

2600 Easton St. NE
Canton, OH 44721

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May 24, 05

WORK SESSION

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Eric Williams, Joe Iacino, Sam Tuttle, Steve Peroz, John Sabo, Mary Lee Sponseller. Mr. Shriver arrived late due to a prior commitment.

President Giavasis convened the work session at 6:04 p.m. Mr. Giavasis introduced Ben Grisez, developer of Wicker Creek, John Walsh and Mike Kendal, of GBC Architects and Engineers, and Bob Fonte, of Stark Parks.

Ben Grisez placed maps and drawings up for display. Mr. Grisez and Mr. Walsh went over what they would like to do with the property in light of the zoning change request.

Bob Fonte laid out what the county trail plan approved by the Trustees in 1998 would recommend.

John Walsh stated that the developer plans to request R1A zoning and deed the entire Nimishillen Creek area over to Stark Parks.

Mr. Grisez stated that he would build a section with villas, the other larger single family homes, with 153 total homes in the development.

A trail would be built through the neighborhood and looped to the trail built by Stark Parks.

Mr. Giavasis mentioned talking to Mr. Grisez in the past and originally this was laid out with a mix of R1 and R1A with 130 – 135 total lots. Now they want 153 lots.

Mrs. Bossart stated that R1A zoning was put in place to address the nonconforming lots created by increasing R1 lot sizes. Mr. Leno expressed concerns with taking an area that is all farmland and rezoning it R1A.

Mr. Grisez and Mr. Walsh continued describing interior park and ponds the homeowners' association would maintain. The issue of landscaped islands in the right-of-way was discussed. After much discussion, the Board allowed residents in attendance to comment.

Comments were positive concerning the path. There were concerns about the proximity of homes to creek and density of proposed lots. Mr. Walsh explained that all drainage from buildings and streets would go to retention ponds.

Mr. Giavasis asked if Mr. Grisez would do a covenant agreement to get zoning. Mr. Grisez agreed that it would be needed. Sewer access and traffic issues were also discussed.

Each Board member commented on their appreciation of the developer working with them and listening to residents. They also expressed a desire to have the number of lots reduced and some R1 zoning applied in portions of the property.

Mr. Giavasis invited everyone back to the work session on June 14 to continue the discussion. The work session was adjourned at 6:57 p.m.

REGULAR MEETING

OPENING: The regular meeting was called to order at 7:00 p.m. by President Giavasis, who led the staff and audience in the pledge of allegiance.

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Eric Williams, Joe Iacino, Sam Tuttle, Steve Peroz, John Sabo, Mary Lee Sponseller.

Media present: Cal Peters, WHBC; Natalie Lariccia, the Repository; Betty O'Neill-Roderick, Akron Beacon Journal.

AGENDA: The agenda was presented. Unfinished Business #4 – Treatment Center was added by Eric Williams.

SHERIFF'S REPORT:

1. Neighborhood Garage Sale – the Township was notified by a complainant who said that there is a neighborhood garage sale that was going to take place on May 28 from 8:00 to 4:00 p.m. It is a very popular garage sale and the Township wanted the Sheriff to know to make sure that there is proper parking going on during this event.
2. Police and Fire Calls – Mr. Cozy said that he and Mr. Williams would be meeting with the officials from the City of Canton to go over various police and fire calls within the CEDA agreements with the Township and the City of Canton. There seems to still be a lot of confusion as to who is responsible for what calls. Chief Sabo also addressed this issue and said that it is very slow to change, and the bottom line was that the City should know what they are responsible for, just as Plain Township knows what they are responsible for. Mr. Giavasis suggested some type of mutual aid agreement, and Chief Sabo explained that if there was no agreement in place for you to leave your jurisdiction, you should by all means have something in writing, and this could be looked at.

UNFINISHED BUSINESS:

1. Beverly Road Widening – Mr. Cozy said that there had been several variances approved by the Trustees. One had to do with the existing 16-1/2 foot wide Beverly Avenue. The Commissioners suggested the Township and the developers get together to widen this street. There are residents that are not happy with the variances that were decided upon. Also, drainage was a concern. Mr. Giavasis said that he did take the liberty to write a letter to the Commissioners objecting to the variance. He wanted the other Trustees to know that he did that. However, he did not know whether it would carry any weight, but he asked them to submit it for the record. The Commissioners refused, as of this date, to change their decision.

Nancy Molnar, from 6530 Beverly Avenue, stated in a dissertation to the Trustees, that she was not at all pleased with the decision, and she was amazed that the Commissioners would not change their decision when they found out that neighbors had not been informed and were not in favor of this project as presently planned.

Michael Ott, from 809 Bellview, said that he had concerns about drainage, sewer lines, water lines, and existing buffers and additional traffic.

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UNFINISHED BUSINESS: (continued)

Barbara Bennett, from Hammontree and Associates, addressed the sewer concerns and some of the drainage concerns, and also said that Mr. Mangon, the owner of the property that the project would be developed upon, was open to the idea of widening and sharing the cost of widening the street to 21 feet. However, it would be necessary to remove some trees.

Joe Underwood, Subdivision Engineer for Stark County, was present, and went over the drainage in detail with the residents present.

Howard Green, of 1227 Bellview NE, wanted more information on the vacation of Stonewall. Mr. Giavasis said that the Township would not have that information. However, Mr. Green wanted to know how the decision was made as to how much footage each resident received. It was suggested that he get some help from the Stark County Recorder's office.

2. Auction Items –

#05-243

Motion by Mr. Leno,
WHEREAS, on April 26, 2005 (Resolution #05-193), the Trustees authorized the disposal of unneeded items at auction;
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to add the attached list of items to the list of items to be auctioned.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Fulton Road – First Supplement to Funding Agreement – was presented by Mr. Cozy.

4. Treatment Center - Mr. Williams said that he talked to Judge Reinbold and they were going to sit down and he would have more information for the Board in the near future.

NEW BUSINESS:

1. House Bill 66 – Mr. Giavasis felt that the proper title for this would be Senate Bill 66, as it was going out of the Senate now. It provides various cuts to local governments. Mr. Cozy passed out a spreadsheet showing approximate loss to the Township. Mr. Giavasis asked that information and a contact address and number for Senator Kirk Schuring be placed in our newsletter as well as the Trustees mailing a letter objecting to this bill, which would drastically affect our Township funds. Right off the top, we would be losing \$50,000.
2. Proposed Zoning Amendment – Mary Lee Sponseller went over this amendment in detail with the Board, and provided them with maps. After some discussion, the Board voted to approve it.

#05-244

Motion by Mr. Giavasis,
WHEREAS, the Plain Township Zoning Resolution and Official Zoning Map were adopted in 1960 in accordance with Ohio Revised Code Section 519 and have been amended over the years in accordance with law; and
WHEREAS, Plain Township Trustees adopted the “Plain Township Comprehensive Mini-Master Plan” in 2002, which included recommendations to update zoning and land use regulations to achieve goals and objectives identified in the Plan; and

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NEW BUSINESS: (continued)

WHEREAS, in an ongoing effort to enact policies and recommendations made in that Plan , one of which is “to ensure the remaining land in the Township is developed in a way which is sensitive to environmental constraints and the need to maintain a balanced tax base”;

THEREFORE BE IT RESOLVED that the Plain Township Trustees propose an overall rezoning plan for an area of the township generally bounded by I.R. 77 and Salway Avenue on the east; 38th Street on the south; the existing business and multifamily zoning districts on the west; and the on-ramp to I.R. 77 on the north, within the SE & SW ¼ Section 19 and NE & NW ¼ Section 30. The following changes are proposed:

TRACT I – B-2 General Business to S-1 Suburban Office District -all existing B-2 zoned parcels of land (parcels #5218370, #5280402, #5218371, #5218048 and part of #5218369) which have frontage on the north side of 38th Street, east of Whipple Avenue, all within the NW ¼ Section 30, excepting the existing business at the northeast corner of the intersection of Whipple and 38th Street (Parcel #5218047) which shall remain B-2 General Business;

TRACT II –R-1 Single Family Residential and B-2 General Business to R-R Rural Residential - all of the existing R-1 Single Family Residential zoned properties within the SW and SE ¼ Section 19 and NE & NW ¼ Sec. 30, which are located north of 38th Street; east of the existing B-2 General Business and R-3 Low Density Multifamily zoning districts; west of I.R. 77 in Sec. 19 and west of parcel #5280011 (owner: Plain LSD) in Section 30; south of the on-ramp to I.R. 77; also including an existing B-2 zoned tract (part of parcel #5216796) located on the west side of an undedicated street known as Salway, excepting from the above description all of the platted lots within the Avondale Heights Subdivision, which shall remain zoned R-1 Single Family Residential.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Newsletter –

#05-245

Motion by Mrs. Bossart,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the printing and distributing of Issue 2, Summer 2005 of the Plain Township Newsletter by Pinnacle Press at a cost not to exceed \$5,500.00, to be paid from Fund #01-A-26E.

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

CLERK’S REPORT:

1. Pending Warrants –

#05-246

Motion by Mr. Leno,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the payment of pending warrants in an amount of \$138-847.69 as attached hereto and made a part of these minutes.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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CLERK’S REPORT: (continued)

2. Regular Payroll –

#05-247 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to authorize payment of the regular payroll in an
amount not to exceed \$125,000.00.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Payment of Medical Claims –

#05-248 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to authorize payment for the following medical claims
as provided by AultCare:

<u>DATE</u>	<u>WARRANT</u>	<u>AMOUNT</u>
05/18/05	EFT 50592	\$6,352.89
05/24/05	EFT 50593	6,881.87

Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

4. The Investment Report was given. There were no questions.

5. Expiring Levy - the Fire Levy will expire in Tax Year 2005.

6. Amended Certificate –

#05-249 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize the Plain Township Clerk to request an
Additional Amended Certificate of Estimated Resources from the Stark
County Auditor for additional revenue of \$8,205.00 received as follows:

<u>Fund</u>	<u>Amount</u>
17A – (Expendable Trust) – Deposits	\$8,205.00

Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

FIRE DEPARTMENT:

1. Purchase of Fuel –

#05-250 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize the purchase of gasoline, oil and diesel fuel
at a cost not to exceed \$10,000.00, to be taken from Account #10-A-09F.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ROAD DEPARTMENT:

- 1. Award Bid – Striping (Pavement Marking) -

#05-251

Motion by Mr. Leno,
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
 Stark County, Ohio, to contract with Centerline Striping for the 2005
 Pavement Marking Program not to exceed thirteen thousand eight
 hundred seventy nine dollars and forty-two cents (\$13,879.42) from
 fund 3-C-3.

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 2. Repair of Truck #50 –

#02-252

Motion by Mr. Giavasis,
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
 Stark County, Ohio, to authorize the repair of Truck #50 by Dyers Body &
 Paint Shop in an amount not to exceed \$1,400.00, from Fund #3-A-6.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ZONING DEPARTMENT:

- 1. Set Public Hearing – Zoning Amendment #537 -

#05-253

Motion by Mr. Giavasis,
 WHEREAS, the Plain Township Zoning Commission conducted a public
 hearing on Zoning Amendment #537 on May 11, 2005; and
 WHEREAS, the Plain Township Zoning Commission is recommending
 APPROVAL of the proposed amendment; and
 WHEREAS, the Plain Township Zoning Commission is submitting such
 recommendation along with application, text, and map pertaining thereto
 to the Plain Township Board of Trustees within the required thirty days
 following it's public hearing; now

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
 Stark County, Ohio to set a public hearing for Zoning Amendment #537 on
 June 14, 2005 at 7:15 PM at the Plain Township Hall and to further instruct
 and authorize the Plain Township Clerk to prepare and publish notice of the
 public hearing in the Repository on Saturday, June 4, 2005.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 2. Cherry Ridge Villas – Mr. Peroz said that he had to go ahead and
 approve this, because it did comply with the zoning as presently
 prescribed. It may not get taken care of before the June 8 deadline.
 Mrs. Bennett and Mr. Mangon were present and were aware of this.
 They understood very clearly that there would not be any extensions
 made.

- 3. Nuisance Abatements –

- a. 5425 Glenhill Ave. NE –

#05-254

Motion by Mr. Giavasis,
 WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of
 Trustees to provide for the abatement, control, or removal of vegetation,
 garbage, refuse, and other debris from land in the Township if the Board
 determines that the property owners maintenance of such vegetation,
 garbage, refuse and other debris constitutes a nuisance; and

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ZONING DEPARTMENT: (continued)

WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 5425 Glenhill Avenue NE, Stark County, Ohio (Parcel #52-10056) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent May 13, 2005 and returned "Unknown"; and

WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Clerk to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

b. 1123 Milford St. NE –

#05-255

Motion by Mr. Giavasis,

WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and

WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 1123 Milford Street NE, Stark County, Ohio (Parcel #52-07302) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent May 16, 2005 and returned "Unknown"; and

WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Clerk to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

c. 3312 Forestview St. NE –

#05-256

Motion by Mrs. Bossart,

WHEREAS, a public hearing was held on May 24, 2005 by the Board of Trustees regarding the property conditions at 3312 Forestview Street NE, Stark County, Ohio (Parcel #52-08976) an

WHEREAS, Claris Graber, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and

WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;

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ZONING DEPARTMENT: (continued)

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87 and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

d. Vacant Lot #326 – Peachmont Ave. NW –

#05-257

Motion by Mr. Leno,

WHEREAS, a public hearing was held on May 24, 2005 by the Board of Trustees regarding the property conditions at vacant lot #326 on Peachmont Avenue NW, Stark County, Ohio (Parcel #55-02701) and WHEREAS, Kauth Custom Builders, have failed to demonstrate satisfactory progress in correcting the violations at the above property; and

WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87 and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

PARKS & RECREATION:

1. Purchase of Paint Machine –

#05-258

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of a Smithco Super Liner paint machine, hose/gun kit, and side line boom from Baker Vehicle Systems for the amount of \$9,237.00, to be paid from Fund #14-A-04.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Replacement of Community Room Flooring –

#05-259

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the removal of existing carpet and installation of tile in the Diamond Community Room by Maggie’s Floors for an amount not to exceed \$1,300.00, to be paid from Fund #14-A-08B.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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COMMUNICATIONS:

1. Lawr-Chester Civic Association – announcing that they were going to have a meeting on June 1 at St. Luke’s Lutheran Center regarding approval of a sanitary sewer project for their area. That was good news.

CONCERNS OF CITIZENS:

Eli Hostetler, of 2107 39th St. NW, said last year it was requested from the Road Department that he cut a tree and some bushes, near or in the right-of-way, and it was a complaint by a lady that lived at 2025 39th St., 80 feet away. Mr. Hostetler said that he now has a complaint, since he has trimmed his trees and cut down his bushes, this lady has now put 2 x 4’s up that run out to the curb and planted some flowers, etc. Mr. Hostetler was informed that the Board can only control items in the right-of-way.

APPROVAL OF MINUTES:

#05-260 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to waive the reading of the minutes of the regular meeting held May 10, 2005 and make them a part of the record as if read in their totality; and
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the minutes of the regular meeting held May 10, 2005 as presented.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

EXECUTIVE SESSION:

#05-261 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 9:10 p.m. from this regular meeting of May 24, 2005 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of: employment of a public employee or official; compensation of a public employee or official; the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage; a conference with the law director or other retained counsel concerning pending or imminent court action.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#05-262 Motion by Mr. Giavasis to return to regular session at 10:11 p.m.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ANNOUNCEMENTS:

#05-263 Motion by
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to increase the hourly rate of Robert Pool to \$10.00, effective May 8, 2005.
Seconded by
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, abstained.

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ANNOUNCEMENTS: (continued)

#05-264 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to enter into a contract with Preferred Temporary
Services, Inc. to provide seasonal help for the purpose of building and
grounds maintenance and nuisance mowing for an amount not to exceed
\$10,000.00.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ADJOURNMENT:

#05-265 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn at 10:12 p.m.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

Pamela S. Bossart
Trustee

Louis P. Giavasis
Trustee

Albert P. Leno, II
Trustee

ATTEST: _____
Claude W. Shriver, II
Clerk