



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, March 26, 2013**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), Kirt Schuman (Vice Chair), Tom Clark, Frank Torr, Lee Skinner, Gary Green, Dave White.

Members Not Present: Dean Trefethen, Mayor; John Leggett, Dexter Tarbox (Alternate)

Staff Present: Christopher Parker (Planning Director); Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:28 pm. The Chair apologized to the public for the delay in the start of the meeting.

1. **CITIZENS' FORUM**

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

2. **APPROVAL OF THE PRIOR MINUTES**

- March 12, 2013 Regular Meeting Minutes

Motion: K.Schuman motioned to approve the March 12, 2013 meeting minutes. Seconded by F.Torr. Vote: U/A.

G.Green made a correction to the minutes.

Motion: K.Schuman motioned to approve with the amendment. Seconded by T.Clark. Vote: U/A.

3. **OLD BUSINESS - NONE**

4. **NEW BUSINESS**

- A. Consideration and acceptance of a Minor Lot Line Adjustment for Gary Guppy, Debra Leahy, Dennis Guppy, Sandra Paige & Nancy Rouleau and David and Linda Gosselin & Jennie Exas, Assessor's Map 29, Lots 68C, 68F, & 69, zoned R-12, located at 128 & 130 Grove Street, Maple Street and Snow Avenue. *(P13-08)

Joel Reynolds, Norway Plains Associates Inc., represented the applicants. He gave an overview of the plan which includes a lot line adjustment to divide parcel 29-68F and combine it with parcel 29-68C and parcel 29-69. The Guppy's and the Gosselin's had purchased the land from the City and now want to divide it into two lots. The Gosselin's live at lot 29-70, combining part of lot 68F with lot 69 and part of lot 68F with lot 68C.

D.Ciotti asked J.Reynolds to clarify which lots are being combined and that lot 69 and lot 70 will be combined into one single lot of record and where will access to 29-69 come from.

J.Reynolds confirmed that lots 29-69 and 29-70 will not be combined. Lot 29-69 does not have any access now and the applicants would want to leave it that way, as a separate lot.



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C.Parker commented that State statute says you cannot preclude access to a lot and that even today if they were under separate ownership, there must be access to lot 29-69.

J.Reynold's stated that there is access through Maple Street because that is how the lot was created.

G.Green stated that he is concerned about the access from Maple Street, and wouldn't the access go through the Berry Brook Conservation area.

J.Reynold's discussed the plans where Berry Brook is and that they have an implied right of way. He doesn't delineate wetlands; they would still have to get state and local permits if there were any development plans. There are no plans for a driveway.

C.Parker stated that this was a larger tract of land and a few years ago the City recognized that lot 29-68F was no longer needed so they sold it to the abutters. That portion of Maple Street was discontinued at that time. He referred to the plan and stated that lot 29-71B also has the same situation with no access to that lot and no public roads. They would have to negotiate with another lot to get through. He agrees with the surveyor, that if they wanted to use the Maple Street access they would have to get the appropriate permits and have City approval. They could also consider having the owner of lot 29-70 grant an access easement.

C.Parker confirmed for G.Green that essentially they are moving the line back.

D.White asked C.Parker if the access should be addressed at this point since the existing lot is land locked. He said there should be an easement shown on this lot.

C.Parker stated that lot 29-68F is going away, and would the owners of lot 29-69 grant an easement over what is now 29-68F.

J.Reynold's confirmed that the owners already have a 50 foot right of way access to the rear property and stated that it's not a written easement; it goes back to the way the lots were created. Anyone with lots out there still has a right of way to the lots through that 50 foot strip.

K.Schuman feels access is not a concern at this stage but would revisit it if a building permit is requested.

D.White stated that because this is a lot line adjustment that would get recorded, he would like to see the encumbrances reviewed; he would like to also see a sewer easement placed on this.

C.Parker read plan note #7 which detailed "an easement to maintain, keep and replace, if necessary, underground utilities" but you could consider adding a condition to add a plan note #10 describing the prescriptive access easement over the former Maple Street right of way.

T.Clark agrees with K.Schuman that we are overthinking the access at this point. The request is simply to move the lot line to the west.

D.Ciotti asked F.Torr if he remembers when, back in the day, that the property would not be developed when this property was sold.

F.Torr responded that he remembers, but not in detail.



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D.Ciotti stated he remembers that the people that were out there did not want it developed. He feels if there is an easement it should be noted on the plan.

Motion: K.Schuman motioned to accept the application. Seconded by T.Clark Vote: U/A.

Public hearing open.

Ralph Krausse, 88 Redmond Street, referred to the map and asked who owns the property behind his lot.

C.Parker advised that it is the Guppy, Leahy families and they own around the Berry Brook on lot 29-68F.

Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall revise the plat to add the Planning File #P13-08 to the title block.
4. The applicant shall revise the plat by deleting the reference to parcel 29-70 in the note just above the title block.
5. The applicant shall revise the plat by adding an asterisk to the front yard setback in note #4 to indicate that the setback for a vacant lot has a build to line no closer than five feet and no greater than twenty-five feet to the front lot line.
6. The applicant shall revise the plat to add a new note #10 to the plat describing the prescriptive access easement over the former Maple Street right of way.

Motion: F.Torr motioned to approve with conditions. Seconded by T.Clark. Vote: U/A

- A. Consideration and possible vote on a Citizen Petition for Rezoning for South Dover Storage Solutions, LLC, Assessor's Map 15, Lot 62, located at 68 Rutland Street. (rezone approximately 2/3 acres of land from Medium-Density Residential District (R-12) to Restricted Industrial District (I-1)) *(P13-05).

Kevin McEneaney represented the applicant and owner of 68 Rutland Street. He stated the rear part of the property is zoned I-I and the request is to change the R-12 zone in the front to I-1. The previous use was a concrete manufacturing plant, with the most current use of the building being an industrial use. The R-12 zone is a residential zone with a minimum lot size of 12,000 s.f. The existing lot would only fit one single family home without a zoning variance. The property owners would like to convert the existing building into storage units. The building would be rehabbed and refinished into a climate controlled storage space.

D.Ciotti asked about the building height and if there are any restrictions.

K.McEneaney explained that the tower height would be 45 feet high well within the allowed height. It was originally a shoot for concrete materials and it will be converted to a working elevator to the top of the tower. There will also be a small office space at the top of the tower.



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K.McEneaney confirmed for G.Green that there is not any access to the back lot from the rear of the property and said the property is almost entirely surrounded by wetlands with the only access through this lot.

K.McEneaney confirmed for K.Schuman and D.Ciotti that building access would be 24/7 and there would be a residential apartment within the building for the property manager.

D.Ciotti asked if there would be a gate.

K.McEneaney stated there would not be a gate. If a gate is suggested or required, the plan would have to go through full Planning Board review.

Public hearing open. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

C.Parker commented that he received a letter from Economic Development Director Dan Barufaldi in support of the rezoning request. An email was received from Jack Mettee, a direct abutter, who could not attend tonight's meeting, who had concerns about the building size, height, and the remainder of the site. A copy of the email is on file in the Planning Dept.

C.Parker stated that Planning staff had recommended a variance; however, this plan would have needed 5-7 variance applications. After further discussion, the Planning staff supports the proposal and feels it is a reasonable use and an appropriate request without going through the zoning process.

Motion: T.Clark motioned to approve the application and send it to the City Council for ratification. Seconded by G.Green. Vote: U/A.

B. Consideration and possible vote on a Citizen Petition for Rezoning for Grammas Investment, LLC, (Owner: George Mitropoulos, Trustee, of the George Mitropoulos Revocable Living Trust) Assessor's Map H, Lot 29-A, located on Littleworth Road. (rezone 6.4 acres of vacant land from Low-Density Residential District (R-20) to Hotel/Retail District (B-4)) *(P13-06).

John Diamond from RE/MAX Real Estate Center represented the applicant Grammas Investment, LLC, and gave a brief introduction of the proposed rezoning application under consideration. The parcel is a 6.4 acre parcel of vacant land which would be rezoned from the current R-20 residential zone to a B-4 hotel/retail district. The plan is to join four parcels and create one retail parcel. They feel the intersection would fit a retail space well, rather than additional residential space.

T.Clark who asked John Diamond to clarify the area designated on the plan which was noted as "area under negotiations". The John Deere dealer may not move.

C.Parker clarified that he had reconfigured some of the drawings provided by the applicant and that the area in question is a "potential area of interest" as he was not aware that some of the property may have been already under agreement. He stated that about 10 years ago this property was rezoned to B-4; it was denied by the City Council which overturned the Planning Board decision. The goal is to assemble this corner into a retail corner which would include property owned by Bob Sherwood Landscaping, and the John Deere



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property, and rezone the property into one ownership; then would be brought back for Planning Board review.

John Grammas introduced himself as the developer. He stated that his vision is to develop a high end retail space on Knox Marsh Road and Littleworth Road. He has spoken to Bob Sherwood and the owner of the John Deere property.

L.Skinner asked the hypothetical question of what is a high end retailer.

J.Grammas stated that a high end retailer is similar to companies with a Fortune 500 rating, companies with financial strength and lasting power. It would be a smaller multiple retailer with the character of a bigger city. He said they use sophisticated marketing tools in planning and he feels this location would support this type of retail.

K.Schuman confirmed with John Diamond that the parcel would be 12-15 acres.

J.Diamond stated that the parcel would be 12-15 acres.

C.Parker confirmed for G.Green that lots H32A-1 and H32 are already B-4 district.

Public hearing open

Bob Sherwood, owner of the property at 55 Knox Marsh Road, known as Bob Sherwood Landscaping. He has a purchase and sales agreement with Mr. Grammas. He supports the zoning change and feels it would be an improvement to the area and a benefit to the City.

Nancy Quinlan, 89 Knox Marsh Road, doesn't feel the applicant has met the zoning requirements under the City code or under RSA 674. She spoke about congestion, water/sewer, and character of the area; she does not feel that the applicant has met his burden or met the zoning requirements. She stated that this area was never a B-4 zone, it is residential. The B-4 zone was created in the 90's and this lot was not included in that zone. She spoke about the wetland areas on this parcel and this was not addressed. She doesn't think City sewer is available in that area. She is concerned with an out of town developer impacting neighbors who have lived there for a long time. She requests that the board deny the application.

T.Clark asked C.Parker about the writing on the back of page two of the application which appears to address some of those issues.

C.Parker responded to T.Clark that this was his assumption and that the documents were prepared by the applicant in an attempt to address some of those issues.

D.Ciotti asked if this plan is approved, and when it goes to City Council, would it require additional info for the Council to approve. He wanted to know where the water and sewer lines are in that area.

C.Parker stated that as a citizen petition for rezoning, the Planning staff would prepare the required report as outlined in chapter 170; the Board would take ownership of it, assist where needed, and present the application to the City Council, answering questions of conformity within the Master Plan, and municipal services.



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Bob Sherwood stated that he and Kevin Cooper have water and sewer access through Knox Marsh Road through a right of way.

Deborah Sousane, a direct abutter, discussed the previous rezoning of the John Deere parcel, the wetlands, and the drainage ditch in the center. She spoke about the pond which is manmade but spring fed and the amount of wetlands in the area. Her concern is that she has a small farm stand and such a big plan would put her out of business. Her property is surrounded by open space, and wildlife. She questioned why anyone would approve a large parking lot when the area is already set up for residential use, and increased traffic on Littleworth Road has already burdened her. She stated that the John Deere parcel was spot zoning, but this plan is much bigger.

Public hearing closed.

STAFF RECOMMENDATION:

A letter was received from Dan Barufaldi in support of the rezoning. As previously mentioned, the Planning Board recommended rezoning this area about 10 years ago, but the City Council did not agree. The Planning staff still feels there is economic viability by rezoning this area and there are controls in the B-4 district to protect abutters as concerns arise. If this Board recommends approval it would be presented to the City Council for ratification.

G.Green stated that there are challenges with this development but it would be reviewed when it comes to the Planning Board. He agrees with all the issues discussed. He would support it.

Motion: T.Clark motioned to approve the application and send it to the City Council for ratification. Seconded by F.Torr. Vote: U/A.

- C. Public Hearing to hear Community Development Block Grant (CDBG) funding requests for Fiscal Year 2013/2014. All applicants for CDBG funding will be given the opportunity to present their application to the Board.

Rick Jones, Community Development Coordinator gave a brief presentation on the CDBG funding requests. This year's CDBG Entitlement Grant is \$221,900, which is approximately a 10% decrease in funds compared to last year. A letter was received from HUD stating to expect a 5% decrease in funding.

R.Jones explained that estimated income from (DELP) is \$43,180; estimated income from (HRL) is \$6,876 and estimated income from the expected sale of the School Street lot is \$150,000. There are two criteria that must be followed, which Jones explained further.

- 1) Administration – the maximum amount of program funds that can be used for administration and planning purposes in any given fiscal year is 20% of the total grant amount plus projected program income – which for FY 2014, it translates into a maximum amount of \$85,600.
- 2) Public Services – the maximum amount of program funds that can be used for public services in any given fiscal year is 15% of the total grant amount plus 15% of the program income for the previous year for FY 2012, it translates into a maximum amount of \$39,000.

In addition to the proposals submitted by non-profit organizations, the Planning Department wishes to make the following proposals:



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Administration of Program: \$85,600 – including Grant administration, Citizen's participation, annual performance reporting to HUD, to name a few; it also includes program expenses, 50% salary and fringe benefits for the Community Development Coordinator, as well as a partial salary expensed for the Planning Director, City Planner, and Planning Secretary.

Housing Rehabilitation Administration: \$29,467 – Administration of the City's Housing Rehabilitation Program, including loan underwriting, construction monitoring and HUD compliance.

Economic Loan Program Administration: \$29,467 – Administration of DELP (Dover Economic Loan Program) including project evaluation, loan underwriting and performance monitoring.

DELP: \$71,332 – Re-funding the Dover Economic Loan Program.

G.Green asked for a clarification of the \$85,600 and the \$39,000. He comes up with different numbers.

R.Jones commented that one is 15% and one is 20%. He explained that the block grant + DELP + HRL is used to calculate the public services = \$260,000. There are limitations with the cap with HUD.

Board discussion ensued.

L.Skinner had questions about the Dover Welfare program funding.

C.Parker discussed that the need is high and Dover has some money to give where other communities do not. The priority is to fund the higher priority items and spread the money around. The Board has to figure out how to allocate \$39,000 where there is a request of \$77,640. This is a great opportunity to help the community with these funds.

D.Ciotti asked how much the annual income was on the parking lot and how many of the city's residential units required to get off-site parking.

R.Jones stated it ranges as low as \$4,000 to as high as \$22,000 depending on the year.

C.Parker responded that about 17% of the residential units required off-site parking.

Public hearing open

Dover Welfare: \$10,000 Request

G.Green recused himself from this request.

Lena Nichols, Director of the Dover Welfare spoke. Needs of organization: To help families get into apartments who cannot afford the full security deposits. It helps out 20-25 families including Section 8 and Dover Housing apartments and pays a maximum of \$500 security deposit to families who qualify.

L.Skinner commented on how the down payments are used and when people move out what happens. He used three scenarios. He asked what % of money is returned to the City. He is looking at it as a regeneration process.



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L.Nichols stated that she approximates that 50% of the money gets returned. Most of the landlords have detailed records making sure the security deposits get returned.

D.Ciotti asked about the average security deposit amount.

L.Nichols responded that \$398 is the average amount for this year. They have given out 13 deposits this fiscal year. The most that welfare will pay is \$500.

Community Partners, d/b/a Behavior Health & DSSC: \$11,140 Request

Michelle Donovan, Director of Community Partners, spoke. Needs of organization: Funding for Homeless Assistance Program security deposits and rental assistance for Behavioral Health Clientele who are mentally ill and cannot afford security deposits and rental housing. She stated that CDBG funds are critical. 23 families were funded this past fiscal year. In FY 2014 they would be able to fund 15 families.

My Friend's Place: \$7,000 Request

Bob O'Connell, Executive Director of My Friend's Place, spoke.

Needs of organization: Operational funds to run the only homeless shelter in Dover (MFP).

My Friend's Place Transitional Housing: \$3,000 Request

Bob O'Connell, Executive Director of My Friend's Place, spoke.

Needs of organization: Operational funds for MFP's transitional housing units.

My Friend's Place: \$42,034 Request for repairs: preventative, and necessary repairs, weatherization.

Bob O'Connell, Executive Director of My Friend's Place, spoke.

Needs of organization: Funding for facility repairs at the homeless shelter and transitional housing units.

Cross Roads House: \$12,000 Request

Rick Jones, spoke on behalf of the applicant. Chris Sterndale, Director, is at the annual board meeting and could not attend. 35 Dover residents are housed in Portsmouth. Needs of organization: Funding for direct care and services at the homeless shelter for Dover residents.

Dover Housing Authority: \$3,500 Request for Seymour Osmand Center.

Thad Mandsager, Executive Director spoke. There are 32 kids, 15 of them are from extremely low income families. The program is driven by data. The grant represents the academic investment in the kids and their parents. Needs of organization: Funds for low income Quantum Opportunities Program for dropout prevention.

AIDS Response: \$15,000 Request

Kristen Fuller, Director, spoke. 25% of the clients live in the Dover area. Last year they helped 2/3 of clients. They are medical case managers. Needs of organization: Funding to assist in case management and



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support services of ARS. AIDS Response provides vital emotional and practical support for people living with AIDS, their families and friends.

A Safe Place: \$3,000 Request

Susan Coombs, Finance Manager spoke. They provide support services and free 24 hour services to domestic abuse victims. They have served Rockingham and Strafford Counties since 1978. They served last 154 Dover residents in the last FY. Needs of organization: Grant funding for shelter and services of abused spouses and their children. The shelter is located in Portsmouth and serves the entire area.

Homeless Center for Strafford County: \$8,000 Request

Susan Ford, Executive Director spoke. The center is for Dover residents – It saved \$13,000 to the city last year which is what they would have charged for rent. Children are most served. It takes 50-60 volunteers per year to staff the facilities. Needs of organization: Receives operational funds to run the County's overflow emergency homeless shelter.

Avis Goodwin Community Health: \$5,000 Request

Gary Decolfmacker spoke. The facility provides medical and dental care. They have 2,400 dental patients. The bulk of the patients are from Rochester and Dover which will receive dental care. They would limit the help to adults to Dover residents with funds not to exceed \$500 per patient. Most children are covered by Healthy Kids/Medicare. They do raise funds for general health care. Needs of organization: Funding for medical care for low income Dover residents.

Strafford County Community Action (CAP): \$25,000 Request

Betsy Andres Parker gave a brief overview of the program.
Needs of organization: Funding for CAP's Weatherization and property rehabilitation program serving very low income Dover residents with housing needs.

Triangle Club: \$35,000 Request

Mike Kimball, Treasurer, spoke. The club is a 501c. They hold 35 weekly meetings for groups in crisis such as: for Narcotics Anonymous, Smokers Anonymous, Gamblers Anonymous, and Alcoholics Anonymous. It's an old building which was designed as a warehouse with conservation management. The club has been in existence for 29 years. They have 100% volunteer labor. There is no staff except for meeting times. The building was converted to electric heat and city gas. None of that runs without electricity. The generator needs to be automatic because of the lack of staff. The building is also in need of a burglar/fire alarm system because of the amount of time it is unattended. It is all needed for peace of mind.
Needs of organization: Funding for facility improvements at 120 Broadway.

McConnell Center ADA Improvements: \$15,000 Request



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C.Parker stated that not all of the doors are compliant, and they are trying to improve accessibility to the building. Needs of organization: Funding for 4 automatic door openers in the center which is not entirely ADA compliant.

Program Administration: \$85,600 Request

Funds to administer the CDBG program.

HRL Loan funds: \$6,876 Request

Return of loan payments to the HRL loan pool.

HRL Administration: \$29,467 Request

Funds to administer the Housing Rehab. Program.

DELP Loan Funds: \$43,180 Request

Funds of loan payments to the DELP loan pool.

DELP Administration: \$29,467 Request

Funds to administer the DELP program.

DELP: \$71,332 Request

Re-funding the Economic Loan Program.

Public hearing closed

C.Parker advised that the Planning Board will hold a regular meeting on Tuesday, April 9, 2013 to discuss the CDBG requests and staff suggestions.

C.Parker confirmed for F.Torr that \$3,000 is the minimum amount to be funded for any grant.

L.Skinner commented that it is difficult to listen to these requests which are all valid. This is all critical stuff and it is painful that we cannot help more.

D.Ciotti stated there is \$39,000 available.

Rick Jones was on hand to answer any questions. He stated a resolution will be presented to the City for final approval.

5. STAFF COMMENTS

- NH OEP (Office of Energy and Planning) is holding a Spring Planning & Zoning Conference on Saturday, May 11, 2013 at the Radisson Hotel in Manchester, NH. A flyer is attached.
- April will have (2) two regular Planning Board meetings and no workshop.
- There will be a Land Use Meeting & Greet meeting on Tuesday April 30th from 6-8 p.m. All land use boards from the City are invited. Energy Commission, Transportation Advisory Commission, Zoning Board, Planning Board, Conservation Commission, Open Lands Commission, Trails Advisory Commission and DBIDA. Dinner will be provided.



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C.Parker thanked the Board for volunteering. A chair from each committee will give a summary. A survey will be sent on how to do your job better.

6. COMMITTEE REPORTS - NONE

7. ADJOURNMENT

Motion: L.Skinner motioned to adjourn at 9:21 p.m. Seconded by K.Schuman. Vote: U/A.