

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
June 19, 2006

PRESENT: LEON METHOT, CHAIRMAN; HELEEN KURK, VICE CHAIRMAN; DONNA M. OSBORNE, SELECTMAN; JOSEPH M. FIALA, SELECTMAN; TOM CLOW, SELECTMAN

Selectman Osborne joined the meeting at 6:30 p.m.

TOWN ADMINISTRATOR:

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Frank Campana, Steve Najjar, Matt Thomas, Carl Knapp, Bill Herman, Jim Presher, Craig Musselman, Gene Propper, Gary Roberge, Loren Martin, Judy Rogers, Paula Clemente, Chuck Metcalf, Laura Buono, Peter Buono, Jessica Petrain, Dawn Weber-Braun, Trevor Braun, Tristan Braun, Denise Buxton, Matt Buxton

5:00 Chairman Methot called the meeting to order.

1. PUBLIC PARTICIPATION – Mr. Stephen Najjar spoke with the Board regarding the acquisition of the Easement for the Ferrante Property. Mr. Najjar said Fish and Game will not be able to get to on the Governor's Council agenda before the closing of the property on July 12. Mr. Najjar suggests the town purchase the property by July 12 and on July 19 Governor's Counsel will take place and they will receive the easement and Fish and Game will then give their \$50,000. Chairman Methot asked Mr. Najjar if he was sure about Fish and Game's donation. Mr. Najjar said he was positive. Chairman Methot said he spoke with Jan Synder and she said all funds will go through the General Fund. Chairman Methot said a public hearing was held to have the funds go through the Conservation Fund and told Mr. Najjar he needs to get a voucher for \$350,000 through the General Fund. Vice Chairman Kurk asked if all the arrangements were made because they have a meeting on the 3rd or 5th and not another meeting thereafter before the 12th. Chairman Methot said he saw no problems with the easement wording. Mr. Najjar said the easement is solid and asked if someone from the BOS will be present at the closing. Vice Chairman Kurk said she will be present. Vice Chairman Kurk said she would like Mr. Najjar to be in contact sometime close to July 12, 2006 to make sure everything is in order. Mr. Najjar will let them know where the closing will take place.

Mr. Frank Campana received a request to sign the Ethics Code Draft in the mail and said he thought the letter was well drafted. Mr. Campana was curious who put the signature page together. Vice Chairman Kurk said the letter came from the BOS. Mr. Campana was confused because the letter states the effective date will come into effect 60 days after the adoption. Chairman Methot said the date should be on there because it was adopted at Town Meeting. Mr. Campana said he didn't understand why his signature would be needed if it was not already adopted but now understands why.

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Mr. Campana asked what provisions are in place if the document requires revisions and asked if he will be notified. Vice Chairman Kurk said she understands this year the Moderator will appoint people for the year to be in charge and thereafter the committee will be elected and individuals will be notified of any changes or revisions. Mr. Campana hopes all the Board members sign, abide by the Code of Ethics and act in the best interest of the town.

2. MANIFESTS

Chairman Methot moved, Vice Chairman Kurk seconded, to authorize the Board of Selectman to sign Manifest and order the Treasurer to sign checks dated, June 22, 2006. Passed 4-0-0.

Accounts payable	\$91,031.83
Gross Payrolls	<u>\$34,984.01</u>
Total	\$126,015.84

Selectman Fiala mentioned they received an appointment request from Tom Reynolds for PARC.

Selectman Clow asked about the procedure of appointing volunteers to committees. Chairman Methot said the committee discusses the appointee and recommends them to the BOS for appointment.

Selectman Fiala moved, Chairman Methot seconded to re-appoint John Nikias as a full time member of PARC for a 3 year term. Passed 4-0-0.

Selectman Fiala informed the Board there is a special needs student at John Stark with a one-on-one aid looking for projects to do around town. The student is available Thursdays through the month of July. Selectman Fiala discussed with PARC there might be opportunities at Chase Park. Chairman Methot said he would be fine as long as there is supervision. The Board agreed.

Mr. Matt Thomas told the Board he was here because he was asked to schedule a meeting with the BOS but the School Board is not meeting again until August. He would like to answer any questions he can on behalf of the School Board. Mr. Thomas informed the Board they have a schedule to meet and have tried their best to keep everyone informed. Mr. Thomas informed the Board the School Board cannot give any more assistance regarding the intersection at East Road and Rt. 114 and said Woodland Design will be glad to discuss things further but if the Board wants any changes made then the town needs to pay for further studies. Selectman Fiala said he understood that up until the time the construction on the intersection begins they can make any changes. Mr. Thomas said that is correct. Selectman Fiala said Woodland Design came to a meeting with the BOS and they assumed Woodland Design was asking for the BOS opinion but felt it was not taken into account. Selectman Fiala said many residents have discussed with the Board their concerns about the intersection design and possible green space loss and loss of trees. Selectman Fiala feels Woodland Design's plan will make the intersection dangerous.

Selectman Clow said after the meeting with Woodland Design he felt they would take the Boards input, make changes, and get back to the Board. Mr. Thomas said that meeting was to gather information from the BOS and submit it to the state. Mr. Woodland told Mr. Thomas he had to submit the plan to get the permit to continue. Selectman Clow said he felt the BOS's input and opinions were not taken into consideration and said they were not trying to hold up the school progress but making sure the impact on the center of town was considered and safety issues were addressed. Selectman Clow said he feels they have the right to give opinions because they have a say in the safety of town. Mr. Thomas said the School Board does not have a position on the intersection one way or the other and said the plan by BOS would save the school a lot of money. Selectman Clow said it was good Mr. Thomas came forth to discuss this with the town. Selectman Clow mentioned that the engineer said the intersection was designed for the needs in ten years and a bond could be set aside out of some of the construction money for future redesigns. Selectman Clow said we all live in town and want to preserve as much as possible in the center and wants the intersection to be safe.

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Chairman Methot said from the Planning Board side he understands Woodland Design's plan; the state wanted some things changed and the BOS is not on the same page as them. Chairman Methot said they are not under the gun right now and feels the state is dragging their feet on the permit and the BOS could recommend the intersection not to be changed. Chairman Methot said he understands the need for Mr. Thomas to know the costs the intersection might bring. Selectman Clow said Mr. Meany and the Engineer said you really don't need a final driveway permit until the school opens. Mr. Thomas said he has a schedule to keep and has a construction firm who is a little nervous about the school still working on temporary permits. Vice Chairman Kurk said the BOS issue with the East Road and 114 intersections is not to hold up the construction but need to make sure safety issues are addressed.

Selectman Clow said the BOS needs to sit with the School Board to discuss this because they are the holders of the permit. Mr. Thomas said the BOS does not need to convince the School Board and said they have had several meetings before the fact to make all the plans. Mr. Thomas said after the engineer came to the BOS that's when all the difficulties happened. Mr. Thomas said whatever is decided by the town is fine with him. Mr. Thomas said if the BOS wants to come to the School Board at any time that is fine but they have a timeline to meet. Mr. Thomas will listen to any plan and if they have the funds to make the requests they will but keep in mind the timeline will need to be met. Mr. Thomas said the School Board is acting on the plans designed by the engineer they hired and any other changes will have to be paid for by the town.

Selectman Fiala said all they want the engineer to do is show the extra turning lane from East Street and submit the plan. Selectman Fiala said their plan would be to take out the triangle, show the extra turning lane onto East Street. Mr. Thomas said to contact Woodland Design and inform them of the changes. Selectman Clow said they still need to go through the School Board. Chairman Methot said he will contact Rob from Woodland Design and determine the cost to change the plan of the intersection. Mr. Thomas said he does not know why the BOS requests were not taken into consideration because as far as he is concerned they just needed a plan that the state would approve. Mr. Thomas said if the board would still like to meet with the School Board they are more than welcome. Mr. Thomas said anytime the Board comes across a citizen with a problem or concern please have them contact the School Board for answers.

3. MEETING MINUTES

Vice Chairman Kurk moved, Chairman Methot seconded to accept the minutes of May 30, 2006 as amended. Passed 4-0-0.

4. LANDFILL CO-OP DISCUSSION – Mr. Jim Presher, Director of Concord Waste introduced Mr. Craig Musselman and Mr. William Herman, who represents the Town of Weare in the Co-Op. Mr. Presher told the Board the Co-Op was formed in 1985 as a result of DES; the Co-Op is not for profit and is made up of 27 communities that came together to decide what they can do with their solid waste. The Co-Op serves 15% of the states population. They signed a 20 year contract with Wheelabrator and they are currently in negotiations for an extension until 2014. Mr. Presher said all trash goes to the waste energy facility and derives revenues from service, tipping fees and selling electricity to PSNH. Mr. Presher said the Co-Op does not own the facility it is owned and operated by Wheelabrator. Vice Chairman Kurk asked who gets the revenue. Mr. Presher said Wheelabrator receives the revenue and we receive a discount through service fees. The Co-Op does own the state-of-the-art Franklin Ash Landfill and the current expansion provides capacity through 2009. Selectman Clow asked why Franklin Ash Landfill is state-of-the-art. Mr. Presher said because it is a double lined facility and the layers are self mending. Mr. Musselman said the Co-Op made the decision to go the extra mile to exceed DES and EPA standards. Mr. Musselman said the landfill serves nearly 169,000 in New Hampshire, therefore, they need to expand with the increase in tonnage of waste with the growing population. Mr. Presher mentioned recycling efforts cut landfill waste by up to 25% but landfill capacity is still needed.

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The Canterbury Landfill Project is NH's first new landfill project in 10 years; construction is expected to be complete by 2015. Mr. Presher said the Co-Op has been very aggressive in looking out into the future long before the need. If the Co-Op has its own landfill it will save \$59-\$70 million in 20 years. They have already invested \$2 million in the current site and looked at 95 other sites including 4 sites in Weare. Mr. Musselman said the Canterbury site meets the state's strict criteria for landfills. Mr. Presher said the Co-Op only looked for land within the communities they represent. The proposed site has excellent soil and groundwater conditions, no discharge to the Merrimack River, unobtrusive from I-93 and Merrimack River and has significant parcels of land conserved north and south of the location. The Co-Op decided to give 80 acres to conservation to the town of Canterbury. Mr. Musselman said there is an issue regarding the river meander with differing professional estimates on how fast the area is eroding some stating 100 years some stating 1,000 years before this area of the river bank will need to be hardened or repaired. Mr. Musselman said all issues of erosion are being addressed by all interested parties.

Selectman Fiala asked how the conservation land will be accessed. Mr. Presher said there is an access setback along the river to allow access to hiking trails and the river for canoeing and kayaking. There will be a parking area south of the site and the old road would be used as a hiking trail. Mr. Musselman said there are 4-5 houses but they are 5 times farther away from the proposed landfill than the landfill in Franklin. Modern landfill design requires extensive planning and engineering and double-lined plastic liners, state-of-the-art odor control, and careful monitoring of birds. Mr. Presher said NHDES determines completeness of application and public hearings will be held in Canterbury and when everything is in place the permit will be issued.

Vice Chairman Kurk asked why we are going back to landfill why not continue with Wheelabrator. Mr. Musselman said the costs are rising and the landfill in Franklin for ash will be full in 2014. Mr. Musselman said the power price market is why there have been no new waste facilities in the US for 10 years. Mr. Musselman said the Co-Op is looking out into the future 30-40 years. Vice Chairman Kurk asked what happens if the liners don't hold. Mr. Musselman said the proposed site in Canterbury is further away from surface water than most of the other considered sites. Mr. Musselman said in Franklin the liners are monitored weekly. Mr. Musselman said the soil at the proposed site is the best they have seen and they have been monitoring other landfills that have no liners, are not capped and they have minimal or no impact on the surface water. Selectman Clow asked if they pump water to treat it. Mr. Musselman said in Franklin they drain the leachate water from the liner and slowly integrate it and in Canterbury it will be trucked to Concord or Franklin waste water treatment facilities.

5. AVITAR DISCUSSION – Ms. Loren Martin updated the Board on the reevaluation and said they completed the database process and are out doing reviews. Ms. Martin said all the information will be available on their website to Weare residents for a period of 30 days. The informal hearings will start in August. Chairman Methot said they are right on track as to what was planned 3 years ago but mentioned recent errors he does not want to see reoccur. Vice Chairman Kurk said she would like to schedule a meeting within the next 3 months with Avitar. Vice Chairman Kurk mentioned Avitar being in the paper about their view assessments. Ms. Martin said it will always be controversial. Vice Chairman Kurk asked if they do compare properties that sell with other properties. Ms. Martin said people are reviewed on negative views as well as positive views. Gary Roberge, CEO, said he has been assessing properties since 1981 and said the view process is not new. He said they do not make up the value of the view; it is based on the market value of the sale of properties with views. Chairman Methot said the state mandated every city and state is equitable by this time. Mr. Roberge said prior to 1996 there was no one to enforce the requirement to reevaluate and now there is any agency. Vice Chairman Kurk asked what happens if a property is assessed for a certain value and the property sells for a considerable amount less. Mr. Roberge said they will have to investigate and determine the fair value. Mr. Roberge said some properties will be assessed higher and some lower it is all based on the market. Mr. Roberge said if the market changes drastically next year the entire town is computerized with values and can be adjusted easily.

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Mr. Roberge said the town will be given a report on the sales in town. There was a discussion of ratio and determining if all residents are treated fairly. Ms. Martin said the town will see the biggest spike in land values. Chairman Methot asked how the purchase of the 600 acres from the town will affect the ratio. Mr. Roberge said in the future Avitar can be contacted to give an opinion on the value of the land. Assessment effects take effect April 1 every year.

Ms. Paula Clemente, Department of Revenue – Property Appraisal; will be monitoring the reevaluation, pulling random cards, going out in the field to check the data and prepare a report to submit to Avitar as well as the BOS. Vice Chairman Kurk asked what happens if what Ms. Clemente finds varies from the assessment from Avitar. Ms. Clemente said she will submit all discrepancies to Avitar. This is done to all towns in the state when they reevaluate. Chairman Methot asked if there are towns who share assessors on a part-time basis, he does not feel Avitar is high with their assessment fees but was unsure if it was prudent to higher their own assessor. Chairman Methot asked Ms. Clemente her thoughts on assessing and said they are happy with Avitar but for fiscal financial reasons they need to investigate their options. Ms. Clemente said she would like to meet in-depth with the BOS and Judy Rogers within the next 30 days.

Chairman Methot moved, Selectman Fiala seconded to enter into nonpublic session @ 7:15 p.m. pursuant to the authority granted in RSA 91-A:3II(c). A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Vice Chairman Kurk - yes; Selectman Fiala - yes; Chairman Methot - yes. Passed 5-0-0.

Mr. Knapp asked about cashing in a portion of his 360 hours of accumulated bonus time. The payout will come out of the Employee Retirement Capital Reserve Fund.

Chairman Methot moved, Vice Chairman Kurk seconded to come out of nonpublic session @ 7:27 p.m. pursuant to the authority granted in RSA 91-A:3II(c). A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Vice Chairman Kurk - yes; Selectman Fiala - yes; Chairman Methot - yes. Passed 5-0-0.

Chairman Methot moved, Selectman Osborne seconded to authorize 200 hours to be paid to Carl Knapp from the Employee Retirement Capital Reserve. Passed 5-0-0.

Mr. Knapp said the grader is all fixed and the bulldozer is on the way.

Selectman Clow asked Mr. Knapp to have someone correct the signs for no parking on East Street.

7:40 p.m. Chairman Methot accused himself from the meeting and asked Vice Chairman Kurk to Chair the remainder of the meeting.

6. LIABILITY INSURANCE DISCUSSION BY THE BOS – Vice Chairman Kurk told the Board they need to decide how they would like to handle the liability insurance and not hinder the small amount of entertainment they have now. Vice Chairman Kurk said in regards to private swimming lessons, if the instructor is not charged a fee for the use of Chase Park then the town is not held liable. Primex advises the town not to charge her for using the park. Chuck Metcalf said at the next PARC meeting there will be some discussion on renting out part of the pavilion and allowing so many cars to come in for a function. Selectman Clow said what difference that would make as far as liability because everyone has to pay a fee to use the Park. Vice Chairman Kurk said what they are discussing is determining a policy decision on the use of town property. Selectman Clow feels they should have people sign a waiver stating they won't hold the town liable. Selectman Clow said maybe the policy should define categories and fees. Vice Chairman Kurk would like a final decision to be made

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at the next meeting in 2 weeks. Selectman Fiala would like to find out how much protection a waiver would give the town.

Mr. Metcalf said he remembers years ago that everyone who rented the Town Hall signed a waiver and it protected them but not all the people who entered or they would all have to sign. Selectman Clow said Primex's responsibility is first and foremost to protect them.

7. SKATEBOARD PARK DISCUSSION – Selectman Fiala said they held another meeting with PARC and discussed the Safety Complex, behind Center Store, Ineson Field or Center Woods as possible locations. Selectman Fiala said he has looked at Ineson Field and is unsure if they can afford to give up any of the parking spaces. Selectman Fiala said the President of WAC had an objection to the location because they use the area for trophy ceremonies every year. Selectman Fiala said where they would like to set up the park at Ineson is at the entrance of the park because it is visible, not too far from a parking area and by the concession stand. It was discussed a bench is there in honor of Steve Spadaro in which the skateboard park was created, which can be moved.

Mr. Metcalf said he discussed the location with some of the members of PARC and they are unsure of the exact location Selectman Fiala suggests. The other members were concerned with using the grass area at the entrance of the park and felt the other end of the parking area might be better suited. Selectman Fiala said at some point the cement pad will need repair and it could possibly be torn up and re-grassed. Selectman Fiala said he was told there was not an excess of parking at the field and he agrees. Selectman Fiala said he is concerned with visibility and the site he proposed has high visibility. Selectman Fiala feels the area he suggested is the best.

Mr. Knapp said when they put the field there the highway department did most of the work and he is sure the skateboard park could be located there. Mr. Knapp said the grassy spot suggested is not a bad location. Mr. Knapp said he believes 50 ft x 100 ft should be adequate.

Selectman Clow commented he is comfortable with the visibility of the location at Ineson Field. Mr. Propper thinks the suggested area is a great location. Mr. Propper said when you are in the park the location is very visible but when you drive by on Quaker Street it is overgrown so some cutting will need to be done. Mr. Metcalf said he feels Ineson is a great location and he is comfortable with saying Ineson Field as the location and then determining exactly where in Ineson Field the skateboard park should be located.

Selectman Fiala moved, Selectman Osborne seconded to authorize PARC to build a temporary skateboard park at Ineson Field. Passed 4-0-0.

Mr. Metcalf said all budgets have been reduced and their's is no exception, therefore, he does not know where the funds will come from. The balance in the field improvement fund will be investigated. Selectman Fiala said he has a small machine and he will be willing to do some of the preparation work. Mr. Knapp said he does know of someone who was willing to pay for the pavement. It was discussed there will be other concrete needed to install some of the pieces. Mr. Metcalf, Selectman Fiala, Mr. Knapp and anyone interested will meet at Ineson Field tomorrow at 5:00 p.m. Ms. Braun said she spoke with Jim over at the construction site at WMS and they might know someone to donate the cement. Mr. Knapp said for pavement it would cost approximately \$3,600.

Selectman Fiala moved, Selectman Osborne seconded to authorize PARC to use up to \$4,000 from the Recreational Development and Improvement Fund to develop a temporary skateboard park at Ineson field. Passed 4-0-0.

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Mr. Metcalf asked the Board to approve hiring Ben Carrigon for a lifeguard at starting rate of \$7.00 an hour and once he completes his certificate be raised to \$7.50 an hour. Would like the Boards approval to have him train at Chase Park to see how things are run but not rotate him into the schedule until he completes the course.

Selectman Fiala moved, Selectman Clow seconded to hire Ben Carrigon at \$7.00 an hour for Chase Park which will be raised to \$7.50 once he is fully certified. Passed 4-0-0.

Mr. Metcalf said they replaced the line and the foot valve to the lake to get water to the bathrooms and it seems to be working.

Mrs. Laura Buono discussed insurance with the Board. She asked the Board if the town would waive any police officer fees for the Patriotic Celebration. Below is the officer schedule submitted by Chief Begin:

Date	Area	Time	Officers	Cost	Bill to
Friday, July 14	Center Park	5pm – 10pm	2	10 hrs @ \$38/hr	PC
Saturday, July 15	Parade	9am – 1pm	3	12 hrs @ OT rate	Town
Saturday, July 15	Center Park	1pm – 7pm	1	6 hrs @ \$38/hr	PC
Saturday, July 15	Center Park	7pm – 11pm	2	8 hrs @ \$38/hr	PC
Saturday, July 15	Fireworks	7pm – 11pm	2	8 hrs @ OT rate	Town
Sunday, July 16	Center Park	Noon – 6pm	1	6 hrs @ \$38/hr	PC

Mrs. Buono said she is the longest member serving on this committee, serving for 13 years, and just recently they have been faced with the issue of police coverage. Mrs. Buono said there is nothing in place requiring them to have coverage. As a committee they discussed where they are financially and they feel the only obligation they have is to provide the celebration for the town, they pay for supplies, they pay for portable toilets, they invite as many non profit organizations as possible and feel that if they have to pay for the police coverage then they will in turn have to charge these organizations. Vice Chairman Kurk mentioned Old Home Day and they don't require Police Coverage and they don't require Police at Bolton Field or Chase Park during events. Mrs. Buono said that they still have the same amount of money this year as they had at the end of the year last year. Mrs. Buono said as a committee they were not asked what the history was. She said they have had no past incidents to warrant the coverage. Mrs. Buono said the committee does want to be cooperative. It was discussed in the past the fire department has helped with the event and takes care of shutting down Flanders Memorial Drive, both ends of Rt. 114, East Street and Quaker Street. In the past members of the committee have put up the barricades to reroute traffic. It was discussed the huge problem with the fireworks is the traffic. Selectman Clow said when he talked with Chief Begin he felt the Chief was basing the coverage with that of last year. Vice Chairman Kurk said last year they had extra coverage because the Police Department wanted to be more visible. Selectman Fiala discussed what police coverage is really needed. Mrs. Buono said the committee members walk around throughout the fireworks selling tickets for raffles. The real challenge here is that the Patriotic Celebration Committee is a non public entity putting on this event and that is what was challenged.

Selectman Osborne feels from a Selectman's view the town should be responsible for the police coverage.

Selectman Fiala feels Mrs. Buono makes a great point that other events are not required to have police coverage. Selectman Fiala agrees with the town paying for the fireworks coverage.

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Selectman Clow said he is uncomfortable making a final decision without Chief Begin present to discuss the schedule. Mr. Propper said he feels for years it has been a police department responsibility to pay for the coverage of the event. Selectmen Fiala said as long as the Police Chief stays within his budget it is up to him to decide on the coverage. Vice Chairman Kurk said the issue really is who should pay for the police coverage. Selectman Fiala does feel the town should pay for the coverage. Vice Chairman Kurk said if they decided the town pays for the police coverage then it is up to Chief Begin to decide what the coverage should be.

Selectman Clow moved, Vice Chairman Kurk seconded the town assume the expense of police coverage during the Patriotic Celebration. Selectman Osborne abstained. Passed 3-0-1.

It was discussed Mrs. Buono would contact Mr. St Cyr at Primex to discuss insurance coverage.

Mrs. Laura Buono speaking as Town Moderator informed the BOS she has located 5 people to form the Code of Ethics; 3 men and 2 women. Mrs. Buono said once the committee is in place they should submit questions to the Board and then go through Mrs. Buono. Vice Chairman Kurk said in March they will have to run for this committee. These 5 people will serve from now to March and then run for the position. Vice Chairman Kurk informed Mrs. Buono there is a folder in the Selectman's office with all signed sheets.

8. CORRESPONDENCE –

Vice Chairman Kurk mentioned the letter from the Library Trustees and feels they need to sit down with them and discuss the budget. The BOS will invite them to the next meeting.

The Board said they will invite the Cemetery Trustees to the next meeting.

Vice Chairman Kurk mentioned a previous discussion with Mr. Najjar and Mr. Chuck Bolton regarding Central New Hampshire Planning Commission and would like to have Mr. Paul Morin and Mr. Tim Galvin present as well to have a further discussion.

Selectman Clow made a point to the Board that they need to make sure the whole committee is informed regarding the subject to be discussed before the Board has an in-depth discussion.

The Board of Selectmen will be meeting on July 10, 2006 and July 17, 2006

Selectman Clow moved, Selectman Osborne seconded to adjourn at 9:20 p.m. Passed 4-0-0.

9. ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary