

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 1, 2016

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Chairman, Cncl. Bob Heffner** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

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

SALUTE TO THE FLAG

Cncl. Caligiuri led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walt Bryson		Excused
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia		Excused
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy		Excused
Business Administrator, Kevin Heydel		Excused
Solicitor, Charles Fiore	Present	
Dir. Public Works, Mike Calvello	Present	
Dir. Community Development, Rosemary Flaherty	Present	
Police Chief, John McKeown	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Caligiuri made a motion to approve the minutes as submitted of the May 4, 2016 Ordinance Committee Meeting. The motion was seconded by **Cncl. Dilks** and approved by all members of Council in attendance with the exception of **Cncl. McIlvaine** who **Abstained**.

C.) PUBLIC PORTION

Cncl. Caligiuri made a motion to open the Public Portion. The motion was seconded by **Cncl. Pres., Miller** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. Pres., Miller** made a motion to close the Public Portion. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council in attendance.

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D.) MATTERS FOR DISCUSSION

- Parking Prince Avenue

Chief John McKeown spoke of Andy Pease, School Resource Officer bringing forward the issue of high school students parking during school hours on Prince Avenue, a dead end street by the bike path and MUA pumping station. The concern is access would be limited to that street if a fire truck, ambulance or Public Works truck were needed there. Cars are legally permitted to park on this street and that allows students to avoid parking in the school parking lot. The original recommendation was to limit parking during school hours because limiting it completely would affect three homes on that street, as there is no other convenient place for people to park when visiting those homes. The Chief noted limiting parking during school hours would allow emergency vehicles to get down the street and residents having family gatherings would still be able to park there because they would be home to move their vehicles if an emergency arose. Solicitor Fiore expressed concern that if parking is prohibited on Prince kids will start parking in Federal Hill and we can't ban parking there for those residents. He suggested before any further action is taken the Board of Education be contacted to see if they would change their policy to require all students that are not bused or walkers be required to park on school grounds if they are driving to school. Legally the Board of Education attorney should look at that but it might be a solution to the parking issues. He added on school property you don't need probable cause to search a vehicle but on the street you do. Chief McKeown noted that is an option that was not explored and he will ask Officer Pease to bring that recommendation to the Board of Education but he didn't know how enforcement of that would work. Mr. Fiore noted if the same cars are parking on the street every day the police could look up the tag to see if it belongs to a Williamstown High student. Director of Public Works, Mike Calvello commented on how a school bus picking up younger children on Prince Avenue has difficulty turning around with all the cars parked there. At this time Officer Andy Pease came into the meeting. He explained Prince Avenue is an emergency access point for tactical teams or police to get into the back of the school or to evacuate students from the school but with cars parked there that would be limited. Another concern is the school has no authority for searches under reasonable suspicion on a municipal roadway but they can search vehicles on school property or at Owens Park because the school utilizes that property. Officer Pease noted today eighteen cars were parked on that roadway and due to today's environment his recommendation is for safety purposes, not just for the convenience of the residents living there. Mr. Fiore commented that if the School Board changes its policy to require all students driving to school to park on school grounds and vehicles continue to park on Prince the police could look up the tags. Officer Pease explained probable cause is needed to look up tags, officers cannot look up a name if the vehicle is legally parked. Mr. Fiore noted if tags are scanned it picks up unregistered vehicles. Officer Pease explained it picks up unregistered vehicles but it doesn't give you the full lookup unless you have probable cause. Solicitor Fiore questioned how the spill over in Federal Hill would be addressed because those eighteen cars will be lined up there. Cncl. Pres., Miller felt Officer Pease should meet with the school to see if we could potentially come to an agreement and if that doesn't work then the option would be no parking. Chief McKeown noted Officer Pease is correct, tags cannot be run so the only thing that could be done is observe and ask the students walking from those vehicles their names and they could be given to the school. Officer Pease questioned but as law enforcement can we do that without probable cause when the car is legally parked and the

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D.) MATTERS FOR DISCUSSION (cont'd)

student enters the school property, which they have permission to do. Chief McKeown felt a teacher could do it because it would be a violation of school rules. Officer Pease noted there was an issue on Prince Avenue when the resident in the last house was getting a delivery and couldn't get into his driveway due to the fifteen cars parked there. He noted he wrote five or six tickets that day for parking six inches away from the curb or not facing traffic, as that was the only thing that could lawfully be enforced. The next day all the cars were in compliance and lawfully parked. He noted he is not looking to change all of Prince Avenue just the area that is parallel to the bike trail and the sign could be no parking while school is in session, which would eliminate student parking. Cncl. Pres., Miller questioned if we have an overflow in Federal Hill what could be done to mitigate that situation. Cncl. Heffner questioned why do we have to do anything or worry about what is going on in Federal Hill. If that happens the residents can go to the school board because we can't solve everyone's problems. Chief McKeown noted Federal Hill is not part of our emergency evacuation or emergency access plan for the high school. Officer Pease recommended prohibiting parking from 7:00 AM to 2:30/3:00 PM. Cncl. Heffner questioned what happens at night when eight to ten cars are parked there because people are walking the bike path. Chief McKeown noted school would be closed so we wouldn't need to get emergency vehicles in or evacuate students and after school activities do not have the same requirements for evacuations as during school hours. Officer Pease added he saw no purpose to kids parking there except for trying to avoid paying \$20.00 for the school parking permit. The number of cars parking there has progressively grown since December and there have been reports of kids smoking pot in the morning. He noted he hasn't seen that but those cars could not be searched since they are off school grounds. He explained law enforcement and the school have different parameters of what can be searched. If there is reasonable suspicion the school has every right to go into that car but law enforcement needs a search warrant or probable cause so that potentially creates a risk or hazard. He noted the parking on Prince is an inconvenience for the residents but safety is his main concern. **Rosemary Flaherty, Director of Community Development** reported receiving a complaint from Mr. and Mrs. Adams, who are building a house on Prince Avenue, regarding a tractor trailer owned by Santiago of Washington Township that is parking on vacant properties on Prince Avenue. She noted she sent violations to the trucking company but there is a concern that kids could be frequenting those vacant houses. Cncl. Pres., Miller suggested parking be prohibited on Prince Avenue during school hours from 7:00 AM to 3:00 PM. Cncl. **McIlvaine** questioned whether Officer Pease felt that would be sufficient or should it be prohibited all the time and then the Police Department could use their discretion. Officer Pease indicated that would be fine because students will stop parking there since one municipal violation will cost more than a school parking pass and if the schools are closed parking would be permitted there. Cncl. Heffner polled Council and all members in attendance were in favor of moving the ordinance forward for First Reading at the June 13th Council Meeting.

- Sidewalk Contributions

Solicitor Fiore explained he along with Tim Kernan and Rosemary Flaherty met with the attorney for the Builder's League to go over their legal position with respect to our current Sidewalk Ordinance that has been in effect for the last ten or twelve years. The consensus was based upon recent case law any sections of the ordinance dealing with sidewalk contributions are

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invalid or unconstitutional and should be deleted. The concept was great because the money could be utilized where sidewalks were needed. Builders passed those costs onto the homeowners but now it's difficult to sell homes so they are trying to cut their cost as much as possible to maintain their profits. **Cncl. Dilks** questioned whether the boards will now make the builders install sidewalks. **Cncl. Heffner** explained they request waivers and generally the boards grant them. Solicitor Fiore added hopefully they will not waive them but if they do there will be no contribution to the sidewalk fund. **Cncl. Dilks** questioned why would the boards grant a waiver for any reason. **Cncl. McIlvaine** explained it was done for the Urgent Care Center because sidewalks would have pushed them back months. Mr. Fiore felt that it should be done on a case by case basis because sidewalks may be beneficial in certain areas. **Director of Public Works, Mike Calvello** noted developers, such as the one on Morgan Road, will be installing sidewalks and he questioned who is going to maintain them in areas where there are no homes. **Cncl. Heffner** explained on Morgan Road the board did waive some of the sidewalks but required them to tie in on Winslow Road all the way down to Marissa Estates. Solicitor Fiore added on a two hundred foot roadway in a natural setting in lieu of putting in concrete sidewalks that we have to maintain they could put some type of impervious path. Mr. Calvello noted anything they put there will need to be maintained by someone once the developer is gone. Mr. Fiore noted unfortunately the maintenance is the cost of the municipality. **Cncl. Heffner** noted there is over \$100,000.00 currently in the sidewalk fund that needs to be utilized. Mr. Calvello questioned where Morgan Landing would be putting sidewalks along Morgan Road. **Zoning Official Rosemary Flaherty** advised that needs to go before the township engineer because there is an official township map and we should be working with them on that. **Cncl. Heffner** noted that was already laid out in the approved development plan. The sidewalks will go from the entrance on Malaga Road all the way to Winslow Road and down to Marissa Estates. Mr. Calvello questioned if the sidewalks are in front of a residential home are those residents required to maintain them. Mr. Fiore answered yes, they are responsible for them. He noted he would prepare the draft ordinance for the June 13th Regular Council Meeting.

- **Certified Contractors List for Emergency Construction Work**

Zoning Official, Rosemary Flaherty noted this draft is the final product. She explained she spoke to Jim Morrison today since we will be the ones working with the Fire Chief and Police Chief in emergency situations and he is fine with the proposed ordinance. She advised the Public Contracts Law provides the criteria to choose contractors and recommended a list of six from the township that are licensed, bonded and registered with the township be called on a rotating basis. A contact point person from each division will be appointed by the Mayor each year and they are the ones that will decide if it is an emergency situation because we don't want secretaries making that decision. Mrs. Flaherty will be the contact person for Community Development, John McKeown for the Police Department, etc. The ordinance covers physical destruction of a home and also addresses people leaving furniture and other belongings in the front of the property because Public Works manpower cannot be utilized to clean that up and it could cause a site triangle problem as well as be a public nuisance. The ordinance encompasses anything deemed to be a public safety hazard under the entire code and includes an administrative fee of \$250.00

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D.) MATTERS FOR DISCUSSION (cont'd)

for the processing of all paperwork. The paperwork will be submitted to the township with photographs and an inspection will be done according to the Property Maintenance Code by the person handling it. Once the bill is generated and the invoice is approved the property owners will be notified that they have a certain period of time, 30 days is the common period, to make restitution for the work the township paid the contractor to do. If they do not make restitution the township will lien the property, sell it at the next available tax sale and gain 18% interest from it. Cncl. Heffner questioned whether this ordinance will also encompass trees and swimming pools. Mrs. Flaherty replied yes, anything that is deemed a public nuisance. Cncl. Dilks questioned what the process is for picking a contractor. Mrs. Flaherty explained Kevin and Chuck will prepare an RFP according to the Public Contracts Law and the contractor must be legal, licensed, bonded and insured. Contractors must be available twenty-four hours a day and need all the equipment listed in the Code. All that criteria must be met in order for Council to review the RFPs that are submitted and then six contractors will be picked that will rotate on a by case basis. Cncl. Heffner questioned whether things removed from properties such as trees, trash etc. will be the contractor's responsibility to dispose of at the landfill and whether Mrs. Flaherty will inspect the property before the contractor is paid. Mrs. Flaherty advised the contractor will dispose of the debris at the landfill and pay those fees, it will not be taken to Public Works and she will perform an inspection of the property before the contractor is paid. Photos of the property will be placed in the file along with the invoice. Cncl. McIlvaine questioned if the Chief of Police has an issue would he contact the contractor and then turn it over to Mrs. Flaherty who will keep the file. Mrs. Flaherty advised that is correct and she will handle all the paperwork and the invoices. Cncl. McIlvaine questioned if she has enough room on her plate to handle this process. Mrs. Flaherty explained she will handle the inspections and Ninette Orbaczewski will process the paperwork that goes to the Finance Department. Mr. Calvello questioned how people would know who was next on the rotation schedule. Mrs. Flaherty explained there will be a preset list of contractors in alphabetical order and the emergency team, which are those appointed by the Mayor, will be notified and as soon as a case happens it will be given a number and all details of who was sent out to handle the emergency will be sent to everyone. Cncl. Dilks questioned what happens after the first year do the contractors reapply at the beginning of the year. Mrs. Flaherty indicated they would reapply every year because that gives people equal opportunity to apply. Jack Simmermon questioned who will set the fees for things such as cutting grass or boarding up windows because if none are set you will have contractors charging \$1,000.00 to board of a window. Mrs. Flaherty explained there is a scale of fees in the Public Contracts Law that can be considered by Council. She noted Kevin and Chuck will need to discuss this because prices can be set for grass cutting, tree removal etc. Whoever comes up with the best quote may make their score a little higher on the RFP so if one contractor will cut a yard for \$25.00 while another charges \$125.00 obviously we would go with the \$25.00 one. Cncl. Heffner questioned if the fees would also be established in this ordinance. Mrs. Flaherty indicated they would. Chief McKeown noted the tower's list is done weekly on a yearly basis so if this is going to be done by the job something locally will need to be maintained so the Fire Chief or the OEM Coordinator knows who to call in the middle of the night. Cncl. Heffner agreed that the contractors list should be done for a whole week. Solicitor Fiore added they should also be experienced so qualifications and the number of staffing should be included, as prices could be

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competitive because Company A may have five people that could do a board up in half an hour while Company B might be a one man operation that would take two days to do the job. He spoke of a problem a few years ago when the ADA Law was passed and all types of contractors, such as Exotec, which was a roofing contractor, put in to install handicap ramps in municipalities. We were involved in a lawsuit over that company, which eventually went bankrupt. Clayton and Glassboro also had problems with them so we need to be sure contractors are vetted properly. Cncl. Heffner polled Council and all in attendance were in favor of the proposed ordinance. Mr. Fiore will draft the ordinance for review at the July 6th Ordinance Committee Meeting.

E.) ORDINANCES FOR REVIEW

- **Ordinance Creating A Permit Requirement To Operate A Crane**

Cncl. Dilks explained there are many types of cranes. Anything under a ten ton truck crane will not need this permit but wheel cranes, crawlers and others will. Operators will also need to be licensed for each piece of equipment they are running and would need to show those credentials and insurance to get a permit from the Construction Office or Zoning Department. Mrs. Flaherty noted it would be Construction. Solicitor Fiore advised from the ordinance Cncl. Dilks brought forward he removed language from Section 2C "General Requirements" because he thought it could be a legal problem, as it said operators must be part of a training program through the Operating Engineers, which would mean we were mandating it to be union and legislation cannot do that. Council had no further questions regarding the draft ordinance and moved it forward for First Reading at the June 13th Regular Council Meeting.

F.) NEW BUSINESS

- **Excessive Signs**

Cncl. Pres., Miller noted throughout the municipalities there is a problem with excess business signs. Those signs are free advertisement for places such as Domino's but it cost the township money when we have to remove them. Some towns require permits, charge a fee for it and must be told where the signs will be placed and require them to be down after a certain number of days. That would cut down on political and business signs that make the township look trashy. Mrs. Flaherty added signs from social organizations such as the football teams, cheerleaders, rescue and fire, etc. were also discussed because we have been getting complaints regarding signs left up weeks after events take place. These organizations would not pay a permit fee but would have to say where they were putting the signs and the date they would be removed. Mrs. Flaherty noted she has sent the Mattress Factory a summons because she has emailed them and talked to them in person but they continue to put the signs up throughout the town on the weekends. They take them down on Sunday night but the signs are too excessive from one end of town to the other. Domino's has also been told by the landlord, she has gone there and has picked up hundreds of their signs but they still keep putting them out. Cncl. McIlvaine felt the ordinance in place should just be cleaned up since it covers charitable organizations and political signs already. Cncl. Miller noted it doesn't cover political billboards. Solicitor Fiore noted that is paid advertising. Cncl. Heffner requested Mr. Fiore to review and clean up the ordinance so

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F.) NEW BUSINESS (cont'd)

it can be discussed at the July Ordinance Committee Meeting. Mrs. Flaherty noted she would make some changes to it and send it to Mr. Fiore.

- Permit Fee Waiver for Veteran and Charitable Organizations

Mrs. Flaherty noted when she came here in November she was told all charitable organizations were not to be charged any fees for Zoning Board and Planning Board applications or zoning fees. There was an issue in Construction and in reviewing the Code it does say an ordinance/resolution should be in place to waive fees. When researching this she found in 1999 Winnie Sharp put something in place that said veteran and charitable organizations did not have to pay so she was confused why another resolution/ordinance was needed. It made her question whether she was doing the right thing because some \$300.00 fees were waived in her department while a \$150.00 fee was not waived in another. Solicitor Fiore questioned whether the Winnie Sharp ordinance said all fees with the exception of escrow fees that should be paid. Mrs. Flaherty noted the Code states at the Council's discretion. She went on to say in all the other towns she worked fees could be waived but permission was always needed from council no matter who was requesting the waiver. Cncl. Heffner noted if Council did something by ordinance for veterans than everyone else would need Council approval. Mrs. Flaherty explained currently Zoning/Planning permits and Peddling and Soliciting permits are already being exempted and that is where she is confused. Cncl. McIlvaine suggested Mr. Fiore review the Winnie Sharp ordinance and then tell Council what should be done from there. Mr. Calvello noted he issues Road Opening permits and does not waive those fees because if a new church comes in and wants to tear up half a mile of road they might not come back to restore that road. Mrs. Flaherty agreed and stated that is why other towns have Council approve waivers on a case by case basis because if it is something for profit, fees would not be waived but if it is for an organization that gives every cent back to the community, they would be waived. Cncl. Caligiuri questioned whether there were a lot requesting this. Mrs. Flaherty replied yes because everyone is non-profit now. Cncl. Heffner commented that he has noticed there are a lot of residential properties owned by churches that do not exist in this town and they pay no taxes and then they want all their fees waived for everything under the sun. Solicitor Fiore noted the misconception about non-profit corporations is that people are not paid but people do get paid. Mrs. Flaherty noted she will send the ordinance over to the Solicitor to review.

- Chapter 109 "Circus/Carnival"

Chief McKeown requested Chapter 109 dealing with a Circus/Carnival be reviewed, as it has not been updated since 1967 and the way it is written says nothing about a safety plan being in place. The Code requires permitting through the Zoning Office but this is the third year in a row that the Police Department was not made aware of the Williamstown High School Huddle Club carnival in time to get the proper permitting to put a snow fence along the Black Horse Pike and we had to apply for an emergency permit through the State Highway Department to get that done. The Huddle Club said that was not their responsibility and they are right because we can't require them to do it. They are willing to work with us but this needs to be somewhere in the permitting process. He explained this needs to be reviewed because if St. Mary's or the Huddle Club said they don't want police officers at the carnivals there is nothing the Police Department

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F.) NEW BUSINESS (cont'd)

could do. It doesn't need to be done this year because the carnivals have all been approved but a public safety plan should be included in the code prior to next year. Mrs. Flaherty suggested including language in the code that would require organizations to have the public safety plan approved by the Chief prior to the zoning permit being issued. Solicitor Fiore questioned how the Chief determines the number of police officers to assign to the carnivals because we should come up with some criteria for that as well. Chief McKeown noted for the last six or seven years since he has been involved six officers have been assigned to St. Mary's Carnival and they have paid the township the same amount for that law enforcement coverage. At one time there were more but over the years with less problems fewer officers were needed. He noted he doesn't determine how many officers make it safe and doesn't want it to look like we are strong arming organizations to hire more police officers. Mr. Fiore questioned how many officers were at the Huddle Club Carnival. The Chief noted it was four to six the first year and couldn't remember how many were there last year but indicated he would look it up. Solicitor Fiore explained the size of the area where the carnival is held, the traffic going in and out and other variables need to be considered. The Chief explained the officers inside the event are strictly for safety. The Police Department handles the overflow on surrounding streets and the parking issues from normal staffing and the event does not reimburse us for that. Solicitor Fiore noted the beer garden for the Music Festival brought up many issues so it might be beneficial to create a blanket policy since more events are being held that have lighting issues, crossing highway issues and noise issues. We also need to make sure all these organizations have a Hold Harmless/Indemnification Agreement. **Officer Andy Pease** cautioned that we must be careful when addressing snow fencing in a medium in regards to who puts it up and whether it needs to be installed according to MUTCD because it is a State highway. Mr. Fiore questioned whether it can be the collapsible fencing the Washington Township carnival utilized where the girl was killed crossing the pike or should it be the old wooden fencing. Chief McKeown noted traffic has applied for emergency approval the last two years and got approval from State Highway to put the snow fence that has been up for the last two events. He felt it should not be the responsibility of police officers or the Public Works Department to borrow fencing; that should be the event holder's responsibility. Mr. Fiore agreed noting that should be a condition of their permit. At the conclusion of this discussion Council agreed Chapter 109 should be addressed and requested Mr. Fiore review the ordinance.

- Chapter 175-138 "Storage of Recreational Vehicles and Boats"

Cncl. Heffner felt Chapter 175-138 was outdated because it states residents can only have one travel trailer, camper or small boat. He felt the ordinance should say licensed and tagged because today many people have a camper, a boat and a little dump trailer in their backyard. **Cncl. Caligiuri** noted this matter would need to go before the Planning Board since it is a Chapter 175 ordinance. **Rosemary Flaherty** noted she will tweak it because it puts people in violation when the intent was we just don't want multiple things stored all over but with the New Jersey Care System through the DMV she can pull the tag to see if they are legal or not.

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G.) OLD BUSINESS

Solicitor Fiore reported tomorrow (June 2nd) the Precious Metals Ordinance hearing takes place. He will let Council know what happens with that.


Cncl. Pres., Miller noted at the last Ordinance Meeting the Animal Ordinance was discussed and he questioned whether that would be on the next meeting agenda. Solicitor Fiore advised that was sent to Vicki since it is a Board of Health Ordinance and nothing has come back yet. He noted that will be an enforcement nightmare so it must be cleaned up. Cncl. McIlvaine commented that when he was a police officer he didn't ride around looking for dogs in below zero weather but if he found one he would be able to cite the owner with that ordinance.

Cncl. McIlvaine questioned if the Bond Ordinance was adopted because he was questioned about when we would be going out to bid for the fire truck. Council noted the ordinance was adopted but we must wait the twenty day period after publication before going out to bid. Cncl. McIlvaine advised that he would be unable to attend the Public Safety Committee Meeting scheduled for June 14th and Cncl. Heffner and Dilks do not want to continue the meeting without him so it will be cancelled and rescheduled.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Pres., Miller made a motion to adjourn the Ordinance Committee Meeting of June 1, 2016. The motion was seconded by Cncl. Caligiuri and unanimously approved by all members of Council in attendance.

Respectfully submitted,




Deputy Clerk Sharon Wright, RMC



Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of June 1, 2016 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted  Date 7/6/16
Approved as corrected _____ Date _____