

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: AUGUST 3, 2010**

BOARD MEMBERS PRESENT: Richard Kratz, Chairman
Dean Becker, Vice-Chairman
William Patterson, Member
Gordon MacElhenney, Member
Edward Savitsky, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Chuck Frantz, Township Engineer
John Moran Jr., Code Enforcement Officer
John Moran Sr., Road Master

Richard Kratz called the August 3, 2010 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

MINUTES: The minutes of the July 6, 2010 Board of Supervisors meeting were approved upon a motion made by Gordon MacElhenney and seconded by William Patterson. There were no public comments on the motion. The motion was passed by a vote of 5-0.

POLICE REPORT: The Board reviewed the PA State Police Report for July.

CORRESPONDENCE:

- **PSATS** – Alert Bulletin
- **TRAPPE AMBULANCE** – Copy of Trappe Ambulance Report

SOLICITOR’S REPORT: Kenneth Picardi reported on the following:

1. HYK – Mr. Picardi requested that two members of the Board attend a meeting with John Haines of HYK, and his attorney (Paul Ober) to review and hopefully resolve the remaining issues.
2. Shopping Center/LI District - Although there are no new developments with the Shopping Center, the new LI (Light Industrial) Zoning District Ordinance and Zoning Map revision are in the works. A public hearing on the LI Ordinances is scheduled for September 28th.

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3. Gambone (Conservancy Subdivision): (A). The issues among Gambone, Fontaine, and Bonenberger have been resolved. Those three parties resolved their differences by written Agreement. (B). The Tri-Party Agreement (among the Township, Gambone, and Cork Construction) was recently revised and circulated among the parties. Mr. Picardi informed the Board that he is awaiting comments from the other two parties.

4. T-Mobile – Calabretta – Hearing No. 7 was held on July 30th. Ed Vea, the Township’s radio frequency (RF) engineer, testified. Mr. Vea’s testimony concluded the Township’s case. The next witness was Randy Fried, the President of the Fox Heath Homeowners’ Association. There are two hearings scheduled in August, and the next Fox Heath witness will be Michael Frank, an experienced zoning and land planner.

5. Godshall Road Bridge Project – Mr. Picardi provided the Board with the following information as to the temporary and permanent easements that will be required if the Board decides to proceed with the bridge replacement project. This project will require the Township to acquire certain temporary and permanent easements on certain ground adjacent to the bridge. The adjacent property owners may not be willing to simply sign the Easement Agreements. If that is the case, the Township may need to consider taking the necessary easements by condemnation (eminent domain). This will require the Township to file a “Declaration of Taking. In order to determine the value of the easements, it will be necessary for the Township to have appraisals done. Doing this appraisal will take time; therefore, Mr. Picardi asked for direction from the Board.

ROAD MASTER’S REPORT: John Moran Sr. submitted to the Board his Road Master’s Report dated August 1, 2010 for activities taking place during the month of July.

FIRE MARSHALL’S REPORT: John Moran Sr. submitted to the Board his Fire Marshall’s Report dated August 1, 2010 for activities taking place during the month of July. In addition to his report, Mr. Moran indicated that he is lifting the ban on burning in Perkiomen Township.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated August 1, 2010 for activities taking place during the month of July.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held their monthly meeting on July 20, 2010. At that meeting, Representatives of Sun Power Builders/SunPower Solar presented plans regarding the construction of solar panels on property located at 182 Trappe Road.

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MANAGER'S REPORT:

1. Recycling Ordinance - Ms. Daniel presented to the Board Ordinance No. 207 which will replace our original Recycling Ordinance and will incorporate issues required by the PA Department of Environmental Protection. This Ordinance will control: Aluminum, Bimetal Cans, Bulk Items, Commercial Establishment, Community Activities, Corrugated Paper, County, Glass, Grass Clippings, High-Grade Office Paper, Hazardous Waste, Household Hazardous Waste, Industrial Establishment, Institutional Establishment, Landlord, Leaf Waste, Magazines and Periodicals, Mixed Paper, Municipality, Municipal Waste, Municipal Waste Collector, Newspaper, Plastic Containers, Person, Recyclable Materials, Recycling Containers, Rental Agent, Resident, Residual Waste, and Source-Separated Recyclable Material. It will require the registration of the Municipal Waste Collectors and sets forth the responsibilities of the Municipal Waste Collectors. The revised Ordinance adds the requirements related to Leaf Collection. The Ordinance sets forth the responsibilities of the rules, regulations, and obligations of the Township's residents. Add to these responsibilities are rules governing Leaf Collection. The Ordinance sets forth the responsibilities of rules, regulations, and obligations of any commercial, institutional, and municipal entity. The Ordinance establishes certain acts that are prohibited. In particular is a prohibition against burning such items that are listed as Leaf Waste, Municipal Waste, and Recyclable Materials. The last portion of the Ordinance covers the penalties and enforcement. Upon approval of this revised Recycling Ordinance, a signed copy must be sent to the PA Department of Environmental Protection (PADEP). Ordinance No. 207 is before the Board for consideration before submission to PADEP. Dean Becker made a motion seconded by Edward Savitsky to approve Ordinance No. 207 and submit the Ordinance to the PADEP. There were no public comments on the motion. The motion was passed by a vote of 5-0.

2. MS4 – Municipal Separate Storm Sewer System – At the July Monthly Meeting, the Board discussed the issue of joining the Southeastern PA Stormwater Coalition. Kent Morey of SSM contacted Ms. Daniel regarding a meeting he attended with representatives of the Southeastern PA Stormwater Coalition and certain municipalities in Berks County. Based upon the information that was discussed at this meeting, Mr. Morey related back to Ms. Daniel the benefits of joining this Coalition. First, it appears that the PADEP will be extending the deadline on obtaining a new NPDES Permit by 9 months. Second, Mr. Morey recommended that the Board consider joining the Coalition and pass the appropriate Resolution. As discussed in July, one of the important items is the TMDL Limits that the PADEP is imposing as part of the NPDES Permit. Mr. Morey pointed out that Perkiomen Township may not have the Total Maximum Daily Loads (TMDL) Requirement as part of the new permit. The concern is that PADEP may impose this requirement at any time even though the new permit is good for five years. The cost for Perkiomen Township to comply with the TMDL Requirement could be close to two million dollars. Based upon Mr. Morey's calculation, the present cost to join the Coalition is about \$1,200.00. Based upon present conditions, the limits that have been set for some of the TMDLs are not practical. By joining the Coalition the goal is to try and obtain practical TMDL Limits. The first step is for the Board to consider adopting the Resolution authorizing participation in the Coalition. After reviewing the information received from Mr. Morey, Dean Becker made a motion, seconded

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by Edward Savitsky approving Resolution 2010-9 and authorizing the participation along with other municipalities for legal, engineering, and legislative services as part of the Southeastern PA Stormwater Coalition. There were no public comments on the motion. The motion was passed by a vote of 5-0.

3. Open Space Grants: The Board discussed earlier this year the Restrictions and Covenants that Montgomery County wanted recorded against the Jones Property and the Huber Property. The Restrictions and Covenants were a condition of receiving Open Space Grant Monies from Montgomery County. The Board decided to decline the grant due to the Restrictions and Covenants. The Board's decision was communicated to the County's Open Space Coordinator, Devan Stewart. Mrs. Stewart requested a meeting to discuss the Board's concerns. The Board directed that David Allebach and Cecile Daniel meet with Mrs. Stewart and see if there were grounds of compromise. Based upon that meeting, Mr. Allebach revised the Restrictions and Covenants. Before the Board were the revisions as drafted by Mr. Allebach. Before the revised Restrictions and Covenants are sent to Mrs. Stewart, Mr. Allebach wanted to make certain that he had incorporated the concerns of the Board. The Board reviewed Mr. Allebach's revisions and found them to be satisfactory. The Board authorized that the revised Restrictions and Covenants be forwarded to Mrs. Stewart for the County's consideration.
4. February 2010 Snow Event: In May, Ms. Daniel indicated that a request was received from Montgomery County regarding the cost to Perkiomen Township during the February 2010 Snow Event. This information was forwarded to Montgomery County as part of a request to have Montgomery County included in the Pennsylvania Emergency Declaration. Perkiomen Township was recently notified that Montgomery County was included in the Pennsylvania Emergency Declaration. Due to timing, an applicant's briefing has been set for August 4, 2010 so that the applications can be reviewed with representatives of PEMA and FEMA. Part of that paperwork is a Resolution authorizing an agent as the person who will be executing the documents on behalf of Perkiomen Township. Since this is an Emergency Declaration, William Patterson, as the Township's Emergency Management Coordinator, has been listed as that person. FEMA is requiring that this authorization be approved by Resolution and certified by the Township Secretary, Cecile Daniel. Dean Becker made a motion seconded by Gordon MacElhenney to approve Resolution 2010-10 authorizing William Patterson, Perkiomen Township Emergency Management Coordinator and certified by Cecile Daniel. There were no public comments on the motion. The motion was passed by a vote of 5-0.
5. Perkiomen Greene: Three landscapers were contacted regarding the removal of the trees in the Open Space behind Cornwallis Way. The landscapers looked into the area behind 1144 and 1146 Cornwallis Way. Mr. Moran and Mr. Frantz discussed with Ms. Daniel the information obtained from the three landscapers as well as the possibility of the Road Crew trying to clean up some of the area. At this time it is unclear how much of the area slopes toward the School House Run, but the sloping of the site is a concern. Mr. Frantz also investigated the request of the property owner of 1146 Cornwallis. Mr. Frantz indicated that the two trees referenced in Mr. Caccavo's letter were not dead, but the canopy overhangs into

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the property. Of the three landscapers, two submitted quotes to the Township. The cost to clear out the trees that were felled was close to four thousand dollars. As a result, Mr. Moran and Ms. Daniel will try to see how much the road crew can clean out and maybe re-evaluate the cost to clean what the road crew cannot. As to the two trees at 1146 Cornwallis Way, Mr. Frantz recommended that the trees not be taken down because they were healthy, but instead that 3-4 branches that overhang onto the property be removed. The cost to complete this work ranged from \$800.00 to \$1,800.00. A resident questioned whether the work might be cheaper if the work was done in the winter. It was explained that a large part of the problem is access and the sloping of the site. The area where the tree limbs need to be cut is not easily accessible and doing the work during the winter could be worse. After discussing the request from Mr. Caccavo and the cost to remove the lower branches that overhang into the backyard of the property, Edward Savitsky made a motion seconded by William Patterson to approve the quote received from Diamond Lawn & Landscaping to remove the lower 3-4 branches at a cost of \$800.00. There were no public comments on the motion. The motion was passed by a vote of 5-0.

ENGINEERS REPORT: Chuck Frantz reported on the following items:

1. 2010 Road Project: Mr. Frantz explained that a preconstruction meeting was held on July 15, 2010. A number of items were discussed at the meeting including the projected start date for the project which was set for August 10, 2010 with a completion date of August 31, 2010. The Township has sent notifications to those residents directly affected by the proposed work. On a related note, John Moran has contacted PK Moyer to help complete base drain work along Trappe Road within the project area included in the 2010 Road Projects. PK Moyer will be completing the installation which was started by the Township Road Crew last year. Due to timing, it is important that PK Moyer complete the base drain work prior to Reading Site beginning work on Trappe Road.
2. Kagey Road Stormwater Improvement Project: Mr. Frantz explained that bids were received by the Township on July 29th and opened on July 30th. Six contractors purchased specifications for the project and three (3) bids were received. Of the three bids received, Dan Malloy Paving, Inc. of Downingtown, PA was the lowest bid in the amount of \$24,810.00. Mr. Frantz informed the Board that he reviewed the paper work as submitted and recommended that the Board award the Kagey Road Stormwater Improvement Project to Dan Malloy Paving, Inc. in the amount of \$24,810.00. With the recommendation of Mr. Frantz, Dean Becker made a motion seconded by Edward Savitsky to award the Kagey Road Stormwater Improvement Project to Dan Malloy Paving, Inc for \$24,810.00. There were no public comments on the motion. The motion was passed by a vote of 5-0.
3. AQM – 2010 Garage AC Replacement Project: Mr. Frantz informed the Board that he received a request from AQM for Payment Application #1 in the amount of \$18,468.00. The remaining balance amount of \$972.00 represents the 5% retainage that the Township would be holding until AQM completes the outstanding punchlist items. Mr. Frantz found the payment request to be complete and recommended that the Board approve the payment. With

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the recommendation of Mr. Frantz, Dear Becker made a motion seconded by William Patterson to approve AQM's Payment Application #1 in the amount of \$18,468.00. There were no public comments on the motion. The motion was passed by a vote of 5-0.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of July. After review of same, Gordon MacElhenney made a motion seconded by Edward Savitsky to authorize payment of the July bills. There were no public comments on the motion. The motion was passed by a vote of 5-0.

OLD BUSINESS:

Godshall Road Bridge: Mr. Frantz described the work that SSM has done over the last two years in discussing and planning the work necessary to replace the Godshall Road Bridge. This work began in response to the PennDOT inspection report prepared in March of 2007 by Erdman and Anthony on behalf of PennDOT. There was one recommended action item contained in the report that dealt with guiderail modification that was a Priority Code 1 that required "quick attention" by the Township. This item was promptly addressed as part of the Township's 2008 Guiderail Project; however, the Township decided to be proactive with regard to the recommended repairs and address items contained in the report regardless of their priority code. By March of 2009 another inspection report was completed by McCormick Taylor on behalf of PennDOT. It was still the intention of the Township to proceed with maintenance of the bridge in accordance with the recommendations contained in the report. The Township requested that SSM develop an opinion of probable costs for the maintenance work in order to budget sufficient funds to cover the project in 2010. SSM's initial budgetary estimate for the repairs was approximately \$175,000. Given this repair number, the knowledge that the Seitz Road Bridge had just been replaced for approximately \$250,000 and the fact that the worsening economy was creating a very competitive bidding market for capital improvement projects, the Board requested SSM provide them with a budgetary number for replacing the Godshall Road Bridge with the idea that a new bridge would not be much more expensive with the added benefit of having a new structure with a useful life of at least 70+ years. Based on this information the estimated cost to replace the Godshall Road Bridge was approximately \$300,000 to \$350,000. Based upon this information, the Board decided to pursue replacement of the Godshall Road Bridge. After the preliminary design was completed for the replacement of the bridge a more refined cost estimate was developed. The result was a higher cost than what was originally estimated. As a result, the Board decided to have SSM explore additional options. The options that were explored were: (1) complete replacement of the bridge with a prefabricated ConSpan structure similar to Seitz Road, (2) replacement of just the deck structure or (3) complete only maintenance in accordance with the report. After review of these options, the Board decided to continue to pursue the complete replacement option with an eye on going to construction in the summer of 2011. With that decision in mind, the Board held a meeting with the three project area residents (Abbott, Nice, and Mruskovic). At that meeting the residents expressed their concerns and asked their questions. Based upon those concerns and questions, the Board directed SSM to meet individually with each of the three property owners. After meeting with two of the three property owners, the Board held another meeting to discuss the project. At the meeting, there were additional questions raised by the property

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owners. Per the direction of the Board, SSM investigated these questions and presented their findings at this meeting:

1. Bridge Sufficiency Rating – One of the questions raised by the property owners was why replace a bridge with a sufficiency rating of 91, as stated in PennDOT’s List of Bridges on Locally Owned Roads Data Base for Sufficiency/Condition Ratings. A bridge’s sufficiency rating is defined as follows:

“The numerical rating of a bridge based on its structural adequacy and safety, essentiality for public use, and its serviceability and functional obsolescence.” – Federal Highway Administration’s “Federal Aide Policy Guide”

The main objective of a sufficiency rating is to provide a metric for determining when a bridge is eligible for federal funding assistance. A sufficiency rating of less than 80 is required to qualify for federal funding for bridge repairs. To qualify for federal assistance for replacement, a bridge must have a sufficiency rating of less than 50 and be either functionally obsolete or structurally deficient. In the case of the Godshall Road Bridge, the “essentiality for public” component will have a high rating as the bridge sees Average Daily Trips (ADT) of less than 100 which means a small percentage of the general public regularly use this bridge. Also, the “serviceability and function obsolescence” component is very good as the geometry of the bridge; approach conditions, alignment, etc. meet current design standards. These two components, which comprise 45% of the sufficiency rating, help keep the bridge’s sufficiency rating rather high. Additionally, upon discussion with the PennDOT District 6 Bridge Unit, we were informed that the condition ratings (0-10) provided in the inspection reports are the more appropriate factors to consider when determining the future of this particular bridge since the basis of the decision to replace the bridge will be more structural related and not based on the serviceability or functional obsolescence. In conclusion, the sufficiency rating can and should be considered when deciding to replace or repair a bridge; however it should not be the sole basis for such a decision.

2. Lead Based Paint Overcoating - The main factor in the estimated cost of repairs for the bridge is the need for blast cleaning and painting of the superstructure which is currently coated with lead-based paint. The question was asked as to whether or not an overcoat could be used in lieu of blasting cleaning and painting to avoid the need for costly lead based paint removal and containment. Upon researching lead based paint overcoating and discussing this option with a contractor who does bridge and highway construction, it is SSM’s opinion that the condition of the existing paint (rust and flaking) would likely pose a significant risk of early failure and disbondment. This is very similar to applying a coat of paint to any painted surface; where you must remove loose or flaking portions of the existing surface in order to provide a proper surface for the new coat to bond to. In the case of the Godshall Road Bridge, the surface area which would require removal will most likely result in the need for blast cleaning and full containment thus not realizing significant savings over what was previously estimated.
3. Appearance of Proposed Replacement Structure – The project area residents voiced their concern that the appearance of the replacement structure will be cold and too utilitarian, making comparisons to urban highways or freeways. As previously pointed out to the Board and to the residents at the last meeting, there are a number of options that the Township may pursue with

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regard to the final appearance of the bridge. Mr. Frantz presented to the Board pictures of examples showing different applications that can be added to enhance the ambiance of the final product. Mr. Frantz pointed out that these “upgrades” will add approximately \$30,000 to \$40,000 to the price of the structure and, depending on the type of upgrade, may result in maintenance responsibility for the Township during the lifecycle of the bridge.

4. Seasonal Window for Completing Work – A concern was the weddings and events scheduled to take place at the Barn at Birchwood in the lower “grove” of the Birchwood Property. The concern is visibility by the Birchwood property guests of the associated construction vehicles / activity. Due to the need to manage normal stream flow during construction, it is important that the work be conducted during the “dry” season of the year (low stream flow), which means during the traditional summer months (June through August). While the project may be able to shift the start or completion of work by a few weeks, the majority of the construction timeframe (anticipated 12 weeks), will need to take place during the summer. As previously discussed, SSM and the Township will try to work with the Contractor and the Barn at Birchwood to provide for “off-site” storage of vehicles and materials during construction which can be utilized on weekends to reduce the visual impact to the Barn at Birchwood and their customers. Any substantial shift away from the summer months could result in additional costs for stream bypass and an increased risk of work area washout from precipitation events. Excavation and concrete work associated with replacement of the bridge make late fall, winter and early spring unreasonable timeframes for completing work due to cold temperatures.

5. Do Nothing Now Option - Both the project residents and Board inquired as to what “penalties” or consequences the Township could face if the Board decided to do nothing to the bridge at this time. The two main agencies identified for potential sanctions as part of this option were the Pennsylvania Department of Environmental Protection (PADEP) and the Pennsylvania Department of Transportation (PennDOT). Upon further research and discussion with SSM staff and the state, it has been determined that the Township would not be subject to any immediate sanctions from either entity should the decision be made to do nothing. PennDOT uses a priority code system for recommended improvements which are based on the condition ratings assigned to the different aspects of the bridge with 0 priority rating being “critical maintenance” and 5 being “routine non-structural maintenance”. Priority code 0 typically requires “immediate action” (within 7 days) and code 1 typically requires “quick action” (within 6 months). Currently, none of the recommendations for the Godshall Road Bridge are at priority codes 0 or 1. There are, however, a number of recommended actions at priority code 2 and priority code 4. If the Township elects to do nothing right now, these recommended actions will continually gain higher priority until they reach a code 1 and the Township is forced to take action as noted above or risk having the bridge closed or posted. In the 2009 inspection report, the items listed under priority code 2, which is just one level away from requiring attention within six months, includes a guiderail end treatment modification (not mentioned in 2007 report), repair of deteriorated concrete on the bridge deck (also priority code 2 in 2007 report), and resetting a lateral clearance marker (priority code 3 in the 2007 report). It can be reasonably expected that one or all of these items will become a priority code within the next 2-8 years. These items could be completed by the Township for an estimated range of \$10,000 to \$15,000. Perhaps of more importance for the Township is the paint condition of the superstructure. Based on current condition rating,

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recommended maintenance priority codes and cost estimates, it would appear that the paint condition will be the critical item that may eventually force the Township to address maintenance versus replacement of the bridge at a future date. It is worth noting that the beams are painted to protect the steel members from rust and deterioration from natural elements. If the Township elects to not paint the superstructure, the steel beams will continue to deteriorate which may result in an accelerated drop in the condition ratings for the superstructure. Mr. Frantz concluded his presentation by informing the Board that based on the condition ratings contained in the bridge inspection report; the bridge does not need to be replaced at this time. However, given the facts that the bridge is 75 years old, will require some degree of repair in the near future with the certainty of a major repair (blast cleaning and painting) within 10-20 years and the current bidding environment; replacement of the bridge would appear to be the more economically practicable decision at this time. If it is the Township's decision to not replace the bridge at this time, rather than doing nothing, SSM would recommend that the Township initiate the repairs currently given priority code 2 status in the current inspection report. Additional consideration should also be given to repairing the fascia beams (outer steel beams which are encased with concrete) which have rather significant deterioration and may pose a safety threat from pieces falling from the structure. In order to keep to the current construction timeline of re-constructing the Godshall Road Bridge in 2011, the Board needs to make a decision now as to which direction they wish to move. Mr. Frantz informed the Board that should the Board decide to move forward with this replacement, the money to pay for this project should come from the General Fund and not the Liquid Fuels Fund. Using Liquid Fuels Money could add 3 to 6 months to the permitting process since PennDOT would be involved in reviewing and approving the project. Upon discussion with the Township Manager, it would appear that it is financially possible for the Township to undertake the bridge replacement option without utilizing Liquid Fuels Money. If this is a possibility, Mr. Frantz's recommends that the Township not use Liquid Fuels Money for replacement of the bridge in order to reduce permitting time and avoid additional design cost to the project.

The Board listened to Mr. Frantz's presentation and Dean Becker made a motion seconded by Gordon MacElhenney to approve the replacement of the Godshall Road Bridge by December 31, 2011. The motion to replace the Godshall Road Bridge was based upon the Township's ability to take advantage of competitive pricing for improvement projects in the current economic climate. The Board indicated their preference to incorporate the upgrades to the aesthetics as part of the bridge replacement design. Upon completion of the motion, Mr. Nice indicated that he would like to see that the aesthetics continue as a part of the project. Mr. Smith disagreed due to the added cost not only related to the initial installation, but the continued maintenance upkeep. After listening to the comments of the residents, the Board passed the motion by a vote of 5-0. The Board then directed Mr. Frantz to work with the project residents in trying to address their concerns when completing the final design.

There being no further business, the meeting was adjourned upon a motion made by Dean Becker and seconded by Gordon MacElhenney.