

MINUTES OF MEETING
DEER RUN COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Deer Run Community Development District was held Wednesday, March 22, 2023 at 6:07 p.m. at the Island Club, 501 Grand Reserve Drive, Bunnell, Florida.

Present and constituting a quorum were:

David St. Pierre	Chairman
Gail Lambert	Vice Chairperson
Darrell Broom	Supervisor by telephone
Andre Poulin	Supervisor
Greg Dean	Supervisor

Also present were:

Howard McGaffney	District Manager
Katie Buchanan	District Counsel
Peter Amans	District Engineer
Kayla Rinker	RMS
Marc Rousseau	RMS
Alison Mossing	RMS
Antonio Perez	Yellowstone
John Distler	Yellowstone
Ty Rentz	Yellowstone
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. McGaffney called the meeting to order.

SECOND ORDER OF BUSINESS

Public Comments

Ms. Gibbens stated I want to see where we are with the additional proposals for pond bank trimming.

Mr. McGaffney stated we have spoken with the resident about the additional pond trimmings and at the last meeting the board asked if we could get additional proposals and we will discuss that later and the board will make a determination to move forward or not.

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Ms. Dawson stated I would like to know when someone will be trimming the pond around our area. It hasn't been mowed and cattails are taking over.

Mr. St. Pierre stated we will be talking about that later in the meeting.

A resident asked when are you bringing up the mailbox?

Mr. McGaffney stated I can cover that now or under my report. The Board agreed to cover this topic under public comments. Mr. McGaffney had a discussion with a representative from D.R. Horton about several items that came out of our workshop. He reported that the box in Phase 4 is going to stay where it is. Prior to D.R. Horton putting the mailbox cluster in he shared the desire of the Board would be to have a turnaround so that residents would be off the road when getting their mail D.R. Horton said they had looked at it and there wasn't sufficient room or setback to put in a permittable drive around.

Ms. Buchanan stated the post office would have had to sign off on that.

Mr. St. Pierre stated a few of the board members tried to address it before the mailbox went in. Organize yourselves, get a petition going and send it to the post office. It is not a CDD issue.

Ms. Lambert stated that is still D.R. Horton property and the board should refuse to sign off on that because we are not happy with the way it is.

Mr. McGaffney stated he has made notes and will get with the City Manager, Mr. Jackson and get back to the board with a more definitive answer on who approves the permit and what the post office has to do with it and he will approach it with D.R. Horton again, but that is all He can do.

THIRD ORDER OF BUSINESS

Authorization for District Engineer to Submit Restoration Plan to SJRWMD

Mr. Armans stated this is the memo discussed at the workshop and we need authorization from the board to submit that to St. Johns River Water Management District.

Mr. St. Pierre moved to authorize the engineer to submit the restoration plan to the St. Johns River Water Management District and Mr. Dean seconded the motion.

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Mr. Dean asked to know about the meeting with the golf carts and Horton on this plan and what is the plan other than fix a bunch of encroachment areas?

Mr. Armans stated there is a full memo that is included in your agenda and it details every section.

Mr. Dean stated I don't have the time to go through all those drawings and try to decipher all the drawings. There is not a picture of the area to look at.

Mr. Armans stated there are 18 areas that are broken into probably three different categories. One, are areas that we are going to work with the golf course to modify their mowing schedule and program and they are willing to do that and potentially adding some signs that they are also willing to do. The other area areas that will have to be replanted that includes mostly areas that are on the CDD side, there may be one area on the golf course that needs to be replanted. The third one is basically do nothing, there were some areas that we are suggesting that nothing needs to be done because D.R. Horton had already hired a company that did a planting plan and they sent reports on it to the St. Johns River Water Management District and the water management district accepted those reports. We will basically be working with the water management district to explain to them that we know those areas are already accepted and if they had an issue with those areas that we believe that once accepted it would go back to D.R. Horton to be involved if we needed them to be.

Mr. Dean asked how many total locations are there?

Mr. Armans restated 18.

Mr. Dean asked how many would be our responsibility?

Mr. Armans stated they are all our responsibility, because the CDD is the permittee.

Mr. Dean asked how many require some dollars to be spent for us to remediate?

Mr. Armans stated the three major ones that require replanting are the three we are proposing at this point to the water management district.

Mr. McGaffney stated in summary it comes down to the District is hoping SJRWMD will agree with the assessments, that nothing is done to some of the areas; that which has been done in the past is acceptable; and the last part is the three areas on CDD property needing to be replanted and potentially an area on the golf course. There is nothing The Board needs to do at this time, other than to authorize him to engage SJRWMD and work this out with them.

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Mr. Armans stated we are informing you that this is the restoration plan, and we need to submit it to the district for them to say yes or no.

Mr. Dean asked if the plan is accepted, and the golf course and DR Horton say it is your problem then The District would foot the bill for everything.

Mr. McGaffney stated that we do not know the answer to that today. We will know when we get the figures and costs and have those conversations with all parties. It is not acceptable for the District to do nothing at all.

Ms. Buchanan stated we really do need to push forward with remedying that or we are out of compliance with our permits. That being said, if we don't get cooperation from Horton and the golf course for issues that we think they bear responsibility for, we can then investigate legal options at that point. It is sort of parallel paths; we are required to do remediation under our permit requirements. That has to happen whether they participate or not it does look to be, do we fight about it later or are they going to be amicable, and we hope there will be an amicable resolution.

On MOTION by Mr. Poulin seconded by Ms. Lambert with all in favor the district engineer was authorized to submit the restoration plan to SJRWMD.
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FOURTH ORDER OF BUSINESS

Authorization for Chairman to Sign SJRWMD Permit Application for Expansion of Pond B1

Ms. Buchanan stated, in 2018 the District issued bonds to allow the District to install improvements on the phase that was to be developed by D.R. Horton. In connection with that bond issuance, we had an engineer's report that identified the improvements in the CDD, and which entity was going to be responsible for the operation and maintenance and construction of those improvements. Water and sanitary sewer were going to be owned by the city, the stormwater system was always intended to be owned by the CDD.

Essentially when it comes to that project there are two agreements that apply in this situation. The first is that D.R. Horton is required by contract to finish the improvements that are identified in the engineer's report. That is why even though you have been out of bond money for a long time, D.R. Horton is now paying for the installation of roads, stormwater systems and

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water and sewer to support the remaining development in the community. The flip side to that is that in order to have D.R. Horton's commitment to continue to finish the project, we have to commit upfront to accept responsibility for certain improvements. That improvement includes the stormwater management system, that will remain within the CDD's operation and that is why we just had this discussion on the remediation required to the other wetland areas. D.R. Horton intends to expand the pond, it is part of the plans previously approved and submitted to the water management district, however the district already owns a piece of the real property adjacent to the existing pond and the water management district has required the district to sign off on the permit to commence construction on the expansion of the pond. We are not yet accepting operation and maintenance responsibility for that pond; it won't come back to us until it has been constructed and approved by the water management district. All we are doing now is authorizing Horton to commence construction on the pond consistent with the previously approved permits from the water management district.

Ms. Lambert stated you are saying that St. Johns says we need that pond for stormwater retention although there is a huge lake on the other side of it. D.R. Horton wants to extend that pond and it is for our benefit, not theirs.

Mr. Armans stated it is for the benefit of the future phases, which will benefit every resident within the CDD. The roadway has water runoff, all the rain that falls within the CDD has to go to a stormwater system that the CDD will be responsible for. All the water that falls within the CDD boundary has to be treated within the CDD before it is discharged and the CDD is responsible for that. Since our workshop we worked with the design engineer for D.R. Horton and asked him to send us the stormwater plans that were submitted for permitting.

We reviewed them and asked some questions, and they cleared all those questions. We also brought up the issue of the gopher tortoises and since the workshop they had their environmental firm come out and do another assessment and they were able to locate on Phase 6 five active locations and one inactive and they are currently working on a relocation plan for those gopher tortoises.

Mr. McGaffney stated nothing is going to happen until they relocate them, but we do need you to authorize the chair to execute that permit application. This is part of the plan that has been approved by the St. Johns River Water Management District. It is an administrative function, due to the prior concerns of the Board we are bringing this before you to get the

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Board’s full authorization so that David can sign off on that, but it is an administrative function that needs to occur.

On MOTION by Mr. Poulin seconded by Mr. Dean with all in favor the chairman was authorized to execute the SJRWMD permit application for the expansion of Pond B1.

FIFTH ORDER OF BUSINESS

Acceptance of Audit Committee’s Recommendation, Approval of Audit Criteria and Authorization for Staff to Publish an RFP for Auditing Services

On MOTION by Mr. Dean seconded by Mr. Poulin with all in favor the recommendation of the audit committee of the evaluation criteria was accepted and staff was authorized to notice the RFP for audit services.

SIXTH ORDER OF BUSINESS

Consideration of Proposals for Pond Bank Trimming

Mr. Rousseau stated we had a proposal from Yellowstone for about \$2,800 and I reached out to other companies and received a proposal for \$3,525. It is considered a preserve and really shouldn’t be trimmed, we can go back a little bit on that, but it is a preserve. There is a lot of overgrowth and weeds, which is why it is an expense.

Ms. Lambert stated there are several palms where there are no houses in conservation areas and none of them need to be trimmed. My concerns is if we do it here, we will set a precedent. The other concern is if we start meddling with the conservation areas are we going to have another situation with encroachment as we have now. If we do it, it has to be the absolute minimum.

It was the consensus of the board to not do the pond bank trimming.

SEVENTH ORDER OF BUSINESS

Ratification of Proposal for Replacement of Main Irrigation Pump #1

Mr. McGaffney stated this item is requested for the Board to ratify the actions of the Staff and Chair to authorize the purchase of the pump. The board was aware at the workshop that we need under emergency conditions to get the irrigation pumps and motors working well. The first motor that was replaced, the insurance company reimbursed \$20,500 when Mr. McGaffney

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asked them to reopen the claim. The District got the check two days ago and it was deposited quickly because the District is going to need it because the second motor has failed. In order to get that going the District had to pay a 50% deposit to order the motor and the chair approved the District Manager's request. We are asking you to ratify the actions of staff and the Chair related to the purchase of the motor for \$9,605.

On MOTION by Mr. Dean seconded by Mr. Poulin with all in favor, ratifying the actions of the Staff and Chair to approve the purchase and the proposal from M and M Sales-Service to replace the main irrigation pump #1 in the amount of \$9,605.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2023-05
Spending Authority**

Mr. McGaffney stated this is an item that came before us at the workshop. We talked about it and this is my recommendation. He Stated that every District he has worked in has a spending authority, approval limit or disbursement policy. In your agenda is what we discussed at the workshop, for continual repairs and maintenance for budgeted items, it authorizes the staff onsite, Marc, Kayla and Alison to repair and replace things within the budget that we have up to \$2,500. Anything above \$2,500 up to \$10,000 requires a District Manager's approval and that is for repairs and replacement, maintenance items, not to purchase new TVs, etc. Above the \$10,000 would require the Chair and only if there is an emergency or critical need, the recent pump replacement being example of one.

Mr. Dean stated under item b, non-continuing expenses it says the board hereby authorizes the disbursement of funds for payment of invoices. Should we add, authorize the work also? That is what we are doing, authorizing work then paying for it.

Mr. McGaffney stated yes, that can be added in the policy

On MOTION by Ms. Lambert seconded by Mr. St. Pierre with all in favor Resolution 2023-05 was approved in substantial form subject to amending the language in item B as outlined by Mr. Dean and subject to final review and approval by the chair.

NINTH ORDER OF BUSINESS

**Consideration of Yellowstone Landscape
Proposal (Phase 4)**

This item tabled.

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TENTH ORDER OF BUSINESS**Consideration of Yellowstone Landscape Proposal (100 Entrance)**

Mr. Perez reviewed the proposal for the 100 entrance, copy of which was included in the agenda package.

Ms. Lambert stated I am not happy with what is in front of the fountain, we need plants that would survive the frost and chlorine, we have concerns about the sod needing a lot of maintenance.

Mr. Perez stated Yellowstone will do the maintenance and your contract will not change. The scope of work will be the same, we will take care of it.

On MOTION by Ms. Lambert seconded by Mr. St. Pierre with all in favor the proposal from Yellowstone for the 100 entrance in the amount of \$3,263.69 was approved.

ELEVENTH ORDER OF BUSINESS**Discussion of Amenity Center Groups, Clubs and Fitness Classes**

Ms. Mossing stated I have put together some information for the board to review on the different clubs, groups and classes that are utilizing the amenity center currently. At this time I'm looking to start the conversation to put together the policies to manage these classes, groups and clubs. In the document is general information about all the clubs, activities calendar, suggestions on policies and where to start. We don't have to make any decisions today and we can keep the item on the agenda to continue to develop these policies as the board sees fit and get feedback from the board. I will be working with Kayla to provide a mockup of the policies you would like to see.

Mr. St. Pierre stated I have had conversations with Alison and moving forward there is a resident committee that has addressed some issues here. The problem is that we don't have protocols in place. If someone comes in and says I want to do this then they try to persuade Kayla to put them on the calenda. There is no protocol for that. This is a busy place and moving forward we need to get policies in place. Andre and his group can have a workshop with Alison and Kayla and bring back proposed policies for the board to consider.

Ms. Mossing stated I need direction from the board on whether we pause the approvals right now for new groups, clubs and fitness classes until we have the policies in place or if we

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continue to approve and fit them in the schedule. We do have a request from a resident to start another yoga class right now. Do we pause that or not?

Mr. St. Pierre stated let's pause it for 30-days. We have four groups, landscaping, social amenity center, physical amenity center which Darrell runs and Greg runs contracts and irrigation. If you are interested in any of those, just contact a board member and they will tell you when they meet.

Mr. McGaffney stated the April 27th meeting is a budget workshop and the next regular meeting where you will take action to approve any club that comes through those recommendations will be May 24th which is a Wednesday.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Buchanan stated at the workshop we discussed the ownership of the roads and I did converse with Mr. Porter at Horton about potential alternatives. He is still reviewing them and doesn't have a firm response yet so I will follow-up with him and hope to bring back something the next time I see you.

B. Engineer - Report

Mr. Armans stated the only other item we looked at was the irrigation system. We were asked if we can look up if it is undersized. We don't have someone internally who does that but we have subs that do that work for us. I reached out to one gentleman that does system evaluation. He would look at the pumps in their current condition, look at the entire areas being served by it and provide a report with repair recommendation and any other recommendation for upsizing modifications as far as the pumps go. I asked for a rough budget number in the event you wanted to approve something up to a certain amount to engage that person and he told us it is about \$2,000 to do that site visit, inspections and deliver a report.

Mr. McGaffney stated M and M Pumps is also going to provide some feedback on whether this is going to work or not. Depending on where the board goes with this tonight and if you authorize that, those two would ideally work together for a joint recommendation. You would have somebody else as well as the company who has been working on your pumps.

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Mr. Dean stated I'm looking at design, not how they are right now. Is it adequate for all the houses? Mr. Dean stated that the system does not need to be inspected, that he already knows the condition of the pumps and motors.

Mr. Armans stated we can set it up so they meet onsite so they can share any knowledge to move forward with that.

Mr. McGaffney stated that it is best to get these two individuals that are experts in their field to work together and the company who would actually installs it would be one of the guys involved with it but he would work with the irrigation expert on that as well.

On MOTION by Mr. Dean seconded by Mr. Poulin with all in favor the engineer was authorized to engage an engineer as outlined in an amount not to exceed \$2,000.
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C. District Manager

Mr. McGaffney stated at the workshop he was tasked with going to D.R. Horton and having some discussions about topics that came out of the workshop. He explained that leading up to the workshop he had a series of email communications with some of the individuals at D.R. Horton that are tied to the project here and realized they wanted him to talk to Bob Porter. Mr. McGaffney stated that he did sit down and talk with Mr. Porter about various topics including roads, the Chair needing to sign for the pond expansion, future assignment of improvements coming to the District and partnering with staff so they know when a plat is going to be recorded. He also talked about gopher tortoises, and D.R. were more than happy to address it accordingly. He stated we talked about the mailbox clusters and that he had already gave the update on that. The most important topic was the irrigation and how the necessary repairs would be funded.

Mr. McGaffney stated he would go over some informational items for the board on developments in its stages and seasons. When a developer or builder comes in and are developing all this, it is not like an HOA where you have to establish reserves in a certain amount. For a district the developer is not going to typically hand over hundreds of thousands of dollars for future maintenance. They come in, they develop, they do it according to the development plan to get it all turned over to the district, it is on the district to create a long-term capital plan to maintain those items. D.R. Horton owns a large portion of the remaining lots, and they are paying their assessments. They are contributing so whatever we do with the budget they

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are in the same place as everybody in this room. They are going to pay whatever assessment increases are approved. He revised your financials, we know worst case scenario with a basic guess, if you will on the irrigation system if it completely needed to be redone and it is estimated that the pumps are 30-years old and we don't know if it is the right size to meet the demands for 860 homes but we are told that it might not be. We won't know until we get the reports back. He discussed this issue with Bob Porter and said right now we have a proposal for approximately \$50,000 to replace a cabinet, electronics, put new updated electronic equipment in to run a community. We were waiting on a proposal for a pump to be rebuilt or replaced, which I just got today and that was almost \$40,000. I ballparked \$75,0000 but now if we have to replace the whole thing and rebuild and re-spec, it could likely be around \$150,000.

Mr. Dean stated we are dealing with the sins of the past, These pumps are older than he had anticipated and we don't have any history on any of it. If they are that old, there are a lot of problems. The problems over the last couple of weeks with the pumps not running is where we believe we may be under designed for what we need to be. Usually with a two pump system one is in service the other is a backup. Right now with no rain, both pumps need to run and we only have one. In that we are dealing with sins of the past, these numbers are not outrageous for what is expected based on the condition of the system where it is now.

Mr. Gaffney stated he along with Supervisor Dean and Marc have had discussions with M and M Pumps a lot the last three weeks and there has been a lot of work done, a lot of success and we are getting some irrigation, but we are not getting enough to meet the demand. He put D.R. Horton on notice about getting ready to put sod down, that they might want to hold off on that because he did not think they could meet the demand right now. They are aware of it and they are concerned about it. D.R. Horton is not going to give us a chunk of money because they are nice guys, they are a property owner just like you. They own properties and are paying their assessments. If we increase assessment in 2024 for a project of that size everybody is going to be equally unhappy about it.

Ms. Lambert stated Mr. Porter is on record in our minutes saying that system is adequate for the development. It is disappointing that now that he is off the board that it is not adequate.

Mr. Dean stated I can't say we are under designed, but we have indications that we may be and that's what I want to look at.

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Mr. McGaffney restated D.R. Horton said they are going to pay what everybody else is going to pay, that they are not just going to give you money to do that, they understand the need and if the assessments go up they will have to pay the assessment increase. He said Bob Porter mentioned that D.R. Horton could possibly loan the district the money for the project. Other than increasing the assessments the only other way to tackle a \$150,000 project is to borrow the money. If the District issues new debt there are certain hurdles the District would have to go through. They would consider loaning the district the money at zero percent interest for 12 months. I told him money is tight and people are bracing themselves for an increase in assessment this year, would you give me two-years zero percent to which he said yes. I don't know the threshold, I don't know if it is \$150,000 or \$50,000.

My direction was to work with the project manager onsite on those miscellaneous items, pond banks, erosion, those kinds of things and the potholes. They are willing to step up to do those certain things, I just have to engage them and work those things out. Those wheels are already in motion.

Mr. St. Pierre stated this whole irrigation system, I appreciate the people who stepped forward and helped us out last year. We need to address the issue for the long term, which is why the things we are going tonight is just a start. We will have sound numbers before we do anything.

D. Operations Manager

1. Report

A copy of the field operations report was included in the agenda package.

2. Towing Proposals

Mr. Rousseau stated I was asked to reach out to some towing companies to get their input on towing. I reached out to four towing companies, two came back, Johns towing came back with a contract and will provide all the signs we want at no charge and the other one, Palm Coast Towing doesn't want a contract but said it would be \$35 per sign.

Ms. Buchanan stated you require a lot of towing signs if you want to tow on the street, the requirement under the law is you have them approximately every 25-feet, that is why we only incorporated our initial towing policy to the amenity areas. You actually do not own a lot of

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right of way so it is not ours to tow from and the second point is that you have some restrictions in your HOA covenants that could deal with this and that may be another mechanism for enforcement.

3. Court Lighting Repair Proposal

Mr. Rousseau stated I reached out to a few companies and requested that they came down to take a look. Some said no, some said if I come over to give you a proposal we are going to charge you for it. I reached out to the company I use in St. Augustine and they are really good and they came down assessed the situation and found six lights that the drivers are going bad. You have some lights that are half lit, the other lights are lit then go out after a certain time. The next thing we need to do is see if you want to get them replaced, they will come down with a scissor lift because they couldn't get all the way up safely. If you decide to go with this price of \$4,998 they will take care of everything for you. While they were here they identified two problems and fixed them. If they come back we will have to reexamine the pool lights that keep tripping. They also looked at the fountain that is not working back here and they couldn't find where the wire was going. D.R. Horton did not install the fountain, we don't know who did.

On MOTION by Mr. Poulin seconded by Mr. St. Pierre with all in favor the proposal from Beacon Electrical in the amount of \$4,998 was approved.

4. Turtle Crossing Sign Proposals

Mr. McGaffney asked is it a moot point if the turtles are relocated or do we really need the signs?

Ms. Lambert asked if you move them all, are we going to get any more?

Mr. McGaffney stated the amount is minimal, I think you can move on and leave it to staff but you are putting a sign up. Do you want to have another sign in your community?

Ms. Lambert stated I think we need the no soliciting more than the turtle crossing.

Mr. McGaffney asked do you want to take a wait and see approach?

Mr. Lambert stated yes.

Mr. McGaffney stated give the staff the leeway to put up a sign if they want to?

Ms. Lambert stated yes.

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5. Door Lock Proposals

Mr. Rousseau stated the proposals for the men’s room and ladies room by the pool are the better locks that I found, they are weather proof and lit at night and they are compatible with the doors we have.

Ms. Mossing stated this is an alternative option that was requested when we provided the access control proposal at the last meeting.

On MOTION by Mr. St. Pierre seconded by Mr. Poulin with all in favor staff was authorized to move forward with the purchase and installation of the locks for the men’s and ladies room by the pool.

E. Amenity Manager - Report

A copy of the amenity manager’s report was included in the agenda package.

THIRTEENTH ORDER OF BUSINESS Supervisor’s Requests

Other items: Process for conveying improvements, condition of landscape along the pond in Phase 4 and the mailboxes, prohibit the transfer of amenity center usage rights to Airbnbs.

The next item taken out of order.

FIFTEENTH ORDER OF BUSINESS Approval of Consent Agenda

- A. Approval of the Minutes of the January 25, 2023 Meeting and February 23, 2023 Workshop**
- B. Balance Sheet as of January 31, 2023 and Statement of Revenues and Expenses for the Period Ending January 31, 2023**
- C. Assessment Receipt Schedule**
- D. Approval of Check Register**

On MOTION by Mr. St. Pierre seconded by Mr. Poulin with all in favor the consent agenda items were approved.

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FOURTEENTH ORDER OF BUSINESS Public Comments

Other items: request to have public comments after each topic rather than waiting to the end of the meeting, original irrigation system, how to operate the irrigation on homes, cost of remediation, rental of amenity to non-residents.

On MOTION by Mr. St. Pierre seconded by Mr. Poulin with all in favor all new \$100 rentals are suspended for the next 90-days, rentals on the books will stay.

Other comments: Mailbox issues, who is responsible for an accident in front of the mailboxes, sidewalks on one side of the road are damaged by trucks and trailers, construction vehicles on 100, enforcement of parking on sidewalks, no parking signs.

SIXTEENTH ORDER OF BUSINESS Next Scheduled Meeting:

- A. 04/27/23 Budget Workshop @ 6:00 p.m. @ Island Club**

- B. 05/24/23 @ 6:00 p.m. @ Island Club**

On MOTION by Mr. St. Pierre seconded by Mr. Poulin with all in favor the meeting adjourned at 8:09 p.m.

DocuSigned by:

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 Secretary/Assistant Secretary

DocuSigned by:

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 Chairman/Vice Chairman