

**BUFFALO TWP. SUPERVISORS – REGULAR MONTHLY MEETING – MARCH 14, 2018**

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, March 14, 2018, in the Buffalo Township Municipal Building and convened at 7:35 p.m. The Meeting was called to order by the Chairman, Ron Zampogna. This Meeting is being recorded. If anyone is taping this Meeting, please state your name and address.

**ROLL CALL**

John Zurisko	Present
Ron Zampogna III	Present
Matthew J. Sweeny	Present
Albert T. Roenigk	Present
Gary L. Risch, Sr.	Present

A majority of the Board of Supervisors being present, the Chairman declared the Meeting open for the transaction of business.

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**ANNOUNCEMENT OF EXECUTIVE SESSIONS; PERSONNEL; AND/OR INFO-GATHERING MEETINGS OF THE BOARD**

- (a) The Board of Supervisors met with their Solicitor this evening in the Township Municipal Building.
  - (b) Gary Risch attended the PSATS Boot Camp for Township Officials in Cranberry Township on February 24.
  - (c) Ken Howard, Bankson Engineers, and Roger Kelly, Zoning Officer, attended the FEMA LFA Meeting on February 27.
  - (d) Matt Sweeny, John Zurisko, Ed Tabisz, and Richard Swartz attended the Penn Energy Resources Response Training at the Saxonburg VFC on February 27.
  - (e) Gary Risch attended the PSATS Boot Camp for Township Officials in Cranberry Township on March 3.
  - (f) Albert Roenigk attended the 2018 Butler County Farm to Table Dinner on March 5 hosted by the Butler County Conservation District to receive “Cooperator of the Year” Award for Buffalo Township’s participation in the storm drain stenciling project.
  - (g) Ron Zampogna, Gary Risch, Matt Sweeny, and Albert Roenigk attended the Ordinance Workshop on March 7.
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**APPROVAL OF THE MINUTES** for February 14, 2018, Regular Monthly Meeting of the Buffalo Township Board of Supervisors, as recorded, was on motion of Matt Sweeny, seconded by John Zurisko. Motion Carried. Un. Approval.

**ACCEPTANCE OF THE TREASURER’S REPORTS**

Acceptance of the Treasurer’s Reports for December 1 – 31, 2017, January 1 – 31, 2018, and February 1 – 28, 2018, inclusive for audit was on motion of John Zurisko, seconded by Matt Sweeny. Motion Carried. Un. Approval.

**MONTHLY BILLS**

After reviewing invoices and bills presented for payment, it was on motion of Matt Sweeny, seconded by Albert Roenigk to pay the monthly bills. Motion Carried. Un. Approval.

**REPORTS**

- (1) **THE ELECTED TAX COLLECTOR’S REPORT** received from Carla Garia for December 2017 is \$4,050.02 for Township Real Estate Tax @ penalty and \$858.00 for Per Capita @ penalty; and for January 2018 is \$22.00 in Per Capita @ penalty.
- (2) **THE APPOINTED TAX COLLECTOR’S REPORT** received from Berkheimer Tax Administrator for December 2017 is \$104,972.84 in Earned Income Tax and \$114.35 in Local Services Tax; for January 2018 is \$56,957.53 in Earned Income Tax and \$6,764.28 in Local Services Tax; and for February 2018 is \$134,212.55 in Earned Income Tax and \$19,902.43 in Local Services Tax
- (3) **THE APPOINTED TAX COLLECTOR’S REPORT** from Sharp Collections for December 2017 is \$1,163.48 in delinquent Earned Income Tax; for January 2018 is \$407.75 in delinquent Earned Income Tax; and for February 2018 is \$203.60 in delinquent Earned Income Tax
- (4) **WEEKLY REALTY STAMP SALES** received from the County for November 2017 is \$9,905.13; for December 2017 is \$8,920.70; for January 2018 is \$11,026.57; and for February 2018 is \$12,491.90
- (5) **THE ZONING OFFICER’S REPORT** for December 2017 is for 7 total permits issued; 1 Residential Addition, 2 Signs, 1 Deck, Porch, Roof, 1 Compressor Station, and 2 Grading Permits  
Building Permit Fee: \$589.20 Mileage: 120 Miles Grading Permit Fee: \$125.00  
for January 2018 is for 7 total permits issued; 2 Single Family Residences, 1 Deck, Porch, Roof, 1 Picnic Shelter, and 3 Grading Permits  
Building Permit Fee: \$2,618.60 Mileage: 130 Miles  
Grading Permit Fee: \$210.00 Lot Development Fund: \$1,032.13  
for February 2018 is for 7 total permits issued; 1 Single Family Residence, 1 Residential Storage, 1 Residential Garage, 1 Sign, 1 Deck, Porch, Roof, and 2 Grading Permits  
Building Permit Fee: \$2,850.00 Mileage: 164 Miles  
Grading Permit Fee: \$110.00 Lot Development Fund: \$1,032.13

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**(6) DISTRICT JUSTICE’S REPORT** for November 2017 included \$135.80 in Ordinance & Statute Violations and \$722.92 in Vehicle Code Violations; for December 2017 included \$396.24 in Ordinance & State Violations and \$457.76 in Vehicle Code Violations; and for January 2018 included \$386.01 in Ordinance & Statute Violations and \$268.40 in Vehicle Violations

**OLD BUSINESS**

**PROPOSAL FROM ASTS FOR NEW PHONE SYSTEM AND SECURITY CAMERAS – APPROVED**

Ron Zampogna stated we have been talking about a new phone system, possibly a microphone system, and adding security cameras. Chief Derringer stated it would be a good idea to get a new phone system and gave an example of why a new phone system is needed. We have five security cameras now; we should add three more cameras. Ron Zampogna stated I believe our phone system is at least 27 years old. It is probably time to upgrade. The new phone system package was approx. \$3800; the microphone system package was approx. \$2900; and the three cameras were approx. \$700 or \$750 for the three. Gary Risch stated I don’t think that we are going to do the microphone system at this time.

On motion of Matt Sweeny, seconded by Gary Risch, to approve purchasing a new phone system and three new cameras at a cost of approx. \$4600.00. Motion Carried. Un. Approval.

**REQUEST FROM CHURCH OF LATTER DAY SAINTS TO HAVE A CLEANUP DAY ON BUTLER-FREEPORT COMMUNITY TRAIL – APPROVED WITH CONTINGENCY**

A letter of request was received from Dwight McCombs, Church of Latter Day Saints, to have a cleanup day on the Butler-Freeport Community Trail on April 28 with May 12 being the rain date.

Ron Zampogna stated we discussed this briefly at our last meeting. Terry Tague stated the Church Council is all for it and ready to get the ball rolling. Ron Zampogna stated they want to have this on April 28? Terry Tague answered yes. Ron Zampogna asked do we know if that date is available? Debbie Sweetnam a Trail Council Representative asked what do they want to do? Ron Zampogna answered approx. 170 people want to come and clean the Trail. Terry Tague explained what they are proposing to do from Cabot to Butler Junction. Debbie Sweetnam stated Chris Ziegler mentioned that possibility to me and she has some concerns about that many people being on the Trail while it is open. Where are they going to be able to park all of these volunteers? Who is going to organize the work assignments and get the people together and supervise them? One hundred seventy people are a lot of people. I know we had a work day for forty people; but there were people supervising them. She is very concerned about this. Terry Tague explained we are going to plan it so we break the volunteers into smaller groups at each Trail Head. People from each Trail Head will come and meet in the middle of that Trail Section and when they are done go back to their car. They will carpool. That will be done for every section of the Trail from Cabot to Butler Junction. Debbie Sweetnam stated we were also

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wondering about having any equipment on the Trail? Terry Tague answered no; it will all be done by hand—hoes, rakes, and shovels. Removal of the debris was discussed. Debbie Sweetnam stated there isn't anything else on the Trail for that date. I think there is a Scout cleanup on the Trail scheduled for April 27. Matt Sweeny asked Terry Tague if he knows what section the Scouts want to clean up? Terry Tague answered I can't speak for the Scouts and explained what they did last year. Matt Sweeny stated we will need to coordinate that. John Zurisko asked about the time? Terry Tague answered it starts at 9 a.m. and will finish at noon. Renee' Alchier stated that they have permission to park at the Oregon Club. Terry Tague stated they will carpool; you will have 7 -12 people at each Trail Head with three cars being parked there. Debbie Sweetnam stated Chris Ziegler has a lot of concerns without more details and organization. Albert Roenigk stated my feeling is whether we have 100 people or 170 people willing to volunteer to do some work, go for it. Terry Tague stated if there are more people than what we need some can clean up around the Oregon Club as well. He asked Atty. Lutz if there is a waiver written up? Atty. Lutz answered yes. Debbie Sweetnam asked will you be putting up signs? Terry Tague answered there will be no vehicles on the Trail; we will keep the Trail clear for bikers and walkers. Ron Zampogna stated I share your concerns; but it is nice to have all of that help. Chris Ziegler, President Butler-Freeport Tail Council arrived at this time and commented.

On motion of Albert Roenigk, seconded by Gary Risch, to approve the request from the Church of Latter Day Saints to have a cleanup day on the Butler-Freeport Trail on April 28 with the rain date being May 12. Motion Carried. Un. Approval.

### **HORSES ON BUTLER-FREEPORT COMMUNITY TRAIL – NO DECISION MADE AT THIS TIME**

Ron Zampogna stated we have been having ongoing discussions about this with the Trail Council. At this time we are not going to make a decision; but will continue discussions with the Trail Council.

### **NEW BUSINESS**

#### **RESOLUTION #2018-5, BUTLER COUNTY PARKS RENOVATION DEVELOPMENT COMMUNITY GRANT PROGRAM – ADOPTED RETROACTIVELY**

Ron Zampogna stated this is a \$10,000 Grant that we would be applying for with a \$2500 match. The Trail Council volunteered to pay the match.

On motion of Gary Risch, seconded by Matt Sweeny, to retroactively adopt Resolution #2018-5, Butler County Parks Renovation Development Community Grant Program. Motion Carried. Un. Approval.

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**BUFFALO TOWNSHIP POLICE DEPARTMENT NALOXONE USE POLICY – APPROVED**

Chief Derringer stated the Officers were trained. Atty. Lutz stated we worked with Chief Derringer.

On motion of Gary Risch, seconded by John Zurisko, to approve the Buffalo Township Police Department Naloxone Use Policy. Motion Carried. Un. Approval.

**APPROVAL TO TRADE IN 2014 POLICE INTERCEPTOR AND TO PURCHASE 2018 FORD POLICE INTERCEPTOR**

Ron Zampogna stated the old car will have approx. 120,000 miles on it when we trade it in; the trade in value is \$4500. It would be great if we could get an upgrade to the police cars to keep cycling through and upgrading when we can. Matt Sweeny stated I agree we need to keep to a cycle so that we get value of the equipment instead of running it into the ground. We would get a car with a warranty and no miles. Chief Derringer stated we would get something for it. John Zurisko asked what is the warranty period on a police car? Chief Derringer answered three years or 36,000 miles. Atty. Lutz stated this is through a State Program.

On motion of Matt Sweeny, seconded by Gary Risch, to approve trading in the 2014 Police Interceptor and purchasing a 2018 Ford Police Interceptor for \$30,770. Motion Carried. Un. Approval.

**SOUTH BUTLER COUNTY LIBRARY – UPDATES**

Lisa Vandevort-Crist, South Butler County Library Board Member and Buffalo Township Resident attended the meeting to discuss updates to the Library.

Lisa Vandevort-Crist stated the Library is undergoing renovations. Tomorrow might be the day that the front door is open again. She explained the renovations. There will be an extension of hours to include another night of the week. It will be opening on Thursday evening until 8 p.m. It is also open on Tuesday evening until 8 p.m. We were approached by a local farmer to have a Farmer's Market this summer. The Endowment Campaign is winding down; but you can still donate. John Allen stated the Library was given \$75,000 gift from a former Library Board Member.

**ANNOUNCEMENT: AUDUBON EARTH DAY/DAY OF SERVICE TO THE PLANET AT TODD NATURE RESERVE, SARVER ON April 21 from 9 a.m. to 12 p.m.**

Renee' Alchier stated we are having a day of service at Todd Nature Reserve to help get ready for good weather. We are also having a cleanup day on our Zeloyle Property on May 5. There will be a Maple Madness at Succop on March 24. We will also be selling fresh maple syrup.

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**ANNOUNCEMENT: THE TRIB/VALLEY NEWS DISPATCH IS SPONSORING A SCHOOL SAFETY PANEL ON MONDAY, MARCH 19<sup>TH</sup> AT 7 P.M. AT PENN STATE NEW KENSINGTON CAMPUS**

**APPROVAL FOR REQUEST FROM THE JOHN ALLEN JR FAMILY TRUST FOR SUBSTITUTION OF A NEW BOND**

Attorney Larry Lutz stated Mr. Allen would like to provide a bond from a bank; it was previously a line of credit arrangement. We actually prepared the bond for him; we are fine with approving it. He brought the original bond with him tonight.

On motion of Albert Roenigk, seconded by Matt Sweeny, to approve the request from the John Allen Jr. Family for the substitution of a new bond. Motion Carried. Un. Approval.

**SPRING ROAD TOUR DATE SET**

On motion of John Zurisko, seconded by Matt Sweeny, to set the date for the Spring Road Tour on April 7, 2018, at 8:00 a.m. Motion Carried. Un. Approval.

**TRUCK/SWEEPER – DISCUSSION**

Ron Zampogna stated this pertains to picking up the anti-skid throughout the township plans. We try to do this every year. Gary Risch stated we need the sweeper for when we are doing the berms and ditches. We will be renting the equipment that picks the stuff up from Sarver True Value Hardware. They ordered a curb brush for it so they won't have to use two machines. Last year they needed two machines to do it. Power angles are approx. \$5500. We can get one at Stephen's for \$2450. Albert Roenigk stated as far as doing the streets we got prices for \$800 a day. A week would do all of our streets. Gary Risch asked why would you hire somebody to come in and do it when you have people on the payroll that don't have anything else to do? Ron Zampogna asked how long did it take us last year to do it? Gary Risch answered I think three weeks and that was with two machines and three guys. Now they can do it with one machine. Ron Zampogna asked how many guys will it take? Gary Risch answered probably three from what I understand. Ron Zampogna asked do they think it is going to take that long again? Albert Roenigk asked are we renting this machine? Gary Risch answered yes from Sarver True Value. Matt Sweeny asked what is more cost effective? Gary Risch answered the sweeper from Sarver True Value is \$580 a week. Albert Roenigk stated I think we need to try them both. Ron Zampogna stated we should see what it is going to cost for us to do it versus having a third party. Matt Sweeny stated we need to look into what is the best route for us to go economically. John Allen commented.

Matt Sweeny asked are we going to move forward with purchasing a new truck this year? Gary Risch commented on the age of the trucks. He asked Janice Zubrin if it is feasible this year? Janice Zubrin answered I need to compare it all.

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**SAVVY CITIZEN PRESENTATION**

Carolyn Brown and Rich McConnell attended the meeting to introduce Savvy Citizen to the township. Carolyn Brown explained that there are traditional communication problems. She explained that Savvy Citizen is a trusted source of government information that delivers community updates, municipal news, event reminders, public safety alerts, and proactive community outreach. You can inform your residents and engage the neighboring municipalities. She gave examples of Buffalo Township Notifications. She explained the cost is based on population; the cost for Buffalo Township would be \$149 a month or \$1490 annually. John Zurisko asked is that cost for one year and is it repeated the following year? Carolyn Brown answered correct.

**AUTHORIZATION FOR ATTY. LUTZ TO NEGOTIATE TERMS OF AGREEMENT WITH GEOTECHNICS**

Atty. Lutz explained that we were approached by Geotechnics to negotiate terms of agreement for XTO. They are doing seismic testing and will be drilling some wells in Armstrong County near the Trail. The seismic testing that they do in the off road areas is different from the trucks. He explained what they are proposing to do. There are two places that they have to cross the Trail; there will be nothing done on the Trail Property or on the surface of the Trail. My suggestion would be if you want to allow them to do this get a bond with them in case anything does happen with the Trail and authorize me to negotiate language in here notifying us exactly when they are going to do it. This is a one-time crossing of the Trail in two places. They are anxious to do this; I can report back to you at the next meeting about the terms.

On motion of Matt Sweeny, seconded by Gary Risch, to authorize Atty. Larry Lutz to negotiate terms of agreement with Geotechnics. Motion Carried. Un. Approval.

**NEW WEBSITE**

Gary Risch asked where is our new website? Rhonda Swartz answered the new one is not set up; we don't have it yet. Gary Risch asked is there a reason why? Janice Zubrin answered he has everything; I don't know if it is because they moved into a different location and they got behind.

**LAND DEVELOPMENT**

**M. KELLEY PLAN NO. 1 – SUBDIVISION – KELLEY DRIVE – APPROVED WITH CONTINGENCIES**

M. Kelley is proposing a minor subdivision of Tax Parcel 040-1F92-A12 an 89+ acre parcel; it is zoned "R-2". The proposed Lot 1 will be .6+- acre parcel off a cul-de-sac extension of Sunny Lane. The cul-de-sac will be dedicated to the township for public use of access utilities and drainage. The proposed lot has access to existing public sewer and public water.

The township office has received the Subdivision Plan, Subdivision Filing Fee, Municipal Authority comments (letter received 3/1/18), Township Engineer comments (letter dated 3/7/18),

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County Planning Commission comments (BCPC did not have any comments on this plan as per letter received 2/27/18), and Twp. Planning Commission comments (favorable recommendation contingent on entering into a Developer's Agreement in order to make provisions for construction of the cart way and cul-de-sac and on addressing the items in the Township Engineer's letter dated 3/7/18 as per 3/7/18 meeting minutes).

David Ivanek stated we reviewed this last week; we provided several comments in a letter dated March 7. The applicant has sent us a revised subdivision plan last Friday. I only had one thing from the original comment letter that I did not see fixed on the revised drawing. That was labeling the sanitary sewers on Lot #1. There are items that are going to need to be worked out by a Developer's Agreement between the applicant and the township for the cul-de-sac. Basically what they are doing they are dedicating one lot and a cul-de-sac area. Atty. Lutz stated we have drafted a Developer's Agreement. If you are in favor of approving the subdivision, you should make it contingent on complying with all the items in the Bankson Engineer's Letter and on entering into a Developer's Agreement.

On motion of Gary Risch, seconded by Matt Sweeny, to approve the M. Kelley Plan No. 1 Subdivision on Kelley Drive contingent on complying with all of the items in the Bankson Engineer's Letter and on entering into a Developer's Agreement.

Dave Ivanek stated you want to prevent is them building on Lot #1 and not having access to a public street. That is something that will need to be worked out in the Developer's Agreement. That does need to be worked out because the physical pavement of Sunny Lane falls short of this lot. Mike Kelley stated we would ask that we be able to get a building permit and cross that area before. Atty. Lutz commented on not getting an occupancy permit. Albert Roenigk stated that is something that the township needs to start on when it dries up. The building permit was discussed and building the cul-de-sac were discussed.

### **REMARKS FROM THE FLOOR**

Bob Bednar, Meritage Group, stated we are developers of the Sarver's Mills. We met with the Planning Commission, Ken, and Dave over a revision to the Master Plan in addition to a revision to Phase 4. The original Master Plan had 234 lots. We did borings, geo probes, and excavated test pits that we did in the area when construction occurred on Phase 3B. We encountered a lot of clay and unstable soils; therefore, we did the additional test pits located throughout Phase 4 and Phase 5. We determined that there is about 16' of clay through there. I believe that there were a total of 22 test locations that we did. The revised Master Plan has 218 lots, which is 16 less than the original Master Plan. We are going to submit for the next Planning Commission Meeting. We would like the Supervisors to take a look to see if you have any questions pertaining to this new design. The area where the bad soils are we are going to leave green. That will be approx. four acres. He explained where the access points to this area would be. Every cul-de-sac has snow removal easements; the length of the cul-de-sacs meet the township's requirements. There were some of the storm inlets that were installed by the previous developer were incomplete. We are in the process right now of repairing the bottoms. We plan on



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topping Creek Side from the townhouses thru to where the turnaround is (around 314). Once we top it we are going to not allow construction vehicles. Atty. Lutz asked about the unsold portions? Bob Bednar answered it is going to be owned by the Homeowner's Association. Ron Zampogna asked Dave upon their submittal you will have some comments? Dave Ivanek answered as Bob mentioned they came into our office a couple of weeks ago. We recommended that they informally bring it to the Planning Commission and to the Supervisors. They definitely had extenuating circumstances that warrant this. Bob Bednar stated we understand that the recreational fee will have to be re-subdivided among the number of lots. Atty. Lutz stated we have revised the Developer's Agreement a number of times for that. Ray Smetana stated they made a presentation to us last week; we didn't have any problems with it.

Gilbert Gorski, Crestwood Drive, stated there is an issue in front of my house with the gazebo for the mailboxes. The gazebo is in danger of collapsing. Atty. Lutz stated there is the same problem throughout the Plan. Gilbert Gorski stated the gazebo is not on my property. Atty. Lutz stated I will look at the map. There isn't a Homeowner's Association in the Plan. I don't know what the solution is. Gilbert Gorski stated I talked to the Post Office. Terry Tague stated me and six of my neighbors approached the Post Office and asked if we could have our own postal box at our property. We applied for it and got permission. This was approx. eight to ten years ago. Property ownership was discussed. Ron Zampogna stated you and Atty. Lutz can do some research before next month's meeting.

Michael Hart, Oak Drive, stated I was here several months ago about a water issue coming from Grimm Road underneath my property bubbling up through. In that time frame I had six incidents where it is actually bubbling up through my yard. My problem is now becoming your problem. Now my road is starting to subside. It does dump out onto Bear Creek Road. I don't know how to resolve this issue. I reached out to the property owner. He explained the problem. Atty. Lutz suggested sending Ken and Dave there to see what is going on. Ron Zampogna stated if you can come back in April, we will have some answers for you then.

**ADOPTION OF POLICY PRESENTED TO TOWNSHIP TO ALLOW E-BIKES ON THE BUTLER FREEPORT TRAIL**

Debbie Sweetnam, Sarver Road, a Representative of the Butler-Freeport Trail Council, stated I wanted to talk about electrical assist bikes (e-bikes). She presented pictures. The Trail Council would like the Supervisors to pass some sort of Policy that would allow e-bikes to be used on the Trail. The reason we are coming to you about this is that e-bikes are increasingly popular and available. Chris Ziegler, President of the Buffalo Freeport Trail Council, gets inquiries if they are permitted on the Trail. At this point, motorized vehicles are not permitted; there isn't a Policy written. I personally have seen e-bikes on our Trail; I have also seen them on other Trails. E-bikes basically look like regular bicycles. They are pedal bikes that have a small battery powered electric motor that provides assistance to the rider. For them to be e-bikes they have to have fully operational pedals and the motor has to be less than 750 watts. The reason they are popular is that they allow older riders, physically impaired riders, and people

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out of shape to get out on the Trail. They are widely available and sold by Dealers. She explained the two types of e-bikes. She explained Federal and State Law. She gave reasons why e-bikes should be allowed on the Trail. Chris Ziegler commented on e-bikes. Atty. Lutz stated my recommendation would be that you adopt the Policy Proposal that was presented to us.

On motion of Gary Risch, seconded by John Zurisko, to adopt the Policy Proposal presented to allow E-Bikes on the Butler Freeport Trail. Motion Carried. Un. Approval.

**REMARKS FROM THE FLOOR (CONT'D)**

James and Betty McQuillan, Sr. stated that we are renting and in the process of cleaning up the building located on North Pike Road for an auto repair shop.

Chris Ziegler commented on awards that the Butler Freeport Trail was given.

**ADJOURNMENT** was on motion of Gary Risch, seconded by John Zurisko, at 9:35 p.m. Motion Carried. Un. Approval.

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY**