

BUCKSKIN SANITARY DISTRICT

P O Box 5398 Parker, AZ 85344

Board of Directors: Shelly Rohde Gary Hansen Gary Svider William Risen Robert Troxler

MINUTES OF THE BUCKSKIN SANITARY DISTRICT BOARD OF DIRECTORS Regular Meeting Tuesday, January 19, 2010 – 5:30 p.m. Boating and Safety Building, 8484 Riverside Dr., Parker, Az

Elected Board Members and District personnel present: Chairperson Shelly Rohde, Vice-Chairman Gary Svider, Treasurer Bill Risen, Secretary/Clerk Gary Hansen, Director Rob Troxler, Other attendees: Administrative Assistant Pam Stark, JR Pooler & John Bishop from Pooled Resources, Legal Council Paul Harter, Pat Jones, Kathie Miller, David Fabiano from Stanley Consultants, Sam Siar, Charlotte Phillippi, Kathy Richardson, Andy & Valerie Hinson, Gene Ohlendorf, A.D. Lickert, Susan & Hayden Harris, Teri Crawford, Mike & Vicki Mack, Lynda Thompson

1. Call to Order

Chairman Rohde called the BSD Regular Meeting to order at 5:35 p.m.

2. Presentation by JR Pooler from Pooled Resources.

Mr. Pooler gave a brief breakdown of the Project Schedule from Wagner Construction as follows:

Expected date for the stand by generator arrival is February 22, 2010

Liftstation #6 1/25/09 - 1/30/09 for testing

Liftstation # 8 2/1/10 - 2/6/10 for testing

Liftstation #7 2/24/10 - 2/27/10 for testing, electrical, installing standby generator

Final date by March 6, 2010. Now that the weather has been bad we are behind on this schedule. We have asked for a revised schedule. Wagner will work 6 - 10's to catch up when the rain lets up. Stanley will prepare close out schedule. We have to have a temporary permit for right to discharge before we can allow anyone to hook up. We will hookup in stages due to Lift stations being operable at different times. All properties will have the legally responsibility to hook up within 6 months of the release by ADEQ. Director Hansen said that we shouldn't expect all hook ups until we are sure there is sufficient capacity. We have based this schedule of hookups on a bell curve. You have 379 capable hookups in this Phase. The Board may want to consider sending a letter to give the property owners an update and to give them information on the process and deadline.

Director Troxler asked if there is a warranty one year from each Phase hookups. David Fabiano from Stanley Consultants said it is one year from the completion of the project.

Mr. Pooler states that he can release contractor funds in stages as well.

There are several issues still facing the District. There are expenses that the District paid from their operating funds for Officers for traffic control and striping of roadways, and a water truck for dust control, and adjustments to the paving as the contractor is re-measuring which could be an adjustment either more or less based on these measurements. This would be Change Order #9 and there is one more Change Order #10 which they don't have ready yet.

Mr. Pooler asked if there were any other questions and Director Troxler asked if we have a hard number or any idea financially where we are at on this project. Mr. Pooler stated that he prepared a report and apologized that they had not received it before. Based on the anticipated savings in some items, that constituted about \$250,000 in savings, however with the change orders that we have approved, those total about \$250,000. I anticipate that we have \$0 in the RD funds. We do however have some issues that we are going to have to work out with Stanley and RD pertaining to the paving issues as far as the costs go.

3. Presentation regarding the Holiday harbor project conference calls.

One thing that came up was that 45% of our operating funds go out to outside entities. That is extremely high. It was also brought up because we have no collateral besides the wastewater treatment plant. It restricts us on maneuvering for money. The District Manager was also an absolutely critical issue. I also got a memo today that it is possible that ADOT may have additional funding for this project and we wouldn't have to come up with as much money by March 1^{st, and} additionally since we don't know what kind of cash flow that we have. Mr. Pooler also stated that is critical that we update our master Plan and the one we have is outdated and when we go for more money they will require that it be an updated one. We also have an assurance letter that we could build II & III and it states that we have enough capacity at the Waste Water Treatment Plant. We are supposed to go to ADEQ when the capacity reaches 80% to begin design of a new plant for plant expansion. If everyone hooks up in II & III you are going to need to expand your plant capacity with a new plan. David Fabiano prepared a map of all sites for possible plant locations. Mr. Pooler discussed options regarding what they call "trains" or "package plants".

Chairman Rohde stated that she had information regarding these package plants and they are being used in California and they are originally from Ireland. Maybe in the near future the Board could hold a work session to look at these options. One of the things as a taxpayer she liked was that you could build as you go and add as you needed to.

4. CONSENT AGENDA

- a. Approval of Minutes dated 12-15-09 Regular Meeting and 1-5-10 Special Meeting
- b. Approval of Accounts Payable from 12-19-09 1/15/10
- c. Approve payment of vacation owed to Douglas Konkright based on Quickbooks totals in the amount of \$2,688.64

Director Risen moved to approve 4a-4c Director Hansen seconded

Discussion:

Director Svider wished to remove himself from the vote on Bam Bam Pumping Director Troxler had a question on Page 11 for Principle Engineering. Chairman Rohde explained that this had to do with Holiday Harbor.

Director Hansen page 6 on Jana Konkright. Chairman Rohde explained that this was payment required by the labor Board and explained how the Labor Board made their decision.

Call to vote: Motion passed with 4 ayes and 1 abstained from Bam Bam Pumping item on Accts payable.

5. CALL TO THE PUBLIC

A resident asked for a timeline to hookup on the laterals, Mr. Pooler tried to answer but Chairperson Rohde interrupted and stated that this was not an item on the Agenda. Legal counsel Harter also stated that this was not on the agenda. Chairperson Rohde told her to call the office and we could put her in touch with Mr. Pooler directly. Mr. Harter stated that this is the problem with the Call to the Public, if it's not on the agenda it cannot be addressed.

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Comments from A.D. Lickert: he stated that he was here in October and he had a series of questions. He believes the ground rules have changed. He stated that he heard a nasty rumor that Mr. Pat Jones was hired and then fired and he wanted a showing of hands of who decided to terminate him. Chairperson Rohde told him he was welcome to review the minutes. He further stated that he wasn't happy with this board and that they were going to have a revolution on their hands. He believed it was practically illegal to charge somebody if we didn't know our capacity before we started. He stated that the board had just Ok'd a check for \$2600 to Doug and they should hold it in a fund to make up for his mistakes. He stated that Doug had cost him almost \$12,000. He said that in October he was happy to have finally found someone who made sense in this sewer district and if his sources were correct that a consultant was hired and then dismissed. He was our only ray of hope that this board had ever shown and at least he talked to me. He apologized if he was wrong, but he had spent a lot of money to get ready for these hookups.

Chairperson Rohde stated that she was going to have to impose a time limit as this was a very long agenda and asked that the comments be constructive.

Mr. Lickert asked Pat Jones if he still had his position in the District and Mr. Jones stated that Silex had been given a 30 day termination.

Chairperson directed Mr. Lickert to look at the Agenda so that he could see what they were trying to do.

Kathie Miller asked if she could wait until her agenda item came up to make her comments. Legal counsel Mr. Harter told her that would be the appropriate time for her to address her specific item.

No further comments and Call to the Public was closed to comment

25. Director Svider made a motion to move up Item# 25 to move to Executive Session to get some input from our legal counsel on some of the Agenda items. Director Hansen seconded

Call to Vote: 4- ayes / 1- nay - motion passed to move to Executive Session

Chairperson Rohde adjourned to Executive Session at 6:25 p.m.

Chairperson Rohde re-convened from Executive Session at 7:28 p.m. No decisions were made and no action was taken.

REGULAR AGENDA

Chairperson Rohde asked Mr. Pooler to address Items # 6-10 as a whole since they were all related to the pumps.

6. (Action Item) Approve/Disapprove consideration of authorization to purchase and install one (1) E-1 pump that would serve the following parcels: 311-43-006 and Parcel #311-43-005A, but will not serve Parcel #311-43-007 which may require a single family grinder pump. Electric utility to service the E-1 pumps installed at the District expense and the cost of electric service and maintenance will be a District expense. Each property owner will be responsible for the cost of connection.

Discussion: Mr. Pooler explained the layouts of each of the properties with pictures and explained the approximate costs associated with the pump, electrical service, and maintenance to the pump. He also stated that these parcels don't have the capacity to connect without an E-1 pump or grinder pump and agreed to come back with exact costs without a commitment to do anything.

7. (Action Item) Approve/Disapprove consideration and possible approval of purchasing and installing two (2) E-1 pumps adjacent to the right of way line of River Drive and to be located on private property to service Parcels #311-66-056,055,054,053,052,051,050; (parcel 050, depending on engineering, may require a single unit grinder pump). Electric utility installed and monthly cost and maintenance of the pumps to be paid by the District. Each property owner will be responsible for the connection costs.

Discussion: Mr. Pooler explained that these would be on private property for two (2) of these pumps and no taps were installed because they were not able to gravity feed. There are two houses that we won't address as of yet.

8. (Action Item) Approve/Disapprove the authorization to purchase and install one (1) grinder pump in the existing right of way to service Parcel# 311-64-051A commonly known as the Ohlendorf/Morgan property. Electric utility to be installed at District expense and the electric and maintenance to be billed monthly to the property owner.

Discussion: Mr. Pooler explained that there is a 40 ft. drop off to the street where the legal frontage of the property lies. He also explained that someone authorized going to the tribal property and they are saying the District didn't provide a capacity to serve their property by gravity and unless a grinder pump is installed, they will incur additional expense that other owners would not incur to hook up.

- 9. (Action Item) Consideration and possible approval/disapproval to purchase and install seven (7) grinder pumps to service the following parcels: 311-43-009, 311-43-010, 311-43-011, 311-43-012, 311-43-013, 311-43-014 and 311-43-015 commonly known as the Rivers Bend and Sunset Cove properties. Electric utility to be installed at a cost to the District and the cost of electricity and maintenance of pumps to be billed monthly to the property owners.
- 10. (Action Item) Consideration and possible approval to execute a change order, subject to receipt of revised construction drawings, to install an 8" sewer line along Riverside Dr. to provide service to the same parcels as stated in Item #9. This proposal would result in a gravity system to service the subject parcels.

Discussion: Mr. Pooler explained that there are 7 property owners along the river with garages or trailers on the backside of the property and that they share an entryway in between those units there is some private easement. They have asked to lower the line in the street. This reported cost would be approximately \$67,000 plus \$13,500 per day if they hit rock or water and to repair a manhole and then adding paving costs which could drive the cost to \$150,000. Mr. Pooler stated that his is not his recommendation. The contractor has already hit water. This is the request of Mr. Terry Jones on behalf of his neighbors and we recommend two other possible solutions. One is to use one (1) E-1 pump with all properties tied in or individual grinder pumps at a cost of approximately \$27,000 each plus costs for electrical upgrades at six (6) of the properties.

Director Svider asked if this was the manifold going down the easement outside of the wall or inside the property line.

Mr. Pooler suggests that down the center of the shared entryway would be the best solution, Mr. Terry Jones strongly doesn't want that because it impedes their development of the property. It is our recommendation and your engineer's recommendation that we do not lower the line in the street. We believe it is not a financially responsible option of the District. If we turn the E-1 pumps back in we would be looking at a \$9000 re-stocking fee at the District expense.

We will also look into further if we do future Districts 4 & 5 to see that there is something in the declaration to ask the owners who want pumps and then we would do a 20 year amortization for financing the costs. There was some information by this Board and the District manager at the time to provide pumps if they can't gravity feed.

Mr. Harter commented that he heard in the Worksession that you have \$0 and I know the owners are anxious to get a decision, but it would make sense to ask for a specific proposal and the costs and then you have to decide how you are going to pay for it especially since this looks to be a \$250,000 bill. You need to know where the money is going to come from.

Mr. Pooler agreed with Mr. Harter and stated that this was going to affect your ad valorem tax rate; you do have people looking for money on your behalf and/or maybe some possible grants. We would possibly also look at allowing some latitude on the 6 month hook up time frame for these property owners.

Director Hansen made a motion to table Item #'s 6-10 pending a more detailed cost and analysis of these items. Director Risen seconded No further discussion Call to Vote – 5 ayes – motion passed unanimous

11. (Action Item) Consideration and authorization of Pooled Resources to prepare a report, recommendation and proposed forms or documents for modification of assessments for parcel #311-47-016A, commonly known as the Miller parcel and parcel 311-66-136, commonly known as the Tony Guardalabene parcel.

Discussion: Mr. Pooler said there is sufficient information to reduce the EDU's on these properties and the District would however incur cost of \$7,255.33 plus interest at the rate of the bond per EDU reduced. The way to fund it – is the District pays it once a year to the Debt Service as the payments come due. I recommend eight (8) EDU's for the Miller property based on the eight (8) EDU's that were assessed to the treatment plant. Mr. Guardalabene is one (1) EDU to the treatment plant. He is seventeen (17) in this gravity line based on zoning. Based on zoning we believe he could be eight (8) EDU's.

Mr. Jones stated that he can't go within 50 feet of the WAPA lines that run through the property.

Mr. Pooler stated that if we were to reduce it to one (1) EDU, we would do it in a way they would acknowledge that there is a reduction and the responsibility to buy into the plant and the gravity line if they put anything on that property that exceeds one (1) EDU. The other part is 8.5 based on expected use. You have the choice to reduce it to anything you want or do nothing.

The Miller's granted an easement to you and was in negotiations with your representative to install a flowmeter. If all the units went away they would never be able to put fifteen (15) units back on that property. I recommended eight (8) because of the plant capacity that has been being paid for at this time. Mrs. Miller is here tonight and has a statement she would like to read to you.

Kathie Miller read a statement declaring herself as one of the owners of River Glen Mobile Home Park and thanked the Board for allowing her the opportunity to address her issues. Basically we are seeking to lower our EDU's on this property. In November you asked Mr. Pooler to work with us, which he has. I recognize there is no money, although I don't see how that is our fault, but I do recognize that. Our desire is to reduce our EDU's to four (4). The four (4) EDU's makes sense based on capacity on the 2.2 per acre. We believe we were misled by the manager, not in our best interest, or in your best interest, but in his own best interest. We believe the four (4) EDU's is fair and equitable. Eight (8) EDU's means that I should be able to put twenty four (24) homes on the property and that would be impossible. She quoted percentages of the budget based on different EDU counts. She also stated that it was their hope that there would be a vote on this tonight, but agrees that there probably would not be one and asked for a quick resolution so that they could move forward.

Mr. Pooler requested that all he needed from the Board is what number they felt they wanted to assess and then he could prepare documents and give some direction to the property owners.

12. (Action Item) The easement is a different issue.

Mr. Harter recognized that there was another comment in the audience.

Teri Crawford asked about the Tony Guardalabene property being assessed one (1) EDU and asked if the Board was aware that he has submitted plans to develop to the county.

Mr. Pooler said it was his understanding that he submitted plans to the county for development of 17 units, but that it had been rejected by the county.

Teri Crawford said he only has to come back with one more thing and it's done.

Pat Jones said he had submitted to the Planning & Zoning but he never showed up and that he would have to re-submit.

Mr. Pooler said it was his understanding that he was more interested in selling the property than developing it. We could prepare a number, or eight point five (8.5), or adjust it based on what has been submitted to the county and come back with a debt service. We were unaware that he could continue.

Teri Crawford said that it was not too much to start it all over again especially as far along as he is.

Mr. Pooler said it was his understanding that the county had rejected the seventeen (17) units but he could build eight point five (8.5) or more.

Pat Jones said it was his understanding if he goes back to planning and zoning and the District has approved one (1) EDU, and then he puts seventeen (17) units on there he would have to pay the difference in a bulk amount up front in cash to the District.

Mr. Pooler said he would prepare an amortization schedule based on a number or we can prepare on a range of numbers and I will get the legal documents before you for the purposes of adjustments of the assessment. Or if you don't take an action on that, the assessments would stand as levied before you today and we will prepare billing to begin on May 1, 2010.

Chairperson Rohde asked for a motion

Director Hansen made a motion to table Items #11 & 12 pending a report from Pooled Resources on a reasonable range of EDU options for these two (2) parcels and an analysis of the impact to the Districts funding options.

Director Svider seconded

Discussion: Mr. Harter felt that in all fairness to the property owners that the District should come back in February because you have a billing issue on May 1, 2010, if Mr. Pooler can come back at that time. Mr. Pooler stated he had a conflict with the February date, but could send his associate in his place. Director Hansen said that March wouldn't be too bad.

Call to Vote – 5 ayes to table Motion passed unanimous

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13 Action Item) Approval/Disapproval of AZ State Land Department Right-of-Way Agreement #14-110956 which grants the right-of-way to the District up and along Cienega Springs Road to be used in conjunction with the construction, operation and maintenance of the sewer collection system.

Director Risen motion to approve the AZ State Land Department Right-of-Way Agreement #14-110956 Director Hansen seconded

No discussion Call to Vote – 5 ayes – motion passed unanimous

14 (Action Item) Approval/Disapproval to execute a construction change order to relocate lateral lids in dirt areas to 12" below road elevation, approximately 310 lids, with a cost not to exceed \$45.00 per lid.

Director Risen made a motion to table the relocation of the lateral lids until we look further at other considerations Director Hansen seconded

No discussion Call to Vote – 5 ayes – motion to table passed unanimous

15. (Action Item) Approve/Disapprove payment to Stanley Consultant's for construction management services in the amount of \$371,327.35

Director Risen requested to hear from Mr. Pooler.

Mr. Pooler stated that you have a contract with Stanley Consultants and that he had looked over the bills through November 2009 and they have since continued to work. This would be paid out of RD funds and that there are sufficient funds to cover this payment and it is for services rendered.

Director Risen made a motion to approve payment to Stanley Consultants in the amount of \$371,327.35. Director Hansen seconded

Discussion: Director Troxler questioned the mileage rate that was being charged being higher than the federal standard. Mr. Fabiano from Stanley stated he believed that was for the 4-wheel drive truck. Chairperson Rohde asked if that was part of the contract and Mr. Pooler stated he would go back over the invoices and review any of these issues.

Call to Vote- 5 ayes- motion passed unanimous

16. (Action Item) Approve/Disapprove payment to Stanley Consultants Inc. in the amount of \$450.16 for Invoice #113106 dated 9/30/08.

Mr. Pooler explained that the Board authorized and paid all design fees except for this invoice which I have reviewed and investigated and determined this is a viable fee and there is money in the RD funds to pay this invoice.

Director Risen moved to approve Invoice #113106 dated 9/30/08 in the amount of \$450.16 Director Hansen seconded

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> No further discussion Call to Vote – 5 ayes – motion passed unanimous

17. (Action Item) Approve/Disapprove the hiring of one of three District Manager candidates currently being considered after initial interviews and background checks.

Director Svider made a motion to offer \$55,000 to Patrick Jones for the position of District Manager as the first choice.

Director Troxler seconded

Discussion: Director Risen made a comment that he has set on many boards in the past and it has been the duty to pick the most qualified person for the job and that would be his vote.

Chairperson Rohde stated that we spent a considerable amount of money doing reference and background checks. We have references all professional and absolutely spotless from people that have known Mr. Gorman for 15 years or better. All the references from Mr. Jones were personal with no professional references given and they were unable to verify any employment except for one. Mr. Jones does not have a degree, although it is not a requirement whereas Mr. Gorman has a degree as well as a background in engineering and business administration. His work background shows the ability to mediate, bring people together, and professionally represent himself involving intricate deals and developments.

Call to Vote – 3 Ayes- Hansen, Svider Troxler 2 Nays – Rohde and Risen Motion passed to hire Mr. Pat Jones

18. (Action Item) Approval/Disapproval of a week to week Professional Services Agreement between the district and Silex Construction.

Director Risen made a motion to table since this no longer of interest Director Hansen seconded Call to Vote – 5 ayes – motion passed unanimous

19. (Action Item) Approve/Disapprove new health insurance proposal from DesChene Insurance Center for three full time employees.

Director Risen moved to table this item until we have another proposal to compare with. Director Hansen seconded No discussion Call to Vote – 5 ayes – motion passed unanimous

Director Svider called for a point of interest and asked Legal Counsel Paul Harter if we could go back to Item #17 because we didn't include a start date/hire date...do we need to do that. Mr. Harter recommended amending the motion to include a start date of February 1, 2010. **Director Svider modified the motion on Item#17 to approve hiring Mr. Jones at \$55,000 to start on February 1, 2010 **Director Troxler seconded ** Call to Vote on the modified motion – 3 ayes – Hansen, Svider, Troxler 2 nays – Rohde and Risen

20. (Action Item) Approve/Disapprove an increase in our current insurance policy with Canyon Crest Insurance Services, Inc. to protect against employee theft, known as a crime limit.

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> Director moved to table the item Director Hansen seconded No Discussion Call to Vote – 5 ayes – motion passed unanimous

21. (Action Item) Approve/Disapprove appointing a Board Member to negotiate office space from David Plunkett Realty at 8840 Riverside Dr. Parker, AZ not to exceed \$1000.

Director Svider made a motion to table the item No second Director Hansen moved to approve negotiating office space Director Rohde seconded

Discussion: Just for the sake of discussion, Mr. Jones has been working out of the district truck and in addition to the current costs of rent, utilities and storage we have now incurred a \$300.00 cell phone bill. If you add that together and I am thinking this would be an appropriate time to look at this.

Director Svider stated that we do have the approval from the county of an IGA to build by the ponds and I am just wondering if that is something we should consider.

Director Troxler asked if David was willing to do a month to month. Chairperson Rohde said this is just an approval for negotiations.

We should clarify the board member to negotiate and she stated that she had been familiar with the property

Chairperson Rohde moved to appoint herself to negotiate with David Plunkett Realty for office space. Director Hansen seconded Director Svider asked if this was a signed deal and Chairperson Rohde said no this is just to negotiate.

Call to Vote – 5 ayes – motion to negotiate office space by Shelly Rohde passed unanimously

22. (Action Item) Approve/Disapprove sending Steve Jackson to the 2010 Wastewater Conference in Laughlin, NV on 1/26/10-1/28/10 at a cost of \$175.00 plus travel expenses

Director Hansen made a motion to approve sending Steve Jackson to the 2010 Wastewater Conference and require him to appear in front of the Board with a report on the conference. Director Risen seconded

Discussion: Director Svider asked why we waited till January 19, 2010 and didn't go ahead and book it prior to the deadline so it wouldn't cost us the extra \$50.

Call to Vote - 5 ayes - motion passed unanimous

23. (Action Item) Approve/Disapprove sending representation to Washington, D.C. to appeal for funding assistance for the district for 2010

Director Risen made a motion to approve sending representation to Washington D.C. as we have done in past years

Director Hansen seconded

Discussion: Director Risen recommended Director Hansen and the new manager to represent us in Washington D.C. Chairperson Rohde agreed with Mr. Hansen going but questioned if it was necessary to send the new manager.

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Director Troxler asked David Fabiano of Stanley consultants if they had someone attending and would we be piggybacking with there people as we have in the past.

Chairperson Rohde apologized, but questioned if Mr. Jones had the correct attire to represent the District and Director Hansen explained that they don't wear suit and ties in Washington D.C. when they go to talk to their representatives.

Director Risen called the question.

Call to vote – 4 ayes – Risen, Hansen, Svider, Troxler 1 nay – Rohde

Mr. Pooler asked if back on Item #12 if that motion included the easement as well. The answer was yes from the Board.

24. (Action Item) Approve/Disapprove the organization and election of the Board Officers for the calendar year 2010.

Chairperson moved to approve appointing Director Hansen as the Chairman of the Board Director Hansen declined Director Troxler seconded and felt Director Hansen should step up

Mr. Harter advised that Director Hansen has declined. He also praised Shelly Rohde for her hard work as the Chair of this Board in 2009.

Director Hansen made a motion to elect Direct Svider as the new Chairman of the Board Director Troxler seconded

Call to Vote – 4 ayes- Risen, Hansen, Svider, Troxler 1 nay – Rohde Director Hansen asked if that was effective immediately Director Svider delegated to Director Rohde to finish this meeting.

Director Risen made a motion to elect Director Hansen as the Vice-Chairman Director Troxler seconded Call to Vote – 5 ayes – motion passed unanimous

Director Risen nominated Director Troxler for Secretary/Clerk Director Svider seconded Call to Vote – 4 ayes – Risen, Svider, Hansen, Troxler 1 abstained – Rohde

26. Approve/Disapprove Date and Times for Regular meetings in 2010 Mr. Harter suggested keeping the meetings as they have been since Director Risen has other commitments Director Troxler asked if that was OK with Director Risen

Director Svider asked if we could move next month's meeting either forward or back one week. Discussion among the Board to coordinate schedules as well as Mr. Pooler.

- 27. The next Regular meeting will be held on February 9, 2010 at 5:30 p.m.
- 28. Director Rohde called the meeting adjourned at 8:40 p.m.