

**HAMPTON PLANNING BOARD**

**DRAFT MINUTES**

**September 2, 2020 – 7:00 p.m.**

**PRESENT:** Tracy Emerick, Chair  
Ann Carnaby, Vice Chair  
Alex Loiseau, Clerk  
Fran McMahan  
Mark Olson  
Keith Lessard  
Mary-Louise Woolsey, Alternate Selectman Member  
Jason Bachand, Town Planner  
Laurie Olivier, Office Manager/Planning

**ABSENT:** James Waddell. Selectman Member

**I. CALL TO ORDER**

*Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, Chairman Emerick is confirming that the Planning Board are: Utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling toll free 1-857-444-0744 and using the code 156034. If anyone has a problem, please call 603-929-5805.*

The Pledge of Allegiance was said. Mr. Emerick commenced the meeting by reading the above and introducing the Planning Board members.

Mr. Emerick read the Governor's State of Emergency criteria regarding the meeting being held telephonically. Prior to the meeting, the Planning Office gave information to residents/applicants on how to access the meeting electronically.

Attendance was taken, and it was stated who was in the room. Planning Board member, Ann Carnaby, and Office Manager, Laurie Olivier. were home; no one was present with them. All other Board members and Town Planner, Jason Bachand were present in the Selectmen's Meeting Room. It was noted that all votes will be taken by roll call.

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**II. ATTENDING TO BE HEARD**

- **Change of Use: 845 Lafayette Road - dry cleaning business to ice cream shop**

Attorney Scully and Shane Pine (applicant) called in. A dry cleaning business has gone out of business. Mr. Pine wants to open an ice cream shop soon.

**BOARD**

Mr. Lessard likes that he is doing this. He likes it is being named after his Mom, Sue. Ms. Carnaby asked what changes in scooping from ice cream and freezers the virus has caused in terms of health restrictions. Is he prepared to deal with this was asked. Attorney Scully said employees will be in gloves and there will be protective barriers. Not self-service.

**MOTION** by Mr. McMahon to approve the Change of Use.

**SECOND** by Mr. Lessard.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

- **Change of Use: 22B High Street-office space (empty) to hair salon**

Ms. Dawn Ames is on the line. She is opening Hampton Hair Company. She wants to have her own shop. This was the perfect time to bring this down to small square footage. She wants to control her schedule. It will be called Hampton Hair Company.

**BOARD**

Mr. Lessard asked about the exact location. It is near the hardware store. Behind Tobey & Merrill. Ms. Olivier mentioned we were looking for a note or letter from the landlord. Ms. Ames said she did include the authorization in the Lease document. She noted at the bottom of one of the pages it shows on first line that it is being used as hair salon. Mr. Bachand said we can note that she said it is okay and check that out with the landlord.

**MOTION** by Mr. McMahon to approve the Change of Use.

**SECOND** by Mr. Lessard.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

- **Preliminary Conceptual Consultation: 65 Lafayette Road-:Temporary use for equipment assembly. Assembly of equipment & solar energy testing to support research and development for a US Department of Energy Project**

The applicant is not on the phone. Mr. Bachand said we can come back to this item.

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**III. NEW PUBLIC HEARINGS**

**20-035 137 Winnacunnet Road**

**Map: 176 Lot: 23**

**Applicant: 137 Winnacunnet Road, LLC**

**Owner of Record: Same.**

**Site Plan: Convert single-family residential building into 3-units.**

**Waiver Request: Section V.E Detailed Plans**

Attorney James Scully was on the line. Mr. Henry Boyd (Millennium Engineering) is not present this evening. The building is vacant right now. The ultimate design is to convert this as an allowed use in the POR Zone to 3-unit residential homes. No external changes to the building; just aesthetics. Parking is (needed to be reorganized) accurate and they received relief from the Article 8 multi-family provisions. This building already exists. They have required parking. Everything is out of the wetland buffer. He received Mr. Bachand's memo and comments from Jen Hale (DPW) and Rayann Dionne (Conservation Commission).

Attorney Scully went over Jennifer Hale's comments. Scale on driveway detail was discussed. Graphic scale was discussed. They can clarify since it was confusing. ZBA variances can be written on the plan; they are willing to do that. Increase in impervious surface area – proposed trench infiltration area was discussed. Run-off to adjacent site was asked about. No drainage mitigation at all. Existing and proposed will be all encompassing to help the site.

A driveway permit is required; they are fine with that. Radius proposed for intersection- the answer is no, it is not needed due to shoulder width in this spot.

Handicap space being required –Attorney Scully does not know. He can show where it can be if needed. There is space if one is required.

Spots will be numbered; no visitor spaces.

Sewer service – the applicant will get back to them; Attorney Scully is not sure of the age of the sewer.

Mr. Scully will be compliant for trash and recycling.

Transformers – those are questions for Unitil; Attorney Scully cannot answer it. It will be addressed.

Attorney Scully discussed Rayann Dionne's (Conservation) comments.

Impervious coverage area – Attorney Scully said the calculation is reflective of the entire lot; that is why it is so low. Attorney Scully discussed concerns. Attorney Scully discussed the

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Ordinance should be re-drafted about impervious coverage in that zone. There' is 10,400 square feet. They are adhering to RA numbers; they are at 52.7 percent (well below 60 percent). Wetland delineation was discussed. Attorney Scully said it is flagging wetlands on someone else's land; they are not sure they will get permission, it's private property. The buffer is not being impacted. They are improving what is there. They will take everything out of the buffer. Mark West delineated the wetlands buffer.

Snow storage was discussed. Pushing it into the buffer is not meant for that. He discussed where snow will be placed. Near the stairs to the rear of the building. Henry Boyd discussed a berm to push snow away from the buffer. Snow will be treated with the mitigation system for infiltration.

### BOARD

Mr. Lessard asked about the design of the berm for the snow. Attorney Scully said it is not there. He received the email 3 days ago so it is not in these plans. It can be part of the approval. Mr. Lessard asked about it being a preschool before; not a residential unit. Attorney Scully said it was potential commercial building or single-family residential. The Tax Assessor said on the tax card it was a single-family residential use. He noted it on the application. He wants to make it a three-family. Mr. Lessard said it was a school for 15 years anyway. He is frustrated that the tax card is incorrect. It was a preschool for 15 years.

Mr. Lessard wants to see the berm to move snow away from the wetlands as much as possible. Is it going to be a bituminous parking lot was asked by Mr. Lessard. Hot top. Attorney Scully stated 'yes'.

Mr. Lessard asked where the trash was going to be kept. Mr. Scully said trash will be stored underneath; next to or near the rear stairwell. The Fire Department does not like trash under stairwells per Mr. Lessard. Mr. Scully said there is room by the stairwell; not actually underneath the stairwell. **Mr. Lessard noted it's not on the plan.**

Is there a recreational area was asked by Mr. Lessard and is there room for a grill. Mr. Scully said there is no room for grills outside. **Mr. Lessard wants to see an area where they are allowed so they are not on the deck. They can't be on the deck.**

Ms. Carnaby asked about the multi-page document from Charles Hoyt Designs—some have 137 Winnacunnet Road in Rye, NH as the address. It will be edited per Mr. Scully.

### PUBLIC BOARD

Mr. Bachand said Ms. Hale's email is incorporated by reference with the suggested conditions, and to add Ms. Dionne's email as conditions as well, if the Board approves. Their comments

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should be incorporated. He noted there were four variances granted; all under Article 8 (multi-family). Mr. Bachand discussed each of the variances. He noted the PRC process was waived on this application by the Board at its first meeting in August.

Mr. Bachand discussed a note on the plan; all proposed changes to building are internal (except external aesthetics should be added). Mr. Bachand asked that this be changed. The recorded plan should be accurate.

Mr. Bachand discussed impervious coverage. Sealed surface 52.7 – that is correct. **Nothing is defined in our Ordinance; it should be looked at with the next round of zoning articles (sealed surface in the POR).** He wants the sealed surface information on the recorded plan. Mr. Bachand said if the Board is prepared to approve, it should do so with the conditions in his Memorandum dated September 2, 2020, adding conditions that Rayann’s email be incorporated by reference and notation on plan about sealed surface and square footage outside the wetlands. Also, Mr. Lessard’s issues noted above (recreation-grilling area). The proposal is for apartments. He has two spaces for each unit.

Ms. Woolsey asked about landscaping. She asked about wetlands. She asked about floors. She asked about the driveway. Ms. Woolsey asked about carts/trash. These are for apartments. She discussed the hydrant. A full sprinkler system is required. Mr. Bachand said it is in the conditions of approval. She asked where the nearest hydrant is located. Mr. Olson said the Fire Department is across the street. **The fire hydrant needs to be added to the plan.** Mr. Bachand will note hydrant location. He said there is a waiver request also.

Mr. Lessard asked about the waiver. He asked if we need other details. Mr. Bachand said grading and drainage is not added. Mr. Lessard asked for any detail to be added before the waiver is approved. He said Unitil will have to look at the plans; maybe make modifications.

**MOTION** by Mr. Lessard to approve the waiver.

**SECOND** by Mr. McMahan.

**ROLL CALL VOTE: 6 – 1 (Woolsey) – 0**

**MOTION PASSED.**

**MOTION** by Mr. Lessard to approve the Site Plan along with conditions in Mr. Bachand’s Memo dated September 2, 2020 and the email from the Conservation Coordinator (her August 31<sup>st</sup> email), the email from Jennifer Hale (DPW), and to deal with the berm issues. Mr. Lessard wants impervious calculations added, and for there to be a barbecue area to have the grills away from the house, and the trash to be shown where they will be stored on site. And hydrant needs to be added.

**SECOND** by Mr. McMahan.

**ROLL CALL VOTE: 6 – 1 (Woolsey) – 0**

**MOTION PASSED.**

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**20-036 3 & 7 Seaview Avenue**

**Maps: 133 & 133 Lots: 89 (3) & 88 (7)**

**Applicant: Dennis and Andrea Galligher (7 Seaview)**

**Owners of Record: Same & Richard R & Jane B. St. Jean Revocable Trust (3 Seaview)**

**Lot Line Adjustment: Transfer of 2,029 s.f from 3 Seaview Avenue (St. Jean) to 7 Seaview Avenue (Galligher).**

Attorney Scully discussed two abutting parcels. The Gallighers want to purchase a small piece of land. It will bring the Galligher parcel more into compliance with the Zoning Ordinance. The Gallighers have no intention of doing anything here. They had to go to the ZBA on July 16<sup>th</sup>. Section 2.3.7.C.1 discusses there needs to be 10,000 s.f. contiguous area outside of the WCD. They went to the ZBA. Nothing is changing. Henry Boyd (Millennium) and crew re-surveyed the land; the survey is now accurate. There is an active P&S agreement here for the small portion.

**BOARD**

Mr. Olson asked Attorney Scully what is happening on the other lot. (Bonin lot). Mr. Scully said it is for the benefit of the Bonin parcel. It remains unaffected. No land transfer making easement become the land of 9 Seaview was asked by Mr. Olson. Mr. Scully said there is an easement there, but that is not part of this application. Mr. Olson said if this is between 7 and 3 only, he is ok.

**PUBLIC  
BOARD**

Mr. Bachand said Lot 7 is right now not conforming. This will make lot more conforming on one side. He discussed the right of way – there is a structure of some kind going into the right of way. He asked if it is the stone wall. Mr. Bachand discussed encroachments in the right of way – add it into the plan. It is not a part of this Board’s approval. The rear of the parcel is in BS Zone –the plan should show the zoning boundary line. The information should be added on the plan. Also, make any approval subject to his conditions in his Memorandum dated September 2, 2020.

**MOVED** by Mr. McMahon to approve the lot line adjustment (with the Planner’s Memo dated September 2, 2020).

**SECOND** by Mr. Loiseau.

**ROLL CALL VOTE: 6 – 0 - 1 (Woolsey)**

**MOTION PASSED.**

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**20-037 51 Lafayette Road**

**Map: 236 Lot: 3**

**Applicant: Michael Brown**

**Owner of Record: Same.**

**Wetlands Permit: Replace existing failed septic system with NHDES approved system.**

Mr. Michael Brown is on the line and Verne, a licensed septic designer is on the phone as well. Verne discussed a replacement system for the existing failing system. It is pre-existing, non-conforming. He designed an active treatment, clean solution system. Treated effluent from contaminants was discussed. DES agreed with what they are doing.

**BOARD**

Ms. Woolsey asked about the adjacent parcels; does this impact anyone else was asked. It was stated 'no'. Verne said this system is raised above the ground. Mr. Lessard asked how often does it need to be serviced. Verne said every two years. The owner signed a continuous maintenance agreement per Verne. Mr. Lessard asked about solids. They get pumped at the same time per Verne. Verne discussed the process and chambers.

Mr. Lessard asked about the septic systems and leach fields. Where does it get disposed was asked. Verne said he does not know where the ADS takes it to. Verne said it gets taken away in a van. Good question – he will find out.

Verne said this is a DES licensed and monitored entity. DES keeps copy of the Agreement.

Mr. Lessard asked if something happens – say Mr. Brown moves away; someone else moves in; how do we know it will be taken care of was asked. The maintenance agreement is required to transfer to new owners. It is required by the DES. This information is part of the closing documentation. Septic approval from one party to the next is supposed to occur. Service Agreement transfers from owner to owner.

Verne said he has never had negative feedback from the DES or the OAS. He can contact the owner of the OAS. **He's happy to get an answer. Verne will share the information with the Hampton Planning Board.**

Mr. Olson sat on the Conservation Commission meeting. They gave its blessing. It's a difficult site. He asked Verne about the NH soil consultants. That has been out of business for a long time. He asked if anything changed. Is it current. Verne said the previous septic design was done by them. Some slides are still present.

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**PUBLIC  
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Mr. Bachand discussed conditions. He noted the Conservation Commission has conditions in their memo that should be incorporated (August 26, 2020). He said we need a copy of the State wetlands permit once they receive it. We can condition the approval on this. Verne said this is a replacement. DES may feel a wetlands permit is not required. Mr. Bachand said to include language that if it is required, our receipt of State wetlands permit is also required. Also include as a condition that this wetland permit is for septic system replacement only. Not for a future home. The plan is unclear about this.

**MOTION** by Mr. Lessard to approve the Wetlands Permit along with the Conservation Commission's letter and Mr. Bachand's additional conditions regarding a State Wetlands Permit if needed, and that this is only for the septic system and not for the house. They would have to come back if the house changes.

**SECOND** by Mr. Olson.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

The applicant for 65 Lafayette Road is on the phone, and the Board went back to that application. Jim Kesseli is the applicant. Jerry's Restaurant was removed in 2015. He operates Brayton Energy. It has low land area. They are active in government research and development. Testing solar mirrors and heat exchangers were discussed. They wanted to do testing in California. They now want to do testing at its own facilities. It is a temporary installation. All equipment will be on asphalt. No ground penetrations.

Three to five 20-foot containers are to be there. Segregating technicians and engineers. Solar reflectors were discussed. The tower is a rental piece of equipment. This is not a telecommunication tower. They will receive reflective energy.

Setting containers was discussed. Snow loads (rugged) were discussed. The engineering firm doing the work is one of the top-notch firms.

**BOARD**

The temporary nature of the proposal was asked about. The applicant said reports are due at the end of this calendar year (December 31<sup>st</sup>). The Government fiscal year is September 2021. December 31<sup>st</sup> end of this year; the government may want more testing through the end of its contract. He could come back for an extension. Mr. Emerick said to ask for one year. Do it now. Mr. Bachand said this is only conceptual right now. Mr. Lessard said for if he comes back, to ask for a longer time.



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Mr. McMahon asked about the land. It is owned by Lambros. Said he bought it in 2014 or 2015. It's been on the market. The applicant reached a price agreement and it is contingent upon this future approval. He wants the land, but does not want to pay what Lambros wants for it.

Ms. Woolsey asked about inter-sharing with other places in the area. The applicant said 'no'. No emissions, combustion or gas or electronic from the site.

Mr. Olson said the Conservation Commission batted around many issues that Mr. Kesseli touched on. He has his own concerns. If it is temporary, it is a derelict piece of property. It's one of the first properties when entering Hampton. It should require caution. He is in favor of exploring energy; we don't know what this is. He heard two storage containers being shown. Now he is hearing 3 or 5 containers—more derelict. The tower was talked about; on a trailer. It sounds like a storage facility. Mr. Olson said as a main property as you head into Hampton, we can't we get something appropriate instead of doing whatever they want there was asked. Maybe for 4 months—maybe. Not a year.

Ms. Carnaby is in favor of research. She wants it to look presentable. She wants to hear about what they will do with the land after the experiment is over. Would the State take it over was checked out in the past. What is the future of this temporary use.

Mr. Kesseli described it. There is the asphalt part; it floods all the time. Then there is to the south of the driveway – 75 Lafayette Road – a grass strip--at the same level as the building. Remove the asphalt and foundation; put in permeable material. He wants to drive over it on occasion. He wants to eliminate the drive through.

The low-lying area would be permeable surface. Upper part – he may add on to the building; there are no formal plans for that.

Ms. Carnaby asked if the land could be used for the same thing again—testing. The applicant said there are too many unknowns on that.

It would not be aesthetically unattractive. It would have a temporary construction fence; he is open to suggestions on that.

He does not have an intense need for security. Technicians could work outside; lock equipment and tools inside. Mr. Lessard likes the idea of fencing.

Mr. Lessard asked about toilets. It is a short walk to the facility per Mr. Kesseli. Mr. Lessard said a porta-potty may need to be there and should be out of the flood zone.

Where do employees park was asked. He has many spaces at the current location.

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Mr. Lessard asked about lighting. Mr. Kesseli said electricity can be brought to the containers. All night compliant was asked about. Lighting for the telephone pole was discussed. Mr. Lessard discussed reflection, etc. Reflecting back into the sky. Open to the general public was asked about; Mr. Kesseli said they could. There could be student tours as well.

Mr. McMahon asked about permits required. Mr. Bachand said there may be State or Federal permits, he is not sure. Mr. McMahon asked about the FAA. **Mr. Bachand said the applicant should get us clarification on that.**

Mr. Bachand discussed his comments. He spoke with Attorney Mark Gearareald about this as well. Mr. Bachand thought it could be a Change of Use. It would be a temporary Change of Use with a definitive end date.

It could be heard on September 16<sup>th</sup>, if the applicant submits by the prior Wednesday at noon.

Mr. Bachand suggests approving only until the end of this year, and then we can re-evaluate what they are further proposing.

The Conservation Commission feels similarly.

No Wetland Permit is required. Mr. Emerick said the Conservation Commission does not have authority.

Mr. Bachand said if it is submitted for a Change of Use – the applicant should give an idea of any other permits needed. See them on the 16th. The applicant asked if this is when he gets a decision. It was stated yes. This would not be not a public hearing.

**IV. CONTINUED PUBLIC HEARINGS**

**V. CONSIDERATION OF MINUTES of August 19, 2020**

**MOVED** by Mr. McMahon to accept and approve the August 19, 2020 Minutes.

**SECOND** by Mr. Olson.

**ROLL CALL VOTE 6 – 0 – 1 (Woolsey)**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

- **1052 Ocean Boulevard – Wetlands Permit Extension Request (for Maintenance Only). Approval was for in-kind repairs/construction of existing sea wall/revetment.**

Mr. Bachand said this request is for a 2-year extension. It currently expires October 1st of this year; this extension would expire October 1, 2022 if approved.

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**MOTION** by Mr. Lessard to extend to October 1, 2022.

**SECOND** by Mr. McMahon.

**ROLL CALL VOTE: 6 – 0 – 1 (Woolsey)**

**MOTION PASSED.**

- **Request for Letter of Support - Seabrook-Hamptons Estuary Alliance Grant Application for an Estuary Management Plan.**

Jay Diener (Conservation Commission member) was on the line. This is regarding a management plan for the estuary. They want to continue to work on this. They are applying for a grant. He noted the work done so far works on the Ordinance for estuary work, Hampton, Hampton Falls and Seabrook. A summary document was forwarded to the Board in the past. Similarities and differences were shown. Making changes that may be appropriate was discussed

The next step is to do the visioning portion. Working with residents and municipal officials. How it is used; water quality; clamming, recreation, scenic views. Ways the estuary can be protected and preserved. This can be added to the Master Plan. The management plan will give specifics and recommendations.

One portion was completed by the NH Charitable Foundation grant. This grant is from the DES Coastal Program.

The Planning Board is in support of providing a letter and will get it to him.

Ms. Carnaby asked about what happens if what they come up with is in conflict with our work on the Vision and Coastal Management portions of our Master Plan. We have consultants working on this. Could it be a conflict or repetition. Our consultants are being paid by the NHDES; how does it fit into the HBAC also was asked. There seems like a lot of players here. Work may be duplicated or in conflict. It needs to be integrated.

We should postpone this until we can discuss with our consultants and steering committee per Ms. Carnaby. We need to be careful. Ms. Carnaby asked to continue this to the next meeting on the 16<sup>th</sup>.

Mr. Emerick said Mr. Diener is just looking for the grant by recommendation from this Board.

Mr. Diener said it won't be in conflict with the Master Plan because they will be working in partnership with us. They will be coming back to us a lot.

This is three entities.

They are recommendations; not directives.

This could be an information source to the Master Plan.

Ms. Carnaby wants Mr. Diener to come to our next meeting to discuss this.

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The deadline is before our next meeting for the grant. Mr. Emerick said we agree with the letter. It will be given to Mr. Diener asap.

Mr. Emerick asked about the Board's feeling that the Town use Zoom, Google or other means to do meetings. Just add a video portion. Mr. Lessard wants the presenters on the screen. We are in favor to upgrade our interface. We can explore this. The Board would be happy to check this out.

Ms. Carnaby said we had a demonstration meeting with the Town Manager. The RPC offered a range of services that they would be willing to give us on a temporary basis. Screen sharing was discussed. Integrating Channel 22. It is hard without a visual per Ms. Carnaby. Exeter is already broadcasting this way.

Mr. Olson would like to wait until November 5<sup>th</sup> before we move forward with this. He wants consideration.

We can update electronic interface, bring this to the Town Manager. Mr. Olson said this is too soon; too much for right now. Our time right now is temporary. No more costs to be incurred.

Mr. Emerick said he does not think the cost is staggering. Ms. Carnaby said it is free with RPC.

**VIII. ADJOURNMENT**

**MOTION** by Ms. Woolsey to adjourn.

**SECOND** by Mr. McMahon.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MEETING ADJOURNED: 8:55 p.m.**

Respectfully submitted,

Laurie Olivier, Office Manager/Administrative Assistant

**\*\*PLEASE NOTE\*\***

**ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.**

**MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING**