M I N U T E S LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY LEGISLATIVE MEETING - APRIL 25, 2022

The April 25, 2022, Legislative Meeting of the Lower Swatara Township Municipal Authority was called to order at 7:00 P.M by Chairman Wilkinson. Chairman Wilkinson called for the pledge of allegiance. The record indicated the following in attendance in person or through Zoom:

- Richard Wilkinson, Chairman
- Scott Spangler, Vice Chairman
- Chester Hartz, Secretary
- Frank Popp, Treasurer
- Don Bailes
- Elizabeth McBride, Township Manager
- James Diamond, Eckert Seamans
- Caleb Krauter, Engineer
- Shawn Fabian, Engineer (Zoom)
- Scott Washinger
- Brain Davis, MS4
- Tracey Bechtel, Recording Secretary

Residents and visitors in attendance: See Attached Sheet.

Public comments: None

Approval of Minutes:

A motion was made by Mr. Popp seconded by Mr. Bailes to approve the Minutes of Legislative Meeting March 28, 2022. The motion was unanimously approved.

Approve/reject/table Security Agreement between Tradition Asset Management LLC-(Stoneridge Lot 5) and the Municipal Authority of Lower Swatara Township.

A motion was made by Mr. Popp seconded by Mr. Spangler to approve the Security Agreement between Tradition Asset Management LLC and the Municipal Authority of Lower Swatara Township in the amount of \$409,363.00. The motion was unanimously approved.

Approve/reject/table Operation and Maintenance (O&M) Agreement Stormwater Management Best Management Practices (SWM BMPs)-Tradition Asset Management LLC and the Municipal Authority of Lower Swatara Township.

A motion was made by Mr. Hartz seconded by Mr. Bailes to approve the Operation and Maintenance (O&M) Agreement Stormwater Management Best Management Practices (SWM BMPs)-Tradition Asset Management LLC and the Municipal Authority of Lower Swatara Township. The motion was unanimously approved.

Solicitor Diamond gave a general comment that we should be attaching the stormwater part of the plan as an exhibit.

Commissioner Paul also made a comment that since we have many Security Agreements, as we move forward, he believes it would be helpful if we would reference at the top the type of Security; ex: Stormwater Management Security Agreement, etc.

Engineer's Report:

Approve/reject/table Application for Payment No. 1 – Cockley Road Culvert Replacement/LST 2021 Drainage Improvement and Swatara Drive Sanitary/Storm Improvements to JVI Group, Inc.

A motion was made by Mr. Spangler seconded by Mr. Popp to approve the Application for Payment No. 1 for the Cockley Road Culvert Replacement/LST 2021 Drainage Improvement and Swatara Drive Sanitary/Storm Improvements to JVI Group, Inc. in the amount of \$123,987.24. The motion was unanimously approved.

Approve/reject/table Change Order No. 3 to Doli Construction Corporation for the Rosedale Manor Stormwater Improvements Project.

A motion was made by Mr. Hartz seconded by Mr. Bailes to approve Change Order No. 3 to Doli Construction Corporation for the Rosedale Manor Stormwater Improvements Project in the amount of \$744,794.03. The motion was unanimously approved.

Approve/reject/table Application for Payment No. 3-Final, to Jay Fulkroad & Son, Inc. for the 2019 Sanitary Sewer System Improvements Project Contract No. 2019-03.

A motion was made by Mr. Bailes seconded by Mr. Popp to approve Application for Payment No. 3-Final, to Jay Fulkroad & Son, Inc. for the 2019 Sanitary Sewer System Improvements Project Contract No. 2019-03 in the amount of \$5,000.00. The motion was unanimously approved.

2019 Proposed Capital Improvement Projects

HRG has recommended payment of Application for Payment No. 3-Final for Contract No. 2019-03, which is in the amount of \$5,000. Upon payment, Contract No. 19-3 has been closed.

HRG continues the construction administration services until the closeout of the project. Due to substantial delays in construction HRG has exceeded the scope within the Agreement with the Authority. At the request of LSTMA Staff, HRG will continue to bill our services, for the remainder of the project, under Phase 4 of the Agreement. Phase 4 is the time and materials phase for the RPR services.

No update. The Middletown Management Associates permanent easement agreement was signed and received. This easement will need to be notarized by both parties once it is safe to do so and before being recorded.

Act 537 Planning

The flow meters have been installed and are currently actively recording flow rates.

No update. Completion of the plan is temporarily on hold and will be restarted once the flow monitoring is completed. We also anticipate completing the remaining on-lot disposal system inspections once it is safe to enter onto resident's properties and once the flow monitoring is completed. Our services are proposed to be on a time and materials basis, as requested by the Authority.

Stormwater Authority Implementation Support Services

No update.

2021 Drainage Improvements

Construction has run into several challenges due to aged waterline infrastructure on Spring Garden by the Caterer, Swatara Drive, and Delmont Ave, as well as installation delays for the waterline under the Cockley Rd culvert. These challenges have created delays and a need to rework the construction schedule to keep the contractor mobilized. Detour announcements for the public have been adjusted on the Township Website to try to pass along updates as construction progresses. We have been working with Veolia (formerly Suez) to address all these issues in a timely fashion so our construction may be completed. Veolia just finalized their relocation plan on April 12, 2022, for the issue at Spring Garden and are putting it to bid with their contractors to determine a schedule for construction. This was the most difficult issue we encountered.

Construction has progressed through Spring Garden from the outfall through the parking area. Scarlett Ave is complete except for pavement restoration, Cockley Rd water line lowering is almost completed so we can start the culvert replacement. Pennsylvania Ave sanitary sewer replacement was completed, Swatara Dr stormsewer replacement was started and is installed up to 1-3 with plans to complete the installation this week. Restoration needs to occur before any of these locations are finalized.

All needed easement documents are in the MS4 coordinator and solicitor's hands for execution. Easements necessary for the work include: Spring Garden in front of the caterer (recorded). 217 Delmont (1 signed, 1 pending), Cockley Rd (recorded), and Greenwood Circle (2 signed, 1 due to sign this week and 1 pending) Scarlett Lane, Swatara Dr & Penna Ave, and Nissley & Spring Garden work all occurs within the road right-of-way and existing drainage easements, so no additional easements need to occur for those sites.

The additional contract covering Greenwood Circle and the 217 Delmont revisions was finalized and additional quantities pages were delivered to the contractor to propose their bid pricing for the change order work. Nissley and Spring Garden Subsurface Utility Engineering adjustments, so we will have to work with those utilities to move out of our way. This will delay that project till next year most likely. Permit submission for Greenwood Circle outfall GP-11 was made to PADEP February 4, 2022, and this is still in review.

Schedule:

Substantial Completion Final Completion June 24,2022 July 22, 2022

Rosedale Manor Stormwater Project

DOLI has returned to the site to pave the basketball court and parking area at the Market Street Extended Park and begin addressing their punch list items to prepare for final completion of the project.

All exhibits for Highspire easement necessary for revisions to the outlet at Hanover Street have been completed and are with the solicitor to draft an agreement. Township Staff presented he final design and easement to Highspire and we received comments from RETTEW that are minor in nature. We have revised the drawings to address these comments and will be providing a final version of the easement exhibit for the Borough.

We have completed our review of the additional backup information provided by Doli for Work Change Directive 1 (storm sewer movement to middle of road to avoid PPL conflict), as well as field orders 3,4, and 5 (covers mill, binder and overlay of private parking spaces, Market Street Extended eastern and western expansion and Hanover Street from Mountain View to Rosedale Ave) and we are preparing the necessary change order request documentation.

Schedule:

Substantial Completion

September 17, 2021 - Actual November 11, 2021

Final Completion

October 7, 2021 - Expected May of 2022

Bryn Gweled Infrastructure Replacement Project

HRG had an internal kick off meeting with field staff on March 9, 2022, to discuss timing of wetlands and survey work. Surveyors and a wetland biologist were mobilized to the site the week of March 14, 2022, and that effort is now complete. This has moved into post processing for the existing base creation that will be needed to prepare the design. This is scheduled to be ready for design by mid-April 2022.

2022 CIP Stormwater Improvement Project (MASD Stream Restoration Projects PRP BMP's 5 and 6, Hershey Creamery Stream Restoration Project PRP BMP 7, Burd & Richard Storm Sewer Replacement, N. Union St. Storm Sewer Replacement, Richardson Road & Fiddler's Elbow Road Bank Erosion Repair)

HRG had and internal kick off meeting with field staff on March 9, 2022, to discuss timing of wetlands and survey work. Surveyors were mobilized to the first site the week of March 21, 2022, at Burd and Richard and that effort is now complete. Survey and wetlands of PRP 5 and 6 on MASD for a potential future stream restoration project if we need one for another MS4 permit cycle.

2021 Sanitary Sewer CIPP Lining Project

CRW is currently reviewing the CCTV for Bryn Gweled neighborhood as requested by LSTMA Staff. If rehabilitation is needed for this sewer system, the Project will be updated to include this sewer system.

Highspire Borough Authority (HBA) - Biosolids System and Dewatering Improvements Project

HRG and LSTMA Staff attended the HBA Board Meeting on April 21, 2022.

Land Development Projects

The Pond at Fulling Mill

No update. Discussions on sanitary sewer improvements are on hold until the zoning exemption request are acted on.

Hershey Creamery Expansion

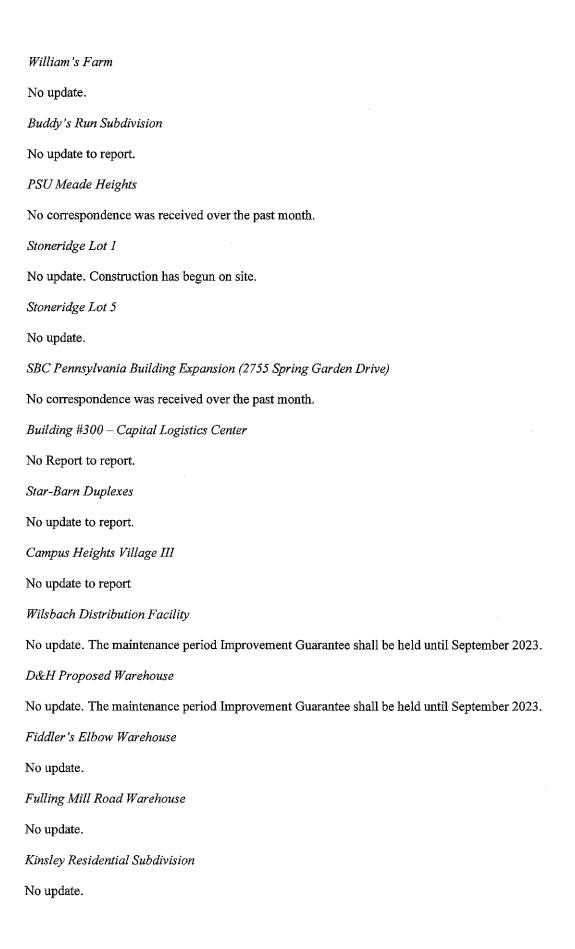
No update.

UPS Northeast Hub

A substantial completion meeting took place for phase 1 (UPS NERH property) April 20, 2022. The phase 2 (N. Union Street work) meeting will be the last week of April when Kinsley can supply traffic control. Upon completion of these meetings, we will provide a recommendation of the reduction of the Letter of Credit.

HRG has notified the Developer's Engineer and contractor that the frame and covers of the sanitary sewer manholes within the N. Union Street right-of-way were not within the tolerance of the final paving elevation in accordance with LSTMA Standards and must be corrected prior to final completion.

The Township's SEO has approved the permit for the UPS Temporary holding tank.



Oberlin Road LD-Triple Crown

HRG received an updated proposed sewer main alignment on March 16, 2022, that is acceptable from an engineering perspective that was provided to LSTMA on April 12, 2022, and returned to the Authority.

Solicitor Diamond noted that the last update he heard from the Solicitor for the School District is that they are currently evaluating things and asked if the Township has any deferrals out there for sidewalks and curbing. Solicitor Diamond indicated that Ms. Justice is looking into this matter, but he is sure that the School District will be reaching out to the Township regarding this in the near future.

1801 Oberlin Road - 3 Lots

HRG attended a meeting with the Developer. LSTMA staff and HRG to review the Developer's proposed alignment of a gravity sewer main. The Developer is to provide an updated sewer alignment for review after doing some more site research.

No Update.

Illuminated Integration

HRG attended a meeting with the Developer's engineer, who discussed a plan develop the parcel to the west of the Lower Swatara Township Fire Department, Development is anticipated to include an audio, video shop, and show room.

Penn Preserve

HRG received a land development plan for the development of the parcel to the east of Lumber Street and south of SR 283. The current plan proposes subdividing this parcel into twenty-three residential parcels. HRG provided comments on March 21, 2022, relative to the proposed sanitary sewer.

<u>Township Manager's Report:</u> Ms. McBride apologized to the Board for not mailing the Cramer letter out yet, but she will do that this week.

Ms. McBride also announced to the Board that this will be her final Municipal Authority meeting, she has given her notice to the Board of Commissioners and her last day will be May 20, 2022. She told the Authority Board that she has been very impressed, and it has been a pleasure to work with them.

Ms. McBride reported that Mr. Mohamed, who owns the property at 4 Sara St., is requesting relief from sewer charges, because the property was vacant since he purchased it on 5/7/2021 even though the water was turned on at the curb by Suez prior to that date.

Chairman Wilkinson responded that he bought the property, turned the water on, so he is responsible for sewer charges starting at that time, we do not bill based on usage. The rest of the Board agreed.

Municipal Authority Representative Report:

Approve/reject/table resurfacing of driveway where street-cut damage occurred on Mountainview Rd.

Mr. Washinger indicated this was previously agreed to, and a letter was sent to the owner saying we would take care of resurfacing his driveway. Mr. Washinger thinks he can get JVI to do it on a Change Order.

Mr. Hartz asked indicated that when he read the agenda, he was not familiar with the property and asked if he had a picture or anything showing the current condition of the driveway itself, did we cause damage to the entire driveway. Mr. Washinger indicated that the owner claims that when the contractor cut along the driveway the whole driveway shifted. There is some damage at the top of the driveway, but we cannot determine if that was there before or after the work was being done on that road. Mr. Hartz added that he can understand repairing the damage that was done during the construction. Mr. Washinger noted that DOLI already did some of the repairing under their work agreement, but the owner made a conditional issue and that was taken to a Township meeting, and now I am bringing it to this Board for approval.

Chairman Wilkinson asked how much the repair was going to cost. Mr. Washington replied, about \$9,000.00. Mr. Hartz recommended that this item be tabled until next meeting so the Board can see pictures of the existing damage and can understand who caused the damage and how much damage was done and should we pay for the whole driveway.

Commissioner Truntz added that the story that was told to him, that once that cut came through, the driveway shifted downwards and caused a lot of cracking that was not there before.

A motion was made by Mr. Hartz seconded by Mr. Bailes to table this item till next month's meeting. The motion was unanimously approved.

Mr. Washinger thanked the Municipal Authority guys for their efforts the last month and a half. The Bryn Gweld Development, all lines have been totally flushed and inspected and our engineer has copies of that. Hanover Street, Brentwood Drive, Mountain View Road, Market Street Ext., Lexington Avenue, and one other road inside that development has been completely flushed and inspected as well. We are now on a routine basis of flushing all the lines in an area and we will continue to do this throughout the Township as time allows, that way we can get more familiar with what's underground.

Mr. Washinger noted that we did camera the stormwater line under the Farr property. We could only get forty feet from the end of the creek in, then it drops quite a bit plus there is all kinds of sediment, tree limbs inside of that run. That run goes underneath the house. The homeowner was informed that they should look in to getting that cleaned out and inspected, this is not the Township's responsibility.

MS4 Report:

<u>Approve/reject/table Temporary and Permanent Easements-215 Delmont Ave (Delmont Ave Drainage Improvement).</u>

A motion was made by Mr. Hartz seconded by Mr. Popp to approve the Temporary and Permanent Easements for 215 Delmont Ave. The motion was unanimously approved.

Approve/reject/table Temporary and Permanent Easements-8 Greenwood Cir., 10 Greenwood Cir., 320 Lumber St. and 330 Lumber St. (Greenwood Circle Drainage Improvement).

A motion was made by Mr. Spangler seconded by Mr. Bailes to approve the Temporary and Permanent Easements for 8 Greenwood Cir., 10 Greenwood Cir., 320 Lumber St. and 330 lumber St. The motion was unanimously approved.

Mr. Davis noted that he is going to be addressing the next two agenda items at one time to the Board this evening. He reminded the Board that the Township has certain PRP requirements mandated by the State, these requirements must be met by March of 2023. To meet those requirements, we have three outstanding stream restorations projects that still need to be done. He has had some conversations with HRG regarding the costs for these projects, the overall cost, being conservative is at least \$900,000.00.

Mr. Davis indicated that we have recently been approached by two different entities to consider some alternate partnership stormwater projects. The first is the Conewago Creek Restoration Project, this would be an intermunicipal partnership, with Londonderry Township being the main permit holder and us not signing onto the permit itself but providing financial backing and in exchange getting sediment credits for ourselves. There are enough sediment credits in just this project itself alone to cover all our stormwater PRP requirements for this coming permit cycle.

The second project is the partnership with PennDOT and the Turnpike Commission. They are going to be doing a steam restoration probably in 2023 in Lower Swatara Township, north of Lisa Lake. Mr. Davis indicated that this is another sizable opportunity for us, there are 530,000 sediments credits available and only 270,000 being used, this would provide us with all the sediment credits needed to reach our PRP requirements.

For both projects, the buy in would financially be lower than if we did them ourselves. There is one caveat with the Conewago Creek Project, in order to buy in, we would have to join Water Resource Enhancement Program (WREP) that is being proposed by Dauphin County. Mr. Davis commented that this looks like a really good program, and it has a lot of benefits it can provide us with for future opportunities, such as training for our Public Works service, they can do GIS mapping and preform BMP inspections for us. The downside of being part of this program is that there is an annual fee, but that amount has not been determined yet. Mr. Davis indicated he has done his best to try to guesstimate what this fee will be, somewhere in the range of, as low as \$40,000.00 and as high as \$80,000.00, a lot of this is dependent on factors that have not been decided yet by DEP.

Mr. Davis reviewed the cost estimate sheet with the Board, based on the worst-case scenario assuming it will take \$900,000.00 for all the project we still have to do and assuming \$80,000.00 a year for the annual fee, we would still save the Township money by joining WREP and doing the Conewago Creek project.

Mr. Davis pointed out that any surplus pollution reduction credits that we earn now, would carry over to our next permit cycle and we are going to have additional requirements from DEP. The amount that will be required, he does not know, DEP is still working on that. Mr. Davis added that it is highly unlikely that it would be more than we had this current cycle, and he would take a guess that it will be unlikely that it would be less than half of what we are currently required to do.

Mr. Davis recommended to the Board, his thoughts on how to proceed with this. He explained that the Conewago Creek Trail is ready to break ground in early summer and it will be done before this permit cycle ends. He thinks we should buy all our outstanding sediment requirements with this project, because it is definitely going to be done and it would help us join WREP, which he feels would be very beneficial for us moving forward and it

would also allow us to become a Founding Municipality, which lets us make decisions on what that annual fee will be, lets us decide what services are available etc., we would have more of voice on decisions this way.

Mr. Davis added that he does not think we should ignore the Rosedale Avenue Stream Project, he feels we should buy some level of credits for that as well, with the anticipation that we are going to need credits in future. He recommended we should buy at least half of the number of credits we are required to buy to offset this current cycle just as a conservative estimate.

Chairman Wilkinson stated that he is more comfortable with the Rosedale project because it is within the Township and there is more of the, we know what we are getting and what we are doing, there are too many unknowns with the other party, but that doesn't mean that it's not good. He just personally feels that where we are at with stormwater within Lower Swatara Township and understanding all those pieces, it is easier for him to support the project within our boundaries than it is buying credits from another Township for a project that is not really benefiting our Township.

Solicitor Diamond asked if the Rosedale Avenue Stream Restoration would happen either way. Mr. Davis responded that Rosedale would happen either way. What will be different is how big the project will be, if we buy in the project will be larger. Mr. Davis stressed that he cannot fully one hundred percent guarantee that this project will be absolutely done by March 2023. That is why he recommended buying all the credits from the Londonderry project because it would guarantee meeting our requirements. Chairman Wilkinson asked if we were in danger of not meeting our requirements with DEP. Mr. Davis stated that he thinks it would be easier for us to meet those requirements if we were to buy into at least one of these projects. We do have a lot of work ahead of us if we were to try to meet the requirements only with our own projects.

Mr. Davis advised the Board that the time limits for both partnerships are constraining. If we were going to join the Rosedale/Turnpike project, we would need to give a verbal acknowledgement that we are on board by this month. For the Conewago Creek-Londonderry/WREP deadline is May. In theory, Mr. Davis noted that we could table this item and discuss further before deciding, but we would have to have a decision by next month.

Mr. Davis explained that the WREP initiative program being proposed by Dauphin County to manage stormwater concerns is county-wide. Any participants who join by the end of May will be considered "Founding Municipalities" and will be able to provide input on many of the key program features, including annual contribution costs and available services for this Conewago Creek Restoration Project. The County is hoping that everyone within the borders of this project be participants. Mr. Davis believes that inevitably we need to join, and it would be beneficial for us to join now. A key drawback to joining WREP is that its membership is binding until 2028, meaning the Township would be locked into 5 years' worth of an undetermined annual payment before it is allowed to leave the program. The initial cost for 2022 will be \$500. Unfortunately, this amount will increase in 2023, and little guidance has been provided on how much, because the fee will be partially dependent of DEP mandates that will not be released until 2023. However, the initial estimate by the Stormwater Department is this fee will be in the range of \$40,000 to \$80,000.

Chairman Wilkinson commented that the financial aspect of this is we are talking about over \$400,000.00 over four years, plus if we do both projects, that is another \$800,000.00.

Mr. Davis added that every year we will get a report from the County that shows how much we spent, what services we utilized, with a breakdown of how much we have saved by being in the program. There is a provision in the agreement saying that, of the money you saved, a certain percentage of that, he believes it is 60%, is either supposed to be returned to the taxpayers or we are supposed to show that those savings have been pushed forward to prevent any increases to our stormwater rate.

Commissioner DeHart noted that this is where the Founding members of WREP would set the tone for the whole program. Solicitor Diamond added that in theory of how expensive all this is, and it is not mandated that anyone join, but the expense of this would work better with big giant projects, economy to scale, with the County coordinating and help organize grant applications for additional projects. That would eliminate all of us applying separately for the same grant and competing, we would be able to apply as a whole and give us a better chance of getting that grant and sharing the savings amongst all of us.

Mr. Davis emphasized that this program does look particularly good, and he does not want \$80,000.00 to be definite. We must understand that there is no clear answer as to how much this is going to cost. Mr. Davis indicated that this item can be tabled while we try to get more clarity with some of the potential pitfalls and prices.

Chairman Wilkinson stated that if we want to be part of the Rosedale project, we do not have till next month. Mr. Davis also pointed out that the three stream restoration projects that the Township has currently, will cost \$900,000.00. Commissioner DeHart asked if we would partnership with the Conewago Project would we have to do those three stream restoration projects in our Township. Mr. Davis responded that we do not.

Mr. Krauter asked if there has been any discussion about future projects and could those be in this. Mr. Davis responded that there have not been any discussions yet, but part of the annual contribution that we would be given to this program would paying for research of finding those projects and they absolutely could be within our Township. The stream restoration projects at Middletown School District might be an option as a future project that we can then put forward to WREP and then everyone would buy in together, adding a much lower price by jointly doing that work. Mr. Krauter added that this is the County's vision is that they improve the overall county, and everyone buys into these projects and fund the economies to scale.

Mr. Fabian added that the question was asked to DEP if they have determined what will be required in the 2023 to 2028 permit round for MS4 and they have not responded with anything concrete, so that is where a lot of the cause for the unknown is coming from. He also informed the Board of some specifics with the Conewago Creek project since he has been working closely with that.

After further discussion, the Board noted that they are uncomfortable to act this evening on the Conewago Creek/WREP agenda item. Mr. Davis will work on getting the Board more concrete information and even perhaps setting up another presentation for next month's meeting but did point out the Board does need to make a decision on the Rosedale project because that does have a deadline for the end of this month. Mr. Davis recommended that we buy at least 120,000 lbs. of sediment credit at the minimum, that way the worst-case scenario, we participate in this partnership and then we do the stream restoration at Middletown to try to make up the deficit.

Mr. Krauter recommended the Board look at the Rosedale project as a benefit to the next permitting period, because we have no control of that timeline. He does not recommend the Board take on the risk of anticipating that and then it does not happen. He noted that if we do buy in, we still move forward with our BMP projects. Chairman Wilkinson emphasized that the Township might not meet the three projects by March 31, 2023. Mr. Krauter agreed that there is a risk to that.

Chairman Wilkinson recommended to the rest of the Board members that they take a vote on the Rosedale project because that is more than likely going to be a future project for us and then have Ms. Letavic from HRG come to our meeting in May to explain the WREP program so we as a Board can understand how this is going to benefit the Township and the rate payers.

Approve/reject partnership with PennDOT and Turnpike Commission for the Rosedale Avenue Stream Restoration Project at a buy-in of \$234,000.00.

A motion was made by Mr. Spangler, no seconded motion was raised, motion dies.

Approve/reject/table joining the Water Resource Enhancement Program (WREP) and partnering on the Conewago Creek Restoration Project at an initial cost of \$468,826.00.

A motion was made by Mr. Hartz seconded by Mr. Bailes to table this item till next month. The motion was unanimously approved.

Approve April Expenses for Sewer Revenue Fund:

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the April Expenses for the Sewer Revenue Fund in the amount of \$423,914.66. The motion was unanimously approved.

Approve April Expenses for Stormwater Fund:

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the April Expenses for the Stormwater Fund in the amount of \$20,361.21. The motion was unanimously approved.

A motion was made by Mr. Popp seconded by Mr. Bailes to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 7:51 P.M.

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Todd F. Truntz	LST Board Liason
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