

Held

February 10, 2009

OPENING OF MEETING

Mr. Ritter called the meeting to order at 5:00 PM. Mr. Fiedeldey, Mr. Wolterman, and Mrs. Harlow were in attendance.

EXECUTIVE SESSION

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing the appointment of public officials, specifically zoning officials, employment and compensation of public employees, and pending litigation.

At 5:01 PM, Mr. Fiedeldey made a motion to enter executive session and Mr. Wolterman offered the second. No discussion and the roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Mr. Ritter reconvened the meeting at 7:05 PM. Mr. Reuter said no decisions or actions were made in executive session.

INVOCATION

Mr. Ritter offered the invocation.

PLEDGE OF ALLEGIANCE

All recited the pledge of allegiance.

APPROVAL OF MINUTES

Mr. Ritter asked for corrections to the November 13, 2007, regular meeting minutes. There were none. Mr. Ritter motioned to approve the minutes and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Abstain"

Mr. Ritter asked for corrections to the January 13, 2009, regular meeting minutes. Mr. Fiedeldey requested that under the discussion about Resolution 04-09, that the Colerain Township Business Association's mission statement be added. Mr. Fiedeldey moved to adopt the minutes as amended and Mr. Ritter offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

PRESENTATIONS**Electric Aggregation**

Mark Burns with Independent Energy Consultants approached the Board about electrical aggregation. He discussed a program which will offer some residents a discount on their electric bill. He said those with electric heating would not benefit and would not be included in the program. He said this is an optional program and residents can "opt-out" of the program. It is a fixed rate over the term of the contract.

Mr. Ritter asked about the flex-down option. Mr. Burns said this is a gas aggregation product. Mr. Ritter asked about a guarantee of savings. Mr. Burns

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said there is no guarantee of savings, but he showed forecasts from Duke and Dominion.

Mr. Fiedeldey asked about the rate for 12 months and 19 months. If we go with the 19 months, the costs are the same for all months. Mr. Burns confirmed this. Mr. Fiedeldey said his understanding is that Duke can lower their rates when they learn Dominion's rates. He said there might be a hidden benefit to keep Duke in check.

Mr. Wolterman asked about deregulation. In Texas, deregulation actually increased energy costs in the state. Mr. Burns said this is a fixed rate for 19 months and this is some protection. Residents maintain the right to leave at any time.

Mr. Ritter compared Dominion's rates with Duke's.

Mr. Ritter indicated that a representative from Duke Energy was in attendance. Mr. Ritter said he doesn't want to get into a debate, but sees this as capitalism at its finest.

Marvin Blade, community relations manager with Duke Energy, approached the Board. He applauded the Board for considering this and said they are pleased that Mr. Burns would not include customers who would not benefit. Mr. Blade said they are here to provide information.

Mr. Ritter said that he keeps coming back to the difficult financial environment and sees this as one less risk to residents. He is inclined to look at the 12-month term since that would be co-terminus with the gas aggregation contract.

Mr. Foglesong asked Mr. Burns about time-lines. He said that the rates are changing, but to make the May meter-reading date, a decision would be needed in 10-14 days.

Mr. Fiedeldey asked about the length of the gas, electric and Mr. Burns' contracts. He would support the 19-months.

Mr. Wolterman likes the 19-month term. He asked about the rates for Duke. He would like the next two weeks to review this and make a decision at the next meeting. Mr. Ritter agreed.

Clippard Park Design

Mark Harmon with Brandstetter Carroll, the design consultants for Clippard Park, showed and explained the current plans for the park.

Mr. Ritter said they have been through the design several times. He said the economic news is getting worse everyday. He said we may want to exercise some caution, until the economy gets better and our risk is less. He asked if there are any components that can be changed to reduced costs, but without losing the look and feel of the park. Mr. Ritter suggested we could phase-in the spray-ground.

Mr. Fiedeldey shares Mr. Ritter's concerns. He asked about the costs of the restrooms. He suggested an all-brick or all-stone construction might be less costly than a combination. Mr. Harmon said there is room to move and change.

Mr. Wolterman said this could be done in a modular basis. He said this park is going into a neighborhood that will cause much pride in the neighborhood. He said you can always cut, but we must build the best park with the best materials

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that we can afford. He suggested we move forward on the plan, as presented. If there are items we want to delay, we allow that to happen, but as the presentation is made and as the public has been involved, this is the plan we have come up with. Let's move forward! Mr. Wolterman noted that Mr. Schwartzhoff has secured over \$300,000 in grants for this park.

Mr. Wolterman moved that we move forward with the process. Mr. Ritter offered the second.

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Mr. Ritter discussed the financing of the project. He would be in favor of five-year notes on this project. Mr. Fiedeldey said that is prudent, we should test the waters. Mr. Foglesong said the most recent interest rate with a five-year term is 2.96%.

The Board agreed to move the presentation about Home Rule to next month.

POLICE REPORTS

In Lt. Schoonover's absence, Mrs. Harlow read the report that was previously e-mailed to her:

The following statistics were generated in December 2008:

- 110 cases were assigned to the Sheriff's Criminal Investigation Section and 43 were closed, with \$64,475.00 in stolen property recovered.
- 5 D U.I. arrests by County contract and non-contract Deputies.
- 115 citations were issued by Hamilton County Sheriff's Office Colerain Contract Cars.
- 90 cites by non-contract Deputies with a total of 205.

Police Chief Meloy said the Township's department issued 399 citations with 5 arrests for DUI.

CITIZEN ADDRESS

Steve Hamburg, an 18-year resident of Colerain Township, lives behind Colerain High School and drives frequently on Yellowwood Drive. He said there is yellow caution tape draped over some wires on the street, going down to a foreclosed house. He doesn't understand how we can have this right across the street from the township building. He said we need to be better stewards of our environment. He offered a potential solution: get ahold of the banks and drive the banks to fixing the problems when they arise. He's tired of the sloppy township he's not proud of living in anymore. Mrs. Hamburg added that it was three feet off the top of the cars.

Chief Meloy said their procedure is to notify the communications center, who will determine who to contact and then make the notification of the proper agency. Chief Meloy said they will follow-up on this.

Another citizen, who was not identified, approached the Board about wires down on Pippin Road, a similar situation. She will follow-up with Officer Sharp.

Mr. Ritter said there is some legislation to improve the responsiveness with the banks holding foreclosed homes. Dr. Roschke said it is a nightmare to contact the banks. She said Zoning and the Fire Department share contact information,

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where available. Mr. Ritter asked the Board be e-mailed if updates on the legislation arise.

TRUSTEE REPORTS

MR. FIEDELDEY

Pass.

MR. WOLTERMAN

Mr. Wolterman said he has spoken in the past about the Economic Development committee to look at the development in Colerain Township and work with Mr. Birkenhauer. He said the purpose of the committee would be to provide a forum for business owners and residents to assist the efforts of the Director of Economic Development. The committee shall seek to visualize and create opportunities to recruit and retain business in Colerain Township. He said the membership would be two appointees by each trustee and the seventh and eighth members would be representatives from the Colerain Township Business Association and the Hamilton County Development Corporation. This could be a stimulus to be creative and assist Mr. Birkenhauer in working with the businesses. We've done a poor job of communicating with our businesses. He suggested we design a communication quarterly to show what is happening, this is where we're going and we need your input.

Mr. Ritter said more ideas are needed, not fewer. He is very supportive. He asked for a date to have the two members.

Mr. Wolterman would like to have it on the 24th. He said this is an advisory committee.

Mr. Fiedeldey asked about the grants. Mr. Birkenhauer said HCDC is the facilitator of the grant money. Mr. Fiedeldey said we are zeroed in on two designers and it's time we decide who to pick. The three groups – the Township, the designers, and HCDC -- must work together.

Mr. Wolterman said the Board should have their recommendation of the committee members by the 24th. Also, the Board agreed to have a date to do the second interviews of the designers.

MR. RITTER

Pass.

NEW BUSINESS

ADMINISTRATION

Stonecreek Tax Increment Financing

Mr. Birkenhauer said he is requesting the Board pass the renewal of the Stone Creek TIF. He said that we have changed the term to eight months so we can receive the second half settlement from the auditor and then renew in one-year increments thereafter.

Mr. Birkenhauer read Resolution 11-09, which authorized the issuance and sale not to exceed \$4,395,000 of tax increment revenue renewal notes.

Mr. Wolterman made such motion and Mr. Ritter offered the second.

Mr. Brossart with 5/3 Bank discussed the notes.

The roll was called:

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Mr. Fiedeldey. "Aye"
 Mr. Ritter. "Aye"
 Mr. Wolterman. "Aye"

UNFINISHED BUSINESS**PUBLIC WORKS****Stimulus Package Meeting Update**

Mr. Mc Clain said, in response to the January 13, 2009 directive from the Board, I attended the "Stimulus Package" Meeting hosted by Congressman Steve Driehaus held at City Hall on January 16th (along with Trustee Wolterman).

Congressman Driehaus could not give figures or specific dates but expounded that a stimulus package from the federal government would be forth coming soon and encouraged us to have projects "Shovel Ready" for expediency of response.

We currently have 1.5 million dollars worth of road repair projects that can be put out to bid with short notice and we are working on extending this list.

We will continue to keep you appraised as the stimulus package develops.

Salt Dome Replacement Shingles

Mr. McClain said the roof shingles on the salt dome were damaged (missing and loosened) from the September 14, 2008 wind storm severely enough to warrant replacement. Our insurance company has approved of the expenditure and we will pursue going out to bid. Once bids are received and reviewed we will come back to the Board with the results. The lower of two price quotes we received was \$41,750 which is above the \$25,000 mark that requires a bidding process.

ZONING**ZA2008-05 Journalization**

Dr. Roschke read Resolution 12-09, "Adopting Text Amendments to the Zoning Resolution Relating to Outdoor Wood Furnaces."

Mr. Wolterman made such motion and Mr. Ritter offered the second. The roll was called:

Mr. Fiedeldey. "Nay"
 Mr. Ritter. "Aye"
 Mr. Wolterman. "Aye"

Litter Clean-Up Grant

Dr. Roschke said that we have received the grant from the Ohio Department of Natural Resources. She said the funds will go toward the purchase of litter-pickup equipment and supplies for the Colerain Community Association as well as to sponsor an essay contest.

Mr. Wolterman made a motion to accept the grant and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
 Mr. Ritter. "Aye"
 Mr. Wolterman. "Aye"

LEGAL**CTBA Membership**

Mr. Reuter said that he provided an opinion to the Board, which states the expenditure is lawful and membership is not a conflict.

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Mr. Wolterman appreciates his work.

Mr. Fiedeldey said that his question was whether or not we have statutory authority and in his opinion it says we do not. This is his issue with it. How can he make this opinion as an active member of the CTBA?

Mr. Reuter said we derive authority from several areas and just because you can't point to it does not mean you can't do it. He described expressed authority versus things you are not expressly prohibited from doing. Mr. Reuter said he is not a member of the CTBA as he let his membership lapse.

NEW BUSINESS

FIRE DEPARTMENT

Pay Rate Changes

Chief Smith requested the following pay increases:

Name	New Rate/hour	New Rank	Effective date
William T. Benderman	\$14.08	FF/EMT/FAO	1-12-09
Michael E. Hilton	\$14.08	FF/EMT/FAO	1-12-09
Keith Lainhart	\$14.94	FF/Medic	1-20-09
Eric Dauer	\$14.94	FF/Medic	1-30-09

Mr. Fiedeldey made such motion and Mr. Wolterman offered the second. The roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Part-Time Hires

Chief Smith requested the Board hire the following as part-time firefighter/EMTs, at the rate of a first-year recruit, \$12.58/hour, effective 1-27-09:

- Michael Davis
- Andrew Greenlee
- Mathew Helton
- Thomas Holland
- Andrew Meyer
- Patrick Wolterman
- Jeffrey Wurtz
- Terrence Zellars

Mr. Fiedeldey made such motion and Mr. Ritter offered the second. The roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Abstain based on relationship with one of the clients"

POLICE DEPARTMENT

Donation Acceptance

Chief Meloy said Wal-Mart "North" donated \$2,000.00 to the Police Department to support our law enforcement operations

Mr. Wolterman made a motion to accept the donation and Mr. Fiedeldey offered the second. The roll was called:

- Mr. Fiedeldey. "Aye"

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Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Pay Journalization

Effective January 30, 2009, per collective bargaining agreement, Officer Christopher Cullman will receive an "annual" step increase. He will move from "Step 4" to "Step 5" at an annual wage of \$60,907.62. Copy of "journalization" already forwarded to Fiscal Officer.

Effective February 13, 2009, per collective bargaining agreement, Officer Richard Bernecker will receive an "annual" step increase. He will move from "Step 4" to "Step 5" at an annual wage of \$60,907.62. Copy of "journalization" already forwarded to Fiscal Officer.

ZONING**Nuisance Resolution**

Dr. Roschke read Resolution 13-09, which authorized the abatement, control or removal of any vegetation, garbage, refuse or other debris.

The Board asked about the address on Deshler. Dr. Roschke said this is debris from the September storm and they have been given proper notice. Mr. Wolterman asked what we will charge. Dr. Roschke said the administrative fee is \$250. The Board agreed to remove the address from the resolution.

Mr. Wolterman made a motion to approve the resolution, with the deletion of the Deshler address, and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Resolution Removing Special Assessment

Dr. Roschke read Resolution 14-09 which called for the removal of parcel 510-31-325, 2429 Wilson from the Record of Special Assessment for payment on or before December 31, 2009.

Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

UNFINISHED BUSINESS**ADMINISTRATION****Trash and Debris Pick-Up Policy**

Mr. Foglesong discussed the policy.

Mr. Wolterman asked about stating this policy to the residents and suggested our website, newspaper, newsletter. Mr. Foglesong said these methods would be used.

Mr. McClain said we have over 50 locations with debris in the right of way from the storm. Mr. Fiedeldey suggested on these that we just go pick up the limbs without going through the whole long process, end of story. Mr. McClain said he is fine with this, for this particular storm.

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Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

FISCAL OFFICER REPORT

Mrs. Harlow asked for approval of payroll, purchase orders, and receipts.

Mr. Fiedeldey made such motion and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

The Fiscal Officer has recorded the following receipts:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
20-2009	CT Sr. Center	Prog Fees, Rent Event Dep, Rm Rent, HDM Don, Trans Don, Lunch	1,981.56
21-2009	CT Fire & EMS	EMS Billings	50,426.91
22-2009	CT Police Dept.	Juvenile Traffic Fines Dec	68.50
23-2009	CT Police Dept.	Salary Reimb	429.08
24-2009	CT Police	Drug Fines, State Parking Fine, DUI Fines	1,128.10
25-2009	D. Foglesong & F Birkenhauer	Cell Phone Usage	31.00
26-2009	Home Depot	PD - Return of Payment	196.76
27-2009	CT Fire & EMS	Cit Acad Reimb, Comm, CTTC Rent, Signs, Auction Sale, Refund, FEMA	41,443.28
28-2009	Home Depot	Refund/Overpayment	129.08
29-1008	Rumpke Sanitary Landfill	Dec. Solid Waste Fees	79,788.29
39-2009	CT Sr. Center	Prog Fee, PC Don, Rent even Dep & Fees, HD Don, Tran Don, Lunch	1,514.35
31-2009	CT Police Dept.	Forfeited Funds	1,492.00
32-2009	CT Police Dept.	Drug Test Reimb	20.00
33-2009	Abitibi Consolidate Corp	Paper Recycling	88.59
34-2009	CT Police Dept.	Court Reimb	6.00
35-2009	CT Zoning Dept.	Certificates	270.00
36-2009	CT Police Dept.	Court Reimb	30.00
37-2009	CT Fire & EMS	Overpayment, Rept, Signs, Cell Calls	687.75
38-2009	CT Fire & EMS	EMS Billing	21,285.34
39-2009	CT Sr. Center	Prog Fees, HDM Don, Tran Don, Lunch	369.35
40-2009	CT Zoning Dept.	Certificates, BZA	630.00
41-2009	CT Police Dept.	Court Reimb	12.00
42-2009	CT Public Works	Sale of Car	948.13
43-2009	CT Police Dept.	Court Reimb	66.00

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44-2009	CT Police Dept.	Court Reimb	6.00
45-2009	Home Depot	Refund of Overpayment	11.65
46-2009	CT Fire & EMS	Plan Review	75.00
47-2009	CT Parks & Services	Auction Sale Items	2,234.80
48-2009	F. Birkenhauer & D. Foglesong	Cell Calls	32.00
49-2009	Dusty Rhodes, Auditor	2008 Exempt Personal Property Reimb	9,492.28
50-2009	Dusty Rhodes, Auditor	Dec Gas Tax	26,602.08
51-2009	Dusty Rhodes, Auditor	Municipal Court Fines Dec	4,805.13
52-2009	Dusty Rhodes, Auditor	Motor Veh Dec, Local Gov Hgwy Jan, Permissive MV Dec, LGF Jan	115,369.22
53-2009	CT Police Dept.	Court Reimb	30.00
54-2009	CT Police Dept.	Northwest Local School Dist Reimb Salaries	16,420.14
55-2009	CT Police Dept.	Court Reimb	12.00
56-2009	CT Zoning Dept.	Certificates	70.00
57-2009	CT Parks Dept.	Auction Sales	386.65
58-2009	CT Fire & EMS	Plan Reviews	150.00
59-2009	Time Warner Cable	Refund on Account	58.08
60-2009	CT Fire & EMS	Payment from Adm. On Inv. 01-3451	0.00
61-2009	CT Administration	Postage Reimb/Fire Dept	0.00
62-2009	CT Police Dept.	Inv for VCSE Pre-employment Exams for Fire Dept.	0.00
63-2009	CT Administration	Postage Reimb. From parks	0.00
64-2009	CT Administration	Postage Reimb from Police Dept.	0.00
65-2009	Council on Aging	COA Dec	11,006.43
66-2009	Dept. of Justice	DOJ Dec	975.00
67-2009	Star Ohio	Star Div	3,915.26
68-2009	Fifth Third Bank	Now Acct Int Dec	9,398.46
69-2009	Fifth Third Bank	Gen'l Acct Int Dec	5,330.86
70-2009	Fifth Third Bank	Inv Int Earned on Bonds Already Closed	25,375.00
71-2009	CT Fire & EMS	Cell Calls, CPR, Rept, CTTC Rent, Donations, Training Reimb, Name Plates	8,805.23
72-2009	CT Fire & EMS	EMS Billing	48,953.65
73-2009	CT Public Works Dept.	Snow Removal	654.75
74-2009	CT Police Dept.	Court Reimb	24.00

Mrs. Harlow requested the Board make a transfer from the General Fund into the Fire District Fund. The amount is \$15,000.00 from 1000-9910-910-0500 transfers out to 2111-931-0000 transfers in. This is for the fourth quarter lease payments for the CTTC from Rumpke. Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
 Mr. Ritter. "Aye"
 Mr. Wolterman. "Aye"

**RECORD OF PROCEEDINGS
REGULAR**

Minutes of _____

Meeting _____

BARRETT BROTHERS, PUBLISHING, SPRINGFIELD, OHIO

Form 6101

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Mrs. Harlow said she has received several notices from the Ohio Division of Liquor Control.

- A hearing for the New Permit Application for Bevis Group, LLC at 4344 Dry Ridge Road for March 11, 2009 at 11AM in Cincinnati City Hall.
- A transfer from UDF Limited Partnership I DBA United Dairy Farmers 107, 3600 Banning Road to UDF Limited Partnership I DBA United Dairy Farmers 107, 3610 Blue Rock Road.
- A transfer from GMRI Inc., DBA the Olive Garden Italian Restaurant, 3725 Stone Creek Blvd., to N & D Restaurants Inc. DBA The Olive Garden Italian Restaurant 1768, 3725 Stone Creek Blvd.
- A transfer from GMRI Inc, DBA Red Lobster #110, 3564 Springdale Road to N and D Restaurants, Inc., DBA Red Lobster #110, 3564 Springdale Road.

Mrs. Harlow said she spoke with Chief Meloy and Dr. Roschke who did not see the need to request a hearing on the transfer requests. The Board agreed.

PUBLIC HEARING – ZA2008-04 Wind Turbine (continuation)

Dr. Roschke said she was requested to get some more information about the wind turbine decibel levels. She provided reviews of Federal noise abatement guidelines and wind turbine industry noise measures. She feels 60 DB at the property line is acceptable, as it is well within Federal guidelines.

Mr. Fiedeldey moved to open the public hearing. Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Walter Ornella of 3315 Nandale Drive said they are putting some limitations on future energy needs, especially with industry.

Mr. Fiedeldey moved to close the public hearing. Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Mr. Ritter suggested the decibel level be lower to 55.

Mr. Fiedeldey suggested it be like the noise ordinance.

Mr. Wolterman said it is dynamic process

Mr. Ritter suggested new language for section 10.2.2 (L) (6) requiring compliance with the Township Noise Resolution, rather than a set decibel limit .

Mr. Wolterman moved to approve the recommendation of the Zoning Commission, with the new language for section 6 and that it be reviewed by counsel. Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

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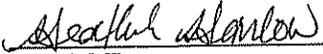
ADJOURNMENT

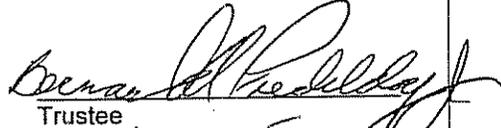
With no further business to come before the Board, at 9:48 PM, Mr. Wolterman motioned for adjournment. Mr. Fiedeldey offered a second.

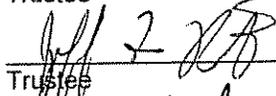
Mr. Fiedeldey. "Aye"

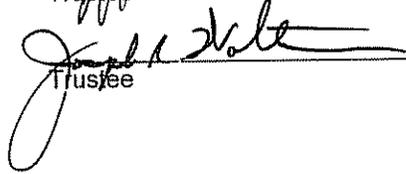
Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"


Fiscal Officer


Trustee


Trustee


Trustee