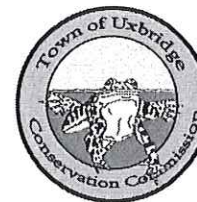


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



**Conservation Commission Meeting Minutes
April 6, 2020
Remote Meeting**

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Members Dale Bangma, Lauren Steele and Mark Richardson and Conservation Agent Holly Jones

Absent: Treasurer Russ Holden

REC'D UXB TOWN CLERK
2020 MAY 12 PM 2:12

CALL TO ORDER

It being approximately 6:30pm, the meeting being properly posted, duly called, and a quorum being present digitally, the Chair called the meeting to order. He made the following statement to explain the purpose for the remote meeting:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Uxbridge Conservation Commission is being conducted via remote participation. Although, no in-person attendance of members of the public will be permitted, the Town of Uxbridge has made every effort to ensure the public can adequately access the proceedings in real time via technological means. This meeting is being streamed on Zoom per the instructions on the agenda alternatively members of the public can call in by calling 301-715-8592 or 253-215-8782 and using meeting i.d. 269 852 843. All motions will be voted on with roll call vote in alphabetical order by last name (Bangma, Gorman, Hogan, Richardson, Shaw, Steel).

ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. Pout Pond Recreation Committee (PPRC) Update (00:02:25 - 00:13:01)

Discussion: Jen Modica, PPRC member attended to update the Commission. The PPRC approved to spend up to \$1000 for beach raking for the purpose of removing the weeds and crab grass before putting new sand down. Members recommended filing an RDA for the activity as has been done in the past when they've placed new sand. Mr. Hogan suggested clearly marking the area to be raked to ensure the sensitive areas are not disturbed. She noted, there have been 3 applications for the beach attendant positions (2 of which are returning employees) and she coordinate the interviews with Ms. Jones. The attendant's hours have been modified to work until 7pm and the overlap of shifts has been eliminated. There was a discussion about the annual clean up and the possibility of doing certain portions in shifts to maintain the current social distancing guidelines. There are no PPRC meetings currently scheduled and due to the current situation, no events are being scheduled at this time. Ms. Modica agreed to keep the Commission up to date on all activities.

PUBLIC HEARINGS

* Mr. Hogan made motion to take the public hearings out of the published agenda order to hear 44 Hollis Street first per the request of the representative. Mr. Shaw seconded, and the motion passed unanimously by a roll call vote of 6-0-0 (Mr. Bangma – Mr. Gorman – yes, Mr. Hogan – yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes)

2. Notice of Intent (NOI) DEP No. 312-10XX 44 Hollis St (Map 20 Parcel 4232) (00:13:53 - 00:32:52)

Applicant: Stephen Benoit

Representative: Kristen LaBrie, Andrews Survey & Engineering

Project Description: A single family home with well and septic and associated earthwork, landscaping, and utilities within the riverfront area, with a wetland crossing of the bordering vegetated wetland.

Kristen LaBrie, Andrews Survey and Engineering attended on behalf of the applicant. She mentioned that a negative determination was issued in 2019 for a temporary wetland crossing to perform soil testing at this site. There has been a recent site visit and revised plans were submitted to the Commission and DEP (the Multiflora rose was removed and detail for the crossing was added). The proposed crossing is in the same location as where the excavator crossed during the soil testing. Ms. LaBrie pointed out the resource areas and explained and the site goes from wetland up hill to the proposed well. She explained that there are walls on each side of the crossing w/ a pipe to continue hydrology. She said based on their review, a box culvert would not be required. There was some discussion about how the replication area was chosen. Mr. Bangma inquired how wide the proposed pavement is and Ms. LaBrie said it is 12' and there is also 3', the 2' wide wall, and another 2' gap - she planned for 16 additional feet – 8 on each side.

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DEP has not yet assigned a file number. The flags were flag done in April 3 years ago and Ms. LaBrie asked if the Commission would allow the continuation their of placement considering they have been reviewed for other projects and the RDA. Mr. Gorman and other members agreed that they did not have reason to contest the wetland flags based on the recent site visit.

Two abutters, Brad Curley and Michelle Caron, attended with questions about the impact the house will have on the underground feed of water / underground streams in the area. Additionally, they questioned whether the Hollis St. Bridge could handle additional traffic. Additionally, there was an inquiry as to how accurate and recent the wetland was mapped. Mr. Gorman explained Commission members walked the wetland line approximately 4 weeks ago and they could see the overland flow and the need for the culvert. He explained WPA allows for disturbance up to a certain threshold and the project is below that threshold. He and Ms. LaBrie also explained the septic system submittal and approval.

Motion: Mr. Hogan moved to continue 44 Hollis St to the next meeting in anticipation of a DEP file number. Mr. Shaw seconded, and the motion passed unanimously by a roll call vote of 6-0-0 (Mr. Bangma – yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes).

* *The meeting returned to the published agenda order.*

1. Notice of Intent (NOI) DEP No. 312-1095, 300 Mendon St. (Map 19, parcels 2413, 2475, & 2467) (00:32:57 – 00:35:33)

Applicant: Cook's Crossing, LLC.

Representative: Kristen Labrie, Andrews Survey & Engineering

Project Description: A subdivision comprising 50 housing units contained within 25 duplex buildings, with associated utilities, grading, paving, and stormwater system in the buffer zone to a bordering vegetated wetland.

The applicant formally requested to continue discussion for 300 Mendon St. and the next hearing 0 Old Elmdale Road.

Motion: Mr. Hogan moved to continue the hearings for 300 Mendon Street and 0 Old Elmdale Road to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by a roll call vote of 5-0-1 (Mr. Bangma – abstained, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes).

2. Notice of Intent (NOI) DEP No. 312-1096, 0 Old Elmdale Rd (Map 25 Parcel 3167)

Applicant: Aris Group, LLC

Representative: Jude Gauvin, Andrews Survey & Engineering

Project Description: Construction of a roadway, drainage, and gravel removal in the inner and outer riverfront area, bordering land subject to flooding, and the buffer zone to a bordering vegetated wetland.

The applicant formally requested to continue discussion - included in the motion for the previous item 300 Mendon St.

3. Notice of Intent (NOI) DEP No. 312-1097, 145-147 Hecla St (Map 25 Parcel 2378) (00:33:46 – 00:54:36)

Applicant: Town of Uxbridge/DPW

Representative: Beta Group, Inc

Project Description: Restoration of Bordering Vegetated Wetland and Bordering Land Subject to Flooding pursuant to an Administrative Consent Order agreement with MassDEP. The project will include processing and removing stockpiles.

Chris Ellis, Beta Group, Inc. attended on behalf of the applicant. He presented a phasing plan that was requested during the previous hearing. He explained that the material has to be off site by December 2025. They plan to begin by removing material at the salt shed so they have some operational room for trucks and loaders and then will begin removal from the far western side and work their way toward the DPW building. They expect this portion to be completed between 2020-2022.

Mr. Ellis provided additional information related to processing any materials on site. They are proposing to use the first area that is cleared to perform any processing activities – near the salt shed. They explored utilizing the parking area, but determined that is not feasible because it is a helicopter landing area for emergencies and is also used as a parking area for the athletic fields. Another benefit to the proposed location, Mr. Ellis noted, is the proximity to the DPW site and the ability for staff oversee activities. He said they could train the DPW employees for what to look for and they could halt the contractor if necessary. He also committed to providing the Commission 48 hours' notice of any processing.

Conservation Commission Meeting Minutes continued – Monday, April 6, 2020

He provided wetland data forms to Ms. Jones. Their wetland scientist looked at the site and recommend removing invasive species on the piles as they go. Once complete, they would plant Showey Wildflower Mix and a NE Conservation Wildflower Mix to hopefully produce a flood plain meadow.

Mr. Richardson recommended seeding as they go along with the phasing to minimize invasive species from returning. Mr. Ellis agreed this could be done when they begin removing the piles from the far west (around 2023-2024) – they would not seed the first area cleared because it's where the processing will be occurring. Mr. Gorman thought the seeding could be conditioned and used as benchmark as they need to renew their permit. Mr. Hogan suggested flagging or fencing 5' from the 25' line to ensure everything stays out of the 25' buffer. Mr. Ellis said they did not specify a geofabric in the processing area because of the risk of it being ripped up and because the soil tested below the dep standards for residential projects. No members of the public offered any comment during the hearing.

Motion: Mr. Hogan moved to close the public hearing and issue an Order of Conditions for DEP file no. 312-1097 145-147 Hecla Street with the Uxbridge Standard Special Conditions and the added condition that the seed mix, approved by the Commission, shall be established at the conclusion at each phase to prevent invasive species from becoming dominant throughout the life of the project and the success shall be evaluated by the Commission or its agent at the end of each phase. Mr. Bangma seconded, and the motion passed unanimously by a roll call vote of 6-0-0 (Mr. Bangma –yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes).

4. Notice of Intent (NOI) DEP No. 312-1099 290 Millville Rd (Map 30 Parcel 2768) (00:54:51 – 01:20:31)

Applicant: John Sahagian

Representative: Steven Cabral, Crossman Engineering

Project Description: The proposed project is to construct a 75,200 square foot marijuana cultivation facility, new 1,500 ft long public roadway with cul-de-sac, and subdivision for future industrial or commercial uses. In addition, the project includes exterior site work including land clearing, paved parking lots, landscaped areas, utilities, and stormwater management. Approximately 11 acres of land will be disturbed including 4.2 acres of impervious surface in Bordering Land Subject to Flooding and the buffer zone to a Bordering Vegetated Wetland.

Steven Cabral, Crossman Engineering, attended on behalf of the applicant. The 3/24/20 plan set, including aerial images, and the topographical maps were reviewed. Mr. Cabral said the only activity in jurisdiction is a stormwater infiltration pond inside the 100' buffer. Mr. Cabral pointed out the wetland in relation to the buildings. He went over the grading plan and the details of the stormwater system. He described past activities on the site and the improvements that have been recently been made.

Mr. Shaw confirmed that the site was basically used as a junkyard and that he and Mr. Hogan had seen the whole site recently. Mr. Hogan added most of the wetland are located on the far side of the train tracks and did not have any issues with the project. Mr. Bangma concurred and noted the flood compensation was there. Mr. Gorman noted the BLSF performance standards are satisfied with the 1 to 1 storage of additional floodwater and the preservation of wildlife habitat. He also noted the area was heavily degraded due to past activity. It was mentioned that erosion shouldn't be an issue because the it is a fairly impervious sandy surface.

John Sahagian, the property owner, was concerned with the ability quickly replant a particular area and that he would like to explore the possibility of cleaning it further. Mr. Gorman explained the area just needs to be stabilized just as he'll have to do w/ his construction genal permit.

No members of the public commented during the meeting. The DEP number has been assigned w/ one comment – the temporary basin should not be placed in the location of the permanent infiltration pond. Mr. Cabral agreed, and they will relocate it to the south slightly.

Motion: Mr. Shaw moved to close the public hearing and issue and Order of Conditions for DEP No. 312-1099 290 Millville Road with the Uxbridge Standard Special conditions and the added condition that as described in the DEP file review comments temporary sediment trap is located outside the proposed footprint of the permanent infiltration basin. Mr. Hogan seconded, and the motion passed unanimously by a roll call vote of 6-0-0 (Mr. Bangma –yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes).

5. Notice of Intent (NOI) DEP No. 312-1098, 762 Quaker HWY (Map 51 Parcel 126) (01:20:32 – 01:36:02)

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Applicant: David O'Keefe

Representative: Guerriere & Halnon, Inc.

Project Description: A single family home with well and septic with access off of River Rd. The project is in the buffer zone to a bordering vegetated wetland and within the Riverfront Area of the Blackstone River.

John Federico, Guerriere & Halnon, attended on behalf of the applicant. The updated plan is dated 3/24/20 with the revisions resulting from comments from the last meeting. Restoration area detail was included. It is 1540 sq. ft and was added to compensate for the 1514 sq. ft over the 10% allowable threshold to modify in the riverfront area. They are proposing to locate the restoration in an already disturbed area near an existing garage. The restoration sequencing protocol was also provided to them by Goddard Consulting the majority of which was included on the plan. Another revision to the plan was made to better reflect the floodplain actual conditions after the area was surveyed to pick up the topography on the River Rd. side. Mr. Federico said overall, they do not feel they are causing any significant impact on the floodplain elevation.

Mr. Gorman brought up conservation signage between the wetland boundary and the limit of work. Mr. Federico agreed to add it to the plan and ensure the sign is in place before the start of construction. After discussion, it was agreed that a placard would be a better option than a feno spike type of marker. Members were satisfied issuing an OoC with the condition that they have the detail on a stamped plan before the ECB inspection. No members of the public commented during the hearing.

Motion: Mr. Hogan moved to close the public hearing and issue an Order of Conditions for DEP No. 312-1098 762 Quaker Highway with the Uxbridge Standard Special Conditions and the added conditions: (i) that the requested conservation marker be shown on the site plan and provided to the Conservation office prior to the erosion sediment control inspection and failure to do so will result in a failure of the inspection and (ii) the restoration area should be marked in the field prior to the erosion sediment control inspection. Mr. Shaw seconded, and the motion passed unanimously by a roll call vote of 6-0-0 (Mr. Bangma –yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes).

REPORTED/ONGOING VIOLATIONS

1. Crownshield, Tea Party Drive (01:36:15 – 01:50:42)

1. Dale McKinnon, Guerriere and Halnon & Wellington Pereira, Fafard, attended the meeting. Ms. Jones was at Tea Party Dr. less than a week before the meeting and reported that significant work had happened and was particularly happy with the progress made keeping up with the street sweeping and ensuring silt socks were clean. She said, the basin itself was much better, it was stabilized some sort of fabric, the slow drain was capped off and the riprap was fixed and replaced. She noted the water in the basin was still very turbid so she's hoping they are continuing to pump that out and not allowing it to discharge. Mr. Pereira confirmed Ms. Jones report and further explained the work they did. He said, they are committed to keeping the slow drain closed until they have clear water going to the basin. He also explained they have worked on every catch basin by adding silt sacks and created erosion control around the site. The streets are swept every day and every week erosion controls and the stream are checked. Ms. Steele pointed out a couple storm drains that didn't have silt sacks added and Mr. Pereira said he would check but thought they should all be complete by now. It was also noted that Ms. Jones has been receiving some updated she hasn't got all the geotechnical reports and Mr. Pereira said he would make sure she gets them. Members were satisfied with the forward progress on the site.

** The agenda was taken out of published order to accommodate the remaining audience members.*

WETLAND UPDATES/ISSUES

1. Proposed plan change for Old Lackey Dam Rd, DEP No. 312-1088 (01:50:45 – 02:12:49)

- Mark Allen, Allen Engineering, attended on behalf of Mr. Berkowitz. He explained they are adding composting as a use on the property and wanted to bring it to the Commission to determine whether any modifications to the existing OoC would be required. The need to add this use arose during Mass DEP Solid Waste permitting review. Mr. Allen said the composting activities will be occurring outside the resource and buffer zone areas. He also said the change is under a site plan review with the Uxbridge Planning Board. Mr. Allen stated there will be no additional structures or change in the physical area of disturbance and there would be no additional impervious area as a result of the activity – this is simply an area that they plan to stockpile leaves, grass, stumps, mulch, topsoil, type of materials.

Mr. Bangma did not see a problem with the activity but recommended it be documented that the Commission reviewed the change. Ms. Jones asked how any nutrient runoff will be handled. Mr. Allen responded that none

Conservation Commission Meeting Minutes continued – Monday, April 6, 2020

of the drainage patterns have changed and that it is inside the bermed area and that any additional run off will be collected in the same swales and infiltration basin previously designed. He further explained he does not expect much runoff because most of the water it receives is used in the composting process and absorbed and rotated with the material.

Everyone agreed an administrative change to the plan could suffice to document the change and a formal filing with DEP would not be necessary.

Motion: Mr. Hogan made a motion to accept the existing/proposed composting area outside jurisdictional areas as a minor plan change. Mr. Shaw seconded, and the motion passed and the motion passed unanimously by a roll call vote of 6-0-0 (Mr. Bangma –yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes).

Mr. Allen asked if he could ask a question about a project not on the agenda and members allowed it because it was not anticipated 24hrs in advance. It pertains to the Uxbridge Rod and Gun Club Project at **560 West St** (DEP 312-1094).

- **Mr. Gorman recused himself per the conflict of interest law and Mr. Hogan chaired the discussion.* Mr. Allen said the Uxbridge Planning Board has asked for stormwater permit and a result of the review was that the temporary infiltration basins are going to be permanent. He was looking for input from Commission how they would like to document the change. This does not result in any changes to area and the site has no impervious. The reason for the basin was to control construction run-off. Mr. Allen added Planning Board's storm water bylaw/permit that says anything over 1 acre that is to be cleared has to adhere to the Mass Stormwater Guidelines which took the basins from temp to permanent. Members did not note any issues and thought it could be done as an administrative change. Mr. Allen said they revised beefed up the side slopes to be stabilized and revised the 3-sheet plan set. Mr. Hogan recommended providing the updated plans so it can send it can be added to the next agenda.

Mr. Gorman returned to the meeting.

REPORTED/ONGOING VIOLATIONS

1. 650 Quaker Highway (Assessors Map 45 Parcel 3831) (02:12:49 – 02:17:24)
 - To date, Mr. Beausoleil provided the Commission a basic plan with a polygon of area that is to be replanted. It did not include a wetland delineation or a restoration of the full wetland area. Ms. Jones requested the additional information from Mr. Beausoleil and his Wetland Scientist but now Mr. Beausoleil wishes to no longer cooperate and is choosing to try to pursue Mass DOT re-piping the stream off his property. Ms. Jones believes his understanding is that the culvert is the reason that the stream is on his property (essentially blaming DOT for the presence of a stream) and he believes they should move or pipe it to resolve the EO. Mr. Shaw noted the stream was there before the road was built. DEP has been to the site, is concerned and has contacted Mr. Beausoleil's attorney. Ms. Jones said there has been no change to the site itself since the initial violation. Members agreed to remind the respondent of DEP's involvement particularly that they helped write the EO and have the ability intervene if he chooses not to take action.
2. 99 Elm St Riverfront Clearing (02:17:25 – 02:19:30)
 - Ms. Jones reported there has not been any follow up since she reached out via mail. Mr. Gorman offered the alternative of the respondent attending a meeting for Ms. Jones to perform a site visit after the Emergency Order related to the public health threat is lifted.
3. River Rd. stormwater discharge (02:19:31 – 02:23:38)
 - After a site visit to Hollis St, Commissioners stopped at River Road to observe the area where a strange discharge was noted within a resource area. Mr. Hogan displayed photos milk white water discharging from an outlet pipe near the DPW yard. Ms. Jones reported DEP did go out there and determined that the discharge was coming from a storm drain in the parking lot of the marble cutting business and that it appears to be an illicit stormwater discharge situation. Ms. Jones has not any communication with anyone from the business – she called and sent a letter. She will follow up w/ DEP to ensure it's something that is being pursued so the Commission can identify a path forward.

WETLAND UPDATES/ISSUES

1. New Notice of Intent for aquatic herbicide at Pout Pond (02:23:43 – 02:26:16)

Conservation Commission Meeting Minutes continued – Monday, April 6, 2020

- The commission applied for an OoC for the application of aquatic herbicide in 2014 and the OoC was extended in 2017 and expires this June. Everyone agreed they could apply for another extension and Ms. Jones agreed to prepare the request and add it to the next agenda.
2. Discussion of site compliance regarding active and expired Orders of Conditions (02:26:16 - 02:26:37)
- No additional sites were discussed

PROCESSING

1. 3/2/2020 Meeting Minutes (02:26:37- 02:35:33)
- Mr. Hogan moved to approve the March 2, 2020 Conservation Meeting Minutes with the amendments identified during the meeting. Mr. Shaw seconded, and the motion passed by a roll call vote of 5-0-1 (Mr. Bangma –yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – abstain, Mr. Shaw – yes, and Ms. Steele – yes).
2. 2/4/2020 Executive Session Minutes
- Mr. Gorman noted there are some changes he would like make so he will send an updated version to Ms. Jones for final review and uploading up to dropbox for everyone’s review (since the changes cannot be discussed during open session).

The Worcester Registry of Deeds is not accepting electronic signatures at this time so Ms. Jones will mail a packet with a individual signatures pages to each Commissioner and then include them with the submittals.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, April 20th, 2020

Motion: Mr. Hogan moved to adjourn the Monday April 20 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by a roll call vote of 6-0-0. (Mr. Bangma –yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes).

Respectfully Submitted,

Melissa Shelley

Andrew Gorman, Chairman

Jeff Shaw, Clerk

absent

Jim Hogan, Vice Chairman

Russel Holden, Treasurer

Lauren Steele, Member

Dale Bangma, Member

Mark Richardson, Member

Date

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Date

Conservation Commission Meeting Minutes continued – Monday, April 6, 2020

- The commission applied for an OoC for the application of aquatic herbicide in 2014 and the OoC was extended in 2017 and expires this June. Everyone agreed they could apply for another extension and Ms. Jones agreed to prepare the request and add it to the next agenda.
2. Discussion of site compliance regarding active and expired Orders of Conditions (02:26:16 - 02:26:37)
- No additional sites were discussed

PROCESSING

1. 3/2/2020 Meeting Minutes (02:26:37- 02:35:33)
- Mr. Hogan moved to approve the March 2, 2020 Conservation Meeting Minutes with the amendments identified during the meeting. Mr. Shaw seconded, and the motion passed by a roll call vote of 5-0-1 (Mr. Bangma –yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – abstain, Mr. Shaw – yes, and Ms. Steele – yes).
2. 2/4/2020 Executive Session Minutes
- Mr. Gorman noted there are some changes he would like make so he will send an updated version to Ms. Jones for final review and uploading up to dropbox for everyone’s review (since the changes cannot be discussed during open session).

The Worcester Registry of Deeds is not accepting electronic signatures at this time so Ms. Jones will mail a packet with a individual signatures pages to each Commissioner and then include them with the submittals.

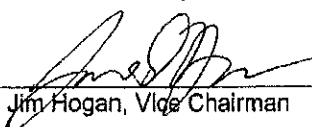
ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, April 20th, 2020

Motion: Mr. Hogan moved to adjourn the Monday April 20 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by a roll call vote of 6-0-0. (Mr. Bangma –yes, Mr. Gorman – yes, Mr. Hogan - yes, Mr. Richardson – yes, Mr. Shaw – yes, and Ms. Steele – yes).

Respectfully Submitted,

Melissa Shelley

Andrew Gorman, Chairman



Jim Hogan, Vice Chairman

Lauren Steele, Member

Mark Richardson, Member

Jeff Shaw, Clerk

absent

Russel Holden, Treasurer

Dale Bangma, Member

Date

