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APPROVED
MINUTES OF THE OSGOOD ROAD PUBLIC FORUM
MILFORD BOARD OF SELECTMEN MEETING
August 12, 2013

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PRESENT: Gary Daniels, Chairman
Mark Fougere, Vice Chairman
Mike Putnam, Member
Katherine Bauer, Member
Kevin Federico, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary
Mike McMahon, Videographer

ATTENDEES: Bill Parker, Community Development Director
Fred Elkind, Stormwater Manager
Tom Schmidt
Honorable Dave Wheeler
Bethany Wheeler
Lorraine Kearn
Warren F. Kearn Jr.
Dawn Riendeau
Rick Riendeau
Cecilia Steele
Ruth Heden
Nancy Amato
Carl Chappell
Sally Chappell
Janet Langdell
Paul Amato
Bruce Einsidler-Moore
Aliza Holloway
Herbert Adams
Gail Ross
Ernest Ross
Jeremy Jackson
Luke Jackson
Ian Jackson
Tim Finan
Bob Courage
Kimberly Jensen
Tom Costello

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OPENING: Chairman Daniels called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Chairman Daniels indicated those who wish to speak should please use one of the microphones located in the room so that their input can be heard on the PEG Access cable channel. Branner Fieldstone Land Consultants representatives were also present and made a presentation of the Osgood Pond Reclamation Project. Bill Parker thanked everyone for coming to this forum, explaining that the Osgood Pond Reclamation is in accordance with the Master Plan for the use of the pond and for stormwater management. The goal is to do this reclamation in the most cost effective way. Some of the history of the pond project was reviewed, indicating that most recently Fred Elkind has become involved from the stormwater management aspect and Fieldstone who have done engineering on the project.

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Talking about dredging Osgood Pond has been going on for many years. Town records show it has been going on since 1977, the Selectmen and Conservation Commission approved and made it a priority; public meetings were held and included all the people involved. No project of this size moves quickly, by 1983 it was determined by Conservation that there was no funding so it went on hiatus for a decade. The Conservation Commission worked with UNH and some options were identified for dredge work. In 1995 a public meeting was held to re-visit the project. Concerns at that time focused on creating a balance of recreation and wildlife protection. A local contractor

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1 back then agreed to do the work, it received approval and the work was to begin in 1996. The local contractor de-
2 cided it was not a project they could undertake. Senators Gregg and Smith were contacted to obtain Federal assis-
3 tance. The Army Corps of Engineers told the town in 1997 there was no funding available.
4

5 Adams Field began to be used for recreation and the town continued talks with Senator Smith for funding, but funds
6 were not appropriated. In 2000 the Army Corps of Engineers released the 206 preliminary restoration plans for Os-
7 good Pond. Following that, the town continued to work with the Army Corps and continued to work with the Fed-
8 eral Government to obtain funding. The Town Capital Improvement Plan included Osgood Pond dredging. The
9 town continued to work with the Army Corps. In 2007 the Master Plan had a goal to preserve the rural landscape in
10 town. One action was to continue on the Osgood Pond reclamation efforts and try to complete them. In 2008/2009
11 the town worked with the Army Corps who began to look at different methods. This continued through 2011. At
12 that point the cost continued to rise but funding was only available for 65% with a town match of 35%. The last
13 time this was checked, it would cost the town \$1.6 million therefore at that time the Board of Selectmen deemed it
14 would not be feasible to take on that cost.
15

16 Staff then started to work on a scaled down version to dredge five acres instead of ten. Local NH representatives
17 began to work at the State level to keep the permit fees at \$10,000 for the project, which was successful to limit the
18 town fees to \$10,000 for any type of project like this. In 2012, a report was provided on the feasibility of a 5 acre
19 dredge, Fieldstone was contacted for the project. The project now becomes more feasible and affordable. The wet-
20 lands board application is nearing completion and that is why we are here tonight, to bring the public up to date.
21

22 Chairman Daniels stated that as of today, there is \$89,659 in the Osgood Pond special purpose fund that was collect-
23 ed from tax payers plus interest. Fred Elkind indicated most people are familiar with Osgood Pond, the GIS repre-
24 sentation shows where the pond is, it is created by the draining of Great Brook. It is approximately 20+/- acres. If
25 the water is released and goes back to its original stream, it will just go back to what it was without damming it. A
26 study was done by DES in 1991/1992 that looked at ponds in the State, characterized as having an area of 20 acres,
27 with a maximum depth of 6-7 feet. It has been recognized that the pond is very shallow. The deepest area is behind
28 the dam. The weeds were found in 1991 and they are throughout the pond area. We are looking at some type of
29 weeds there, it is a good variety. It is thickly vegetated. Given the intent to try to re-create the values, we looked at
30 the pond and the values we want to reproduce. In order for the vegetation not to emerge from the pond, it needs to
31 be an average of six feet deep that would require four feet to be removed. Where would the highest value be? Ad-
32 ams Park and the dam area are the highest value. If we dredge that part, it would support fish and there could be
33 vegetative matter up stream which also supports the fish and provides opportunities for fishing and canoeing. Dis-
34 cussions have included improvements to Adams Field for a canoe launch and the wood for a fishing pier. A fishing
35 pier was recommended by the Fish & Game who we have worked with. Fish & Game felt that one thing that is
36 missing is the opportunity for young people to get out and start fishing. A real experienced fisherman might not
37 enjoy this, but a new young fisherman might enjoy it. This area reflects eight acres of dredging, which would be
38 about 50-60 cubic yards of materials to be removed.
39

40 Chad Branner and Chris Gaider, wetlands soil scientist with Fieldstone Engineering, have been working with the
41 town since about September 2012. They have met a number of residents and ultimately tried to pull together a pro-
42 ject that improves the function and value of Osgood Pond. Many of the values have been discussed, in order to im-
43 prove the area, they need to put together an outline of what the improvements will be and what will be the benefit
44 both to the environment and the residents. The goal is to dredge 6-8 feet which will yield about a 10 foot water depth
45 at the deepest point. Everybody knows where the current dam is, but where would a proper boat launch be located?
46 The northern section of the pond would be best for the launch and a fishing pier. A picnic area has also been dis-
47 cussed, which will all enhance the passive recreational use of the pond. Aesthetically it will be an improvement.
48 Borings performed by the Army Corps of Engineers shows an available depth of 4-5 feet of peat. Currently, Mr.
49 Branner and Mr. Gaider are working on finalizing the wetlands application, and currently working on how the de-
50 sign will be drafted. A bit of work needs to go into this process. We have worked on a number of projects similar to
51 this. The plans have not been finalized yet. Ultimately the thought process is that there will be two access points;
52 one for the boat ramp area and the other for the fishing pier area. We are trying to accommodate dredging a channel
53 and maintain a berm on one side of the channel to isolate it from any existing flows. On the northern side of the
54 berm, we will create a settlement basin and that will be a restoring area. We may come in and remove the berm
55 eventually, those details need to be worked out with Fred Elkind and DPW. The goal is to have as few impacts to
56 the buffer area as possible which is why we are only proposing two access areas. Mr. Branner and Mr. Gaider asked
57 for any questions.
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1 Guy Scaife asked them to expand on the shoreline restrictions, and asked what we can get approved through the
2 Army Corps of Engineers. Mr. Branner indicated they are making a proposal based on what we believe will justify
3 the impact. This is an enhancement and maintenance project. Over time, sediments will accumulate, the enhance-
4 ments are that the functions of the pond have been distinguished. We will be diverging the wetlands, adding the
5 element for the fishing to be restored. Fish & Game has expressed support for this, they are in support of the fishing
6 pier. Everybody has an interest in preserving certain aspects. We are proposing two disturbances. In similar pro-
7 jects, the Fish & Game has asked for a transitional area, the edge of the wetlands has been offset by 25 feet. They
8 are proposing this based on dealing with projects similar to this one. This proposal will get submitted through DES,
9 Fish & Game, and the Army Corps of Engineers which is why it takes so long to get through the process. We are
10 putting together a proposal that can streamline the process. The State will have 75 days to review the plan under
11 their regulations, and ultimately the Army Corps would have 30 days. The goals of the project include restoration
12 and enhancement that are being proposed coming into play because of the mitigation factor at the State and Federal
13 levels. We feel there is enough of an improvement through the establishment of fish habitat, passive recreation and
14 surrounding scenic areas and aesthetic improvements. This improvement will make the wetland that much more
15 complex. There are a lot of details that have not been covered, but if there are questions, he will try to answer them.
16

17 Chairman Daniels asked for people to state their name and to please use the microphone when speaking. Bruce Ein-
18 sidler-Moore, Mason Road, is glad this is finally being brought to the public. The area to enter for fishing is right
19 next to my house, and it is a natural area for fishing, to put fishing on the other side on the shallow end does not
20 make sense. In the 1990's, a lot of fisherman would use it and that is very important.
21

22 Carl Chappell, Osgood Road, has concern about not going far enough to eliminate the siltation. Eventually it will
23 just come back, if it goes up a little further, it will take longer to come back and flow down. The dredging would
24 stay longer with a hay bale berm. Mr. Chappell is not sure this project can go to that extent or not. To start with
25 this, he thinks it should be looked at a little more.
26

27 Lorraine Kearn, Mason Road, said they live on a mud flat right now because there is nothing there; they have dealt
28 with it for the past two summers and all the vegetation will start to rot so we cannot open the windows in the fall
29 because of the smell. What affect will dredging eight acres have on the pond? And what is the effect on the depth
30 of the water. Fred Elkind explained that once the water is back in the pond, after the dredging, the entire area will
31 look much the same as before it was lowered. You will not have the mud once the dredge is complete. Lorraine
32 Kearn asked if the beaver situation will be dealt with and will Fish and Game deal with it, we have only one birch
33 tree left since the beavers came, and there is a huge beaver dam up near Great Brook. NH Fish and Wildlife told
34 Lorraine she could take care of it, the beavers are architects. They have currently moved, but are the dams at the
35 lower end of the pond going to be dealt with? Fred Elkind answered that Fish & Game does not deal with beaver
36 issues any more, this project will not affect that one way or the other.
37

38 Sally Chappell, Osgood Road, is in favor of cleaning up the pond, but nothing is mentioned about the historical rea-
39 son why this should be done. There was once an ice house there, no one has said anything about that, the dam was
40 put in for the ice, why isn't that a valid reason to use? Chad Branner said that is something that was raised at DES,
41 we tried to have the conversation and use that in the permitting process, but because it is not active, that no longer is
42 a benefit for maintaining the value. Aesthetically it will probably look like it did back then. Ms. Chappell said she
43 could provide photos from back when it used to be iced. Mr. Branner thanked Ms. Chappell for bringing up that
44 point and would appreciate any photos.
45

46 Warren Kearn, Mason Road, said the upper pond area the beavers have dammed has caused a lot of the silting, so
47 the upper pond is now over-burdened from growth of aquatic plants so that even when the water is normal, the canoe
48 will still scrape the bottom. The dam has cement pylons and on either end there is slots where planks could be add-
49 ed. When flooding rains are anticipated, the planks could be pulled. Two feet of depth could be lowered or brought
50 down as needed. It is something that he mentioned in the past. If that is feasible it would be very helpful. Chad
51 Branner appreciated the question and could research that but when it comes to dams, a good deal of dams built do
52 not meet the requirements, a dam needs to have one foot of free reach and he is not sure Osgood Pond had that but
53 he would have to research it.
54

55 Carl Chappell said at one point in time, the planks were pulled, the Burns' had control, so that the farms would not
56 flood and he believes that is in the deed.
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1 Dave Wheeler, Mason Road, presented an old photo of a row boat on Osgood Pond and there were no weeds on the
2 pond 70 years ago. Mr. Wheeler supports the project, we should be doing more, and he does not see any dredging
3 up the brook at all. The water is building up in that area of the brook, the silt will just fill in once we take it out. Mr.
4 Wheeler would like to hear why we cannot do more acreage or is it because of environmental. The town is ready to
5 support doing a little more, the permit fee would remain the same, the discussions with DES said they are open to a
6 tiered permit where we can go further if we can raise money. Mr. Wheeler would like to see that happen. It would
7 be more enhanced if more is done. A multi-tiered permit is something that is available. The permit is still \$10,000
8 so why not ask if we can have a flexible permit and if we can't raise the money, scale it back.

9
10 Fred Elkind indicated we are a little hesitant for the larger dredge, the dredge permit, if it is more than three acres, it
11 is more likely the Army Corps will get involved and then the project becomes more complex and then it becomes a
12 project of the Corps. We have been trying to avoid that, if there were a way to have a larger concept, and keep the
13 Army Corps out of it, we would, but if we get into more than eight acres then it brings the Corps in and that is a
14 concern. Carl Chappell noted the cut off is ten acres. Chairman Daniels said the cut off is three acres. Fred Elkind
15 said the Army Corps get involved with any dredge and fill project, they have an agreement with the state to have
16 hands off of three acre dredge projects and under but interest is raised if it is over three acres and they get to do it.
17 They review almost every project. The Army Corps reviews every project, if you every have gotten a dredge and
18 fill, it says you have to wait 30 days to start, that is actually the time the Corps is reviewing it. Dave Wheeler added
19 we should at least talk to the Army Corps before we just stop at eight acres. Chairman Daniels said we are getting
20 near the end of the permitting process, have we had discussions while doing this permit or are we going to ask them
21 at the end? Chad Branner explained about a year ago, there were many different departments within Fish & Game,
22 some were involved in restoration of fish habitats and are in favor of this type of project, there are other departments
23 in Fish & Game that are critical of this type of project. As stated by Fred Elkind, this will go to the Army Corps for
24 review, but if this is a reasonable plan, it is a balance to try to get the permitting approved through the Corps. We
25 can sit around and try to justify what we have come up with and it can keep changing, we are trying to balance eve-
26 ryone's goals and objectives. A lot of people ask why we do not dredge right up to the edge, it is because a certain
27 department of Fish & Game likes a transition dredge area. The goal is to submit the application by the end of this
28 month (August). There is an interest in including tonight's comment into the plan, there is time to do that, the same
29 values are going to be enhancement of the area. This project could peak the Corps' interest and require modification
30 based on their input. There is a cost element with any project, as it gets larger, the cost increases. We have talked
31 over the course of the last two weeks, of trying to increase the dredge up the channel. This was of interest to Fred
32 Elkind, but that element has not been included yet. Chairman Daniels mentioned all of the Federal grants should be
33 part of the conversation before the proposal gets submitted to the State. Chad Branner said we have contacted the
34 State, when we left the meeting, we felt we might stay within the permit, we were up front about how the town was
35 not interested in the fee structure at that time. There was a proposal that went forward but did not pass, we spoke
36 with the Corps and DES at that time about this project. We worked for a few months and then because we got a
37 response from DES that they could not waiver on the fees, the project stopped for about five months, waiting for this
38 to pass. We have had dialog with the agencies, we are seeking a letter of support from Fish & Game right now.
39 Once the wetlands permit was put on hold, it was decided there was no letter needed. We can talk to the agencies
40 and get verbal concurrence, but not written. They want a file at the State, we need to submit the application for a
41 permit approval to come in. Chairman Daniels received a response from Mr. Pelletier today.

42
43 Tom Schmidt, Melendy Road, said if we restore the pond, do we have an expectation of when it will silt up again?
44 What are the trade-offs versus breaching the dam and letting it go back to its natural state. Fred Elkind said if you
45 breach the dam, it would go back to a marsh, but not at first. Fred Elkind believes when you dredge ponds like this,
46 you have 25-50 years before it fills in again. They are not natural ponds. From 1991 data, it has not silted much
47 more. It does not silt that quickly. Tom Schmidt asked if the silting could be due to the Brox excavation. Fred
48 Elkind said that could contribute and there is a lot of development up there that could contribute. Railroad Pond was
49 dredged about the same time this was being discussed and we are seeing that sedimentation occurring.

50
51 Janet Langell, Planning Board, asked if a tiered, flexible permit is possible? Chairman Daniels has not had as many
52 discussions with DES as Dave Wheeler, and they told him it was possible and since we started putting in this bill
53 last year, DES has been very supportive of it. Guy Scaife said we could submit a permit application for 13-15 acres
54 and the work could be in stages. The issue is can we get a 13 or 15 acre proposal approved. And the cost is also
55 greater. The reason we went away from the last plan was the cost and the Army Corps' involvement. It was over a
56 million dollars and it was reviewed by the Board of Selectmen and it was felt that it would never happen. Guy Scai-
57 fe said they made a recommendation that there needs to be a balance and they took out five acres of the dredge that
58 they would support. That is where the number came from. We were hoping that the \$86,000 saved could be used to

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1 start this winter but if it is enlarged and costs more than \$20,000 more, we can write a warrant article but what can
2 we get approved. Guy Scaife said they made a recommendation that there needs to be a balance of what can we get
3 approved and what we can afford. This group presented the five acre option to the Board last fall so that is what we
4 have been working toward, then there has been talk of increasing it to eight acres. Janet Langell cannot believe that
5 the Army Corps will be concerned with ten acres. The land scale will look like a channel of water, the rest of that
6 land will be marshland.

7
8 The wetland scientist feels once the dredge is complete and the pond comes back, there will be water and we will
9 see a channel. Vice Chairman Fougere asked if the front is dredged and the back is not, will the back area silt up
10 and get more shallow? Fred Elkind said not really, you will silt more, the silt will be in the area where it is dredged.
11 Chad Branner noted the maximum depth of 10 feet with a transition area, you are talking about 4-6 feet of peat. The
12 interest is in trying to excavate this during the winter when it will be more frozen. Vice Chairman Fougere thought
13 the Army Corps would not be interested in a small three acre dredge such as this, but they have taken an interest in
14 much smaller projects. The more you dredge, the more opportunity there is for flood management. Part of the rea-
15 son we are calling it a maintenance project is because there will always be silt issues around dams.

16
17 Lorraine Kearn, said since this may not occur immediately, it will be probably another winter, it has no water, there
18 is vegetation, there have been no Great Blue Heron or Kingfisher or deer; run-off fills the pond so that the wildlife
19 comes back, when it is approved and ready to be done, it should be drained and done. Fred Elkind said there is no
20 doubt when it is drained, there will be effect on the wildlife, the reason it is drained now, is that we had hoped it
21 would happen last winter and draining it allows the soils to drain. If it became clear and would not be an action this
22 year, we could fill it. If it is filled this fall you lose next spring as well. There is a possibility this can get going this
23 year, then you want to keep it drained. If we filled the pond then drained it, the animals will be lost. We have hope
24 to do it this winter. The scheduling, if the application gets in by the end of August, it is realistic that it could be
25 done this winter, we have some give and take with agencies, there are 75 days allowed for the review, it still puts us
26 in possibly this winter to start. Lorraine Kearns asked for a drop dead date, has that been decided?

27
28 Brandon Jackson, Mason Road, asked the lifespan of the dredging, the silt coming from vegetation upstream. The
29 small amount we dredge, the more vegetation water we leave in the upper part of the pond, how long will it last?
30 The more we can dredge in the project, the less likely we will have to repeat this in 15 years. Fred Elkind replied
31 that typically when you have an area of vegetation, you get less silting, the vegetation extends the life of the pond.
32 The silt is the soil part that moves along the river. The vegetation acts like a filter and slows it down.

33
34 Carl Chappell said years ago we used to skate out there and it is now mostly trees, moving forward, the upper end of
35 the pond will become trees, is there something in place that says this is a pond so that we can do this in the future.
36 Chad Branner said this body of water will always be regulated by DES and the Army Corps through permitting.
37 Land is constantly changing, although we can document it, we would ultimately need to go through this same pro-
38 cess. His experience is that we do not necessarily have leverage over dredging this. It will be the same process the
39 next time. You will go through it again, the State may look at a tiered process but the Army Corps will not look at
40 that. We have had issues with that interpretation and being within the 30 day window, the Army Corps has pulled it
41 back and not allowed it. The Corps is more active than he has ever seen them. They review every permit now. We
42 can put together a permit application for any project, but we cannot guarantee anything. What we submit for a plan,
43 may not be what we end up with in the end. There will be a lot of opinions and feedback. I do not want people here
44 to think that what we submit will be what we end up with.

45
46 Bruce Einsidler-Moore, said this pond is dying, the recreational use is down considerable, as a town we have to ad-
47 dress this. I see what other towns do, no matter what the cost, we have to save it, the town needs to be aware of the
48 quality of life, it is disgusting. We can go out and start shoveling, people are here supporting the dredging, it is time
49 to do something. We have to save the pond. If it is three or twelve acres, we need to dredge it.

50
51 Nancy Amato, Mason Road, asked if there has been any testing on the muck. It was called "black gold" about ten
52 years ago, what will be done with that muck? Fred Elkind did some calculations and borings and came back to iden-
53 tify there is some loam materials and gravel but the majority is fine sand and not of great value. That is one of the
54 concerns. By selling the material, it could be self-supporting, we can see there is some load but probably not as val-
55 uable as people thought. Carl Chappell said in 1991 loam was more costly, it is not as valuable now. Chairman
56 Daniels asked about a staging area. Ricky Riendeau is looking at not staging material or disrupting Adams Field.
57 The plan is to load the truck once and move it. To make it affordable, he is looking to get it done as fast as possible.
58 There will be some disturbance through Adams Field. Paul Amato, Mason Road, said if you can get it going, the

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1 dredging itself is the easy part. Where is the stuff going? Fred Elkind said it depends on who the buyers are. We
2 are hoping to bring in some vendors. Some (loam) will go on town property for future use and it will be designated
3 to stay out of the wetlands areas. The more people that get involved the broader the involvement and the better it
4 will be.

5
6 Selectman Putnam indicated the Board of Selectmen have been discussing this over the last few years and asked
7 these gentlemen to get something going; we are trying to make this a decent pond again but the economy is dynam-
8 ic. We can only ask so much of our taxpayers. The town cannot afford a project of this size, we have to discuss an
9 end point but we will be discussing that as well. Chairman Daniels said increased property tax and the people's tol-
10 erance level must be considered.

11
12 Lorraine Kearn said that \$75,000 was put away specifically for the pond, where is that money? Chairman Daniels
13 said that it is now at \$86,000 and the town stopped contributing to that fund. The costs go up on everything and the
14 reality is there is a limit on what people are willing to pay. How will Osgood Pond compare to fire trucks or the
15 ambulance facility? How will we get the support from people in town right now? People here tonight are abutters to
16 the pond, other people might get enjoyment from fishing or canoeing as well, we need to promote it is an area for
17 the whole town. We are going to be heading into budget season, we need to have some idea of the tolerance that is
18 out there.

19
20 Janet Langell has not heard what the cost will be and what financing is available. That is what people need to hear
21 and translate that to how much it will cost them. Selectman Putnam said this is in the planning stages and being
22 brought to the public, once the plan is solid, we can provide accurate numbers. Janet responded that the Board needs
23 ballpark numbers for now. Dave Wheeler said the eight acres cost about \$150,000, if we are to do twelve acres, will
24 it go to \$175,000? Fred Elkind indicated the numbers are not that easy to crunch. If the size doubles, the cost more
25 than doubles. When you get to twelve acres, you get to the number the Army Corps came up with (\$2 million). We
26 are trying to find that balance size. Dave Wheeler asked if Mr. Kokko, an abutter, has been contacted. Bill Parker
27 responded that Mr. Kokko has been approached about this proposal. Chad Branner added that they are talking
28 about using local contractors, this is a very expensive project. Carl Chappell thinks if the town can do this without
29 the Army Corps, it will be much cheaper and better. Tom Schmidt would support sizing this to do it with money we
30 have so we can start it this winter. It would be good to make it bigger but that would require a warrant article and it
31 could be pushed to the next year.

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33 **ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Federico moved to
34 adjourn at 8:10 p.m. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

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Gary L. Daniels, Chairman

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