

Orange Township Trustees
May 17, 2010
Regular Meeting

Chairman Nelson Katz called the meeting to order at 7:00 p.m.

This meeting was held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

ROLL CALL: Nelson Katz, John M. Cassady, Robert W. Quigley.

TOWNSHIP OFFICIALS ALSO PRESENT

Tom Farahay	Assistant Zoning Inspector
Richard Gladman	Zoning Inspector
Beth Hugh	Maintenance and Parks Director
Michael McCarthy	Township Attorney
Gail Messmer	Township Administrator
Matt Noble	Assistant Fire Chief
Scott Overturf	Owner's Representative
Tom Stewart	Fire Chief

PLEDGE OF ALLEGIANCE

The minutes were taken and prepared by Office Assistant Mary Ann Ross.

Mr. Katz reminded everyone of the schedule hearing at 7:30 p.m.; Trustee Hearing on proposed changes to the Orange Township Zoning Resolution Regarding Section 26.04 Titled "Zoning Secretary."

APPROVAL OF MINUTES

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Minutes were approved as submitted.

PUBLIC COMMENTS

Mr. Katz asked for any public comment for items that are not on the agenda.
No one stepped forward.

ZONING REPORT

Mr. Gladman stated that the report on upcoming meetings was correct. The Board of Zoning Appeals – Thursday, May 27, 2010, 7:30 p.m. – Application # 10-0139, Ohio Mulch Supply, Inc. and Weber Holdings – North LLC. requesting a hearing to appeal the decision of the Orange Township Zoning Inspector interpreting the use of and plan for property located at 6605 Columbus Pike. Thursday, May 27, 2010, 7:30 p.m. – Application #10-0191, Delaware County Board of Developmental Disabilities requesting a Conditional Use Permit for a monument style freestanding sign at 7991 Columbus Pike. Thursday, May 27, 2010, 7:30 p.m. – Application #10-0190, William and Renee McClements requesting a five foot, six inch reduction of the required 25-foot setback from the rear property line in order to install an in-ground swimming pool at 3309 Sunglow Drive. Zoning Commission – Thursday, May 18, 2010, 7:00 p.m. – Special meeting to review the Comprehensive Plan 2001. Thursday, June 10, 2010, 7:30, - Application #10-0220, Village at Bale Kenyon requesting an amendment to the Zoning Resolution and Map, the rezoning of 53.625 acres from Multi-Family Planned Residential District to Multi-Family Planned Residential District. Thursday, July 15, 2010, 7:30 p.m. – Application #10-0070, Orange Road Partners LLC. c/o Schottenstein Real Estate Group – requesting an amendment to the Zoning Resolution and Map, specifically the rezoning of 28.116 acres, referred to as the Glimcher Property.

Mr. Katz asked for comment from Mr. Cassady, Zoning Liaison. Mr. Cassady made sure all trustees received information on Application #10-0220, Village at Bale Kenyon request for rezoning.

MAINTENANCE REPORT

PURCHASE ORDERS

RES.10-197 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO PARK ENTERPRISE CONSTRUCTION CO., INC.

Motion by Mr. Cassady to authorize the issuance of a purchase order to Park Enterprise Construction Co., Inc., in the amount of \$1,800.00, to move water line of house at corner of Bale-Kenyon Road and East Orange Road out of construction area.

Seconded by Katz.

VOTE: Cassady – yes, Katz – yes, Quigley – yes.

Mr. Katz had a quick inquiry about the underground storage tanks; if we pay more per tank (\$800) it would be a much lower deductible. Has anyone investigated this? The Fiscal Officer answered that approximately two years ago it was looked into, and it was decided to go with higher deductible/lower payment because there is a cut off of how much money you have in reserves and we met that cut off. If you do not have enough to cover disaster clean up you have then you have to go with the lower deductible. The township holds enough back to cover in case of need for disaster clean up.

RES.10-198 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO STATE OF OHIO UST FUND

Motion by Mr. Cassady to authorize the issuance of a purchase order to State of Ohio UST Fund, in the amount of \$1,200.00, for Certificate of Coverage regarding underground fuel storage tanks.

Seconded by Katz.

VOTE: Cassady – yes, Katz – yes, Quigley – yes.

PUBLIC SAFETY REPORT

THANK YOU LETER FROM EDWARD ONGARO JR.

Mr. Katz read parts of the above thank you. Mr. Edward Ongaro is a Columbus Firefighter. His wife was involved in an auto accident last year. When he arrived he observed three Orange Township Fire Department vehicles and paramedics tending his wife. Mr. Ongaro wrote that the paramedics were “Top Notch Professionals”. Mr. Ongaro recounted another incident where the men and women of this department took care of himself and his family. Mr. Ongaro wrote the department does a great job and the Fire Department is first class. Mr. Katz concurred and asked Chief Stewart to thank the department.

THANK YOU LETTER FROM PAT TIBERI

Mr. Katz read the letter from Representative Pat Tiberi. Representative Tiberi thanked Chief Stewart for stopping by to see him while in Washington D.C. Representative Tiberi looks forward to working with the Chief and the Ohio Fire Chiefs’ Association on upcoming issues in both Washington D.C. and central Ohio. Chief Stewart went to Washington D.C. with other fire chiefs to present a number of the fire chiefs’ concerns to the legislature. Items discussed were:

- FIRE/SAFER Grant Programs,
- Funding for the U.S. Fire Administration (USFA) and National Fire Academy (NFA),
- Protecting America’s Workers Act (PAPA)22,
- Creation of a Nationwide Safety Broadband Network,
- Federal Taxation of Volunteer Incentives,
- Tax Incentives for Retrofit of Fire Sprinkler Systems.

Chief Stewart, along with two others met, and was able to speak with each of the following Elected District Representatives personally:

- Congressman John Bocchieri, District 16
- Congressman Jim Jordan, District 4
- Congressman Pat Tiberi, District 12
- Representative Steve Driehaus, District 1
- Congressman Zack Space, District 18

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Chief Stewart thanked the Trustees for the opportunity to go to Washington D.C.

THANK YOU LETTER FROM JILL MCCAMBRIDGE

Mr. Katz read the letter from Jill McCambridge regarding her parents' emergency situation. In part Mr. Katz read: had the emergency team not acted quickly Ms. McCambridge would have lost her father that day and her mother would have lost her husband of 60 years. She went on to say not only did they save his life; they treated her mother with great kindness and respect. Ms. McCambridge wanted the department to know that the team did a fantastic job. She cannot imagine the pressure they must be under during some of the calls they have to make. If ever Ms. McCambridge is in need of emergency help, she hopes they are the team that responds. Ms. McCambridge ended her letter by saying: "Thank you seems so inappropriate for saving someone's life but that is all I have. Thank you, thank you, thank you. Keep up the good work." Mr. Katz felt this was a great tribute to the department.

APRIL CRIME REPORT UPDATE

Last week Mr. Katz met with Sheriff Davis to discuss the state of police protection in Orange Township. Mr. Katz first reviewed the crime reports the Township had received. Mr. Katz noted that he would like to have the day of week and time of day on the reports. The Sheriff assured Mr. Katz that he would get that information on future reports. Mr. Katz noted a sharp increase in the number of adult arrests from 15 adult arrests in March to 69 adult arrests in April. Sheriff Davis said that the increase could be attributed to the increase in traffic warrants. Sheriff Davis would check into that. Mr. Katz inquired about the eighth deputy Orange Township is to have. Sheriff Davis still had a couple officers in training and they should be done with their training by mid to late June. At that time Orange Township will be getting a seasoned officer, not one of the officers in training. Mr. Katz and Sheriff Davis discussed a couple specific problems areas in the Township. One is reported speeding along Westwood Drive. The other area is the new Glen Oak Park where a 4-wheeler is damaging the grading. Sheriff Davis asked if he could come to one of the Township meetings to give an update on the state of police protection in Orange Township. Sheriff Davis will be coming to our June 7, 2010, regular trustee meeting. Mr. Katz felt the meeting with Sheriff Davis was very cordial and productive. Mr. Quigley had a question about the report. Mr. Quigley was looking at the report "Repeat Calls of Service by Location"; he noted that Meijer's and United Dairy Farmers had a combined total of 4 "Gas Drive Off", yet on the "Calls for Service", it shows 0 calls under "Gas Drive Off". Mr. Katz said he would check into it.

PARK REPORT

Mr. Katz turned the meeting over to Mr. Quigley, Park Liaison.

RELEASE OF PAYMENT

RES.10-199 AUTHORIZE RELEASE OF PAYMENT TO PARK ENTERPRISE CONSTRUCTION CO., INC.

Motion by Mr. Quigley to authorize release of payment on the Glen Oak Phase I Project, to Park Enterprise Construction Co., Inc., in the amount of \$68,291.60, for pay request application #4. Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

APPROVAL OF GLEN OAK PARK PHASE II PROJECT MANUAL

AUTHORIZATION TO GO TO BID ON GLEN OAK PARK PHASE II PROJECT

Mr. Quigley asked Mr. Scott Overturf to speak. Mr. Overturf said this is the last phase of the Glen Oak Park Project. Basically what they are going to do is build the buildings, erect the bridges and erect the shelter. Phase I of the Project should be over in the next 20 days, barring rain, and Phase II is scheduled to start June 18, 2010. Mr. Overturf would like to get Trustee approval to go out for bid on Thursday, May 20, 2010; have bid opening on Friday, June 11, 2010; and he would like a special meeting on June 16, 2010, for bid approval. This project would

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be completed September 30, 2010. Phase I was more an excavating contract; Phase II will be a general trade contractor, more building. Mr. Quigley asked for any questions. Mr. Katz asked Mr. Overturf to list the major amenities the park will have upon completion of Phase II. Mr. Overturf said the project itself will be completed and will have:

- A restroom about the size of the one at Ro Park;
- Extended the portico out front, which will shelter and face the playing fields;
- Two bridges that go to an island in the pond will be completed;
- Two shelters will be completed, one 20 feet by 20 feet, and the other 30 feet by 44 feet.
- The park will have a pond;
- A skating area;
- A sledding hill;
- Will have its own perimeter trail and tie into the trail system

One of the different things about this park is that a septic system will need to be put in. Dominion Homes has not finished their loop where they are to be with their sanitary system. Mr. Overturf will try to get an easement from Dominion, so that whenever Dominion completes the street behind the park the township will have the option of tying into the sanitary system. Mr. Overturf also mentioned that the Park Department was going for grants for this part of the trail system and for the playground/recreation area of the park. A special meeting was set for June 16, 2010 at 8:00 a.m.

RES.10-200 ACCEPTING PROJECT MANUAL AND PROJECT ESTIMATE FOR THE GLEN OAK PARK PHASE II PROJECT AND AUTHORIZING COMPETITIVE BIDDING OF THE PROJECT

Mr. Quigley moved the adoption of the following Resolution:

WHEREAS, a Project Manual, dated May 20, 2010, has been prepared for the Glen Oak Park Phase II Project; and

WHEREAS, the contents of the Project Manual are deemed acceptable by the Board;

NOW THEREFORE BE IT RESOLVED that the Board of Township Trustees of Orange Township, Delaware County, Ohio, hereby accepts and approves the Project Manual for the Glen Oak Park Phase II Project, as presented to the Board and dated to be issued for bidding on May 20, 2010, such acceptance and approval including but not being limited to the bidding and contract documents, drawings and specifications contained therein.

BE IT FURTHER RESOLVED that the Board accepts and adopts the cost estimate for the Glen Oak Park Phase II Project, this being a total project cost of \$394,500.00.

BE IT FURTHER RESOLVED that the Board directs and authorizes that bids be solicited for the Glen Oak Park Phase II Project, with the anticipation that: the Legal Notice to Bidders will be advertised on May 20, 2010, and May 27, 2010; the pre-bid conference will be on June 2, 2010, at 1:30 p.m. at the Township Hall; the bid opening will be on June 11, 2010, at 1:30 p.m. at the Township Hall; and that the award will be made at *a Special Meeting to be held at 8:00 a.m. on June 16, 2010, at the Township Hall.*

Motion seconded by Mr. Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

Mr. Katz stopped the Park Report to proceed with the 7:30 p.m. trustee hearing. Mr. Katz reminded everyone also of the 8:30 p.m. meeting regarding Rinehart Insurance.

7:30 P.M. TRUSTEE HEARING ON CHANGES TO THE ORANGE TOWNSHIP ZONING RESOLUTION REGARDING SECTION 26.04 TITLED “ZONING SECRETARY.”

Mr. Katz started by asking Mr. Farahay if the Legal Notice was published. Mr. Farahay replied that it was published Saturday, May 1, 2010, in the Delaware Gazette. Mr. Katz read the legal

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notice. Before turning over the meeting to Mr. Cassady, Zoning Liaison, Mr. Katz made the following statement:

This is the public hearing on proposed amendments to the Orange Township Zoning Resolution submitted by Resolution of the Board of Orange Township Trustees on January 19, 2010 to the Orange Township Zoning Commission. The amendments would modify Section 26.04 entitled Zoning Secretary of the Orange Township Zoning Resolution. Specifically, the change would allow the trustees to assign the duties of the Zoning Secretary to one or more fulltime positions which are already within township employment. On January 28th, 2010, the Delaware County Regional Planning Commission took the matter under consideration and unanimously approved the text amendments. On March 2nd, 2010, the Orange Township Zoning Commission unanimously recommended denial of the text amendments.

So, here is the rationale for the changes the township is considering. In order to foster a more efficient organization, the township is attempting to change the Zoning Resolution so that the trustees have more flexibility in the assignment of duties for someone to assist in the Zoning Department. By amending the Zoning Resolution, the trustees gain the ability to bring the additional help into the Zoning Department when it is needed.

- There is a long history behind organizing a more efficient way to take and publish minutes in the township.
- We want to have more supervision over the current part-time position.
- We want to wrap the current part-time position into a portion of a full-time position already in the employ of the township. Continuity will be taken into account when making assignments and there will be no undue influence over crafting of the minutes.
- We want to have more freedom in assigning the duties of the Zoning Secretary to one or more people when and where necessary as the workload hits peaks and valleys.
- This is not about an individual; it is about running an efficient organization. It is about getting things done in the most timely, cost-efficient manner possible.

Having carefully reviewed the minutes from the Zoning Commission Meeting on March 2nd, the Chair has reason to believe we need to establish some ground rules in order to maintain order and stay focused on the subject for this hearing.

Here Are the Rules of Order that will be followed during this hearing:

1. As Chair, it is my function to maintain order and enforce the rules of decorum. As such, we will not be dealing in personalities.
2. As you come before the Board this evening, you should not make personal, impertinent, slanderous or incendiary remarks to or about any member of this Board, Township Staff or general public.
3. That includes any and all unsubstantiated claims or accusations.
4. As you address the Board on the subject this evening, please keep your comments brief, to the point and limited to 3 minutes. Please, try not to be repetitious.
5. All remarks should directly relate to the topic under consideration.
6. All remarks should be germane; that is, they should have direct bearing on whether the pending recommendations of the Zoning Commission and changes to the Zoning Text should or should not be adopted.
7. This is not a trial or an inquisition. No one is on trial here. Please address your remarks to the Board and not an individual.
8. Again, the Board is looking for relevant input as to why we should or should not accept the recommendations of the Zoning Commission and thereby adopt or choose not to adopt the proposed changes to the Zoning Resolution.

Bringing up irrelevant and unrelated topics is not in order and will be ruled out of order. At that point, the speaker should stop and redirect their comments back to the topic at hand.

Mr. Katz then turned the hearing over to Zoning Liaison, John Cassady; but Mr. Katz reserved the right to jump in anytime to maintain order and direction.

Mr. Cassady thanked Mr. Katz, and said Mr. Katz had pretty well covered everything. He asked Mr. Quigley if he had any comments, and then he would open it up to comment from the public. Mr. Quigley wanted to add that he has given this hearing a lot of thought; he has read it and understood the development of amendments. What he was thinking to himself while going through it was, if he was running a business or corporation, that he would have to provide himself with flexibility just in case the time comes, when it is needed. From the business

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perspective Mr. Quigley understands the concept of and the reasoning of having that flexibility. Mr. Cassady then asked for public comment, asking that the speaker provide name and address. Mr. Katz asked the Fiscal Officer, Joel Spitzer, to keep the time, for the three minute limitation and indicate that time to the Board.

David Eby, 433 High Meadows Village Drive, Powell, OH 43065, thanked Mr. Katz for allowing him to speak. Mr. Eby commented that the Board had heard him make comments before on this topic and the Board had the opportunity to read his comments to the Zoning Commission. He stated he will try to stay within the three minutes allowed him. Mr. Eby commented that the Township's Zoning had worked well over the years largely due to cooperation among the boards. That cooperation was fostered by realizing when there was a need to iron out differences, explain things, or discuss new topics as a group, at that time joint sessions of all three boards, the Zoning Board of Appeals, the Zoning Commission, and the Board of Trustees, along with all Zoning staff were brought together in one room for an open discussion of whatever topic was at hand. The Township has done that in the past, and Mr. Eby felt this is a significant step that is being done without; if not setting a precedent by doing it this way, without talking with the Zoning Commission. It is certainly something that has not been handled this way for some time. Mr. Eby felt it is not in the best interest to continue further without calling a joint session due to not only this but other sore points that have been brought to this podium, before this Board. The Zoning appointees do not get paid tremendous amounts of money, and it is practically voluntary, the amount of money they get is minimal. These people do this for the betterment of the Township, and Mr. Eby believes the proper thing is to consider them in this. Mr. Eby recommends tabling this action until a joint session could be heard and the end result may be the exact same thing. Mr. Eby sees the proposed amendment as being more than flexible. It allows the Board to use or abuse what the Zoning Boards are doing there. The Board may create some flexibility that may help the Township, but this Board or future boards could use it to the detriment of the Township. Mr. Eby would like to see the possibilities explored. Mr. Eby feels it is the appropriate thing to do. He became aware his three minutes were up, and he thanked the Board, and apologized if he caused any inconvenience on a busy night.

David Knapp, 228 Hideaway Court, Powell, Ohio 43065. He stated he would be brief. Essentially he didn't understand how a peaks and valleys issue can't be addressed by someone who is part-time and works on an as needed basis. It makes no sense. As far as monitoring somebody; keeping them under the Board's direct supervision, makes no sense either considering the work is right there in front of everybody's face after it has been submitted so that the Board can make revisions. Mr. Knapp felt it was asinine. Mr. Knapp senses a hidden agenda; it isn't over as far as he was concerned. Mr. Knapp stated he appreciated all the censorship Mr. Katz had thrown in; and Mr. Knapp felt it spoke volumes for Mr. Katz' expectations of what this happened to be.

There was no further public comment. Mr. Katz asked for Trustee comments. Mr. Quigley commented that he heard it said that there is a hidden agenda. Mr. Quigley stated he could speak for himself, he had no hidden agenda. Mr. Quigley looked at this very hard and understood the verbiage. That as a business person, having that flexibility, makes sense in the business world. Understandably, someone may not agree with that, but at the same time, he has to make sure from the Township's operation, the same as he would from a business operation, that he has the capability, if at the time it is needed. Mr. Quigley is not saying the Board is going to do something, but the option is there.

Mr. Katz's comments were as he had stated earlier, there is a long history behind organizing a more efficient way to take and publish minutes in the Township. The Board would like to have more supervision over the current part-time position. Mr. Katz reiterated this is not about an individual; it is about running an efficient organization and about getting things done in the most timely, cost efficient manner possible. Mr. Katz wrapped up everything by saying the Trustees have lost control over this administrative position and the Board wants it back. The Board no longer controls the work that is being done, the manner in which it is being done, the timeliness with which it is being done, not even where it is being done. Mr. Katz believes that this needs to end.

Mr. Cassady commented that, the Trustees initiated this amendment; that the Trustees are within their right to initiate Zoning Code amendments. The purpose of the amendments have not

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changed since it was initiated and approved 3-0 by the Trustees; which was to address the rigidity of the Zoning Code as it applies to the duties of the Zoning Secretary. Mr. Cassady stated that it would provide the opportunity for more flexibility, provide more administrative efficiency. The Board seeks to have efficiency with every township employee and adequate oversight of every township employee that the Township employs and Mr. Cassady felt it applies here as well. Mr. Cassady felt there is no tolerance for any type of abuses with any township employee in Orange Township, and any assertion to the contrary is not founded.

Mr. Quigley asked to make one thing clear, that from his perspective, Mr. Quigley believes that every position within an operation, a township, anywhere, you need to have someone there that will back you up; in an instance that you need it. You have to have that flexibility, and have that person there in order to do so. If you don't, you can basically have a situation down the road. This is a common practice in business. It is a common practice in the fire department. This is a common scenario. This is how he is looking at this resolution; that the Board has to provide this flexibility.

RES.10-201 DENY RECOMMENDATION OF THE ZONING COMMISSION TO THE BOARD OF TOWNSHIP TRUSTEES TO DENY THE AMENDMENT OF SECTION 26.04 OF THE ORANGE TOWNSHIP ZONING RESOLUTION AS PROPOSED IN RESOLUTION NO. 10-031.

Mr. Cassady moved the adoption of the following Resolution:

WHEREAS, pursuant to R.C. Section 519.12, the Board of Township Trustees of Orange Township, Delaware County, Ohio, on January 19, 2010, unanimously adopted Resolution No. 10-031 proposing to amend Section 26.04 of the Orange Township Zoning Resolution; and

WHEREAS, the Delaware County Regional Planning Commission timely presented its unanimous recommendation of approval regarding such amendment, adopted at its meeting on January 28, 2010; and

WHEREAS, the Orange Township Zoning Commission has conducted a public hearing regarding the proposed amendment on March 2, 2010, at which hearing the recommendation of the Delaware County Regional Planning Commission was considered; and

WHEREAS, the Orange Township Zoning Commission, following its public hearing, has submitted its unanimous recommendation for denial to the Board, together with the resolution involved, the text pertaining to the proposed amendment and the recommendation of the regional planning commission;

NOW THEREFORE BE IT RESOLVED that the Board deny the recommendation of the Orange Township Zoning Commission to deny the amendment of Section 26.04 of the Orange Township Zoning Resolution as proposed in Resolution No. 10-031.

BE IT FURTHER RESOLVED that the amendment of Section 26.04 of the Orange Township Zoning Resolution, as proposed in Resolution No. 10-031 of the Board of Township Trustees of Orange Township, is adopted.

BE IT FURTHER RESOLVED that the resulting amended Section 26.04 reads as follows:

***“SECTION 26.04 - ZONING SECRETARY: To assist in the administration of this Zoning Resolution, the Orange Township Board of Trustees may appoint a zoning secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the zoning inspector, and perform such other duties relating to this Zoning Resolution as the township trustees may from time to time direct. Alternatively, the Orange Township Board of Trustees may assign such duties to other position(s) in the township employment. Additionally, the township Fiscal Officer may be named the zoning secretary and may receive compensation for such services in addition to other compensation allowed by law.*”**

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Compensation of the person(s) performing the above duties shall be at rates set from time to time by the township trustees.”

BE IT FURTHER RESOLVED that existing Section 26.04 shall be repealed upon the foregoing amendment becoming effective.

BE IT FURTHER RESOLVED that if for any reason any one or more of the sentences, clauses or parts of this resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this resolution but shall be confined in its operation to the specific sentences, clauses or parts of this resolution held invalid and the invalidity of any sentence, clause or part of this resolution in any one or more instances shall not attest or prejudice in any way the validity of this resolution in any other instance.

BE IT FURTHER RESOLVED that nothing in this resolution shall be construed to affect any prior reverter of a planned zoning district, to effect a change in the existing zoning district classification of any property as reflected upon the zoning map, to affect the regulations of any existing planned zoning district, or to affect any suit or proceeding pending in any court under the section of the zoning resolution to be repealed as cited above.

Motion seconded by Mr. Katz.

VOTE: Cassady – yes, Katz – yes, Quigley – yes.

RETURN TO THE PARK REPORT

APPROVE NORTH ORANGE AQUATIC CENTER RATES

Mr. Quigley asked Ms. Hugh to step forward to discuss the rates. Ms. Hugh had done an analysis regarding profitability on all concessions. There were two items of concern. One of the items, snow cones, did not sell at all compared to slushies. Ms. Hugh would like to remove snow cones from the menu. The other item in question is the ice cream. The ice cream is sold both as a novelty and a premium ice cream bar at the same price of \$1.50. The profitability is a little less with the premium ice cream bar. Ms. Hugh made it clear that by saying profitability, there was really not a profit made with concessions. The money made on concessions covers the cost of running the concession stand and the cost of the workers in the concession stand. There was a short discussion on ice cream. Consensus was to let ice cream pricing remain the same and to let the snow cone remain on the menu.

RES.10-202 SET NORTH ORANGE AQUATIC CENTER RATES FOR 2010 SEASON

Motion by Mr. Quigley to set the rates for the North Orange Aquatic Center for the 2010 season as stated below:

2010 NORTH ORANGE AQUATIC CENTER RATES

Season Passes (ages 2 and under free)	Resident Rate	Non-Resident Rate
Youth	\$75.00	n/a
Adult	\$80.00	n/a
Senior Citizen	\$55.00 (with Golden Buckeye Card)	n/a
Family of 2	\$125.00	n/a
Family of 3	\$135.00	n/a
Family of 4	\$145.00	n/a
Family of 5	\$150.00, plus \$10.00 for each additional person over 5	n/a

**Free “Swimmies” diapers to pool patrons on an as-needed basis

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Other Passes (ages 2 and under free)	Resident Rate	Non-Resident Rate
Daily pass	\$5.00	\$12.00
Twilight Day Pass	\$4.00	\$10.00
Special Event	\$5.00	\$12.00

Swimming/Diving Lessons/Water Aerobics	Resident Rate	Non-Resident Rate
Group Lessons - Season Pass Holder	\$40.00	n/a
Group Lessons - Non-Season Pass Holder	\$50.00	\$60.00
Private Lessons (all)	\$15.00 per 1/5 hour	\$15.00 per 1/5 hour

Rentals	Resident Rate	Non-Resident Rate
Community Room Deposit	\$100.00 per rental	\$100.00 per rental
Rental Rate	\$ 35.00 per hour	\$ 60.00 per hour
Shelter Deposit	\$ 25.00 per rental	n/a
Rental Rate	\$ 10.00 per hour	n/a

Miscellaneous	Rate
Life Jacket Rental	\$5.00 each
Family Night - Wednesdays after 5:00 PM	\$1.00 per hotdog
CPM Employee Discount	50% off concession items (while on duty)

**Free "Swimmies" diapers to pool patrons on an as-needed basis.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

RES.10-203 SET NORTH ORANGE AQUATIC CENTER CONCESSION PRICES FOR 2010 SEASON

Motion by Mr. Quigley to set the rates for concession prices for the North Orange Aquatic Center for the 2010 season as stated below.

2010 NORTH ORANGE AQUATIC CENTER CONCESSIONS RATES

Concession Items	Price
Hot Dog	\$2.00
Pizza	\$2.00
Pretzel	\$1.50
Popcorn	\$1.00
Nachos	\$1.50
Chips	\$1.00
Water	\$1.50
Snow Cone	\$1.00
Slushie	\$1.50
Cotton Candy	\$1.50 (cone or bag)
Pop	\$1.50
Gatorade/Juice	\$1.50
Candy	\$1.50
Cup of Ice	\$.50
Cup of Cheese	\$.50
Ice Cream	\$1.50 (novelty or premium)

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

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APPROVE PEPSI VENDING CHECK

The Township was in possession of a check from Pepsi for the vending commissions for 2008-2009; it will bring the township up to the current contract.

RES.10-204 AUTHORIZE DEPOSITING PROCEEDS FROM SOFT DRINK VENDING MACHINES

Motion by Mr. Quigley to deposit the proceeds from the vending machines located at North Orange, Ro and Township Hall Park and one machine inside the Township Hall to be deposited in the park fund.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

RENTAL AGREEMENT FOR OLENTANGE SCHOOL PROJECT

RES.10-205 ENTER INTO AGREEMENT WITH THE OLENTANGY LOCAL SCHOOL DISTRICT FOR POOL RENTAL

Mr. Quigley moved the adoption of the following Resolution:

BE IT RESOLVED that the Board of Township Trustees of Orange Township, Delaware County, Ohio, approve and enter into a rental agreement with The Olentangy Local School District for the use of the township's pool facilities at North Orange Park for one day only, this being from 9:00 a.m. to 1:45 p.m. on June 8, 2010, for the sole purpose of an 8th grade end-of-school-year party. The agreement shall be in the form titled *Orange Township Pool Rental Agreement*, as presented to the Board and bearing in its footer the identifying revision date of 070604.

BE IT FURTHER RESOLVED that Mr. Quigley of the Board shall execute such Agreement on behalf of the Board.

Motion seconded by Mr. Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

ACCEPTANCE OF NORTHPOINT MEADOWS HOA EASEMENTS

ACCEPTANCE OF MARONDA HOMES INC. OF OHIO EASEMENT

Mr. Katz wanted to make the other Trustees aware that there was a purchase order for \$684.50, to the Northpoint Meadows Homeowners Association for their attorney fee reimbursement for legal fees associated with providing these two easements per Trustee consensus at the Regular Trustee Meeting, February 16, 2010.

RES.10-206 ACCEPTANCE OF PUBLIC RECREATIONAL BIKE AND PEDESTRIAN TRAIL EASEMENTS FROM NORTHPOINT MEADOWS HOMEOWNERS ASSOCIATION, INC. AND MARONDA HOMES, INC. OF OHIO

Mr. Quigley moved the adoption of the following Resolution:

BE IT RESOLVED, that the Board of Township Trustees of Orange Township, Delaware County, Ohio hereby accepts the easement tendered to the Board by Northpoint Meadows Homeowners Association, Inc. for the donation of a Public Recreational Bike and Pedestrian Trail Easement over its Reserve "B" (Lot 5831) of Northpoint Meadows Section One, in Orange Township, Delaware County, as executed by Stephen G. Glinsky, Secretary, on May 3, 2010, and approved by the Delaware Common Pleas Court, as evidenced by the Petition and Entry filed on May 14, 2010, and recorded in the Court's Administrative Journal No. 96.

BE IT FURTHER RESOLVED, that the Board of Township Trustees of Orange Township, Delaware County, Ohio hereby accepts the easement tendered to the Board by Northpoint Meadows Homeowners Association, Inc. for the donation of a Public Recreational Bike and Pedestrian Trail Easement over its Reserve "D" (Lot 6690) of Northpoint Meadows

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Section Two, in Orange Township, Delaware County, as executed by Stephen G. Glinsky, Secretary, on May 3, 2010, and approved by the Delaware Common Pleas Court, as evidenced by the Petition and Entry filed on May 14, 2010 and recorded in the Court's Administrative Journal No. 96.

BE IT FURTHER RESOLVED, that the Board of Township Trustees of Orange Township, Delaware County, Ohio hereby accepts the easement tendered to the Board by Maronda Homes, Inc. of Ohio for the donation of a Public Recreational Bike and Pedestrian Trail Easement over its property located south of Orange Road in Orange Township, Delaware County, Ohio, as executed by John Oberlin, Vice President, on October 25, 2007, and approved by the Delaware Common Pleas Court, as evidenced by the Petition and Entry filed on May 14, 2010 and recorded in the Court's Administrative Journal No. 96.

BE IT FURTHER RESOLVED, that the Township Attorney is hereby directed to file such easements in the office of the Delaware County Recorder.

Motion seconded by Mr. Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

PURCHASE ORDERS

RES.10-207 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO SOIL & ENVIRONMENTAL CONSULTING SERVICE, INC.

Motion by Mr. Quigley to authorize the issuance of a purchase order to Soil & Environmental Consulting Service, Inc., in the amount of \$900.00, for Sewage System Drawing for Glen Oak Park.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

RES.10-208 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO CLAYPOOL ELECTRIC INC.

Motion by Mr. Quigley to authorize the issuance of a purchase order to Claypool Electric Inc., in the amount not to exceed \$1,000.00, for repairs to four lights and one replacement light at the pools at the North Orange Aquatic Center.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

Mr. Katz asked Ms. Hugh to give a brief description of the need for the trail evaluation under I71. Ms. Hugh provided a brief description. Mr. Katz then asked if the money for this project was in the current Parks Budget. Ms. Hugh said it was.

RES.10-209 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO DANIEL R. STOWERS P.E.

Motion by Mr. Quigley to authorize the issuance of a purchase order to Daniel R. Stowers P.E. in the amount of \$1,562.50, for trail evaluation under Interstate 71.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

Mr. Katz asked Ms. Hugh if multiple quotes had been gotten for mulching the parks landscape beds. Ms. Hugh indicated that she had gotten multiple quotes.

RES.10-210 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO GOING GREEN LANDSCAPES AND LAWNCARE

Motion by Mr. Quigley to authorize the issuance of a purchase order to Going Green Landscapes and Lawncare, in the amount of \$3,700.00, for mulch to be used in the parks landscape beds.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

Mr. Katz asked Ms. Hugh how the amounts for concession supplies, ice cream and soft drinks had been derived. Ms. Hugh said they were taken from evaluating the needs of previous years.

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RES.10-211 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO GOLD MEDAL - COLUMBUS

Motion by Mr. Quigley to authorize the issuance of a purchase order to Gold Medal -Columbus, in the amount of \$22,000.00, for concession supplies at North Orange Aquatic Center.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

RES.10-212 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO THE ICE CREAM MAN

Motion by Mr. Quigley to authorize the issuance of a purchase order to The Ice Cream Man, in the amount of \$13,000.00, for concession supplies at North Orange Aquatic Center.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

RES.10-213 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO PEPSI COLA BOTTLING COMPANY OF COLUMBUS

Motion by Mr. Quigley to authorize the issuance of a purchase order to Pepsi Cola Bottling Company of Columbus, in the amount of \$7,000.00, for concession supplies at North Orange Aquatic Center.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

Mr. Quigley commented that there was some concern in the past that some people were randomly being able to access the pool. The thought was that an ID Card System would be able to help control this problem. Discussion was held on how this would work; installation and supplies, time constraints, and can it be done in a timely manner. Discussion was also held on what information would be on the card with the photo ID.

RES.10-214 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO ALPHA CARD

Motion by Mr. Quigley to authorize the issuance of a purchase order to Alpha Card, in the amount not to exceed \$2,500.00, for Photo ID Card System for pool memberships at North Orange Aquatic Center.

Seconded by Cassady.

VOTE: Quigley – yes, Cassady – yes, Katz – yes.

RECESS

A brief recess was called.

Mr. Katz reconvened the meeting at 8:36 p.m. Mr. Katz asked Mr. Walters’s indulgence as one item from the park report was omitted from discussion before the recess.

NON-RESIDENT SEASON POOL PASS MEMBERSHIP

Mr. Quigley commented that this is in regards to persons who are not Orange Township residents, nor do they pay Orange Township taxes wanting season pool pass memberships. In the past, people have gained memberships who are not residents. This year Ms. Hugh has been more diligent in looking into the residency of applications, and has found approximately to date, two dozen families that have obtained season passes in the past, and are now being denied. Some of these people have had passes for four years. Mr. Quigley asked does the Board want to establish a non-resident season pool pass, and if the Board does what should that charge be. Mr. Cassady commented that the reason the non-resident was no longer allowed season pool passes was due to overcrowding. Mr. Cassady asked had the overcrowding problem been relieved due to the expansion. Ms. Hugh could not say, she felt that the new addition to the pool has given the residents the “elbow room” so it is not so crowded. Mr. Cassady commented that the Board and Township did not want these people to feel they were not welcome or wanted, there is a daily non-resident rate. The question is if the Township would like to go back to a season non-resident pool pass. Discussion was held on the different concerns; one of the concerns was although the

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pool has been enlarged, no additional parking spaces were added. Mr. Katz asked that the discussion be tabled for later, due to the time.

8:30 P.M. REVIEW OF TOWNSHIP COVERAGES RINEHART INSURANCE

Mr. Katz introduced Mr. Walters of Rinehart Insurance who had come to talk about the Township's property casualty insurance. Mr. Walters handed out a booklet containing the Township's coverages, to the Trustees and the Fiscal Officer. Mr. Walters gave the Board a brief review of the policies and mentioned the few changes. Mr. Katz asked Ms. Messmer if the Township would like uninsured/underinsured motorist insurance. Ms. Messmer asked Mr. Walters to explain the pros and cons of the coverage. Mr. Katz asked Ms. Messmer to make note that this is something the Trustees may want to discuss at a future date.

RESUME DISCUSSION ON NON-RESIDENT SEASON POOL PASS

Mr. Quigley reviewed what had been previously discussed. The two major concerns were overcrowding and the limited parking. The Board wanted the non-residents to know they were always welcome. The Board understood the concerns of parents of children of non-residents who had season pool passes previously. Mr. Katz asked Mr. McCarthy about taking each situation on a case by case basis. Mr. McCarthy advised against this. It would be very difficult to draw lines as to what would be acceptable and what would not. The Board is going to take the issue of seasonal non-resident pool passes under consideration and observe the crowding and parking this year and will take this up at a future meeting.

FISCAL OFFICER REPORT

LIQUOR PERMIT

By consensus the Board is not requiring a hearing for the application of a liquor permit by Mulian Asian Bistro, on Neverland Drive. The liquor permit requested is a class D1/D2.

OLD BUSINESS

ESTABLISHMENT OF COMPRESATION AND BENEFITS FOR PERMANENT PUBLIC EMPLOYEES ON MILITARY LEAVE PURSUANT TO ORC 5923.05

RES.10-215 ESTABLISHMENT OF COMPENSATION AND BENEFITS FOR PERMANENT PUBLIC EMPLOYEES ON MILITARY LEAVE PURSUANT TO OHIO REVISED CODE §5923.05.

Mr. Katz moved the adoption of the following Resolution:

WHEREAS, under Ohio Revised Code §5923.05 (hereinafter "R.C. §5923.05" or "Statute"), certain statutorily defined permanent public employees employed by a political subdivision, such as Orange Township, are entitled to paid leave provided under the terms of Division (A) of the Statute for a period of up to one month as that term is defined in the Statute; and

WHEREAS, pursuant to Division (B) of the Statute, permanent public employees who are called or ordered to the uniformed services for a period of one month or longer in any calendar year, are entitled to a leave of absence and to be paid during each monthly pay period thereafter, the lesser of a) the difference between the permanent public employees gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee's gross uniform pay and allowances received that month, or b) Five Hundred Dollars (\$500.00); and

WHEREAS, pursuant to Division (E) of the Statute, any political subdivision, including Orange Township, may elect to pay any of its permanent public employees who are called or ordered to the uniformed services for longer than one month, for each calendar year, such statutorily required payments as provided in Division (B) of the Statute, or such additional payments in addition to the statutorily required payments as may be authorized by the legislative authority of the political subdivision; and

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WHEREAS, the Board of Township Trustees of Orange Township, Delaware County, Ohio desires to establish by Resolution, the amount of such additional payments authorized pursuant to Division (E) of the Statute to be made to eligible permanent public employees for the time periods of January 1, 2005, through September 30, 2009; and

WHEREAS, the Board of Township Trustees of Orange Township, Delaware County, Ohio furthermore desire to establish by this Resolution, to establish the amount of compensation and payments to be made to eligible permanent public employees to such statutorily required sums as set forth in Division (B) of the Statute for the time period commencing October 1, 2009 forward; and

WHEREAS, the Board of Township Trustees of Orange Township, Delaware County, Ohio intends for the following Resolutions to be retroactively applied as of the effective dates set forth therein.

BE IT RESOLVED, that the Board of Township Trustees of Orange Township, Delaware County, Ohio, hereby establishes the following policy pursuant to R.C. §5923.05(E) for the time period of January 1, 2005 through September 30, 2009:

That permanent public employees as defined by R.C. §5923.05 of the Township who were entitled to leave under Division (A) of the Statute, and who were called or ordered to the uniformed services for a period longer than the statutorily defined one month period, for each calendar year in which the employee performed services in the uniformed services as set forth in R.C. §5923.05(B), were entitled to a continuing leave of absence for the period in excess of one month, and were entitled to be paid during such monthly pay period of that leave of absence, the total amount of the permanent public employee's gross monthly wages or salary that such individual was otherwise entitled to earn as a permanent public employee. In addition, the permanent public employee was entitled to receive other benefits such as health and retirement benefits as may have otherwise been required by any employment contract or any collective bargaining agreement governing the employment relationship between the Township and the permanent public employee during the term set forth herein.

BE IT FURTHER RESOLVED, that the Board of Township Trustees of Orange Township, Delaware County, Ohio, hereby establishes the following policy pursuant to R.C. §5923.05(B) for the period commencing October 1, 2009 forward:

That permanent public employees as defined by R.C. §5923.05 of the Township who were entitled or are presently entitled to leave provided under Division (A) of the Statute and who have been or are called or ordered to the uniformed services for a period longer than the statutorily defined one month period for each calendar year in which the employee performed services in the uniformed services as set forth in R.C. §5923.05(B), are entitled to a continuing leave of absence for the period in excess of one month, and were and shall be entitled to be paid during each monthly period thereafter, the lesser of a) the difference between the permanent public employee's gross monthly wage or salary as a permanent public employee, and the sum of the permanent public employee's gross uniformed pay and allowances received during that month, or, b) Five Hundred Dollars (\$500.00).

BE IT FURTHER RESOLVED, that the Board of Township Trustees of Orange Township, Delaware County, Ohio, hereby directs that the above-referenced policies established by this Resolution shall be retroactively applied to the specific time period for which each Resolution is applicable.

Motion seconded by Mr. Cassady.

VOTE: Katz – yes, Cassady – yes, Quigley – yes.

OLENTANGY WATERSHED DISCUSSION

Ms. Hugh wanted to give the Board an update on the Watershed Meetings she has been attending. They are meeting monthly and she is very pleased with how well they are going considering the diversity of the group. The group is approximately two months behind. The grant that is supporting this MORPC project has extended the grant two months into 2012 for the

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completion of this plan. To date, they have outlined a Goal Statement, defined a Priority Conservation Area, a Priority Development Area and a Priority Agricultural Area. The next step they will be taking is to identify criteria for each of those areas, and to have those areas defined graphically on a map. Everything so far has been decided by consensus voting. Ms. Hugh has not been taking part in this, as she has not been given that right from the Trustees. She has not been silent in putting forth what she feels those definitions should be, but she has not voted. She would like the Trustees to decide who they would like to have vote for Orange Township. Mr. Katz commented that what he felt needed to be deliberated on by the Trustees were, who should represent Orange Township in voting, and how information should be reported back to the Trustees. Discussion was held among the Trustees. The points of concern were; if no Trustee wanted the voting right, they all felt Ms. Hugh could take on the responsibility, and the importance of giving and receiving information between the Trustees and Ms. Hugh. The Board wanted to make sure they received all pertinent information and that Ms. Hugh could vote upon the wishes of the Board. It was decided that at the next meeting there would be a resolution giving Ms. Hugh the right to represent Orange Township and have voting rights.

PURCHASE ORDER

Mr. Katz noted before reading the below resolution that the Township had received a 50% credit from HRN Management Group, Inc., Thus cutting our renewal payment in half.

RES.10-216 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO HRN MANAGEMENT GROUP, INC.

Motion by Katz to authorize the issuance of a then and now purchase order to HRN Management Group, Inc., in the amount of \$822.80, for renewal of employee appraisal program.

Seconded by Cassady.

VOTE: Katz – yes, Cassady – yes, Quigley – yes.

NEW BUSINESS

PURCHASE ORDER

Mr. Katz noted before reading the below resolution that the Township was saving approximately \$500.00 by purchasing Symantec Support through Info-Link as opposed to buying the support direct through Symantec.

RES.10-217 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO INFO-LINK TECHNOLOGIES, INC.

Motion by Mr. Katz to authorize the issuance of a purchase order to Info-Link Technologies, Inc., in the amount of \$1,491.67, for Symantec Support on Symantec Software.

Seconded by Cassady.

VOTE: Katz – yes, Cassady – yes, Quigley – yes.

EXECUTIVE SESSION

Motion by Mr. Katz to go into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of personnel, and purchase of property. The following were invited to attend: Township Counsel, Township Administrator, and Ms. Beth Hugh, Maintenance and Parks Director.

Seconded by Cassady.

VOTE: Katz – yes, Cassady – yes, Quigley – yes.

Motion by Mr. Katz to return to regular session.

Seconded by Mr. Cassady.

VOTE: Katz – yes, Cassady – yes, Quigley – yes.

RES.10-218 RETENTION OF STEPHEN D. MARTIN AS ADDITIONAL LEGAL COUNSEL.

Motion by Mr. Katz to retain Stephen D. Martin, of the law firm of Manos, Martin, Pergram & Dietz Co., LPA, as additional counsel to provide legal services in regard to obtaining an easement over certain property subject to an exclusive easement in favor of Suburban Natural

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Gas Company, sbm to ACO Pipeline Company. Such services shall be rendered in accordance with his Letter of Engagement dated April 13, 2010. Further, Mr. Martin may use paralegals and lower hourly rate attorneys in performing these legal services and shall be paid for such services in accordance with the hourly rates set forth in the schedule of General Hourly Billing Rates effective December 15, 2007, previously presented to the Board, up to a maximum of \$2,500.00.

Further resolved that a purchase order is established to Manos, Martin, Pergram & Dietz Co., LPA in an amount not to exceed the sum of \$2,500.00 for such purpose.

Seconded by Mr. Cassady.

VOTE: Katz – yes, Cassady – yes, Quigley – yes.

RES.10-219 ESTABLISH POSITION OF PARKS SPOT LABORER AND ESTABLISHING COMPENSATION FOR THE SAME.

Motion by Mr. Katz to establish the non-exempt non-bargaining unit position of Parks Spot Laborer, compensation for such position to be paid at the rate of \$11.00 per hour, together with such benefits as are mandated by law.

Seconded by Mr. Cassady.

VOTE: Katz – yes, Cassady – yes, Quigley – yes.

There was no further business, meeting adjourned at 10:37 p.m.

Nelson Katz, Chairman

John M. Cassady, Vice Chairman

Robert W. Quigley, Trustee

Attest: _____
Joel M. Spitzer, Fiscal Officer