

KENAI PENINSULA BOROUGH  
 MINUTES OF THE REGULAR ASSEMBLY MEETING  
 MARCH 6, 1979; 7:30 P.M.  
 BOROUGH ADMINISTRATION BUILDING  
 SOLDOTNA, ALASKA

A. CALL TO ORDER AND ROLL CALL

Pres. Elson called the meeting to order at approximately 7:30 p.m.

PRESENT: Assemblymembers Hille, Martin, Moses, McCloud, Ambarian, Arness, Campbell, Cooper, Corr, Crawford; Davis, Dimmick, Elson, Fischer; Mayor Gilman, Atty. Sarisky, Finance Director Barton, Public Works Director Hakert, Admn. Assts. Baxley and Gallagher, and Principle Planner Ike Waits

ABSENT & EXCUSED: Assemblymembers Long and Douglas

B. PLEDGE OF ALLEGIANCE

C. SEATING OF NEW ASSEMBLYMEMBERS (none)

D. AGENDA APPROVAL

The clerk requested the addition of Res. 79-30 as Item (j) under L, renumbering the balance of section L. Also, Mr. Vincent Kvasnikoff from English Bay has requested permission to speak under Public Presentations, H. The agenda was approved with these additions.

E. MINUTES: February 20, 1979

The clerk called attention to the following additions and corrections to the minutes of February 20. Add the administrators present at the regular meeting to page 4, on page 9, second paragraph should read "5 ft." instead of "6ft." for pool depth and page 14, 8th line of item (g) add "h" before word "as". The minutes were approved as corrected.

F. ORDINANCE HEARINGS

- (a) Ord. 79-6 "An Ordinance Providing for the Rezoning of a Portion of Woodland Subdivision City of Kenai, from Rural Residential to Suburban Residential"

The ordinance was read by title only as sufficient copies were available for the public. Public hearing was declared open and as no one wished to be heard was closed.

ASSEMBLYMEMBER AMBARIAN MOVED FOR ENACTMENT OF ORD. 79-6.

The Kenai Advisory Planning Commission and the Borough Planning Commission have recommended approval of the rezoning request.

QUESTION WAS CALLED AND THE ORDINANCE UNANIMOUSLY ENACTED.

- (b) Ord. 79-7 "Adopting the 1978 Revision of the Homer Comprehensive Plan as the Comprehensive Plan for the City of Homer and As a Portion of the Kenai Peninsula Borough Master Comprehensive Plan"

The ordinance was read by title only as sufficient copies were available for the public. Public hearing was opened.

Atty. Brent Wadsworth spoke to the assembly as representative for Mr. Howard Gates, who owns land on the lower portion of the Homer Spit. He reported the west side of the spit has been classified as open space which is too restrictive, hindering potential future development. He urged leaving the west side industrial as is the east side to avoid differential zoning and requested the assembly not pass Ord. 79-7. He believed the zoning should remain industrial as this provides all the protection the area needs.

As no one else from the public wished to be heard, public hearing was closed.

Mr. Cooper stated there is very little acreage on the west side of the highway and erosion is an ever increasing problem there. The Homer Advisory Planning Commission and the Council does not want development on the west side because of the unstable conditions.

ASSEMBLYMEMBER COOPER MOVED TO ENACT ORD. 79-7.

Mr. Hille favored the comprehensive plan for Homer, noting it will take another ordinance to change the zoning and this may be used as an argument at that time.

ASSEMBLYMEMBER DAVIS MOVED TO REFER THE ORDINANCE BACK TO THE HOMER ADVISORY PLANNING COMMISSION FOR MORE STUDY TO ACCOMMODATE THE WISHES OF THE GATE'S. THE MOTION FAILED BY A VOTE OF 18 "YES" TO 108 "NO"; Corr and Davis voting affirmatively.

FOLLOWING DISCUSSION QUESTION WAS CALLED ON THE MAIN MOTION AND THE ORDINANCE WAS ENACTED BY A VOTE OF 108 "YES" TO 18 "NO": Davis and Fischer voting negatively.

#### G. INTRODUCTION OF ORDINANCES

- (a) Ord. 79-8 "Providing for the Disclosure and Regulation of Potential Conflicts of Interest Arising from the Activities of Certain Borough Personnel"

ASSEMBLYMEMBER DIMMICK MOVED TO SET ORDINANCE FOR HEARING APRIL 3, 1979.

Mr. Campbell commented the assembly is required to file Conflict of Interest statements, which he dislikes. To go further and require borough personnel to also file such extensive reports and registration of all vendors and bidders doing business with the borough would involve hiring an additional number of people to administer the plan. He reported the borough code does provide guidelines in Section 3.04.230 and 240 which he believed to be sufficient.

Mr. Hille reported the Finance Committee discussed the ordinance and believed the problems it would create would be far in excess of the problems the borough now has. There are certain areas of the ordinance which exceed the authority of the assembly and the committee recommended a "Do Not Pass".

QUESTION WAS CALLED AND THE ORDINANCE WAS NOT SET FOR HEARING AS THE MOTION FAILED BY A VOTE OF 9 "YES" TO 117 "NO"; Dimmick voting affirmatively.

- (b) Ord. 79-11 "Amending Sec. 2.08.040 of the Borough Code of Ordinances Relating to Abstention from Voting by Assemblymembers in Cases of Conflict of Interest"

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Mr. Arness stated after studying the ordinance he is reluctant to proceed with it further at this time.

ASSEMBLYMEMBER ARNESS MOVED TO REFER THE ORDINANCE TO THE FINANCE COMMITTEE. THE MOTION PASSED BY A VOTE OF 95 "YES" TO 31 "NO"; Corr, Crawford, Davis and Fischer voting against the motion.

- (c) Ord. 79-9 "Acknowledging Receipt of Authorization to Expend Certain Funds for Local Service Roads and Trails and Making Allocations"

ASSEMBLYMEMBER CORR MOVED TO SET ORDINANCE FOR HEARING APRIL 3, 1979 AND THE MOTION PASSED BY A UNANIMOUS VOTE.

- (d) Ord. 79-10 "Establishing Advisory Planning Commissions in the Communities of Cooper Landing, Hope and Moose Pass"

ASSEMBLYMEMBER CORR MOVED TO SET ORDINANCE 79-10 FOR HEARING APRIL 3, 1979.

The Mayor reported these advisory commissions are being established to assist with the Forest Service land nominations. This would be lands eligible for private ownership. He believed a 5 member commission would be sufficient and he intends to originally appoint that number subject to ratifications by the assembly.

In reply to questions, Mayor Gilman stated it is not known how long it is going to take to settle all land issues within the Forest Service. There are estimates it may take as long as 3 years before patents will be issued to the state. The commissions will look at the lands that have been approved by the Forest Service and be prepared to make some very concrete recommendations to either the state or the borough, depending on who is the public owner of the land, as to how the land will be disposed of. This could take 5 or 7 years; at this point the question of how long the commissions will be in existence is premature. At this point it is not anticipated there will be any budget requirements for these people; however, when the overall land process is determined there could be some costs involved. The Mayor stated these costs would be involved whether there is a commission or not.

The Mayor stated there are distinct boundaries which were established when the lands were nominated to come out of the Forest Service and these will be the boundaries used for these areas.

QUESTION WAS CALLED AND THE ORDINANCE SET FOR HEARING BY A UNANIMOUS VOTE.

#### H. PUBLIC PRESENTATIONS (with prior notice)

- (a) Mr. Herbert Wilborg; Alaska Housing Finance Corp.

Mr. Wilborg reported home financing is becoming more difficult because of recent drastic increases in interest rates. He reported the current interest rate for Alaska Housing Finance Corp. is 8 3/4%. This is a public corporation and a government instrument within the Alaska Dept. of Commerce and Economic Development. It was created by the legislature in 1971 and is governed by a Board of Directors. It provides mortgages statewide for low and moderate income families and finances its mortgages from the sale of its own tax exempt bonds. The maximum loan on a single family resident in Kenai is now \$75,000 and the income limitation for a family of 4 is \$36,993.

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In May of 1978, Alaska Housing changed its policy and set up geographic areas. The three areas are classified as urban, suburban and rural. Anchorage is classified urban; Fairbanks, Juneau, Ketchikan, Kenai, Kodiak, Sitka and Valdez are suburban; all other areas are rural. At the time of the change the corporation kept the income and loan limitations on the urban and suburban but for the rural areas the income limitation was removed. The loan limit on single family residences was increased to \$90,000. This is great for most of the borough but does not benefit the City of Kenai. A Kenai homebuyer is restricted to a smaller home or must pay 21% higher interest. He urged adoption of Res. 79-25 which requests Kenai be placed in the rural classification with the rest of the borough.

(b) Mr. Robert Robinson, Chilkoot Drilling, Anchorage

Mr. Robinson spoke regarding the North Peninsula Recreation swimming pool painting bids (Res. 79-28). He explained the chlorinator rubber base paint on the pool rapidly deteriorated and about one year ago the pool was repainted. The new paint started peeling and flaking within two weeks and has continued to do so. He believed the most successful means of correcting the problem is by the complete removal of all chlorinated base with sandblast. The process is a complicated 6 step procedure which includes an acid coating and epoxy coatings. He wondered why it was believed aluminum pools should be painted and believed if it had been left bare with its protective coating of white oxide film the pool would not have deteriorated from within.

Mr. Robinson explained 3 bids were received for the pool painting. His bid was read aloud and the other 2 bids were rejected as they did not contain all the bid documents. He understood the assembly was to decide tonight whether or not to waive certain discrepancies in the bid documents and award the contract. He believed any action other than rejection of the 2 non-conforming bids would be a flagrant violation of the bidding process. He suggested the assembly consider cancellation of the project if his bid exceeds the amount which the assembly believes it can spend.

(c) Mr. Vincent Kvasnikoff, President, English Bay Village Council

Mr. Kvasnikoff was present to support Res. 79-22 which includes the English River footbridge. He reported the Village has had a bridge which is gone and it is needed to get across the waterfall for fishing.

I. COMMITTEE REPORTS

(a) School Board, March 5, 1979

Mr. Crawford reported the board met and adopted its 1979-80 budget which will be presented to the assembly on March 20. He informed the Board they were much better organized than the borough assembly.

(b) Cook Inlet Air Resources

Mr. Davis reported the next meeting will be March 20.

(c) OEDP Committee

Mr. Fischer reported the March meeting has been rescheduled for March 22.

(d) Finance Committee

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Mr. Hille reported the committee went over the personal property tax problems and has requested the assessor attend the next meeting at which time they will continue to work on that area. Consideration is being given to presenting a policy statement for surplus funds for the borough. The committee reviewed the financial matters in the packet, the ordinances being introduced and resolutions and recommendations will be presented as the items come up.

The next meeting is scheduled for 5 p.m. March 20.

(e) Solid Waste Committee

Mr. Fischer referred to Memo 79-55 which is the status report on the solid waste program.

(f) Roads and Trails Committee

Mr. Martin reported legislation recommended by the Roads and Trails Committee is in the packet tonight.

(g) Ports and Harbors Committee

Mr. Arness reported several representatives of Woodward-Clyde are present tonight following a tour of Union Chemicals and North Kenai dock facilities during the day with Mr. Ambarian.

Mr. Ambarian reported on the tour and requested Mr. Ike Waits as project manager to present a report on the progress of the plan. Mr. Waits reported this is the third trip to the peninsula by Woodward-Clyde and by the end of March the first set of documents will be available. This will include their study of the port and harbor demand that the borough will currently and in the future be looking at. In addition, there will be a breakdown of shipping/traffic projections and a report of the entire project at that time. During the week of April 16 a series of worksessions are scheduled, the first of which is a **joint OEDP/Planning Commission** session at the Planning meeting and the following night a brief presentation before the assembly. Following this, schedules will be arranged for a public worksession in Kenai, Homer, Ninilchik and Seward.

Mr. Waits introduced to the assembly Mr. Charles Bigelow, Project Manager, Vello Kiisk, Deputy Project Manager and Jon Isaacs, Urban Planner, Anchorage office.

(h) Local Affairs Committee

Mr. Campbell reported the committee has been working on the duties and responsibilities of the service area boards and the comments are being put together in the form of an ordinance for submission to the committee and the service area boards for one more perusal before being presented to the assembly for introduction.

(i) Legislative Overview Committee

Mrs. Dimmick reported a teleconference hearing today on HB 193. This is a 17 page bill introduced February 13 which effects the Fish and Game Board and would call for 7 Regional fish and game boards with authority within their areas. There is another bill addressing the same subject, HB 304, and commercial fishermen are very much concerned about both bills. Fisheries is of utmost importance to this borough and we should try to follow these bills.

She reported requesting one of the representatives to ask if they could not schedule regular conferences for short periods

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of time between our delegation and the Legislative Overview Committee and other assemblymembers who are interested.

The hearing on the appropriation for Community College was held shortly after the last assembly meeting and if the bill passes, the appropriation will probably be cut because some of the things originally requested had already been included. Also, it may be a portion of the amount requested could be added to this year's appropriation.

J. MAYOR'S REPORT (none)

K. SCHOOL CONSTRUCTION REPORT

- (a) Furniture and Equipment List for Soldotna High and Redoubt Elementary, approved by Board 2-19-79

ASSEMBLYMEMBER FISCHER MOVED TO APPROVE THE EQUIPMENT LIST FOR SOLDOTNA HIGH SCHOOL AND REDOUBT ELEMENTARY. VOTE WAS UNANIMOUS.

L. OTHER BUSINESS

- (a) Res. 79-21 "Awarding the Construction Contract for the Project: North Peninsula Recreation Service Area Pool Heating" with Memo

Memo 79-52 states of the two firms submitting bids, Inlet Instruments was the low bidder and the Public Works Dept. recommends award to this firm in the amount of \$17,940.

ASSEMBLYMEMBER MOSES MOVED TO ADOPT RES. 79-21.

Pres. Elson reported the North Peninsula Recreation Board has also recommended approval of the low bid to Inlet Instruments.

QUESTION WAS CALLED AND RESOLUTION ADOPTED BY A UNANIMOUS VOTE.

- (b) Res. 79-28 "Rejecting the Bids on the North Peninsula Recreation Service Area; Pool and Locker-Shower Painting Project" Memo 79-59

ASSEMBLYMEMBER DIMMICK MOVED FOR ADOPTION OF RES. 79-28.

Mr. Hakert explained the Public Works Dept. had advertised for bids for the project for the second time. Three bids were received on February 22, 1979 with only Chilkoot Drilling & Services, Inc. bid of \$38,204.61 being read aloud; Jan Hansen's bid did not include the required bid bond and Lou Sledge and Sons' bid did not include the bid bond and was not on the required form. These bids were not read aloud. On February 27 a second bid opening was scheduled and all three bids were read into the record upon the advice of Atty. Sarisky.

Upon reviewing all three bids, along with the contract documents, all three were lacking copies of current Alaska Contractor's licenses and Alaska business licenses as required.

Mr. Hakert reported there are four options available to the Assembly: (1) Reject all bids for non-compliance and rebid later, (2) waive the requirements to submit copies of licenses and award to Chilkoot Drilling, (3) waive the requirements to submit a bid bond and award to Jan Hansen or (4) waive the requirements and award to Lou Sledge and Sons. During further discussion, Mr. Hakert reported it was decided the rubber base paint was unsatisfactory and should be removed before repainting. The epoxy paint at Kenai High School has been very satisfactory and did not have the rubber base coating.

Mr. Hille referred to Mr. Robinson's recommendation and believed it deserved consideration; to sandblast, add the acid coating and leave the pool aluminum.

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Mr. Hakert agreed the staff should discuss this recommendation with the service area board as it is a viable option. Since Chilkoot's bid was the only one accepted at the bid opening, the borough could proceed and negotiate a change or rebid.

Pres. Elson reported the service area minutes of February 27 state the board unanimously accepts the low bid of Sledge and Sons on the condition the borough will waive the irregularities in bidding.

FOLLOWING ADDITIONAL DISCUSSION, QUESTION WAS CALLED AND THE RESOLUTION ADOPTED BY A VOTE OF 106.33 "YES" TO 19.67 "NO"; voting negatively were Davis and Ambarian.

- (c) Res. 79-22 "Amending the Local Service Roads and Trails Construction Program and Identifying Construction Priorities in FY 1978-79 and 1979-80" and Memo 79-54

ASSEMBLYMEMBER MARTIN MOVED FOR ADOPTION OF RES. 79-22.

Mr. Martin reported the committee realized that every road needs a priority and the Miller Loop Road was of great concern as were some of the other roads that have been accepted and maintained by the state. The committee had to go through the list of projects which had met the criteria of fulfilling all requirements. The first priority projects are shown in the resolution and were arrived at in this manner. The committee made its decision on the basis of number of people served for the dollar value with the limited funds available.

Mr. Arness objected to roads being put on the bottom of the list because of the paving costs involved. He believed when a road gets to the point it needs to be paved, it means a lot of people are utilizing the road. The priorities should be based on the amount of traffic on the roads.

In response to questions, the Mayor reported there is no restriction against using Local Service Roads and Trails monies for paving, but it is a choice this body has to make. He explained the Safer-Off-System Road is a federal project and is not a state legislative general fund program. Miller Loop Road was No. 1 out of the 1979-80 money but the President reduced the funds and since Alaska receives its funds on a per capita basis its funds dropped considerably. They are trying to make sure this year that those Safer-Off-System Roads which have been approved and have design documents on them and contracts let will be funded and actually built. There will probably be no other such program built in the state of Alaska this year. As far as this area is concerned, Miller Loop is still No. 1 in this area if they do build.

Mr. Arness stated the Lamplight Road was also on the list and it also is shown as low priority. He stated these roads are taking too much abuse and must be blacktopped. A better criteria should be established.

FOLLOWING ADDITIONAL DISCUSSION, QUESTION WAS CALLED AND THE RESOLUTION ADOPTED BY A UNANIMOUS VOTE.

- (d) Res. 79-23 "Transferring Surplus Funds from Completed Local Service Roads and Trails Projects to the Unassigned Contingency Fund" and Memo 79-57

ASSEMBLYMEMBER CORR MOVED FOR ADOPTION OF RES. 79-23 AND THE RESOLUTION WAS ADOPTED BY A UNANIMOUS VOTE.

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- (e) Res. 79-24 "Granting an Easement to Homer Electric Association Across the Seldovia School Site"

ASSEMBLYMEMBER McCLOUD MOVED FOR ADOPTION OF RES. 79-24 AND IT WAS ADOPTED BY A UNANIMOUS VOTE.

- (f) Res. 79-25 "Urging the Alaska Housing Finance Corporation to Classify the Entire Kenai Peninsula Borough as a Rural Area for Mortgage Loan Purposes"

ASSEMBLYMEMBER DIMMICK MOVED FOR ADOPTION OF RES. 79-25 AND THEN MOVED TO AMEND THE 5th "WHEREAS" BY DELETING "DO NOT DIFFER SUBSTANTIALLY FROM OTHER POPULATED AREAS OF THE BOROUGH AND DO NOT JUSTIFY THE DISCRIMINATORY CLASSIFICATION" AND INSERT "ARE PRIMARILY RURAL IN NATURE; AND".

THE AMENDMENT AND THE RESOLUTION WERE ADOPTED UNANIMOUSLY.

- (g) Res. 79-26 "Urging the Adoption of House Concurrent Resolution Number 3 of the Alaska State Legislature"

ASSEMBLYMEMBER ARNESS MOVED FOR ADOPTION OF RES. 79-26 AND THEN MOVED TO AMEND SECTION 2. BY ADDING THE SENATE JUDICIARY COMMITTEE TO THE MAILING LIST. UNANIMOUS CONSENT WAS ASKED AND GRANTED TO THE AMENDMENT. THE RESOLUTION AS AMENDED WAS ADOPTED BY A VOTE OF 116 "YES" TO 10 "NO"; Cooper voting negatively.

- (h) Res. 79-27 "Approving the Award of A Contract for the Development of a Land Use Plan for the City of Seward"

ASSEMBLYMEMBER McCLOUD MOVED TO ADOPT RES. 79-27. ASSEMBLYMEMBER CRAWFORD MOVED TO AMEND SECTION 2 BY ADDING: "The costs of the contract shall be charged to revenue sharing fund, Code 06-1810-3411."

THE AMENDMENT WAS APPROVED BY UNANIMOUS CONSENT AND THE RESOLUTION AS AMENDED WAS ADOPTED UNANIMOUSLY.

- (i) Res. 79-29 "Transferring \$4,500 from the Assembly's Contingency Account to the Assembly's Travel Account"

ASSEMBLYMEMBER HILLE MOVED TO ADOPT RES. 79-29 AND THEN MOVED TO AMEND, FOLLOWING THE 4th ""WHEREAS" AS FOLLOWS:

"WHEREAS, the assembly at its regular meeting of February 20, 1979 on motion duly made and seconded, approved the transfer of funds of the assembly's travel budget by line item transfer; and WHEREAS, this resolution formalizes that action for purposes of audit and recording the transfer of these funds;"

ASSEMBLYMEMBER DIMMICK MOVED TO AMEND TO CHANGE THE SECOND "WHEREAS" TO INDICATE THE 11th STATE LEGISLATURE IN LIEU OF THE 9th AND REQUESTED UNANIMOUS CONSENT WHICH WAS GRANTED.

ASSEMBLYMEMBER HILLE'S AMENDMENT PASSED BY A UNANIMOUS CONSENT AND THE RESOLUTION AS AMENDED WAS ADOPTED UNANIMOUSLY.

- (i) Res. 79-30 "Providing a Procedure for the Expenditure of funds in the Assembly's Travel and Subsistence Account, and for Appointment of Assembly Members to Travel on Official Business"



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Mr. Fisher stated he had requested this Resolution but after studying it had decided a more appropriate time to consider it would be at the time of budget adoption and THEREFORE MOVED TO TABLE THE RESOLUTION.

TABLING MOTION PASSED BY A VOTE OF 122 "YES" TO 4 "NO"; Crawford voting negatively.

- (k) Res. 79-11 "A Resolution for the Publishing of Notice for the Roll of Delinquent Real Property for 1978" FOR RECONSIDERATION

Assemblymember Arness had moved for Reconsideration at the last meeting.

Mr. Barton reported the Resolution should indicate the date for beginning publication as the week of March 19 instead of the previous week.

QUESTION WAS CALLED AND RECONSIDERATION OF THE RESOLUTION FAILED BY A VOTE OF 56.83 "YES" TO 60.17 "NO", 9 "ABSTAINING" Martin abstaining; Hille, Moses, McCloud, Corr, Crawford, Davis, Fischer voting negatively.

- (l) Memo 79-55 Solid Waste; Present and Future Status, Including 1979-80 Budget Projections

This memo is provided mainly to bring the assembly up to date on the solid waste program.

Mr. Cooper reported that the borough has received official notification of permit approval for the Homer landfill.

- (m) Request for Waiver of Penalty and Interest  
1. Alaska Sea Projects, Inc. Acct 144-074-0400 25543-1

ASSEMBLYMEMBER COOPER MOVED TO GRANT WAIVER OF PENALTY AND INTEREST AND THE MOTION FAILED BY A VOTE OF 7.5 "YES" TO 118.5 "NO"; McCloud voting affirmatively.

2. Gerard A. LeBlanc, Parcels 147-210-0300, 0200  
147-050-1000 and 159-220-0800

ASSEMBLYMEMBER COOPER MOVED TO GRANT WAIVER OF PENALTY AND INTEREST AND THE MOTION FAILED BY A UNANIMOUS VOTE.

M. MAYOR AND ASSEMBLY: COMMENTS AND DISCUSSION

- (a) Mayor Gilman; public hearing

Mr. Gilman reported there will be a public hearing March 13 at 7:30 p.m. in the borough building on Septic Waste disposal and suggested perhaps interested assemblymembers might wish to attend.

The Mayor reported Memo 79-58 refers to completion of the Bear Creek fire station; the building has now been accepted.

- (b) Mr. Campbell; excused absence

He reported he will be out of town on March 20; there was no objection.

N. PUBLIC PRESENTATIONS (none)

O. INFORMATIONAL MATERIALS AND REPORTS

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Pres. Elson called attention to the minutes in the packet, the Second Supplemental Roll Certification, AML Bulletins and correspondence.

P. NEXT MEETING: March 20, 1979 Regular Meeting and  
March 27, 1979 Special Fire Service Area  
Hearing at Sterling School

Meeting adjourned at approximately 10:30 p.m.

Date approved April 3, 1979

ATTEST:

Jo Ann Elson  
Assembly President

James Bryner  
Borough Clerk