

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 22, 2011**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Marvin G. Dilks, Jr.** at approximately 7:05 PM in the Conference Room on the first floor of the Municipal Complex, located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the New Jersey Open Public Meetings Act (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official publications for Monroe Township (i.e.: Gloucester County Times, Courier Post and the Sentinel of Gloucester County). A copy of that notice has been posted on the bulletin board at the Municipal Complex.

SALUTE TO OUR FLAG – Cncl. Frank Caligiuri led the Assembly in the Salute to Our Flag.

Moment of Silence – Mayor Michael Gabbianelli requested a “Moment of Silence” in memory on the passing of “Sandy Dilks”.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	(Arrived 7:50PM)
Cncl. Pres., Marvin G. Dilks, Jr.	Present	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Eng., Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart	Present	
Dir. of Code Enforcement, George Reitz	Present	
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

• **Towing Update**

Solicitor, Charles Fiore recommended holding this matter as an open item until the end of the meeting so that all the entities involved are in attendance. There is an issue as to a revocation or suspension from the towing list. Notices were sent for that individual to appear at 7:00PM however, he would give ample time for the persons to appear. If they do not appear prior to 8:00PM then council can take the appropriate recommended action. **Cncl. Pres., Dilks** then noted to move on with the next item for business.

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B.) MATTERS FOR DISCUSSION (cont'd)

• **Comcast Grant Expenditure Recommendation**

Cncl. Ronald Garbowki, Chairman of the Comcast Committee (*Garbowksi, Sebastian, Teefy*) submitted a report on the final recommendations for the technology grant received from Comcast. He noted the grant was in the amount of \$80,000.00 and the following is a synopsis of how the funding will be allocated.

Parks& Rec	\$16,205.00 – Wireless Security System – Park
Fire	\$ 3,900.00 -- Internet Connection with Township
Police	\$10,000.00 – New Radios
Township	\$10,000.00 – New Server
Historical Society	\$ 3,764.76 – Software & Computer Upgrades
Public Works	\$15,071.90 – Antenna Upgrade
	\$ 8,000.00 – GPS Units
Council	\$ 5,080.00 – Purchase I-Pads
Library	\$ 1,000.00 – Listening Centers
	\$ 400.00 – Wireless Printing
	\$ 1,600.00 – Touch Screen Monitors
	<u>\$ 4,800.00</u> – Computers/Tutoring Rooms
Funded	\$ 79,821.66
Balance	\$ 178.34

Cncl. Walter Bryson made a motion to move forward the recommendations made by the committee and to formally approve Resolution R:195-2011 at the regular council meeting. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by the members of council in attendance.

C.) PUBLIC PORTION

Cncl. Rich DiLucia made a motion to open the Public Portion. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

Andrew Wade – non-resident, business owner approached council advising them he had taken Tort Claim Action against the township in reference to the Court Administrators. He was not asking for any comment from Council he just wanted them to understand where he was coming from. Mr. Wade then proceeded to give some background on a police call made to his junkyard (*Blue Bell Road*). His facility was robbed and the MTPD responded with several police officers and several police cars. Mr. Wade rated this response with a “*super huge vote of confidence*” and he commended all the officers involved. There was snow on the ground and the officers went on a foot pursuit and caught the individuals (3), they were arrested. This matter then went to the county for review and it was kicked back to the local court. The three individuals involved were a driver, and two that were involved with the actual breaking and entering. The driver was the only one to appear at the last court hearing who was still not in jail and that matter was dealt with.

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C.) PUBLIC PORTION (cont'd)

The second individual is still in jail and the other has not been located. A court hearing for this was set for February, 2012 as this is when the second individual will be out of jail. Mr. Wade then advised just recently he received a letter advising him of a change in court date. Mr. Wade went on to note that unfortunately he would not be able to attend on that date as he will not be in the area. He then went to the court office and submitted an airline ticket, a letter and a brochure indicating his travel plans. Mr. Wade then explained he was on the board of directors for an Environmental Resource Station (*VIERS*) located in Lameshur Bay, St. John USVI and the court date was scheduled during the time that Mr. Wade must attend this annual meeting. Mr. Wade then went on to speak on the staff of the court office and knows it has a total of four (4) employees. He stated he only had the pleasure or displeasure of meeting three (3) of them on several occasions. Mr. Wade noted that, in his opinion, they are the most rude, arrogant and ignorant people you would ever want to encounter and they treat you like dirt. He explained he was denied on his request to postpone. He again explained that he could not be here and he was concerned as there is restitution involved. The court personnel then noted that our court does not get involved with restitution. Mr. Wade then went on to note that courts do get involved in restitution and continued with showing examples of various other cases he has been involved with that, in fact, deal with restitution. He then referred to the five (5) other businesses he owns throughout the area. At that point, the solicitor advised that the court can order restitution and whoever advised Mr. Wade to the contrary was incorrect. Mr. Wade then indicated he was told he was not needed and they could go on with the hearing without him. He explained that he was not only the owner but the victim and he had a right to be there.

Mr. Fiore then explained the township cannot comment on the basis of the Tort Claim notice that was served and he questioned Mr. Wade if had contacted Carol Cummings from the Administrative Office of the Courts as she basically dictates the conduct of the court. The township is not allowed to control matters dealing with postponements. He suggested Mr. Wade contact her, explain to her his dilemma, she will contact the court as well as the judge. Mr. Fiore briefly explained that Mr. Wade would be a witness for determining the amount of restitution and identifying the property. The state would be the prosecuting party and Mr. Wade is the victim on behalf of the state.

Business Administrator, Kevin Heydel advised council that upon receipt of the Tort Claim he notified both the judge and Carol Cummings. In speaking with the judge, he was advised the personnel in the court office do not have the authority to postpone a case. Also, in speaking with the judge even though Mr. Wade is the victim he may not be needed for that court proceeding as this deals with procedural items before the case would go into some type of trial. Therefore, for that particular court date Mr. Wade would not be needed, when they actually try the case his presence would then be needed. The solicitor indicated that Mr. Wade wants it known that he wants to there because it is his property. Discussion continued on this with a question being posed on if the case was being postponed or not. Mr. Heydel advised the case is not being delayed.

The Solicitor again stressed to Mr. Wade that he contact Carol Cummings both in writing and verbally. Mr. Wade then noted the county remanded this back to the local

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C.) PUBLIC PORTION (cont'd)

authority (non-indictable). Mr. Heydel then advised that Carol Cummings will be in the township December 16th to conduct training for the court personnel. Mr. Wade then went on to note that he was subpoenaed by the state and felt that his presence was needed. Usually the courts will give you a one- time postponement without much difficulty. That is why he initially went to the court office with all his documentation. He went on to stress that the court personnel does need training and he went on to explain some of what transpires in our court and urged everyone to be aware of how the court room proceedings are conducted. He explained briefly of his dealings with other local courts and how he felt the courts, in general, should be more friendly and his efforts in trying to bring about change in the court system. Mr. Wade again stressed that you really need to know what goes on. The three court personnel employees that he has encountered over several years are rude and other than the training class, other steps could be taken, as they are employees. Mr. Wade then emphasized other than those individuals employed in the Court office; the staff throughout the other offices in town hall are decent, efficient, good people who are nice to deal with. He met no disrespect with the filing of his Tort Claim but he had to get something heard. He thanked council for their time.

Robert Ferguson, Chief - Cecil Fire Company came before council to discuss a letter he received from the Public Safety Committee with respect to his request for replacement of a twenty-two year old heavy rescue truck that is assigned to Cecil Fire Department. This vehicle is not recommended for replacement, but they want to remove this truck from the Cecil Fire Department building and assign it to the Monroe Township Ambulance Association. Mr. Ferguson was trying to ascertain everyone's feelings on this. **Cncl. William Sebastian** explained the content of the letter sent from the public safety committee. The vehicle was not needed at this particular time because I checked with the Chief for Williamstown Fire to find out, if you could not get your vehicle out with the cascade system what would they do. Cncl. Sebastian was told they would call Franklinville, Glassboro or Winslow for cascade, that it was not critical. He then asked Monroe Township Ambulance & Rescue what they could do if their truck could not get out. Their response was they would cover the whole town for rescues, like they usually do if you do not get your truck out. Further, I said that at some point it would be recommended that you trade-in both rescue trucks (*Monroe Township Ambulance Rescue Truck and Cecil Rescue Truck*) and buy one (1) rescue truck and centrally locate it in the town. Cncl. Sebastian stressed that he did not say take your truck and give it to Monroe Township. Mr. Ferguson felt it was incorrect to suggest that the vehicle does not need to be replaced. He referred to a letter sent May 10th with his requirements and he felt this should be getting taken care of and also was Engine 2952 a Pierce? He also noted that Williamstown was recommended for two (2) engines while Cecil was recommended for nothing. **Cncl. Sebastian** noted it was the recommendation of the Public Safety Committee to the full council from what was gained throughout all the conversations with all the chiefs from all the associations. When he completed the letter he sent it to both council members on the committee for their approval. They responded (*committee members*) that the letter was fine the way it was, send it on and the bottom line is it will be the decision of the full council to determine whether it would go to the finance committee or the budget committee to see if there is even any money to do what is recommended. **Cncl. Sebastian** emphasized that everyone was

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C.) PUBLIC PORTION (cont'd)

coming at the committee with different requests that total \$2.2 million dollars. There is not \$2.2 million dollars in the budget to pass out for capital improvements so we were trying to find out what the necessities were and put it into some type of order. There is a possibility that there may be nothing purchased next year, the whole process may be pushed back one year. The committee's recommendation was to start with the two pump trucks and get rid of three fire trucks in Williamstown (*two replacing three*). It was a no-brainer to us, especially since the two being purchased was a two for offer from Pierce. Mr. Ferguson noted that we originally discussed with Mike (*truck company*) that they were willing to do a deal. If we wanted a rescue and an engine they were willing to take a substantial amount also. **Cncl. Sebastian** noted the point is, it is two trucks for \$625,000.00, if you were going to throw the rescue truck in, it would be a rescue truck and two trucks for \$890,000.00 (*approximately*) and that is a great deal. He reiterated that we may not have the \$625,000.00 let alone one million. It was just a recommendation from the committee, if council wants to accept that recommendation and push it forward to the budget committee to see if there is even money to pay for it; that is up to the entire council. Mr. Ferguson then indicated that he was totally against the whole thing. There is no reason why if Williamstown is to get a truck, why my 52 couldn't be replaced because that is a 1989. We were looking at the highest priority, he sent his letter on May 10th and it seems that Cecil gets slighted an awful lot. **Cncl. Sebastian** replied the point he was trying to make was you put it in as your highest priority and I just proved that it was not a priority for the municipality. If that truck does not move something else is going to cover it. Mr. Ferguson replied, but not in a timely manner. What happens if Monroe's truck (*only two years newer*) starts to develop problems/mechanical failures. A discussion ensued pertaining to missed calls. **Cncl. Sebastian** will look into this.

Mr. Ferguson then spoke on the possibility of going county-wide; and you want to keep a whole organization open, and you think that is cost effective to house a rescue truck and a rescue truck only. **Cncl. Sebastian** added that we have thirty (30) people that are in-house as volunteers, in a building that we own. When we go to the county, the county is not buying the building we still own it. The Mayor indicated we would probably sell the building and he had previously spoken to Mr. Ferguson on this. Mr. Ferguson indicated he felt there was no reason to house a rescue in a building and maintain it for one piece of equipment. The Mayor noted the operation could run out of anywhere (*fire company, 2nd fire company, Cecil*). We will not give them (*county*) a facility if they do not pay. For clarity, it was the recommendation for two pumpers to go to Williamstown, replacing three vehicles. The Mayor questioned the possibility of purchasing a New York truck (*no bells or whistles*). Discussion continued.

Cncl. Frank Caligiuri questioned the Business Administrator if we would, in fact, bond for this. Mr. Heydel replied, yes we would bond for it. He then spoke on the bond rating for the township as being AA. The bond rating went up with both Moody's and S&P the two times we went out to actually bond. When we go out now most likely that bond rating is going to go down. **Cncl. Caligiuri** questioned the committee if a demographic study was performed. **Cncl. Sebastian** responded this was done when the building was first purchased (*Blue Bell & Corkery*). **Cncl. Caligiuri** then displayed a map strictly for

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C.) PUBLIC PORTION (cont'd)

informational purposes with units/population/demographic figures for specific areas throughout the township. He pointed out the density in certain areas.

Cncl. William Sebastian gave a brief history on the reason why Cecil received a rescue truck in the first place, explaining they were going to do "hazmat". The township purchased all the equipment, etc. and these gentlemen down in Cecil are smart enough to know that do not want to go into a hazmat situation. Therefore, no one went on the calls, the equipment rotted on the racks and they converted the truck from a hazmat truck to a rescue truck. This was no problem, there was never an issue with that.

Cncl. Rich DiLucia spoke as a member of public safety committee, really what is going to dictate everything is the economics. When the committee met with all concerned he did not view the input as a wish list, he viewed it as a bare bones request for things that were needed. We are recognizing the fact that there is a problem in terms of how much we can purchase, even if it is needed. This is a blueprint that our committee put together to best utilize dollars if we have it. As the finance committee chairperson I have great reservations over being able to afford anywhere near this. I just met yesterday with the business administrator on an entirely different matter trying to save some money and I was advised there is \$1.8 million dollar shortfall. In other words, we are looking at being a million some dollars away from a 2% increase that we are mandated, by law, to stay under without a referendum. **Cncl. DiLucia** stressed that the discussion here is worthwhile but we sat down and put a lot of time in trying to develop, at least, a blue print to go forward with so if in fact there is enough money to fund this. He felt one scenario is what the township would like to provide, and the other is the reality of what we will be able to afford.

Mayor Gabbianelli noted it is much cheaper to buy you a fire truck then it is to pay four or five guys. He stressed that the township is still above water; we are probably the only town in the county that has not had a layoff. However, you see what is going on in the world and we don't know how long we can stay above water. We have accomplished a lot of stuff and yes, you will get fire trucks one way or another. Where the money is needed, we will provide it. Nobody here wants to hurt anyone and it is not about Williamstown vs. Cecil as I thought we got over that years ago. Mr. Ferguson indicated he just wanted to make sure we get what we are entitled to. The Mayor added that this committee (*public safety*) was pretty thorough in their review. He reiterated that Mr. Ferguson was not going to get slighted. **Mr. Ferguson** noted there are many things that need to be addressed such as the roof leaking and there are holes in the building.

Cncl. Walter Bryson made a motion to close the public portion. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

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• **Midway Towing**

Solicitor Charles Fiore noted we were discussing the agenda item with regard to the towing update. This matter deals with Midway Auto on possible action in removing/suspending them from the towing list. Pursuant to our ordinance §262, Mr. Smart was empowered to take action if in fact formal complaints are brought to his attention. Mr. Smart authored a letter dated November 14, 2011 to George Gill, owner/operator of Midway Auto Parts setting forth at least two violations. Mr. Fiore noted that there is confirmation received from the Clerk that the letter was in fact delivered. In the letter it was indicated that he should appear this evening at 7:00PM to address council as to the allegations set forth in the complaint. Pursuant to §262-12, as with any ordinance anytime it will effect anyone's license there is inherent due process. This ordinance was amended a few years ago to set forth that specific due process. An applicant on the list cannot be suspended or removed from the list unless it has been advised of its right to a hearing before the township council. The letter sent gives him notice of the hearing. Mr. Smart will give his recommendation, then council can affirm his action or take further action.

Director of Public Safety, Jim Smart advised of a brief history on the matter. We did remove Midway for the remainder of one of their weeks earlier in the year, due to the fact they missed a tow, was unable to be reached and had our police department hanging out on a street. At that point we assigned the next tower on the list to pick up the remainder of their (*Midway*) time and then go into their own rotation. The second matter, in early October, was a missed tow followed by a vehicle being towed to a private location instead of the impound yard. Based on that Mr. Smart's recommendation was to suspend Midway for their upcoming week and for them to follow the procedures laid out in the ordinance. The violation of towing to a location that is not considered to be an impound yard, is probably worse than the missed tow.

Solicitor Fiore explained what everyone needs to understand is that this is in the nature of a hearing. The applicant was notified to be here, you heard the recommendation from the Director and basically the applicant could come here and appeal to council asking to overturn the recommendation. Short of finding any basis for the appeal; you would basically affirm the findings of the Director. Your options would be to either affirm or overturn the recommendation or you could continue it for further information.

Cncl. Ronald Garbowski made a motion to follow the recommendation of the Director of Public Safety, Jim Smart. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of council in attendance.

Director of Public Safety, Jim Smart explained that the next tower on the list would get back-to-back weeks.

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PUBLIC PORTION – REOPEN

Cncl. Walter Bryson made a motion to **re-open** the public portion. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by the members of council in attendance.

Jack Simmermon – A Jack's Towing approached council inquiring on this thing with a tower missing a tow and it goes to the next tower. Most of the time the next tower never picks it up and then, it has happened several times this year, where they had to go down four and five people, sometimes six or seven until they got to us. He explained, he will send one of his trucks out, we do the job, that person gets suspended then they make several phone calls to the next guy on the list and they give it to that guy for the remainder of the week. This is not right, I am the guy that sent trucks out, bailed the township out, I should have first right to go. He referred to a Public Records Request and we have four (4) towers that do not meet the requirements. He questioned how many times are you going to hold their hands. Officer Burton contacted everyone said he was coming out to do truck and lot inspections. We have guys with fences falling down, using mixed use in their storage pen and it should be plain and simple, either you are on or off the list. Mr. Simmermon questioned when it was going to be a cut and dry case. The solicitor indicated that Mr. Simmermon's concerns were put on the record and that he should just give the information to the Director so that he can specifically address it. Mr. Simmermon then went on to note that B&B has an issue, as well as AA, Cecil and Midway. Lake Avenue does not have a separate storage pen, he does not have the proper fence enclosure because he is within one hundred feet of a road. B&H we don't know what is going on with that piece of crap (*we won't go there*). Clarks' we don't know if he has the proper state, county and local approvals for the new fence. He was not sure if Monroe has a CO for the new owner. It looks like the only two people who may make the list is Malia's and A-Jack's. Mr. Simmermon noted that his stuff meets the requirements, and the guys who don't meet them you are off plain and simple.

Cncl. William Sebastian made a motion to close the reopened portion of the public portion. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by the members of council in attendance.

D.) NEW BUSINESS

Cncl. Ronald Garbowski reported the Library applied for a grant back in 2007 for a video conferencing center which would be one of three (3) in the state. Just recently, with the help of Senator Madden, the library was awarded that grant. The equipment is now being installed, when completed we will be the only library in South Jersey to have this type of center.

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E.) OLD BUSINESS

Cncl. Frank Caligiuri questioned if the ordinance pertaining to Peddling and Soliciting was being considered at an ordinance committee meeting. **Cncl. William Sebastian, Ordinance Chair** indicated that matter was actually postponed due to Mr. Caligiuri being unable to attend the ordinance meeting. It will be rescheduled for another meeting.

Cncl. Walter Bryson reiterated his concerns with regard to speeding throughout this town. He felt we should petition our legislators to make it legal again that a radar sign can be used by our police in issuing tickets, for some reason the use of this device is not legal in the New Jersey. This would aid in the public safety areas.

F.) COMMITTEE REPORTS

Cncl. Rich DiLucia noted the Finance Committee (*DiLucia, Bryson, Dilks*) is currently working on the health insurance issue. He will be scheduling a committee meeting on this and invite Blue Cross, Horizon and the JIF to make presentations. The JIF has given a rate increase of 9.49 % going forward and Blue Cross has given a rate increase of 5%. The committee will meet as they may be looking at a potential substantial savings.

Cncl. William Sebastian reported the Law Committee (*Sebastian, Garbowski, Caligiuri*) met on the 15th in regard to accusations against the Mayor appearing in the Courier Post. It was determined the law committee does not need to take any action as there were no formal complaints. The matter was turned over to the solicitor and it was his recommendation that this be turned over to the State Attorney General Office. A letter was sent dated November 17, 2011. The law committee will take no further action until results have been received from either the DCA or the State Attorney General Office.

Cncl. Walter Bryson indicated that he had sent correspondence to the law committee relative to ordinances to justify what we are doing, is there any need for such. **Solicitor, Charles Fiore** noted the need for one ordinance (*tentatively scheduled for December*) dealing with the application fee that is charged at the Thursday meetings.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - None

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED

Business Administrator, Kevin Heydel referred to Ordinance O:28-2011 (*An Ordinance to Amend the Code of the Township of Monroe Fixing and Establishing Salaries and Rates of Compensation of Officers and Employees of the Township of Monroe, In the County of Gloucester, State of New Jersey*) scheduled for first reading at the regular council meeting. He noted council members were notified by an employee about making changes and provided justification. He indicated there has been no change to the salary ordinance

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H.) QUESTIONS (cont'd)

pertaining to that particular position, he left a line blank for council to take action if they so choose. Mr. Heydel indicated he knows there has been conversation between some council people and the employee. There was a brief discussion on the need to table this ordinance and the need to have this ordinance in place by the end of the year.

Cncl. Frank Caligiuri made a motion to remove Ordinance O:28-2011 from the agenda and the matter placed on the Special Council Meeting agenda for November 30, 2011. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of council with the exception of **Cncl. Dan Teefy** who Opposed the motion. **Cncl. Pres., Marvin Dilks** requested that all relevant information on this be forwarded from administration to council prior to the special council meeting.

Cncl. Rich DiLucia spoke on an issue involving a potential statutory requirement dealing with certain positions and he requested to address this issue along with the other personnel matter at the special council meeting.

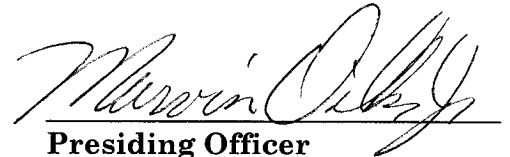
I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Walter Bryson** made a motion to adjourn the Council Work Session of November 22, 2011. The motion was seconded by **Cncl. William Sebastian** and was unanimously approved by all members of Council in attendance.

Respectfully submitted,



**Susan McCormick, RMC
Municipal Clerk**



Presiding Officer

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of November 22, 2011 and serves only as a synopsis of the proceedings. Portions of the official tape may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted

Am

Date

12/13/11

Approved as corrected

Date