

PENN TOWNSHIP BOARD OF SUPERVISORS
100 Municipal Building Road
Duncannon, PA 17020-1100

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Henry A. Holman, Jr., Chairman Charles H. Stoner, Vice Chairman Robert E. Shaffer, Sr., Supervisor

MINUTES OF JULY 26, 2006

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The Penn Township Board of Supervisors (PTS) met on Wednesday, July 26, 2006 at 7:00 p.m. in the Municipal Building to conduct their regularly scheduled meeting. Chairman Henry Holman, Jr., Vice-Chairman Charles Stoner, and Supervisor Robert E. Shaffer, Sr. were in attendance. Other personnel present were Helen Klinepeter (Secretary), Susan Long (Treasurer), Rich Wagner (Solicitor), left meeting at 9:25 p.m., Max Shradley (Engineer) left meeting at 8:50 p.m., Police Chief Alan Houck, and Chris Deiter (Road Foreman). A list of visitors attending is on file in the Township Office. Chairman Holman convened the meeting with the Pledge of Allegiance and a moment of silence. The meeting was recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township Office.

INTRODUCTION

Chairman Holman shared articles from the publication, *Alternative Energy*, which described uses of bio-diesel and ethanol fuels, and soy products as energy sources. He recognized that Rohrer Bus and Grace Minor were mentioned for their use of alternative energy sources and invited interested visitors to read the newspaper. Chairman Holman then thanked Ed Chism and the Joe Smith family for their recent assistance in cleaning up the Cove Cemetery.

VISITORS

Wayne Russell

Mr. Russell stated that he is helping Wheatfield Township to renumber and rename its roads to make it easier for emergency vehicles to find residences and cited examples where emergency vehicles had trouble finding residents, resulting in a significant response time. Mr. Russell said that Linton Hill Road is shared with Penn Township, and the numbering on the Wheatfield Township side is not synchronized with the numbering on the Penn Township side. He asked for the PTS's assistance to jointly renumber Linton Hill Road. After discussion about the advantages and disadvantages of renumbering, it was the consensus to hold a joint meeting of Wheatfield and Penn Township residents living on Linton Hill Road to explain the reasons for renumbering and to request their input. The meeting was scheduled for August 24, 2006 at 7:00 p.m. at the Penn Township building.

Dave Arnold, Mallard Enterprises

Mr. Arnold conveyed that he had attended the June 28, 2006 PTS meeting to request a zoning change at Business Campus One (BCO) to enable him to relocate his truck dispatch business, Mallard Enterprise, to that location. He informed the PTS that he has met with the Penn Township Planning Commission (PTPC) regarding traffic patterns and has received a favorable response from them. He added that, because the Zoning Officer re-evaluated his original position, Mr. Arnold has since filed an application with the Township for a conditional use waiver. The Secretary explained that the PTPC would now review that application and make a recommendation to the PTS, after which the PTS could set a date for a public hearing. It was noted that, due to advertising requirements, the earliest a hearing could be held would be September 20, 2006.

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Perry County Economic Development Corporation (PCEDC) representative Barry Deaven, County Commissioner Warren Van Buskirk, and realtor Virginia Barr offered comments on how allowing a business such as Mallard Enterprises into BCO would have a beneficial effect for all parties involved.

Chairman Holman offered his opinion that a conditional use request would be the best route to take and his hope that the PTS would be flexible. He encouraged Mr. Arnold to submit his parameters of operation to the PTPC and his assurance that he would not go beyond the limits imposed on him. The Solicitor noted that the conditional use application process contains the criteria that must be included by the applicant, which should eliminate a lot of Mr. Arnold's questions.

A discussion then focused on the fact that Mr. Arnold's business is not a truck terminal, but instead is a truck dispatch business, and the number of trucks/parking spaces allowed. Chairman Holman then referred Mr. Arnold back to the PTPC and said that he also would attend their next meeting.

Jodi Rissinger

Ms. Rissinger stated that the Perdix Fire Company (PFC) had received a letter from the PTS asking for available dates for a fire study meeting and questioned if there were specific topics of discussion. Chairman Holman explained that, at the last fire study meeting, it was the consensus to continue the dialogue between PFC and Duncannon Fire Company (DFC), and that he was trying to help keep the lines of communication open. Ms. Rissinger stated that it will be difficult for the PFC to meet in August and requested that a date be set for a September meeting with the DFC. The Secretary was requested to contact DFC representatives to see which dates in September would be suitable for a meeting.

Richard Yohn, Linton Hill Road

Mr. Yohn stated that he had received a complaint about the noise coming from working on his racecar. He explained that it has to be started at least once a week and that he has never received any complaints for the past six years. The Secretary explained that the Township had received some complaints and that it was turned over to the Zoning Officer (ZO) because it was a zoning matter. Mrs. Yohn offered that the complaint report was wrong and that the noise was not being made in the middle of the night, because her husband is in bed by 11:00 p.m. Mr. Yohn stated that he never runs the car later than 8:00 p.m. Mr. Stoner offered that the noise is loud enough to be heard inside his house on Faculty Road when the windows and doors are closed. Mr. and Mrs. Yohn both asked when the car can be started.

The Solicitor offered that the ZO must first measure the decibel level to see if it is in violation of the zoning ordinance, after which discussion could be held on further action that should be taken. The Secretary will direct the ZO to contact Mr. and Mrs. Yohn to arrange for a decibel level test.

Fred Hoffenbecker, Jefferson Street

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Mr. Hoffenbecker stressed the importance of renumbering roads to make it easier for emergency vehicles to find a particular residence. He then stated that his landlord has raised his rent due to the recent sewer and water rate increases, creating a financial hardship for him. He asked how there can be two increases in a 90-day period and what someone on a fixed income can do. Chairman Holman explained to Mr. Hoffenbecker that the PTS does not set sewer and water rates and that responsibility falls to the Penn Township Municipal Authority (Authority). He stated that there were reasonable and rational explanations for the increases and suggested that Mr. Hoffenbecker attend the next Authority meeting.

William Warner, Barnett Drive

Mr. Warner asked if the PTS ever adopted a burning ordinance. Chairman Holman responded that it was decided to handle problems resulting from burning through enforcement of the nuisance ordinance. Mr. Warner then asked about the status of the proposed Cove Mountain development. Chairman Holman responded that no official plan has yet been submitted.

Joe Roberts, Inn Road

Mr. Roberts was present to discuss his proposal that the PTS abandon a section of Inn Road at the dead end in front of Shirley A's. Chairman Holman explained that Mr. Roberts wanted to use the road for business parking and that Mr. Roberts had agreed to grant access to the property so that Township snowplows could turn around. The Solicitor offered that the PTS could choose to abandon that section of Inn Road, or could instead lease it to Mr. Roberts, with provisions for snowplow access and parking included in the lease. After discussion, it was the consensus to consider a lease agreement. Mr. Roberts will prepare a draft agreement for review at a future meeting.

MINUTES

In response to the request for approval of the minutes, there was a Shaffer/Stoner motion to approve the minutes of the June 28, 2006 Subdivision and Land Development Ordinance (SALDO) hearing and June 28, 2006 meeting as presented. Motion passed by unanimous vote of the PTS.

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period June 29 through July 26, 2006 for consideration of approval. After due consideration, and upon a Stoner/Shaffer motion, the PTS voted unanimously to approve payment of checks 19003 through 19084 from the PLGIT General Account in the amount of \$28,713.97 and four ACH transfers from the Newport Bank General Account in the amount of \$4,809.88.

TREASURER REPORT

Upon a Stoner/Shaffer motion, the PTS voted unanimously to accept the Treasurer's Report for the period June 29 through July 26, 2006, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The Secretary presented the July 2006 Highway Department report.

115 Linton Hill Road Stormwater Run-off

Chairman Holman reported that he had talked to Supervisor Hines of Wheatfield Township about the run-off problem on Linton Hill Road. He offered his opinion that, due to the slope of the terrain, run-off can not be prevented during periods of heavy rain as was experienced on June 27, 2006.

Muhlenberg Avenue Stormwater Run-off

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Chairman Holman reported that Duncannon Borough is working on plans to interface its stormwater conveyance system with the Township's system in the vicinity of Muhlenberg Avenue and Lincoln Street. Sam Auxt offered his opinion that the problem starts between the Selle and Hodos properties.

Susquenita Hill Road Stormwater Run-off

Chairman Holman reported that the stormwater run-off problem on Susquenita Hill Road will be remedied by the highway department after the paving of Gambers Corner Road is completed.

Haas Drive Restoration

The Secretary reported that PA Emergency Management Agency (PEMA) representatives will be meeting with Township representatives on August 8, 2006 at 9:00 a.m. to discuss reimbursements toward the cost of correcting the damage to Haas Drive incurred during the heavy rains of June 27, 2006. The Engineer offered that PEMA could possibly allow the funding to be used toward upgrading the road beyond its former condition and suggested that the Secretary obtain photos of the damages and estimated repair costs to give to PEMA. The Secretary stated that the Township might need a stream permit from DEP. The Engineer stated that a PennDOT and DEP representative will also be in attendance at the meeting and would provide guidance for necessary permits. Chairman Holman offered that he felt the highway department could do the work, alleviating the necessity to bid the job. The Road Foreman was requested to provide costs for labor, equipment, and materials for the meeting.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Lisa Laird Final Subdivision Plan, File #2006-07

Charles Cook presented a final drawing of a 5-lot subdivision of the Laird property on Cove Road. He explained that, with the exception of Lot 6, the property has reached the limits of subdivision as allowed in the present SALDO. He added that the PTPC voted to recommend approval of the plan, subject to several contingencies. He stated that the main outstanding issue is the sewer module which is before the PTS and Perry County Planning Commission for signature, after which it will be forwarded to DEP.

The Secretary noted that the PTPC has recommended approval of Alteration of Requirements (AOR) for Section 309.B.4, *Erosion and Sedimentation Control (E&S)*; and for Section 406, *Stormwater Management Plan*. It also recommended approval of the Lisa Laird Final Subdivision Plan, with contingencies. Mr. Cook noted that all contingencies have been satisfied except DEP's approval of the sewer planning module. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the AORs for Section 304, *Final Plan*; Section 309.B.4, *Erosion and Sedimentation Control (E&S)*; and Section 406, *Stormwater Management Plan*.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the Lisa Laird Final Subdivision Plan, File #2006-07, contingent upon DEP's approval of the planning module and all fees being paid. Ms. Laird accepted the contingencies.

Cove Mountain Animal Hospital Final Land Development Plan, File #2006-04

The Engineer stated that he had reviewed the Financial Security Review for the Cove Mountain Animal Hospital and noted that the developer had only provided for a 5% contingency when a 10% contingency was required. He recommended that the amount of financial security required be set at \$138,701.44, which includes costs for materials and installation. He stated that he has received notice that the developer is in agreement with that amount. The Solicitor explained that no action is needed from the PTS, since the developer is in agreement.

ZONING OFFICER (ZO) REPORT

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The ZO Report for July 2006 was reviewed without comment.

Zoning Hearing Board (ZHB) Appointment

The Secretary reported that the ZHB has voted to recommend two alternate members to the ZHB. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to appoint Barbara Van Horn and Stacey Grow as alternates to the ZHB.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The SEO Report for July 2006 was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The Secretary presented the July 2006 PTPRB Report. Chairman Holman noted that Jim Renner is always busy improving the park/township grounds and commended him for all of his hard work. Mr. Shaffer offered his opinion that more parking spaces could be made available along Municipal Building Road by widening the road and still preserving the trees. The Secretary was requested to inform Chris to investigate adding additional parking spaces along Municipal Building Road.

Mr. Renner was asked to forward requests for inclusion in the 2007 budget to the Secretary.

Mr. Renner noted that he had located lighting for the park at a cost of \$2,500. He explained that it could be used for the volleyball/horseshoe pit and children's play areas, if a decision is ever made to provide night lighting. Chairman Holman asked Mr. Renner to consider the demands that would be placed on the Township's electrical system and Chief Houck noted that, by ordinance, the park closes at sundown.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY) REPORT

Rose Bender Property, 1805 State Road, Sewer Connection Time Extension

The Secretary presented a letter from the Authority recommending a 60-day time extension for connection of the Rose Bender property to public sewer. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to grant a 60-day time extension for connection of the Rose Bender property.

Discussion was then held on whether the Authority could authorize time extensions, with the Solicitor offering that the PTS could delegate that responsibility to the Authority. Chairman Holman voiced his concern about how the connection fees, extensions and hookups would be tracked if handled by the Authority. The Treasurer noted that, with the exception of pre-paid connection fees, the Township will continue to track that information when building permits are issued and inspection reports for the connections are received. After discussion, and upon a Holman/Stoner motion, the PTS voted unanimously to authorize the Authority to grant extensions for sewer connections, with the extensions for individual parcels not exceeding a total of six months.

Mr. Auxt noted that several property owners elected to install grinder pumps on their unimproved lots and signed agreements that they would connect within one year or start to pay reservation of capacity fees. He also offered his opinion that the three property owners who refused to allow installation of grinder pumps should be issued notices to connect and be charged for the cost of the grinder pumps and installation. The Solicitor requested that a copy of Ordinance 101, detailing the requirements of connection to public sewer, be forwarded to him.

Chairman Holman announced that he has been contacted constantly since the Authority approved rate increases for sewer and water. He thanked Mr. Shaffer for supporting the motion to increase rates, explaining that the rate increases were justified and long overdue. He added that the admission that Authority bills had been paid with borrowed money was admirable.

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Chairman Holman then offered his opinion that rates will be able to be decreased in the future. He stated that the Authority's Budget Committee members deserve thanks for their efforts, and continued that it is difficult to explain to the public why rates need to be increased.

The Secretary reported that the 60-day time limit for Phase One connections would expire on August 7, 2006 and asked what to do about the property owners who have not obtained connection permits. Mr. Shaffer stated that the Authority handled second notices in the past and should have a form letter on file. After discussion, it was the consensus that, since the PTS sent the original notice to connect, it should send the second notice. PTS staff will contact the Authority Secretary and request a copy of the form letter.

SECRETARY REPORT

Renaming Susanne Drive

The Secretary presented Resolution 2006-07, correcting the spelling of Susanne Drive to Suzanne Drive, and noted that it has been duly advertised. Upon a Shaffer/Stoner motion, the PTS voted unanimously to adopt Resolution 2006-07.

Brake Retarders

The Secretary presented information she had compiled from the PSATS Internet discussion group pertaining to the regulation of brake retarders. She noted that the State Police will not enforce local regulations governing their use. Mr. Shaffer offered that the PTS could enact the legislation, but that it would be up to its police department to enforce it and could prove difficult. Chairman Holman agreed, noting that the brakes would not be used when police are present, and would be used when they are not present. After discussion, it was the consensus that it would not be worth the expense of advertising the ordinance. CeCe Novinger thanked the PTS and the Secretary for the information.

Citgo Station

The Secretary reported that Dusin Bratic has cleaned up the fallen façade at the Citgo Station as requested by the PTS.

Dino's Grill

The Secretary reported that Mr. Bratic has now signed a contract with Dannie Debiase to purchase Dino's Grill. She noted that the Solicitor had suggested that a letter be sent to both parties giving them ten days to clean up the property. Mr. Shaffer noted that a letter had already been sent to Mr. Debiase with the Secretary adding that Mr. Debiase had been issued a citation and fines could now be assessed. Mr. Shaffer offered that he was not interested in fines as much as he was interested in getting the property cleaned up. After discussion, there was a Shaffer/Stoner motion to send letters to both Mr. Bratic and Mr. Debiase, as per the Solicitor's recommendation, notifying them that they have ten days to clean up or demolish the property, or be cited. Motion passed by unanimous vote of the PTS.

Fall Clean-Up

The Secretary presented a bid packet for the Fall 2006 clean-up, explaining that the clean-up would be operated the same way as last year, and requested authorization to advertise for bids. After discussion, and upon a Shaffer/Stoner motion, the PTS voted to advertise bids for the Fall clean-up to be held October 12-14, 2006.

Health Insurance

The Secretary presented a quote from the Hartman Group for employee health insurance with a \$5,388.64 decrease in cost for the next year. When informed that employees do not contribute out-of-pocket towards the cost, Mr. Shaffer acknowledged that was unique. He added that,

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since the cost to the PTS would decrease, he felt that the employees should not be asked to contribute for the coming year. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the Secretary's recommendation for the Capital Blue Cross PPO+ Option 10/20 with Option 1 for prescriptions.

Stormwater Ordinance

The Secretary reported that she had received a model stormwater ordinance from Shrewsbury Township that she shared with the Engineer and PTPC.

ENGINEER REPORT

Zoning Revision – Mixed Use Commercial (MUC) District

The Engineer reported that he had prepared suggested revisions of the zoning ordinance for the MUC district at BCO to address the request of the PCEDC. He stated that the PTPC had reviewed the revisions and was looking for direction from the PTS. The Engineer explained that there was a second MUC district along Rt. 11/15 and that the proposed changes for BCO were not appropriate for the district along Rt. 11/15. He asked if the PTS would want to rezone the MUC district along Rt. 11/15 to Commercial or allow the proposed changes for that area also. He added that other options were to change Conditional uses to Permitted uses in MUC districts or to leave the zoning as currently defined. After discussion, the Engineer was directed to inform the PTPC that they were heading in the right direction with the first draft of zoning changes.

Zoning Revision – Open Space Regulations

The Engineer reported that he had reviewed suggested revisions to the open space regulations with the PTPC.

Barnett Drive Stormwater Issue

The Engineer reported that he had performed a site visit to Barnett Drive on July 24, 2006 and presented his review of the problem. The Solicitor offered that the problem has been ascertained, and it now needs to be decided who and what caused it. The Engineer offered his opinion that construction of the private road channeled the run-off down to Barnett Drive and eroded the sub-base of the road and caused large gullies. He offered that appropriate stormwater and erosion control facilities must be installed to attenuate the problem.

Chairman Holman offered his concern that the PTS must be completely prepared for any court actions that might be necessary. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize the Solicitor to prepare any documentation necessary for request of an injunction to prevent run-off and sedimentation onto Barnett Drive and neighboring properties.

Dollar General

The Engineer reported that Dollar General has still not complied with the stormwater requirements of their approved plan. The Secretary reported that Dollar General has been cited but has not yet responded to the citation. The Solicitor stated that they have 10 days after being served in which to respond by saying they are not guilty of the violation and wish a hearing, or by paying the fine. After the Secretary responded that she was unsure of the date the citation was served, and whether the 10 days had expired, it was the consensus to take no further action at this time.

Sheetz Car Wash

The Engineer stated that Sheetz has renewed their security bond but he has heard nothing further from them about the stormwater drainage problem. He suggested that an official notice be sent, informing them of non-compliance with the approved plan. After discussion, and upon

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a Shaffer/Stoner motion, the PTS voted unanimously to have the Secretary notify Sheetz of the non-compliance of their stormwater management plan, and inform them that the PTS must receive a schedule of corrective action by August 18, 2006.

SOLICITOR REPORT

Petersburg Commons Deed of Dedication

The Solicitor reported that he had received notice that there was switch of legal counsel for Petersburg Commons and that Jerry Philpott is now representing Petersburg Commons and has requested additional time to research the matter.

POLICE REPORT

The Monthly Police Incident Report was reviewed without comment.

2006 Chevrolet Impala

Chief Houck reported that, after a delay for installation of equipment, he has been informed that the new police car will be ready for pickup the week of August 1, 2006 and that the dealer will forward the necessary paperwork.

Creek Road

Chief Houck reported that Judge McGuire had lowered the 196-foot requirement for sight distance to 100 feet on Creek Road, making it easier to enforce the 40 mph speed limit.

Part-Time Policeman

Officer Houck reported that James Bennett, who was hired as a part-time officer at the June 28, 2006 meeting, had just accepted a full-time position with Middletown Borough. He reported that, as part of Middletown's probation, Officer Bennett is not permitted to hold any other employment. He recommended that Officer Bennett be put on inactive status, and at the end of the probation period he would be able to work for the Township. After discussion, and upon a Stoner/Shaffer motion, the PTS voted unanimously to assign James Bennett to inactive status during his one-year probation period, at no cost to the PTS.

Police Grant

Chief Houck reported that he had applied for a grant and that, according to Senator Korman, the application was in front of the PA Senate for consideration.

Morgan Street

Mr. Russell reported that vehicles are parking too close to the stop sign at the intersection of Morgan Street and Main Street, making it difficult for vehicles entering and leaving Morgan Street to pass each other. Chief Houck stated that he would have the police department patrol that area and notify the owner of the vehicle(s).

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The June 2006 Permit Reports were reviewed without comment.

CORRESPONDENCE

CREDC

The Secretary presented correspondence from CREDC inviting the PTS to a "Meet Your Local Official" reception to be held on August 30, 2006 at 5:30 p.m. at Liberty Forge.

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OLD BUSINESS

New Highway Department Truck

The Secretary presented a bid from McCafferty Ford for a 2007 F-350 Ford Pick-up at the state piggyback price of \$24,508. She reported that, if the state piggyback program is not utilized, the vehicle will have to be put out for bid. She then presented a quote from McCafferty Ford in the amount of \$4,700 for installation of a snowplow. She also reported that \$10,000 had been budgeted in Capital Reserve for a truck. After discussion, and upon a Stoner/Shaffer motion, the PTS voted unanimously to purchase a 2007 F-350 Ford truck from McCafferty Ford in the amount of \$24,508. The highway department will do further research into the purchase of a snowplow.

NEW BUSINESS

Fall Newsletter

The Secretary stated that articles for the Fall newsletter are due on August 11, 2006.

Request for Additional Handicapped parking Space

The Secretary reported that Raymond Hall has requested that a handicapped parking space be set aside in the front of the building. She explained that when ball games are held the same night as the PTS meeting, vehicles park in the handicapped spaces when there are no other empty spaces. During discussion it was noted that there is no handicapped access at the front of the building, and that, during ball games, there was a good probability that a front handicapped space would be used for overflow parking also. No action was taken on the request.

Linton Hill Stormwater Run-off

Mr. Hines asked if Mr. and Mrs. Yohn had called the Township about stormwater run-off on their property, stating that they have called Wheatfield Township. Mr. Stoner responded that he has received calls from them and that he found that their house sits low with no grading to divert the stormwater and that the addition of their garage has compounded the problem.

EXECUTIVE SESSION

At 10:07 p.m. the PTS entered into executive session to discuss personnel issues. At 10:17 the executive session ended and the meeting reconvened.

Part-Time Policeman Position

There was a Holman/Stoner motion to hire Dave Glaser as a part-time policeman at the rate of \$12.00 per hour, subject to satisfactory completion of background checks and interviews by the PTS. Motion passed by unanimous vote of the PTS.

ADJOURNMENT

With no further business to be conducted, and upon a Shaffer/Stoner motion, the PTS voted to adjourn at 10:14 p.m.

Respectfully Submitted,

Susan E. Long