

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
SEPTEMBER 25, 2023

Minutes of the Regular Meeting of Township Council held on September 25, 2023 at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

Present: David Bialek, PharmD, R.Ph, Jackie Donnelly, Bibianna Dussling, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Mark Damico, Esq., Eric Janetka, , John McMullan, Vince Visoskas.

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Kirchgasser called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

3. PUBLIC COMMENTS – NONE

4. REPORTS

A. CHAIRMAN:

Mr. Kirchgasser recognized the holiday of Yom Kippur and wished all residents of the faith a happy holiday. Mr. Kirchgasser recognized the passing of Mr. Joseph Damico, Esq., who one year ago was sitting as counsel to this body as he had for 32 years. He advised Council wisely and was an absolute rudder when it came to ethics and kept them straight and kept them out of trouble. He was committed to serving this Township at a rate that was far below the quality of his services. He will be absolutely missed by Council and this Township. Mr. Kirchgasser extended sympathy to Mr. Mark Damico and his family.

B. COMMITTEE:

Ms. O'Connell-Bell stated the Roads, Highways, and Public Safety Committee met this evening to discuss traffic issues in some neighborhoods and possibilities to fix the speeding and cutting through in the Township.

C. MANAGER:

1) PA State Police - Trooper Michele Naab

Mr. Kirchgasser thanked Trooper Naab and her fellow state troopers and the other bodies that went about searching and finally capturing Mr. Cavalcante. Trooper Naab reported they had a very good meeting earlier this evening. She stated the barracks will be out patrolling, doing more enforcement with regard to speeding. Middletown Township residents are extremely upset about the cut-throughs in the area, especially Man O' War Drive. She stated if the residents have any problems with this, they need to call the State Police. She has a list of how many times there were calls in this area and there were none. If the troopers do not know there is a problem, there is nothing they can do about it. She stated don't wait until it is at the point to call a meeting to suggest speed humps and other measures to correct the situation. Every time a call is made to the department it is on report.

Trooper Naab stated there were 6,759 calls in Middletown Township since January 2023. She stated the Boscov's store is getting hit with retail thefts and 95% of the perpetrators are apprehended. Trooper Naab stated they do have to prioritize, but they will have the call on report and will come out.

Ms. Dussling asked if a resident calls with any information about a vehicle such as license plate, make, and model what is being done. She finds a lot of frustration that nothing comes as a result of this. Trooper Naab apologized and stated the dispatchers are very busy as they cover five Townships and two Boroughs. She stated every call generates a report that can be followed up on but there is no inconvenience.

- 2) Update: SEPTA - Middletown Township, Aston Township, Chester Heights Borough. Mr. McMullan stated he will be attending a meeting tomorrow along with representatives of Aston Township and Chester Heights Borough to discuss the matter with Congresswoman Mary Gay Scanlon. He will have more information at the October meeting. In addition, he is still working with SEPTA to look at options to fund the feasibility study.
- 3) Middletown Township Food Truck Festival is scheduled for Thursday, September 28, 2023, from 4:00 p.m. to 7:30 p.m. at the Roosevelt Community Center. Mr. McMullan announced the Middletown Township Food Truck Festival is scheduled for Thursday, September 28, 2023, from 4:00 p.m. to 7:30 p.m. at the Roosevelt Community Center. There are approximately seven food truck vendors involved. The festival was very well attended last year and was a very nice event and he hopes there will be cooperation from the weather to have the same turnout as last year.

D. ENGINEER - NONE

5. PUBLIC HEARING:

- A) A public hearing on amending Chapter 210, Subdivision and Land Development Ordinance, Article V, Standards, Section 41, Recreational Facilities and Open Space.

Ms. O'Connell-Bell made a motion to open the Public Hearing. Ms. Donnelly seconded the motion. The motion carried with a vote of 7-0.

See Attached Stenographer's Report

Ms. Donnelly made a motion to close the Public Hearing. Ms. O'Connell-Bell seconded the motion. The motion carried with a vote of 7-0.

- 1) Consideration for Adoption: Ordinance No. 854, amending Chapter 210, Article V, Standards, Section 41, Recreational Facilities and Open Spaces.

Mr. Bialek made a motion to adopt Ordinance 854. Ms. Dussling seconded the motion. The motion carried with a vote of 7-0.

- B) A public hearing on a Conditional Use Application for 1233-1245 W. Baltimore Pike, Highview Properties. Change from one conforming use to another. *Applicant is withdrawing application at this time.*

Ms. O'Connell-Bell made a motion to open the Public Hearing. Mr. Read seconded the motion. The motion carried with a vote of 7-0.

See Attached Stenographer's Report

Ms. O'Connell-Bell made a motion to accept the withdrawal of application. Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

6. OLD BUSINESS:

- A. Request for Land Development Waiver: Highview Properties requests a waiver of the Requirements of the Middletown Township Subdivision and Land Development Ordinance for properties located at 1233, 1245, 1247 & 1249 W. Baltimore Pike. *Property owner is withdrawing request for a waiver at this time.*

Mr. McMullan stated this item is related to the owner of Highview Properties who came before Council on September 11, 2023, to request a waiver of his Land Development application. After a lengthy discussion, Council suggested the owner set up a meeting with staff and the Township Engineer which did happen and, as a result of this meeting, the owner would like to withdraw the request for a waiver at this time and focus on the Delaware County NPDES permit as a result of a written report given to the owner.

Ms. Donnelly made a motion to accept the withdrawal. Ms. Dussling seconded the motion. The motion carried with a vote of 7-0.

7. NEW BUSINESS

- A. Consideration for Approval: Resolution 2023-28, Rocky Run YMCA application to Delaware County's Greenways Grant Program Round 4.

Mr. McMullan stated before Council for their consideration is Resolution 2023-28 which supports Rocky Run YMCA's application to Delaware County's Greenways Grant Program. Representing Rocky Run YMCA is Mr. Tim Sullivan, Esq. The County suggests cooperation when entities are applying for the Greenways Grant Program with the local municipality. Mr. Tim Sullivan stated Rocky Run YMCA is applying for a grant of \$50,000. The association of Philadelphia YMCA's is matching the grant money which will give them \$100,000 to work with on trail enhancement of the connector trail to Rocky Run YMCA, building a staircase to make one of the trails more accessible, and in August during a storm a tree came down which took out a section of a stairway and boardwalk leading to the summer camp area. Mr. Sullivan stated the YMCA needs Middletown Township as a

municipal sponsor resulting in the resolution tonight. Mr. McMullan stated this highlights the partnership between the Township and the Rocky Run YMCA.

Ms. O'Connell-Bell made a motion to approve Resolution 2023-28. Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

- B. Consideration for Approval: Resolution 2023-29, acceptance of Certificate of Total Completion, Williamson College of the Trades - Student Activity Center, 106 S. New Middletown Road.

Mr. McMullan stated before Council for consideration of approval is Resolution 2023-30 which is the acceptance of the Certificate of Total Completion for the Student Activity Center which is a new building at the Williamson College of the Trades. The request has been reviewed and signed off by the Township Engineer.

Mr. Read made a motion to approve Resolution 2023-30. Mr. Bialek seconded the motion. The motion carried with a vote of 7-0.

- C. Consideration for Approval: Resolution 2023-30, Middletown Township Emergency Operations Plan.

Mr. McMullan stated before Council for approval is Resolution 2023-30 the Emergency Operations Plan which the Township is required to submit to the Delaware County Emergency Services Department for the Township to participate in the event the Township has to prepare for a declaration of emergency or catastrophic weather emergency in which to seek some type of reimbursement. This comes before Council annually, typically in the month of September so the Township can submit it to the County. Chief William Rigby stated the plan has been updated and is ready to submit to the County if approved this evening.

Chief Rigby updated Council for the month of August. He stated there were a total of 319 calls for service; 62 fires, 49 of these in the Township and 13 mutual aid calls. There were 221 EMS calls. He stated year to date there were over 2,400 calls. In August 13 calls were motor vehicle accidents and 2 building fires. Moving forward, it looks to be approximately 300 calls per month. Ms. Dussling thanked Chief Rigby for the quick response in Riddlewood last night on Rampart East. Chief Rigby stated there is currently a power outage in Riddlewood. Chief Rigby reported the new tower ladder is in service at Rocky Run Fire Department. Ms. Powell stated she likes the submitted report and secondly asked if there were any major changes to the Emergency Plan. Chief Rigby stated he had to tweak some things and make updates to facilities such as the hospital contacts were added. He stated he will look at the plan more thoroughly for next year.

Ms. Powell made a motion to approve Resolution 2023-30. Ms. Dussling seconded the motion. The motion carried with a vote of 7-0.

- D. Consideration for Approval: Resolution 2023-31, approving William Rigby, Public Safety

Director/Fire Chief, as Emergency Management Coordinator for Middletown Township.

Mr. McMullan stated for Council's consideration is Resolution 2023-31 approving William Rigby as Public Safety Director/Fire Chief and as Emergency Management Coordinator for Middletown Township. He explained they need to tighten up Chief Rigby's appointment and send it to the Governor's office, so he is noted on file to PEMA as PA Emergency Management Coordinator for Middletown Township. This is required by resolution. The Township received a recommendation from Governor Josh Shapiro's office to name Chief Rigby as the Emergency Management Coordinator.

Ms. Dussling made a motion to approve Resolution 2023-31. Ms. Donnelly seconded the motion. The motion carried with a vote of 7-0.

- E. Motion to Accept: FY 2023 Minimum Municipal Obligation (MMO) calculation for Township Defined Benefit Pension Plan.
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Mr. McMullan stated for Council's consideration to accept by motion for approval is the 2023 Minimum Municipal Obligation (MMO) which is required to be read into municipality records by the end of September per Act 205 of the States Pension Law. The requirement to fund the Township's Defined Benefit Pension Plan Program is \$92,277. As defined by Act 205, the governing body has to accept or deny, so he is asking for Council to approve acceptance of the payment to the 2023 Pension Plan. Mr. Kirchgasser asked what level the pension plan is funded to, and Mr. McMullan stated the market fluctuated slightly but they are 97% funded.

Ms. Powell made a motion to accept the 2023 Minimum Municipal Obligation calculation. Mr. Bialek seconded the motion. The motion carried with a vote of 7-0.

- F. Consideration for Approval: Resolution 2023-32, approval of a Fee Schedule, for the subdivision and land development of property within the Township in which fees are paid to the Township for park and recreational purposes, in lieu of dedication of park recreational facilities.
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Mr. McMullan stated for Council's consideration for approval is Resolution 2023-32 which is a follow-up to Ordinance 854 revising and amending the recreation and facilities open space. The resolution lays out the formula to calculate the recreation fee-in-lieu when new developments or additional building to a development comes into the Township. A formula was created years ago by Landscape Architect, Tom Comitta. This is continuing to be used that takes into consideration several factors in the formula. Considering how many acres exist and how much the population is currently and looking at maintaining the same type of acreage and looking at doing a 25-year outlook into the year 2050. The formula is based on population growth and the open space keeping up with the population as well as taking into consideration the value of an acre of land. He stated they used the purchase of Sleighton Farms as a baseline in helping come to the formula in 2023 which will be \$2,561 for the Recreation Fee-In-Lieu.

Historically the Township has used a 5% increase since 2001. He stated he recommends continuing with the same formula. Ms. Dussling asked if the formula is standard with other

municipalities, and Mr. McMullan stated it is consisted with surrounding municipalities an in keeping with the Municipal Planning Code.

Mr. Read made a motion to approve Resolution 2023-32. Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

G. Approval of September 25, 2023 Bill List.

Mr. Kirchgasser read the Bill List aloud.

GENERAL FUND

Aqua Pennsylvania, Inc.	August Fire Hydrants	\$ 9,459.72
Keystone Municipal Services	August Building Inspections	\$ 17,040.00
PA Municipal Health. Ins. Cooperative	October Health Insurance	\$ 35,975.59
United Inspections Agency	August Electrical Inspections	\$ 11,200.00

General Fund Total **\$ 73,675.31**

STATE AID

Brian Hoskins Ford	Purchase 2023 Ford F550	\$ 63,272.00
Guidemark, Inc.	Road Marking/Paving	\$ 25,087.40

State And Total **\$ 88,359.40**

Ms. O'Connell-Bell made a motion to approve the bill list. Ms. Donnelly seconded the motion. The motion carried with a vote of 7-0.

Ms. O'Connell-Bell adjourned the meeting at 7:40 pm.

Respectfully Submitted,



Sharon Browne

9-25-23

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TOWNSHIP OF MIDDLETOWN
COUNCIL MEETING

- - -

PUBLIC HEARING AMENDING CHAPTER 210, SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE, ARTICLE V, STANDARDS, SECTION 41,
RECREATIONAL FACILITIES AND OPEN SPACE

- - -

CONDITIONAL USE APPLICATION FOR 1233-1245 WEST BALTIMORE
PIKE, MEDIA, PENNSYLVANIA, HIGHVIEW PROPERTIES

- - -

SEPTEMBER 25, 2023

- - -

Township of Middletown Council meeting held at the
Middletown Township Municipal Building located at 27 North
Pennell Road, Lima, PA, in the above-referenced matter at
7:20 p.m. before Lori A. DiFabio, Professional Court
Reporter-Notary Public.

- - -

LORI A. DiFABIO
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC
P.O. BOX 292
MEDIA, PA 19063
610-659-7676
loridm@comcast.net

9-25-23

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1 MEMBERS OF COUNCIL

2

3 MARK KIRCHGASSER, CHAIRMAN, AT-LARGE MEMBER

4 KATHLEEN O'CONNELL BELL, AT-LARGE MEMBER

5 JACKIE DONNELLY, AT-LARGE MEMBER

6 SUSAN K. POWELL, FIRST DISTRICT

7 WALTER BOK READ, SECOND DISTRICT

8 BIBIANNA DUSSLING, THIRD DISTRICT

9 DAVID BIALEK, PharmD, R.Ph, FOURTH DISTRICT

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11 ALSO PRESENT:

12

13 JOHN McMULLAN, TOWNSHIP MANAGER

14 SHARON BROWNE, RECORDING SECRETARY

15 VINCE VISOSKAS, FINANCE DIRECTOR

16 MARK D. DAMICO, TOWNSHIP COUNCIL SOLICITOR

17 ERIC JANETKA, TOWNSHIP ENGINEER

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1 MR. KIRCHGASSER: All right.

2 Can I ask you to please rise for the
3 Pledge Of Allegiance?

4 - - -

5 (Whereupon, the Pledge Of Allegiance To
6 The Flag was recited at this time.)

7 - - -

8 MR. KIRCHGASSER: Thank you.

9 Good evening.

10 With respect to a couple of pretty
11 important things, we just have a fairly
12 important hearing, but we also recognize the
13 kick-off is in about eleven minutes. Okay?

9-25-23

14 So, we will certainly conduct the
15 township's business with diligence, but at
16 the same time be mindful of other
17 priorities.

18 Having said that, we will open this to
19 public comment.

20 Anybody in the public that wants to
21 comment on items that do not appear on this
22 evening's agenda?

23 Seeing none and hearing none, we will
24 move straight to reports.

3



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2 (Whereupon, council conducted agenda
3 items at this time.)

4 - - -

5 MR. KIRCHGASSER: You're welcome.

6 Okay.

7 Moving onto a public hearing on
8 amending Chapter 210, Subdivision and Land

9-25-23

9 Development Ordinance, Article V, Standards,
10 Section 41, Recreational Facilities and Open
11 Space.

12 Mr. McMullan?

13 MR. McMULLAN: Yes. Thank you, Mr.
14 Chairman.

15 So, council, you will recall an
16 ordinance was introduced at the July 10th
17 meeting to amend the existing Recreation
18 Facilities and Open Space Ordinance to
19 readjust it, realign it and really revise it
20 based on the recommendation that came out of
21 the proposed plan, the Park, Recreation and
22 Open Space Plan that council adopted in
23 March of 2022.

24 So, as per the Municipality Planning

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1 Code, a public hearing is required in order
2 to amend and adopt the ordinance.

3 So, I am asking council to open the
4 public hearing.

9-25-23

5 MR. KIRCHGASSER: Can I have a motion to
6 open the hearing?

7 MS. O'CONNELL: I move to open.

8 MR. KIRCHGASSER: Thank you, Miss Bell.
9 Do I have a second?

10 MS. DONNELLY: Second.

11 MR. KIRCHGASSER: Thank you, Miss
12 Donnelly.

13 All those in favor signify by saying
14 aye.

15 MS. DUSSLING: Aye.

16 MS. DONNELLY: Aye.

17 MR. READ: Aye.

18 MR. BIALEK: Aye.

19 MS. BELL: Aye.

20 MS. POWELL: Aye.

21 MR. KIRCHGASSER: Aye.

22 Opposed? Motion carries.

23 Mr. McMullan?

24 MR. McMULLAN: Yes.

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9-25-23

1 I just wanted to introduce as
2 Exhibit-A, the advertisement of the
3 ordinance on August 1st and 4th, 2023.

4 So, as I previously mentioned, this was
5 introduced to council on July 10th and
6 properly advertised the Ordinance 854 on
7 August 4th, 2023.

8 Both the County Planning Department,
9 County Planning Commission and the Township
10 Planning Commission both reviewed and are
11 recommending the ordinance for approval.

12 This was part of the proposed plan
13 which was adopted by council in 2022.

14 Just to highlight the significant
15 changes, so, what this does is it updates
16 the ordinance, the recreation open space fee
17 to align Middletown Township with
18 surrounding municipalities.

19 What it basically addresses is
20 residential set aside will be increased from
21 twenty-one thousand seventy-eight square
22 feet to twenty-two hundred square feet per
23 dwelling unit.



1 one thousand eighty-nine square feet of
2 acres of land development proposed to five
3 hundred square feet of land per one thousand
4 square feet of non-residential building
5 area.

6 Added provisions for required
7 termination and maintenance of land will be
8 dedicated all based on recreational study
9 that was concluded and submitted as part of
10 the proposed plan.

11 Just a reminder of the ordinance will
12 be the fee schedule that is updated from
13 time-to-time by council; and later on in the
14 meeting, I will ask for council's
15 consideration to update the fee schedule
16 related to adopting the ordinance that is in
17 front of you tonight.

18 MR. KIRCHGASSER: Okay. Any additional
19 items?

9-25-23

20 MR. McMULLAN: No additional.

21 That pretty much summarizes it.

22 MR. KIRCHGASSER: That is the only
23 exhibit?

24 MR. McMULLAN: Exhibit-A is the only

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1 exhibit.

2 MR. KIRCHGASSER: Okay. Any questions
3 for members from council?

4 Any questions from members of the
5 public?

6 MS. DUSSLING: Mr. Chairman, I do have a
7 question just to clarify.

8 For the second general provision, you
9 said the amount of land to be set aside, the
10 five hundred square feet of land per
11 thousand square feet of non-residential
12 building, that's a decrease from previous or
13 it's simply specifying or was not specified
14 before?

9-25-23

15 MR. McMULLAN: So, no.

16 That's an increase from where it is.

17 It is increasing by five hundred.

18 MS. DUSSLING: Okay. Thank you. Thank
19 you.

20 MR. McMULLAN: You're welcome.

21 MR. KIRCHGASSER: Any other questions
22 from members of council?

23 Seeing none and hearing none, may I
24 have a motion to close the hearing?

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1 Mr. McMullan, is that the conclusion of
2 your --

3 MR. McMULLAN: Yes. That's the
4 conclusion of the -- Yes.

5 MR. KIRCHGASSER: May I have a motion
6 to close the hearing?

7 MS. DUSSLING: So moved.

8 MR. KIRCHGASSER: Thank you, Ms.
9 Dussling.

10 May I have a second?

9-25-23

11 MR. BIALEK: Second.

12 MR. KIRCHGASSER: All those in favor so
13 say aye.

14 MS. DUSSLING: Aye.

15 MS. DONNELLY: Aye.

16 MR. READ: Aye.

17 MS. POWELL: Aye.

18 MR. BIALEK: Aye.

19 MS. BELL: Aye.

20 MR. KIRCHGASSER: Aye.

21 Opposed? Motion carries.

22 Do we go straight to the motion, Mr.

23 McMullan?

24 MR. McMULLAN: Yes. That's correct, Mr.

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1 Chairman.

2 So, for council's consideration, this
3 evening is adoption of Ordinance 854 which
4 was properly introduced at the July 10th
5 council meeting advertised, publicly

9-25-23

6 advertised on August 4th, 2023, Amending
7 Chapter 210, Article V, Section 41 of
8 updating the Recreation Facilities and Open
9 Space Ordinances.

10 MR. KIRCHGASSER: Okay. May have a
11 motion to approve?

12 MR. BIALEK: So moved.

13 MR. KIRCHGASSER: Thank you, Mr. Bialek.
14 May I have a second?

15 MS. DUSSLING: Second.

16 MR. KIRCHGASSER: All those in favor?

17 MS. DONNELLY: Aye.

18 MS. O'CONNELL: Aye.

19 MS. POWELL: Aye.

20 MS. DUSSLING: Aye.

21 MR. READ: Aye.

22 MR. BIALEK: Aye.

23 MR. KIRCHGASSER: Aye.

24 Opposed? Motion carries.

10



1

Then, we will go to public hearing for

9-25-23

2 **number 5-B.**

3 Mr. McMullan.

4 MR. McMULLAN: Yes. Thank you, Mr.
5 Chairman.

6 I'm just requesting that council open
7 the meeting to accept a withdrawal of the
8 application of Highview Properties who was
9 in front of council at the September 11th
10 meeting with the request for a waiver on the
11 provisions on the Subdivision and Land
12 Development Ordinance where the owner was
13 requesting a waiver from submitting a land
14 development application.

15 MR. KIRCHGASSER: So, after we open the
16 hearing, we will let you say all of that.

17 MR. McMULLAN: Okay.

18 MR. KIRCHGASSER: Motion to open the
19 hearing, please.

20 MS. BELL: So moved.

21 MR. KIRCHGASSER: Thank you, Miss Bell.
22 Do I have a second?

23 MR. READ: Second.

24 MR. KIRCHGASSER: Motion has been made



1 and seconded.

2 All those in favor signify by saying
3 aye.

4 MS. DUSSLING: Aye.

5 MS. DONNELLY: Aye.

6 MR. READ: Aye.

7 MR. BIALEK: Aye.

8 MS. BELL: Aye.

9 MS. POWELL: Aye.

10 MR. KIRCHGASSER: Aye.

11 Opposed? Motion carries.

12 You were saying, Sir?

13 MR. McMULLAN: Thank you.

14 So, what is in front of council is the
15 only action that is required tonight which
16 is to accept the withdraw of the Conditional
17 Use application which was previously
18 advertised.

19 The owner has informed staff that he
20 will be withdrawing his application for

9-25-23

21 Conditional Use at this time.

22 So, I just wanted to open the meeting
23 because its already been advertised and
24 accept the withdrawal and then close the

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1 hearing.

2 MR. KIRCHGASSER: Mr. Damico, is that
3 done during the hearing or is that done
4 after the hearing?

5 MR. DAMICO: It's a withdrawal.

6 I think you close the hearing and then
7 make a motion.

8 MR. KIRCHGASSER: Okay. Is that all the
9 evidence you have, Mr. McMullan?

10 MR. McMULLAN: Yes. That concludes.

11 MR. KIRCHGASSER: May I have a motion to
12 close the hearing?

13 MS. POWELL: So moved.

14 MR. KIRCHGASSER: Thank you, Miss
15 Powell.

16 MS. BELL: Second.

9-25-23

17 MR. KIRCHGASSER: All those in favor say

18 aye.

19 MS. DUSSLING: Aye.

20 MS. DONNELLY: Aye.

21 MR. READ: Aye.

22 MR. BIALEK: Aye.

23 MS. BELL: Aye.

24 MS. POWELL: Aye.

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1 MR. KIRCHGASSER: Aye.

2 Opposed? That motion carries.

3 Then, can I have a motion to accept

4 withdrawal?

5 MS. O'CONNELL: So moved.

6 MR. KIRCHGASSER: Thank you, Miss Bell.

7 Can I have a second?

8 MS. POWELL: So second.

9 MR. KIRCHGASSER: All those in favor say

10 aye.

11 MS. DUSSLING: Aye.

9-25-23

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MS. DONNELLY: Aye.

13

MR. READ: Aye.

14

MR. BIALEK: Aye.

15

MS. BELL: Aye.

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MS. POWELL: Aye.

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MR. KIRCHGASSER: Aye.

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Opposed? And that motion carries as

19

well.

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(Whereupon, the portion recorded by the

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court reporter was concluded at 7:19 p.m.)

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C E R T I F I C A T E

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I hereby certify that the proceedings and

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evidence noted are contained fully and accurately in the

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notes taken by me of the foregoing matter, and that this is

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a correct transcript of the same.

9-25-23

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10 LORI A. DIFABIO

11 Professional Court Reporter - Notary

12 Public

13

14

15 (The foregoing certification of this
16 transcript does not apply to any reproduction of same by
17 any means, which is illegal and expressly forbidden, as
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