

West Deer Township
Board of Supervisors
June 15, 2016
6:30 p.m.

The West Deer Township Board of Supervisors held their Regular Business Meeting at the West Deer Township Municipal Building. Members present: Jeffrey D. Fleming, Chairman; Richard W. DiSanti, Jr., Leonard Guerre, Shirley Hollibaugh, Joyce A. Romig, and Gerry Vaerewyck. Member absent: Rick W. Florentine. Also present were: Daniel J. Mator, Jr., Township Manager; Barbara Nardis, Finance Officer; Douglas Happel, Township Solicitor; and Sandy Nelko, representing Shoup Engineering, Inc.

Chairman Fleming opened and welcomed everyone to the meeting.

PLEDGE OF ALLEGIANCE

Roll Call taken by Mr. Mator -- Quorum present.

Mr. Happel announced the Board held an Executive Session to discuss the Forbes litigation.

REGISTERED COMMENTS FROM THE PUBLIC

Residents addressing the Board:

- Mrs. Kathy Laffey, 113 Trump Road
- Mr. John Dennis, 121 Trump Road
- Mrs. Marie Dennis, 121 Trump Road

Residents from Trump Road were present and asked the Board why Trump Road was not paved this year, and when it will be paved. They also questioned as to how the Board prioritizes roads for paving, and why Clendenning Road was paved before Trump Road.

Mr. Mator explained the process of implementing the Road Program, and the priority list that the Public Works Committee uses to recommend roads. He explained that the Board budgeted one million dollars for the 2016 Road Program and that Trump Road was listed as an alternate possibility for paving. Mr. Mator added that bids were received in spring, and came in higher than expected. Therefore, he stated, the Township did not have enough to cover all the listed roads and that four roads – including Trump – were cut from the list.

Mr. Mator read the bid price for Trump Road (\$135,103.00) and Clendenning Road (\$179,339.75), then explained that though Trump Road was in horrible shape, Clendenning was actually in much worse condition.

Chairman Fleming supported Mr. Mator's explanation and explained the process the Committee and Board use for road paving. He detailed stormwater management and different types of paving material.

Mr. Fleming then expressed sentiment that Trump Road was indeed a priority of the Board and that the residents were not being neglected. He added that three other roads on the list the Board had wanted to pave in 2016 did not get paved, and that the Board has to look out for the community as a whole.

Mr. Mator indicated that the Township performed stormwater work earlier in the year in anticipation of the paving of Trump Road, and explained to the residents in attendance that the Township would not have performed that work if it was not serious about paving the road. He explained that the Public Works

Committee had met earlier in the day and that Trump Road was recommended for inclusion in the preliminary 2017 Road Program list.

Mrs. Laffey requested the Board consider setting aside funds specifically for Trump Road in 2017, but Chairman Fleming stated the Board is not able to do that because of uncertainty outside the Board's control.

Mr. Mator explained that the Board would be voting on the preliminary 2017 Road Program – including Trump Road – in August, then adopting the funding for the Program through the Budget in December, and finally putting the Road Program out to bid – and awarded – next spring.

Supervisor DiSanti asked the residents of Trump Road what they would like to see done to Trump Road until it could be paved:

- Mrs. Barbara Leight reported a washout in front of her driveway at 2291 Saxonburg Blvd and asked that the catch basins be cleaned out. Chairman Fleming asked Mr. Mator to have the Public Works Department look into both matters.
- Mrs. Cindy Salak, 83 Trump Road, supported Mr. Fleming's comment on working together as a community, and offered to help in any way.
- Mr. Keith Lewis, 149 Trump Road, commented that Google Maps uses Trump Road as a form of "shortcut," and asked if the Township could do anything about that.

COMMENTS FROM THE PUBLIC

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Mr. Robert Maholic, 17 Deer Hollow Lane, addressed the Board regarding the buffer zone at the airport between the Fay property and the residents of Deer Hollow Lane. Much discussion was held on this matter. Dr. DiSanti asked if the Solicitor could contact the new owner and address the concerns in writing. Mr. Happel agreed and stated he will contact the new owner to see what their future plans are.

ACCEPT MINUTES

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to accept the minutes of the May 18, 2016 meeting as presented. A roll call vote was taken. Members voting yes, Mrs. Hollibaugh, Dr. DiSanti, Mr. Guerre, Mrs. Romig, and Mr. Fleming. Member abstaining, Mr. Vaerewyck/absent from meeting. Motion carried, 5 – yes and 1 abstention.

MONTHLY FINANCIAL REPORT

Mrs. Nardis read the following Finance Officer's Report.

TOWNSHIP OF WEST DEER
FINANCE OFFICER'S REPORT
May 31, 2016

I - GENERAL FUND:

	<u>May</u>	<u>YTD</u>	<u>% of Budget</u>
Revenues	880,087.45	3,121,056.24	53.30%
Expenditures	547,944.24	1,811,368.83	30.93%

Cash and Cash Equivalents:

Sweep Account	1,671,707.53	<u>1,671,707.53</u>
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II - SPECIAL REVENUE FUNDS**Cash and Cash Equivalents:****Street Light Fund:**

Sweep Account - Restricted	61,071.82
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Fire Tax Fund:

Sweep Account - Restricted	144,734.62
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State/Liquid Fuels Fund:

Sweep Account - Restricted	403,177.67
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608,984.11

Investments:**Operating Reserve Fund:**

Sweep Account - Reserved	575,851.34
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Capital Reserve Fund:

Sweep Account - Reserved	346,777.33
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922,628.67

III - CAPITAL PROJECT FUNDS:**Cash and Cash Equivalents:**

0.00

0.00

TOTAL CASH BALANCE 05/31/16

3,203,320.31

Interest Earned May 2016

204.18

Restricted - Money which is restricted by legal or contractual requirements.

Reserved - Money which is earmarked for a specific future use.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to approve the Finance Officer's Report as submitted. Motion carried unanimously 6-0.

LIST OF BILLS

A. Liberoni Inc.....	643360.58
Best Wholesale Tire Co., Inc.....	562.13
Beth's Barricades.....	450.00
Griffith, McCague & Wallace, PC.....	1624.50
Hei-Way, LLC.....	1077.51
Jordan Tax Service, Inc.....	6176.41
Krigger & Co.....	387.99
MRM Property & Liability Trust.....	110360.00
MRM Workers' Comp Fund.....	25308.55
Naccarati Contracting, Inc.....	34737.45
Office Depot.....	224.21
Shoup Engineering Inc.....	5654.50
Staley Communications.....	183.47
The HDH Group, Inc.....	12171.00
The Lane Construction Corporation.....	11425.24
Tristani Brothers, Inc.....	788.47
Walsh Equipment.....	23062.63

MOTION BY Supervisor Guerre and SECONDED BY Supervisor DiSanti to pay the List of Bills as submitted, and all approved reimbursable items in compliance with generally accepted accounting practices. Motion carried unanimously 6-0.

UTILITIES & PAYROLL

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Hollibaugh to pay utilities and payroll from June 16, 2016 to July 20, 2016. Motion carried unanimously 6-0.

TAX REFUNDS

The Board is in receipt of the list from the Tax Collector requesting the issuance of tax refunds due to assessment changes by Allegheny County for the years 2015 and 2016 and a 2016 Street Light and Fire Tax refund.

2015 REAL ESTATE TAX REFUNDS:

NAME:	LOT/BLOCK:	AMOUNT:
Bayne, David A. & Adrienne J.	1839-F-356	\$122.27
Daniel B. Pierce Property Group LLC	1215-R-148	\$121.50
Meadows, Joseph Y. & Patricia	1839-F-327	\$ 78.60
T-Mobile USA	1215-R-148-T1	\$222.32

2016 REAL ESTATE TAX REFUNDS:

Meadows, Joseph Y. & Patricia	1839-F-327	\$ 78.60
Daniel B. Pierce Property Group LLC	1215-R-148	\$108.24
T-Mobile USA	1215-R-148T1	\$222.32

2016 STREET LIGHT REFUND:

Richland Holdings, LLC	1214-E-347	\$ 30.00
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2016 FIRE TAX REFUND:

Richland Holdings, LLC	1214-E-347	\$ 40.00
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MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to issue the tax refunds as submitted by the Tax Collector. Motion carried unanimously 6-0.

POLICE CHIEF'S REPORT

Chief Jon Lape was present and provided a summary report on the Police Department for the month of May 2016. A copy of the report is on file at the Township. Questions/comments followed.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER'S REPORT

Mr. Bill Payne was present and provided a summary report on Code Enforcement for the month of May 2016. A copy of the report is on file at the Township. Questions/comments followed.

PARKS AND RECREATION BOARD REPORT

Mrs. Beverly Jordan, Chairwoman, was present and reported on the Parks & Recreation Board:

- Last meeting/May 25
- Fishing Day at Deer Lakes Park/May 15
- Senior Citizen Dinner/May 26
- 80's in the Park/June 24
- Bow & Arrow Clinic/June 26
- Build-a-Birdhouse/July 13
- Community Days/August 5 & 6
- Next meeting/June 22 & next Community Days meeting/June 16

- Stephen Wilson, a Boy Scout with Troop 653, addressed the Board regarding his proposed Eagle Scout Project to build a chimney swift/bird sanctuary tower/educational project at Bairdford Park. Stephen explained the project and indicated the tower would be 4 ½' wide and 12' tall and that it would be a place for birds to nest during nesting season. There would be four panels with educational pictures and information to read. He would like to install it up the hill from above the fire pit area at Bairdford Park. The Board wished Stephen good luck and he stated he will keep the Township posted on his project.

ENGINEER'S REPORT

The Board received the Engineer's Report submitted by Shoup Engineering, Inc. Ms. Sandy Nelko was present representing Shoup Engineering, Inc., and summarized meeting attendance and details of the formal report:

DEVELOPMENTS/PROJECTS

- 2016 Road Improvement Project – Contracts with Liberoni, Inc. and Youngblood Paving have been executed for the hot mix and cold mix paving projects. Liberoni began milling operations on May 16, 2016 and completed paving and backfilling operations on June 10, 2016. Youngblood Paving is scheduled to begin work on Clendenning Road during the week of June 13, 2016.
- Curtisville Plan No. 1 Storm Sewer Project – Contracts for this project have been executed and Nacaratti Contracting began work on this project on March 1, 2016. Work is nearly complete on this project.
- Development/Subdivision Reviews: None.

MORROW REFUSE AGREEMENT

Last Thursday, there was a post on Facebook alleging that Morrow Refuse was not recycling in accordance with their agreement with the Township. Mr. Vaerewyck read the post and the comments which followed, and sent an email to the Township Manager stating:

“Shane Conklin from Morrow admitted that they remove metals and everything else is dumped. I would like Sam to give an opinion on whether this is in violation of their contract with the township.”

Dr. DiSanti asked Mr. Vaerewyck why we the Board was even discussing this matter. Supervisor Vaerewyck commented that a lot of residents commented about this matter on Facebook. He stated that he felt the Township has a contract with Morrow, and that the Board has a fiduciary responsibility to ensure contracts are properly followed.

Mr. Vaerewyck explained that he tried contacting Morrow Refuse to determine if Shane Conklin is speaking on behalf of Morrow, but that he was not able to ascertain this information. However, Supervisor Vaerewyck reported that this person stated that Morrow sold their recyclables to Vogel, and that Vogel was removing the metal recyclables and dumping the rest in landfills.

Supervisor DiSanti addressed Chairman Fleming and stated that he felt the Facebook post was hearsay because the public does not know Mr. Conklin or what he actually said.

Supervisor Vaerewyck replied that there was another aspect to his argument. He stated that under State Law, whoever is taking our recycling is required to turn back its receipts showing what materials were sold and in what amount, and read “municipalities shall implement its responsibilities for collection, transportation, processing, and marketing materials under this section.” Mr. Vaerewyck charged that the Township was supposed to be receiving documentation of recyclables collected, and asked Mr. Mator if such a report is submitted to the Township.

Mr. Mator replied that the Township does indeed receive what he termed “Annual Recycling Reports.” He mentioned that he and Mrs. Sopko recently met with the DEP on an unrelated matter and – when questioned regarding the allegations in the Facebook post – the representative responded that Vogel recycling is a qualified location and both Morrow and Vogel were handling the recyclables in a matter acceptable to the DEP.

Mr. Mator further detailed the contents of the Annual Recycling Reports and read from them to help those in attendance understand what is being collected and how it is being reported. He also explained the original complaint from a resident of Bairdford, and that her complaint was that Morrow Refuse was throwing recyclables into a regular garbage truck and compacting it. Mr. Mator explained that Morrow uses standard garbage trucks for their recyclables, but that they are used exclusively for recyclables, which is permitted.

Supervisor Vaerewyck contested Mr. Mator’s explanation, and stated that he had personally witnessed Morrow Refuse throwing his recyclables into a garbage truck along with his garbage.

At this point Supervisor DiSanti asked if Mr. Conklin was present in the audience. Mr. John Morrow, President, Morrow Refuse, 4985 Bakerstown Culmerville Road, stated that Mr. Conklin was not present, but that he could address Mr. Vaerewyck’s allegations.

Mr. Morrow explained that Morrow uses two trucks for everything except for certain roads in the Township. Those certain roads must be serviced using a pickup with a bin in the back that picks up recyclables, then catches up to the regular recycling truck. Mr. Morrow echoed Mr. Mator’s earlier statement by stating that the resident in Bairdford did indeed see recyclables going into a garbage truck, but that the truck she saw was a *converted* garbage truck used exclusively for recyclables. He added that they use the big truck because it holds more.

Mr. Morrow corrected Mr. Vaerewyck by stating that Morrow is not *paid* for the recyclables, but actually *pays* the center to take the materials. He further explained that the recycling center where Morrow takes the recycling – Mars Recycling Center – charges \$30.00/ton.

Countering the argument that Morrow Refuse mixes garbage and recyclables, Mr. Morrow asked the Board why he would take the recyclables to a landfill where it costs him \$80.00/ton instead of the \$30.00/ton.

Mr. Mator asked Mr. Morrow to share with the public the same information he shared with him regarding the truck differences. Mr. Morrow explained that the trucks are painted a different color and that garbage trucks are converted to recycling vehicles when new garbage trucks arrive. He indicated he plans on adding RECYCLING signs on their white recyclables truck to help clear any confusion

Supervisor Vaerewyck thanked Mr. Morrow for putting the matter to rest, and Mr. Morrow asked the Township to call him if there are any additional questions.

MS4 MEMORANDUM OF UNDERSTANDING

The Board received a copy of the Memorandum of Understanding between the Allegheny County Conservation District and West Deer Township.

Ms. Nelko explained the MS4 Project and the Memorandum of Understanding with the Allegheny County Conservation District and explained the seven component parts as listed:

- I. Erosion and Sediment Pollution Control/NPDES for Stormwater Discharges Associated with Construction Activities – Chapter 102.
- II. Water Obstructions and Encroachments – Chapter 105
- III. NPDES Municipal Separate Storm Sewer Systems – MS4
- IV. Agricultural Related Activities
- V. Watershed Program
- VI. Dirt and Gravel/Low Volume Roads Program
- VII. Data Collection and Information Systems
- VIII. Execution

After some discussion/comments, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to adopt the MS4 Memorandum of Understanding between the Allegheny County Conservation District and West Deer Township. A roll call vote was taken. Members voting yes, Mr. Vaerewyck, Mrs. Hollibaugh, Dr. DiSanti, Mrs. Romig, and Mr. Fleming. Member voting no, Mr. Guerre. Motion carried, 5 – yes and 1 – no.

FORBES CONSENT ORDER

The Board received the Consent Order in regard to:

Ariel and Brandon Forbes

v.

Board of Supervisors of West Deer Township

Mr. Happel outlined the history of the Forbes case stating that in April of 2015, Ariel and Brandon Forbes submitted a conditional use application to use their barn – and possibly a couple of other small areas on their property – for renting or leasing prospective clients for events such as weddings, ceremonies, receptions, showers, birthday parties, and community meetings. Two hearings were held in May regarding this matter and after which in July of 2015, the Board of Supervisors by a vote of 4 to 3 denied the Forbes

conditional use application. In August of 2015 the Forbes appealed the decision. Counsel for the Forbes and Mr. Happel met with the court in October 2015. The court issued an order that required the parties to brief the particular issue before all others as to whether or not the proposed use of the Forbes property in the barn was actually constituted a Place of Assembly as that term defines in the Ordinance. Mr. Happel briefed the issue, submitted the brief to the court, and in January of 2016 the court issued an order that found that the proposed use was to be considered a Place of Assembly as defined in the Ordinance. In the October order, the judge stated he was going to give the party some time to negotiate a Consent Order for the conditional use prior to having the parties brief the remaining issues. For the past few months, the parties have met and have negotiated a Consent Order that has been drafted and will now be addressed and considered by the Board of Supervisors.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Romig to approve the Township's Solicitor's execution of the proposed Consent Order and its subsequent presentation to the Allegheny County Court of Common Pleas for review and approval. A roll call vote was taken. Members voting yes, Mrs. Romig, Mr. Vaerewyck, Mrs. Hollibaugh, Dr. DiSanti, and Mr. Fleming. Member voting no, Mr. Guerre. Motion carried, 5 – yes and 1 – no.

During the vote, Supervisor DiSanti commented he was initially against this project based on the fact that he thought it was an unsafe environment, and was concerned with the welfare and public safety of the residents. Dr. DiSanti stated he still had some safety issues – such as lighting and the speed limit on the road – but commented that this Board was diligent in trying to put stipulations to make the project safer, yet still allow the Forbes to continue their endeavor.

RESOLUTION NO. 2016-10: DUI GRANT

Resolution No. 2016-10 is a resolution authorizing the Township Manager, Daniel Mator, to sign the DUI Grant on behalf of West Deer Township.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to adopt Resolution No. 2016-10. Motion carried unanimously 6-0.

AUTHORIZE ADVERTISEMENT: ACCEPTANCE OF WHISPERING PINES DRIVE

AN ORDINANCE OF THE TOWNSHIP OF WEST DEER, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE FOLLOWING STREET IN THE WHISPERING PINES PLAN: WHISPERING PINES DRIVE; AND AMENDING ORDINANCE NO. 351 TO INCLUDE THE SAME.

The final paving for Whispering Pines Drive was completed and all of the units are constructed on Whispering Pines Drive, therefore, the Township can accept Whispering Pines Drive.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to authorize the advertisement of the Ordinance accepting Whispering Pines Drive. The Board will consider adoption of the Ordinance at their July 20, 2016 meeting. Motion carried unanimously 6-0.

ACKNOWLEDGMENT: AGRICULTURAL SECURITY AREA APPLICATION – DILLNER PROPERTIES

The Township received a proposal for an application to the Agricultural Security Area within West Deer Township. The Board needed to acknowledge the application for the timeline to begin the ASA process.

APPLICANTS: Donald G. & Jane E. Dillner
 PROPERTIES: ACREAGE:
 4140 Sandy Hill Road 1.61 acres
 9 Old Springhouse Lane 22.5 acres
 4120 Sandy Hill Road 20.09 acres
 3700 Sandy Hill Road 40 acres
 TOTAL ACREAGE: 84.2
 Zoning District: R- Rural Estate

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor DiSanti to acknowledge the Township received the application from Donald G. & Jane E. Dillner and to advertise and post the notice as required by the ASA and also to refer it to the Allegheny County Conservation District and the Township Planning Commission for their review. Motion carried unanimously 6-0.

CREATE HOME RULE CHARTER COMMISSION

The Financial and Legal Committee met and – based on the presentation by Michael Foreman of the Governor’s Center for Local Government Services and the recommendation of the Township Manager – recommended the formation of a Home Rule Charter Commission.

The Committee recommends the creation of a commission made up of three officials (Chairman Jeff Fleming, Vice Chairman Richard DiSanti, and Township Manager Daniel Mator), and four residents who have expressed interest (Jack Best, Jim Cesnick, Brandon Forbes, and Bev Jordan). Mr. Foreman and Township Solicitor Sam Happel would be present to offer guidance.

The Commission will hold work sessions and public meetings to discuss the Home Rule Charter, and will report to the Board of Supervisors with recommendations and/or options.

Dr. DiSanti, Chairman of the Financial Committee, recommended the Board also consider Mrs. Hollibaugh to the Commission. Mr. Vaerewyck suggested it would be better having an odd number of members on the Committee instead of an even number and Mr. Mator agreed. There was some discussion held on the number of members.

Mr. Mator explained the work sessions by the Commission would come back to the Board as a whole with their recommendations. Mr. Happel recommended having the Township Manager as an advisor to the Committee instead of being on the Committee and the Board agreed.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Romig to create the Home Rule Charter Commission as stated, to include Supervisor Hollibaugh and make Manager Daniel Mator, a non-voting member. Motion carried unanimously 6-0.

COMMITTEE REPORTS

The Committee Chairperson reported on their Committee updates:

- 1) Mr. Florentine -- Engineering & Public Works Committee
- 2) Dr. DiSanti – Financial Legal, and Human Resources Committee
- 3) Mr. Vaerewyck – EMS Oversight Committee
- 4) Mr. Vaerewyck – COG Report – No report.

OLD BUSINESS

- Dr. DiSanti -- Memorial Day service was conducted at the Township Building – reported the service went well and was well attended.

- Chairman Fleming – questioned the EMS/School transfer – Mr. Mator reported that the School Board approved the stipulations requested by the Township, and Mr. Happel was instructed to follow up with the School Board Solicitor to finalize the transfer
- Chairman Fleming – questioned the Senior Center paving/drainage issues – Mr. Mator indicated it was completed by the Public Works Department.

NEW BUSINESS

- None.

SET AGENDA/REGULAR BUSINESS MEETING

July 20, 2016

6:00 p.m. – Executive Session

6:30 p.m. – Regular Business Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Executive Session Held
5. Registered Comments from the Public
6. Comments from the Public
7. Accept Minutes
8. Monthly Financial Report
 - A. Finance Officer's Report
 - B. List of Bills
 - C. Utilities & Payroll
 - D. Tax Refunds
9. Police Chief's Report
10. Building Inspector/Code Enforcement Officer's Report
11. Report from the Parks & Recreation Board
12. Engineer's Report
13. Ordinance: Acceptance of Whispering Pines Drive
14. Authorize Advertisement: Bids for Solid Waste/Recycling Contract
15. West Deer Nightmare/Haunted House 2016
16. Nike Site Earthwork
17. Nike Site Handicap/Walking Trail
18. 2017 Road Program (preliminary)
19. Home Rule Charter Update
20. Committee Reports
21. Old Business
22. New Business
23. Set Agenda/August 17, 2016
24. Comments from the Public
25. Adjournment

Item Added:

*Airport/Fay Buffer Report

COMMENTS FROM THE PUBLIC

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Mr. Jack Best, West Starz Road, complimented the service provided by Morrow Refuse.
- Mr. Joe Wisniewski, 934 Deer Creek Road, commented on the Place of Assembly in regard to the Forbes conditional use.
- Mr. Chris Galbraith, Deer Creek Road, commented on the storm water/MS4 and on a property located on Deer Creek Road in regard to constant loud noise by motorcycles, dirt bikes, and quads.
- Mr. Scott Woloszyk, Shuster Road, thanked the Board for the clean-up day that the Township sponsored in April and suggested recycling bins at the Park for Community Days.

ADJOURNMENT

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to adjourn the meeting at 9:00 p.m. Motion carried unanimously 6-0. Meeting adjourned.

Daniel J. Mator, Jr., Township Manager