The volunteer position will remain open until the seat can be filled
369 by the Board of Selectmen.

370

371 Town Administrator noted that this is an important position, and he hopes there is interest in it.

372

373 **Audrey Frader: New youth center on Bridge Street**

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375 Audrey Frader approached the Board to discuss the new youth center they are trying to kick off
376 on Bridge Street. She noted that she came tonight in response to Sara Landry's resignation, as
377 Ms. Landry had contacted her to let her know she was resigning, and Ms. Frader noticed today
378 that her resignation was on her agenda. Ms. Frader noted she has been doing a lot of important
379 work with Ms. Landry and she hopes this work can continue even with Sara resigning. Ms.
380 Frader explained that she and Ms. Landry have been working on creating a partnership between
381 the Senior Center and the coming youth center, and they have a lot of things planned. She asks
382 the Board that as they seek to replace Ms. Landry, they make sure it is someone who is very
383 much invested in the community and partnerships. She added that one thing they would like to
384 do is create volunteer positions for the seniors at the youth center. In return for this, they would
385 help to provide some things for the seniors that they do not have currently at the Senior Center,
386 like letting them use their gym for indoor walking or moving the pickleball equipment into the
387 gym during the winter.

388

389 Chairman Cote thanked Ms. Frader and told her to reach out to the Board again and stay posted.

390

391 **ARPA funds for Town sidewalks**

392

393 Ms. Takesian noted that at the last meeting the Board discussed using ARPA funds for Town
394 sidewalks. She asked which sidewalks will be funded using ARPA funds and which sidewalks
395 will be funded by the State. Mr. Bergeron explained that they originally had a portion of the
396 sidewalks in the CIP until the State came back and let them know they would pay for the Bridge
397 Street to VFW portion of the sidewalks. The Town will be using ARPA funds to pay for the
398 portion of the sidewalk that goes from the Hobbs Community Center to the walk-in.

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400

401 **SELECTMEN AND TOWN ADMINISTRATOR REPORTS**

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403 **Mr. Croteau** had nothing to report.

404

405 **Ms. Takesian** had nothing to report.

406

407 **Chairman Cote** had nothing to report.

408

409 **Mr. Bergeron** had nothing to report.

410

411 **Ms. Corbett** had nothing to report.

412

413 **Town Administrator Roark** had nothing to report.

414

415

416 **REQUEST FOR NON-PUBLIC SESSION**

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418 **MOTION:** (Corbett/Croteau) Request for non-public session per RSA 91-A: 3, II (a)

419

420 **ROLLCALL VOTE:**

421

422 Selectman Corbett – Yes

423 Selectman Bergeron– Yes

424 Chairman Cote– Yes

425 Selectman Takesian – Yes

426 Selectman Croteau – Yes

427

428 (5-0-0) The motion carried.

429

430 It was noted that when the Board returned, after the non-public session, the Board would not take
431 any other action publicly, except to seal the minutes of the non-public session and to adjourn the
432 meeting. The Board entered a non-public session at approximately 7:41 p.m.

433

434

435 **ADJOURNMENT**

436

437 Respectfully submitted,

438

439 Makayla Clougherty

440 Recording Secretary