

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, June 6, 2016

Pine Community Center

EXECUTIVE SESSION

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to conduct an Executive Session at 6:00 p.m. for the purpose of discussing real estate matters. The aye vote on the motion was unanimous. Motion carried.

Board members in attendance were: Michael J. Dennehy, Chair; Phil Henry, Vice Chair; Pat Avolio, Ed Holdcroft, and Frank J. Spagnolo. Also in attendance were: Gary J. Gushard, Solicitor; Scott Anderson, Township Manager; and Amy Pampiks, Administrative Operations and Human Resources Manager.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to terminate the Executive Session at 6:25 p.m. The aye vote on the motion was unanimous. Motion carried.

REGULAR MEETING

ROLL CALL

The Township of Pine Board of Supervisors' meeting was called to order by Chairman Michael J. Dennehy at 6:30 p.m.

Board members in attendance were: Michael J. Dennehy, Chair; Phil Henry, Vice Chair, Pat Avolio, Ed Holdcroft, and Frank J. Spagnolo. Also in attendance were: Gary J. Gushard, Solicitor; Scott D. Anderson, Township Manager; Amy Pampiks, Administrative Operations and Human Resources Manager; Larry Kurpakus, Director of Land Development and Code Enforcement; Joni Patsko, Director of Parks and Recreation; Tony Barbarino, Director of Public Works; and Jan Kowalski, Financial Administrator and Business Tax Collector.

There were approximately 40 visitors present.

Mr. Dennehy questioned Mr. Gushard if the prior Executive Session met the guidelines of the Sunshine Act and Mr. Gushard responded affirmatively, as the discussion related to real estate matters.

PLEDGE OF ALLEGIANCE

CORRESPONDENCE TO BOARD OF SUPERVISORS

Mr. Anderson stated there was no additional correspondence.

PUBLIC COMMENT

There were no requests to address the Board of Supervisors at this time.

APPROVAL OF MINUTES

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to approve the minutes of the May 16, 2016 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

UNFINISHED BUSINESS

BROOKFIELD ESTATES MIXED PATIO AND CARRIAGE HOME DEVELOPMENT

Mr. Gushard reported he drafted a Conditional Use Approval for the allowance of carriage and patio home use for Brookfield Estates. He added there is an ownership dispute between the applicant and the Knights of Columbus, and it may or may not be resolved in the near future. Mr. Gushard recommended tabling action on Brookfield Estates.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to table the conditional use and preliminary and final subdivision approval of Brookfield Estates. The aye vote on the motion was unanimous. Motions carried.

CLOVERDALE WOODS P.R.D.

Mr. Gushard reported his preparation of the written Findings of Fact and Tentative Approval for the Cloverdale Woods P.R.D. following the May 16, 2016 public hearing closing.

Mr. Avolio stated the access area utilizing Township owned property should be relocated if possible, and if it cannot be relocated, an agreement stating maintenance of the access way is the responsibility of the homeowners' association would be required. Mr. Avolio added that with that stipulation he believes the board can act on the document tonight.

Mr. Spagnolo asked if a road could be connected to Wallace Road as he and the development's neighbors proposed. Mr. Spagnolo added he will not support the development if the road is not incorporated. Mr. Kurpakus replied the developer explored connecting to Wallace Road, but indicated it is not feasible. Mr. Avolio asked if the development met the requirements of Township Code. Mr. Kurpakus replied the plan is compliant as shown. Mr. Avolio stated he would like additional access, also.

Mr. Spagnolo asked about the installation of trails or walkways. Mr. Kurpakus replied the developer requested to make a payment in lieu. Mr. Avolio asked what prevents the developer from installing the sidewalks. Mr. Kurpakus and Mr. Gushard replied the developer requested payment in lieu of sidewalks. Mr. Spagnolo stated the developer is taking the easy way out and should install the sidewalks. Mr. Avolio stated the tentative approval should be modified. Mr. Gushard replied the waiver granting payment in lieu of sidewalks on street frontages could be eliminated.

Mr. Spagnolo stated he is opposed to the plan if it does not include an access road to Wallace Road. Mr. Holdcroft stated legally the board does not have a choice if it meets Code. Mr. Gushard added the development appears to meet Code.

Motion was made by Mr. Avolio and seconded by Mr. Holdcroft to grant tentative approval of Cloverdale Woods P.R.D. with the exception of not granting a waiver to provide sidewalks fronting Wallace Road. As there was not a consensus on the issue, a roll call vote was taken with Mr. Avolio voting aye, Mr. Holdcroft voting aye, Mr. Dennehy voting aye, Mr. Henry voting aye, and Mr. Spagnolo voting nay. Motion carried.

NEW BUSINESS

CONDITIONAL USE HEARING FOR LAUREL GROVE SUBDIVISION

Motion was made by Mr. Avolio and seconded by Mr. Spagnolo to open the Conditional Use Hearing, requested by Cavalier Land Partners, L.P. requesting conditional use approval for a mixed single family and patio home development located along Babcock Boulevard and Warrendale Roads within the R-3 Zoning District on parcel number 2186-F-9 & 2186-P-35 within the Township of Pine. The aye vote on the motion was unanimous. Motions carried.

Mr. Kurpakus reported Cavalier Land Partners, L.P. is proposing the construction of a 244 unit mixed residential development having 56 patio home lots in the R-3 zoning district. The proposed patio homes require conditional use approval subject to section §84-74 of Township Code. The Planning Commission recommended conditional use approval for patio homes at their May 9, 2016 meeting. Mr. Avolio stated allowing patio homes will reduce the density that is permitted by R-3 zoning.

Marty Gillespie of Cavalier Land Partners, L.P. stated he is seeking conditional use approval to allow patio homes in the R-3 zoning district. Patio homes are addressed in Section 84-74 in Code. Mr. Gillespie stated the development complies with the following: Section 84-74A. - A patio home development must be a minimum of 5 acres; Section 84-74B. - A patio home development shall have a maximum density of no greater than six such units per acre, the proposed development density totals 2.8 units per acre; Section 84-74C. - Individual patio homes shall not be attached to another patio home by a common wall, units in the proposed development are not attached; Section 84-74D. - A minimum of 15% of the land area of the development site shall be designated as common open space, and the common open space shall be developed and maintained subject to the standards in Section 84-119, the proposed development complies – 25% of the development site is proposed as open space; Section 84-74E. - Each carriage home shall have an attached 2 car garage and not have their garage doors facing the street; Section 84-74F. - Individual lots for a patio home shall not be less than 6,500 square feet and 50' of frontage, the lots are 8,000 square feet and; Section 84-74G. - Individual lots for a patio home shall not have less than 25' front yards, 5' side yards, and 25' rear yards, the design adheres to setback parameters. Mr. Avolio asked if it complies. Mr. Gillespie replied it meets or exceeds requirements.

Mr. Gillespie stated the entire parcel is 85 acres and showed where the patio homes will be in the plan. Mr. Avolio stated the patio homes will be situated in a very limited area and is compliant with Code.

Mr. Gillespie showed the tract in relation to the high school and the traffic signal on Warrendale Road. Mr. Gillespie stated the whole tract is zoned R-3 and explained what R-3 zoning means. Mr. Gillespie stated the patio home (aka villa home) product has been added to the mix to keep in the spirit of R-3 zoning. Mr. Gillespie stated he has met numerous times with Township staff and the plan has been recommended by the Planning Commission. Mr. Gillespie stated it is important to the township to make the main road connection at the high school intersection. The connection has been reviewed by the township's traffic engineer and meets PennDOT standards, and sight distances are acceptable on Warrendale Road and Babcock Boulevard. Mr. Gillespie stated based on township guidance they will design traffic calming measures to discourage use of the internal roads as a cut through. Mr. Gillespie stated there will be a total of 244 units, including single family, townhomes, and villas. Townhomes with first floor masters will be called carriage homes for marketing purposes. The development will have a pool, clubhouse, and walking trail. Mr. Gillespie displayed pictures of the proposed housing and stated no vinyl siding will be used, siding will be hardy plank. In addition, the development will have an architectural review board. Mr. Gillespie stated there will be a similar feel between the housing types.

Mr. Gillespie explained there will be passive and active open space, a 5,000 square foot clubhouse with an exercise room and a community room for functions, an infinity pool, and an entrance park with a bench and landscaping. There will be

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another pocket park in the other part of the neighborhood, walking trails, and crosswalks. Fitness stations will be along the walking trail. The walking trail will be kept natural in the woods and paved along the roads.

Mr. Avolio asked if the entrance onto Babcock Boulevard has been approved by PennDOT. Mr. Kurpakus replied the traffic study has been approved.

Mr. Gillespie stated there are two minor modification requests and the Planning Commission has recommended approval. The first request is allowing 2:1 slopes to limit disturbance. Mr. Avolio asked if more trees will be cut if the 2:1 slopes are not approved. Mr. Gillespie replied more trees would be cut if the 2:1 slopes are not approved. Mrs. Gillespie stated the second request is for the construction of a private street to serve more than three lots. The private street will allow the homes to be placed in a more attractive pattern, not linear and parallel with the main road.

Mr. Gillespie explained what the development's density could be per Code and what they are proposing. Mr. Gillespie stated the proposed development's density is significantly below what is allowed by Code. Mr. Gillespie added they will be providing a new diverse neighborhood for Pine.

Mr. Avolio stated conditional use approval is needed before development. Mr. Avolio added PennDOT controls the accesses onto the Red Belt, not the township. Mr. Avolio directed Mr. Gillespie to comply with the EAC's recommendation concerning tree mitigation and finalize plans with Parks and Recreation before final approval. Mr. Avolio asked Mr. Gillespie if the patio homes will be for sale or if they will be rentals. Mr. Gillespie replied the homes will be for sale, and is not proposed as a rental community. Mr. Avolio stated the use of hardy plank and stone will be made part of the conditional use approval.

Mr. Gushard stated the public hearing is to consider Cavalier Land Partners' request for conditional use approval and public comments concerning conditional use are to be heard first. Mr. Avolio stated anyone making public comment should present how it is believed to be non-compliant with conditional use requirements.

Stephen M. Farino stated he and Daniel Kunz are attorneys representing the Lake Macleod homeowners' association and various homeowners. Mr. Farino stated the developer is seeking private streets and steeper cut and fill for the proposed patio homes. Mr. Spagnolo replied the township has allowed 2:1 slopes in Lake Macleod and other developments in the township. Mr. Farino stated conditional use is contained in the overall presented plan. Mr. Gushard stated the meeting agenda shows conditional use and preliminary subdivision because that's what the Planning Commission approved, both don't have to be approved tonight. Mr. Avolio stated he wants them to be addressed separately as the hearing was advertised as conditional use only.

Mr. Farino stated the patio homes are part of the subdivision therefore they will disturb 37% of slopes. Mr. Farino stated the subdivision must comply with township ordinance as it is written for patio homes to be approved for conditional use.

Mr. Farino stated during the second high school renovation the high school followed E&S controls and Lake Macleod experienced sediment and silt which required dredging. The cost to dredge the lake was \$65,000. Mr. Farino stated this project will be larger than the high school project and requests a \$240,000 bond to restore the lake. Mr. Gushard asked who paid for the dredging. Mr. Farino replied the homeowners paid for the dredging.

Jonathan Iams, 546 Macleod Drive stated he is on the board of directors for the Lake Macleod homeowners' association and is an engineer who designs residential communities. Mr. Iams explained the Lake Macleod community contains 75 homes and a 13 acre lake, with a retention pond in front of lake. The homeowners are responsible to maintain the lake and the pond. Mr. Iams explained the creek to the lake travels through the proposed development. Mr. Iams stated the

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homeowners cannot afford to have multiple dredging. Detention ponds 1a and 1b in the proposed development are designed to remove silt but he is concerned about them being built along a creek bed. Mr. Iams stated the sediment from the high school project had to be dredged, and it cost a lot of money. Removing sediment and silt should be a part of developer's cost. Mr. Iams stated they can call the conservation district, but wondered what that would do. Homeowners in Lake Macleod need something established to help them.

Mr. Iams stated the second issue is the developer building up to the property line. Mr. Spagnolo replied that a lot of woods are shown on the development. Mr. Iams stated the trees are his and Mr. Spagnolo asked where property line is. Mr. Iams showed him where the property line is and stated the tree buffer is his. Mr. Iams stated 2:1 slopes have been approved before, but the slopes are against his property line and the water will run into his property bringing sediment. Mr. Iams stated Lake Macleod is well-developed, but the standards are not fool-proof. The developer has provided a border, but it will not be enough. Mr. Iams stated in the winter months \$1-1.5 million homes in Lake Macleod will look directly onto patio homes. Mr. Iams stated all of the ordinances should be followed; the developer is able to build a development without modifications and waiver requests on an 85 acre parcel. Mr. Avolio clarified the difference between a variance which is requested when a hardship exists and a modification request.

Mr. Iams questioned why private roads would be used in the development; the Township will not maintain them. Mr. Spagnolo replied there is a private road in the Georgetowne development and it is maintained by the homeowners' association.

Mr. Avolio stated tonight's hearing is to discuss conditional use, nothing has been said against conditional use. Mr. Avolio stated having more inspections, pre inspection, buffers, plantings and the replanting of slopes will help with pond sedimentation. Mr. Spagnolo stated he understands the pond concerns, but Allegheny County Conservation District is responsible for E&S plans.

Mr. Avolio stated the property is zoned R-3, and the developer has the right to develop it. Mr. Iams replied he is not contesting R-3 zoning, he wants to protect his neighborhood. Mr. Avolio stated there is no reason to deny conditional use approval. Mr. Iams replied it is important for the board to understand the concerns of the Lake Macleod homeowners at the conditional use stage.

Sandeep Sharma, 533 Macleod Drive stated he agrees with Mr. Iams and fully supports his concerns; the Lake Macleod community needs to be protected.

Jack Donahue, 548 Macleod Drive stated he supports what Mr. Iams stated. Mr. Donahue presented slides showing damage that has occurred to Lake Macleod's wetlands and detention pond. Mr. Gillespie asked if the wetlands and detention pond are on Lake Macleod property. Mr. Donahue replied yes, they are on Lake Macleod property. Mr. Donahue added the lake has started to fill up on the shallow end. Mr. Avolio asked if there is a pipeline easement. Mr. Donahue replied yes, and it makes it more challenging since it runs under the pond.

Mr. Donahue showed where he lives and where the proposed development's sediment ponds will be located. Mr. Gillespie stated the detention ponds will not be actual ponds, they will be green areas. Mr. Gillespie added he understands the Lake Macleod property owners' concerns are during construction activity, and stated they are open to exploring alternate E&S controls if required by Allegheny County.

Mr. Donahue stated he is concerned about lawn chemicals from the proposed development getting into the lake. Mr. Avolio replied the state and township do not regulate lawn chemicals, but the board can put conditions in the approval to protect the lake as much as they are able.

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Jeff Romano, 543 Macleod Drive stated he agrees with Mr. Iams, Dr. Sharma and Mr. Donahue. Mr. Romano stated he does not like R-3 zoning, he moved to Pine to get away from that type of area. Mr. Romano added he is concerned about the lake.

Ryan Shearer, 402 MacMillen Way stated he has the same concerns as his neighbors; and his additional concern is there is no playground for the development's children. Mr. Gillespie replied there will be a play structure near the clubhouse. Mr. Shearer added the detention pond area will be grass, not trees, and it will need to be maintained. Mr. Avolio and Mr. Dennehy stated the bufferyards will contain trees.

Mr. Dennehy stated the board hears the Lake Macleod residents' concerns. Mr. Dennehy added the township is growing and is close to 85% built out, land will become more valuable and there will be future development.

Mr. Avolio stated the Lake Macleod homeowners have offered a lot of good comments, and they and other valid points should be provided to the board in writing, or as a petition, so the information is part of the record.

Mr. Spagnolo stated the board wants to do its best to make sure the developer keeps the lake clean, but the bottom line is it has to come from ACCD if additional measures are required.

Mr. Kunz asked Mr. Dennehy for the record if he did not want to hear additional statements. Mr. Dennehy replied the board would like to hear new comments. Mr. Avolio stated comments should be made concerning the conditional use aspect. The testimony that has been given barely touches conditional use; it has been for development. Mr. Gushard stated comments made should address conditional use.

Michael Tucker, 542 Macleod Drive stated he owns his home and a separate lot adjoining the development. Mr. Tucker asked where the property boundary is located and if the developer planned to clear cut to the property line. Mr. Gillespie replied a 50' deeded buffer was proposed at the second Planning Commission meeting. Mr. Gillespie explained the buffer zone will be reforested. Mr. Tucker asked if the buffer zone will be graded. Mr. Gillespie replied it will be graded and reforested, and the single family lot owners will not be permitted to remove the trees. Mr. Tucker asked if there will be grading below his property. Mr. Gillespie replied they will not grade there. Mr. Tucker stated the area will be disturbed up to his property line, and asked what size the reforested trees will be. Mr. Gillespie replied they will plant trees recommended by the EAC.

Peter Goutmann, 208 MacFadden Drive stated the development will affect his home's value and is concerned about light pollution and asked about reforestation. Mr. Avolio stated residents should see Mr. Kurpakus at the township building; plans are available at the township office. Mr. Goutmann replied the worse thing the homeowners can do is be silent. If they do not give their opinions the board will not know their concerns.

Tara Pfaeffle, 575 Macleod Drive stated approving conditional use will increase traffic and make conditions worse on Babcock Boulevard and Bakerstown Road. She asked her Lake Macleod neighbors to raise their hands to show they agree.

Sujata Donahue, 548 Macleod Drive stated communities like Fox Chapel have protected woods and land and the Board of Supervisors needs to protect the greenspace and the lake. Mrs. Donahue added the residents of Lake Macleod pay taxes and have the right to ask questions in an open forum.

Matthew Lydic, 202 MacFadden Drive asked if the stations on the trail will have lights. Mr. Gillespie replied the exercise stations will not have lights.

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Rob Drass, 300 McCutcheon Court stated all of residents are here and they should not be discouraged from saying the same thing. Residents have moved here for a reason. The development will take away from their community.

Tom Naughton, 560 Macleod Drive asked if it is within the Board of Supervisors' power to require a bond. Mr. Gushard replied it would be a unique condition, and the board would have to place a condition upon approval, but developer could refuse. Don Lamparski, 559 Macleod Drive stated bonding may not work. Mr. Gushard asked if the school was approached to pay for the cost of dredging. Mr. Lamparski replied no. Mr. Avolio asked if the bond for Lake Macleod is still in place. Mr. Kurpakus replied it is, but did not cover the cleanout of the pond. Mr. Avolio asked if the Lake Macleod homeowners' association has a maintenance plan. Mr. Iams replied the developer, Lake Macleod L.P. owns the common space, and the homeowners' association cannot get permits for someone else's property.

Sherwood Johnson, 549 Macleod Drive stated borders are important at the creek, and are the simplest way to keep sediment out of creek. Mr. Johnson cautioned silting in the wetland cannot be dredged so it must be prevented.

John Kamin attorney for Cavalier Land Partners, L.P stated the applicant is here for conditional use approval for patio homes. Mr. Kamin explained the developer could have 500 homes as of right with the zoning of the property. Mr. Kamin stated the developer has met the burden, and conditional use should be granted. Mr. Kamin added with respect to Lake Macleod's concerns, the developer will address them. Mr. Kamin stated the Township does not have more authority, and has no right to ask the developer to pay for stormwater maintenance in someone else's plan. Mr. Kamin stated the developer will cooperate, E&S controls will be installed, and there will be inspections and baselining. Mr. Kamin stated the developer will do it as a good neighbor; they do not want a law suit. Mr. Kamin stated a conditional use request is before the Board of Supervisors, and the developer has met the requirements, they have met the burden of proof. Mr. Kamin stated conditional use should be granted.

Mr. Kamin stated the requested waiver for the slopes will provide a more efficient plan. Mr. Kamin added the modification request for the streets, which is a rarity for a developer to hold the streets, provides better street design. If the reasonable modifications are granted, the Township will receive a better product and the lots will be more desirable to sell. Mr. Kamin stated Mr. Gillespie knows the market well and the two modifications are better planning. Mr. Kamin stated the developer owns the land and is developing a product that is good for developer and township. Mr. Kamin concluded they have met every condition for conditional use, and requested the conditional use hearing to be closed.

Mr. Farino stated per the municipality planning code the board can refuse conditional use to protect Lake Macleod. Mr. Farino added to put in a patio home development will disturb 37% of steep slopes not permitted by ordinance. Mr. Farino summarized that the board has the authority to place additional conditions on any conditional use approval.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to close the conditional use hearing. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard stated within 45 days after closing the public hearing a decision will be rendered. Mr. Spagnolo asked if the developer has met every aspect of conditional use approval. Mr. Gushard replied based on what is in the packet Township staff has not identified any items that do not meet conditional use. Mr. Gushard and Mr. Avolio stated counsel for the developer and Lake Macleod will have 15 days to submit findings and case law for consideration.

TOWNSHIP OF PINE ELECTRONIC COMMUNITY MESSAGE SIGN POLICY

Mr. Anderson stated the most recent draft of the community message sign policy was not contained in the board's packet.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to table the decision to adopt the Policy, Rules and Regulations for use of the Township of Pine Electronic Community Message Sign pending review of the most recent draft of the document. The aye vote on the motion was unanimous. Motion carried.

2016 STORMWATER POND MOWING CONTRACT

Mr. Anderson stated three bids had been submitted for the stormwater pond mowing contract and the stormwater tree clearing contract and Land Clearing Specialists, Inc. had submitted the low bid. Mr. Anderson explained the Township had budgeted \$75,000, and the combined bid exceeds that amount, but the amount will be corrected based on the actual acreage of township owned ponds.

Mr. Spagnolo asked who would be responsible for damage done to lawns and landscaping. Mr. Anderson replied Land Clearing Specialists would be responsible.

Mr. Holdcroft stated the bid from Land Clearing Specialists came in way under the other two bids, and asked if they had experience. Mr. Spagnolo and Mr. Avolio replied they are familiar with other projects the company has performed.

Mr. Dennehy directed Mr. Barbarino to send letters with prices to the owners of the detention ponds not owned by the Township.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to award the Stormwater Pond Mowing Contract to Land Clearing Specialists, Inc. for the total bid amount of \$44,580 which includes the base bid. The aye vote on the motion was unanimous. Motion carried.

2016 STORMWATER POND TREE CLEARING CONTRACT

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to award the Stormwater Pond Tree Clearing Contract to Land Clearing Specialists, Inc. for the total bid amount of \$44,580 which includes the base bid. The aye vote on the motion was unanimous. Motion carried.

SALE OF 2003 LASTEC 721 RX MOWER THROUGH MUNICIBID

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to award the sale of the 2003 Lastec 721 RX mower to the high bidder James Reed in amount of \$3,150 per the Municibid bid sheet. The aye vote on the motion was unanimous. Motion carried.

JUNE 20, 2016 BOARD MEETING

Mr. Spagnolo recommended cancelling the mid-month meeting due to the lack of agenda items. Mr. Gushard added the items concerning the Village at Pine Phase VI can be sent to the board separately without having a meeting and action can be made at the first meeting in July.

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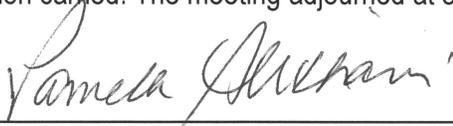
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Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to cancel the June 20, 2016 meeting due to the lack of agenda items. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

Motion was made by Mr. Avolio and seconded by Mr. Holdcroft to adjourn. The aye vote on the motion was unanimous. Motion carried. The meeting adjourned at 8:13 p.m.



Recording Secretary



Township Manager