

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
MARCH 8, 2017**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:02 PM by **Ordinance Chairman, Cncl. Bob Heffner** in the Joe Pace 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. Marino led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Joe Marino	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy	Present	
Solicitor, Charles Fiore	Present	
Business Administrator, Kevin Heydel	Present	(Arrived 7:10 PM)
Dir. Community Development, Rosemary Flaherty	Present	
Dir. Public Works, Mike Calvello	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Dilks made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of February 1, 2017. The motion was seconded by **Cncl. Marino** and approved by all members of Council.

C.) PUBLIC PORTION

Cncl. Miller made a motion to open the Public Portion. The motion was seconded by **Cncl. Garbowski** and unanimously approved by all members of Council.

Anna Green from B & B Auto submitted a towing application checklist she had prepared according to the ordinance and requested Council review it and make any changes they felt necessary. Solicitor Fiore advised he and Officer Burton prepared an application checklist but he would share Ms. Green's checklist with him.

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C.) PUBLIC PORTION (cont'd)

With no one else wishing to speak **Cncl. Miller** made a motion to close the Public Portion. The motion was seconded by **Cncl. Garbowski** and unanimously approved by all members of Council.

D.) ORDINANCES FOR REVIEW

- Chapter 4 "Department of Code Enforcement"

Solicitor Fiore explained Zoning has been separated from the Department of Code Enforcement and put under the Department of Community Development so this amendment is to delete the language dealing with the Division of Zoning from Chapter 4 "Department of Code Enforcement". **Cncl. Heffner** polled Council and all were in favor of moving the amendment to Chapter 4 forward for first reading at the March 13th Regular Council Meeting.

- Chapter 26 "Economic Development Commission"

Solicitor Fiore explained Council previously discussed appointments to the EDC and questions were posed regarding the requirement for particular professions to be appointed. The proposed amendment is being made so someone could be appointed that has similar or related experience in the event no one is available to fill a professional's position. **Cncl. DiLucia** questioned if the issue of appointments of representatives from both political parties should be addressed. **Mr. Fiore** advised the State Statute that enabled and required the Economic Development Committee to be both party oriented has been repealed so that portion of the ordinance can be deleted. **Cncl. Garbowski** referred to the five year terms of the commission members and suggested lowering those terms to two years to prevent members from getting stagnate. After discussing the issue Council decided to change the EDC terms to three years. **Cncl. Heffner** polled Council and all were in favor of moving the proposed amendments forward for first reading at the March 13th Regular Council Meeting.

- Chapter 175-89 "Accessory Buildings"

Director of Community Development, Rosemary Flaherty noted the Solicitor recommended limiting the number of accessory buildings and she felt it should be limited to one shed and one garage up to 900 square feet and anything outside of that should require a use variance. Currently the code allows three accessory buildings to every residence so this would eliminate one. She explained if someone needs additional space they could add on to an existing garage but they should not be allowed to have multiple garages or sheds. **Cncl. Heffner** questioned whether **Cncl. Marino** thought a 15 foot high roof on a 900 square foot building would almost be like a flat roof. **Cncl. Marino** noted it would be hard to get a 15 foot high roof on a 30 by 30 building. It could happen but it would be tough with 8 foot walls. He suggested dropping it down to 800 or 750 square feet to make a 15 foot ridge height or bump it up to 18 feet. **Mrs. Flaherty** noted 18 is the current ordinance and she is fine keeping it that way. **Cncl. Marino** explained when dimensions are changed to make it more narrow the pitch height could be changed to make it steeper. After further discussion it was noted the height would remain at 18 feet. Questions were posed to **Mrs. Flaherty** regarding garages being placed in the side yard, how

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D.) ORDINANCES FOR REVIEW (cont'd)

the front of a home is determined when the front door is located on the side of the structure and whether this was for residential areas only. Mrs. Flaherty explained detached garages can be in side yards not in front yards, that the front of a home is defined by where the front door is located and that this is for residential areas only. Solicitor Fiore questioned whether we should define what an accessory use is. He added the code says "incidental to the primary use" but that has not always been interpreted very clearly and he suggested the Planning Board consider that when they review the ordinance. **Cncl. Heffner** questioned what the definition of farmland is. Mrs. Flaherty advised it must be zoned as Q-farm. **Cncl. Marino** referred back to the height of a structure being from ground level and suggested it be from the finished floor or finished grade because most are built up for water runoff. Mrs. Flaherty commented that she does not want it to have a crawl space on the bottom. **Cncl. Heffner** polled Council and all were in favor of forwarding the proposed amendments to the Planning Board for review and recommendation. Mrs. Flaherty noted this would be heard by the Planning Board at their meeting on March 9th.

- **Chapter 175-151.1 "Wireless Telecommunications Facilities and Deployment"**

Solicitor Fiore explained this ordinance came about based upon information presented regarding changes in technology dealing with telecommunication facilities and towers. Technology is moving beyond cell towers and the ordinance we currently have deals with where cell towers can be located. Now there is a demand for more technology storage and transmitting of data so companies have come up with technology for mini cell towers. A presentation was given regarding modules that looked like part of street lights but they actually have the ability to store and transmit data. Developments with underground wiring seem to be where the biggest demand is so companies are now coming into towns that do not have an ordinance in place and putting these types of apparatus on telephone poles in the right-of-way. This ordinance would allow the municipality to regulate what can be put in the right-of-way, what it will look like, the size of it, where it will be located and it will also deal with street openings. One of the most important parts of this ordinance is it will give us the ability to generate revenue from the apparatus put in our right-of-ways. Once the ordinance is approved by the Planning Board we can put out an RFP for a service provider company that would deal with all the telecommunication companies and we may have the ability to charge a franchise fee or some other type of fee beyond the construction and application process fees. This is cutting edge as there are only about six municipalities in the entire State that have adopted this type of ordinance. The difficulty with not adopting it is a company could jump the gun and we will be stuck with whatever they want to bring into the municipality. This issue was brought to Council by a very concerned resident and he shared a lot of information with us. **Mr. Fiore** noted he contacted an attorney with the Federal Trade Commission that deals with this and he is reviewing the ordinance but to date has not sent any comments back. **Director of Public Works, Mike Calvello** spoke of how he and Rosemary were approached by a man who wanted to put one on the corner of Mink and Radix within the right-of-way and they told him they were not in favor of that. **Mr. Calvello** questioned could he go to an individual homeowner in that area and ask to put it in their backyard. **Mr. Fiore** advised that can be regulated. **Cncl. Marino** added cell phone companies are not interested in doing this for one person/resident. Since this is a fiber run system they would need to run fiber from the pole to the resident's yard so they would still need to go

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D.) ORDINANCES FOR REVIEW (cont'd)

through the township to do that. Mr. Fiore added we are trying to regulate and avoid that from happening. **Cncl. Heffner** polled Council and all were in favor of forwarding the ordinance to the Planning Board for review and recommendation. Mrs. Flaherty noted she would provide copies of the ordinance to the Board at their meeting on March 9th, as they will need time to review it prior to the next meeting.

- Ordinance Authorizing Sale of Township Owned Land

Solicitor Fiore explained a township land sale must be authorized by Ordinance. **Mayor Teefy** requested Block 8301 Lot 5, a 32.37 acre parcel on Jackson Road be moved to the private land sale and the old library site be added to the sale with a price of \$70,000.00. **Solicitor Fiore** spoke of discussing this with the Tax Collector and Real Estate Director and explained buildable lots are sold through a public sale and non-buildable lots are sold through a private land sale. Both lists will be done in the same advertising so someone who is not a contiguous owner could come in and buy a property listed on the private sale. Council questioned when the sale would be held and Mr. Fiore advised it would be around the middle of April. Mr. Fiore questioned whether the old library lot was buildable because it is a non-conforming lot due to its size. Mrs. Flaherty advised within five years anyone could rebuild on the same footprint. Mayor Teefy noted that lot is assessed at \$55,000.00 but it was \$904,000.00 when the nice building was on it. **Cncl. Heffner** noted he would like to hold on to that property unless someone comes in with a project for it because he would hate to see someone buy it and do nothing with it when we are trying to do things on Main Street. Mayor Teefy noted if someone with a project wanted to buy it we would still have to go out for a public bid. The Mayor referred to the pricing of the parcels and explained the prices were lowered for the smaller lots on the private land sale but those with value along the Black Horse Pike the price was kept higher. **Mrs. Flaherty** questioned whether the Mayor would like her to put information together regarding abatement and redevelopment for vacant or blighted land so perspective buyers know we offer those types of programs. Mayor Teefy felt that would be good to have. **Director of Public Works, Mike Calvello** noted the Crystal Drive property is still listed as having a trailer on it but that has been knocked down. Mrs. Flaherty noted that will need to be changed but we are trying to sell it for \$10,000.00 to recoup some money. Mr. Calvello noted Block 1401 Lot 46 listed on Sicklerville Road is landlocked and the township has a drainpipe that runs through that property. The list does not state there is an easement so that should be added to the property details. **Cncl. Pres., McIlvaine** questioned whether the lake was on the list of properties for sale. Mrs. Flaherty replied no. **Cncl. Marino** questioned whether the property on Jackson Road could be subdivided. Mrs. Flaherty explained it can be subdivided for a cluster development, which can be dropped down to one acre rather than then 3.2 acres for one house, but the problem is we don't know if it is wetlands. There could also be a buffer averaging permit for the wetlands and then it will be up to the DEP to say what is actually buildable. She added it also depends on where the property is to try to do a cluster development. **Cncl. Heffner** polled Council and all were in favor of moving the ordinance forward for First Reading at the March 13th Regular Council Meeting.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Chapter 262 "Towing"

Solicitor Fiore explained individuals currently on the towing list, who participated in the ordinance process are gearing up to purchase equipment to comply and will basically be grandfathered as long as they qualify. According to the new ordinance the maximum number of licenses to be issued are seven so a lottery process has been included to choose a tower to fill the seventh spot in the event more than seven qualified towers apply. He explained he is trying to avoid problems because we have received interest from about ten towers, the six currently on the list and four others from around the area. Cncl. DiLucia requested clarification on how the number of towers got to seven because it was previously ten. Mr. Fiore noted it was ten but during one of the times the ordinance was amended it was changed to seven. Mr. Fiore explained the new ordinance requires a Public Notice to be advertised for towers, then the towing applications will be submitted by May 1st and the list will be done by July hopefully with no problems. Cncl. Marino referred to the language dealing with indoor storage and twenty-four hour video surveillance capable of recording for two weeks and questioned whether that is typical. Mr. Fiore replied one or two towers have the recording system. That language came from another municipality and was included because it protects towers. Systems can record for up to six months but we are just suggesting a minimum of fourteen days. Cncl. McIlvaine explained this is really about preserving evidence for a vehicle that may have been involved in a crime. With evidence control no one can say someone went in and touched it because everything can be seen on video. Mr. Fiore suggested when something is in police storage and being videotaped the tower burn a copy of the tape to give to the police. Mrs. Flaherty noted she has received some calls from towers asking her to perform compliance inspections of their facilities and she questioned how far in advance does Council want those reports and for the ones that are pre-existing, non-conforming that have been there forever with no approval how does Council want her to proceed. Mr. Fiore noted most have been discussed over the years and it should be incumbent upon the tower to ask her to see if there are any open zoning violations/permits. He added she will look at the zoning permits she has for the site and that will be the extent of it; she is not expected to go out to the property to make sure they have all their approvals. Mrs. Flaherty questioned whether Council wanted a report on that or not. Mr. Fiore noted Mrs. Flaherty should review her file and say on what date they appeared to be in compliance and that is the extent of what she should do. Mrs. Flaherty noted she wanted to provide a courtesy to them and go out ahead of time so if they are not in compliance they can get into compliance. Mr. Fiore noted everyone should be in compliance and if they are not they have had enough notice. Mayor Teefy added the site inspection is not done by the Zoning Officer it is done by the Public Safety Director and Officer Burton of Traffic Control. Mrs. Flaherty noted there was some confusion as to whether she should be involved in this process. Mayor Teefy advised her involvement should deal with the zoning application only. Solicitor Fiore added the Zoning Official should not be going out to inspect a particular property to make sure everything is in accordance with the township code that is on the applicant. Cncl. Heffner polled Council and all were in favor of moving the proposed amendment forward for First Reading at the March 13th Regular Council Meeting.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Bond Ordinance

Business Administrator Kevin Heydel explained the proposed Bond Ordinance is what was approved in the Capital Plan and he would like it to go to First Reading at the next Council Meeting so the funds are available to the departments at the end of April when the public hearing on the budget is held. **Cncl. DiLucia** questioned if Mr. Heydel had an estimate of what the percentage would be on the bond. Mr. Heydel explained we are not going out to bond we will use our cash flow in 2017. We already went out for \$2,700,000.00 in short term notes and next year we will add in the 2016 capital, which will bring it up to \$4,500,000.00 and then in 2018 once we pass the Capital Plan for that year we will go out for Serial Bonds for somewhere around \$14,000,000.00. He explained if there is a ¼% increase this year we will be looking at 2% to 2.2% at the end of the year when we go for short term notes on \$4,500,000.00. **Cncl. Heffner** polled Council and all were in favor of moving the Bond Ordinance forward for First Reading at the March 13th Regular Council Meeting.

E.) MATTERS FOR DISCUSSION

- Whitehall Road Weight Limit

Cncl. Heffner explained due to the money spent to improve Whitehall Road and because we really don't know what the weight limit is on the bridge the Police Department is recommending the weight limit be increased to four tons since there is no clear direction on what way the trucks from the new sand plant will be going. **Director of Public Works, Mike Calvello** added the County owned bridge on Whitehall is capable of handling heavy traffic but the one at the lake is a wooden structure that has been in bad shape for years. We took care of a lot of the pavement issues when we paved the road but it is unclear what the integrity of the underneath part of the bridge is. The sand plant is opening on Jackson and if those trucks do not take Coles Mill or Piney Hollow and use Jackson Road they will be dumped onto Whitehall and they will cross those bridges to get to the pike. **Cncl. Pres., McIlvaine** expressed concern regarding a cross over pipe on Jackson Road. He suggested Council make a plan on where those trucks should go because regardless of what road is used Jackson or Piney Hollow the road will be destroyed but he felt Piney Hollow might be a better built road than Jackson. **Cncl. Heffner** asked **Mrs. Flaherty** to check the original sand plant approvals to see if it said what road the trucks were to use, as a traffic study might have been done years ago when the plant opened. **Cncl. Pres., McIlvaine** added the trucks will cross a bridge whether they make a left or right off of Jackson to Piney Hollow. **Mr. Calvello** noted the bridges on Piney Hollow are the County's and the road is the Township's. **Cncl. Pres., McIlvaine** suggested Council wait to hear from **Mrs. Flaherty** and then try to come up with a plan to handle the entire issue rather than just changing Whitehall Road now. **Mrs. Flaherty** noted when she attended a meeting last week at DVRPC they said maintenance of bridges take priority so if the Whitehall Road Bridge is in bad shape we may be able apply for funding under the Transportation Fund Grant. **Cncl. Heffner** noted the problem is there are three owners of that bridge, the Township, the County and the Lake Association. **Mr. Heydel** noted it is not a bridge it is a spillway and there is a difference between a bridge and a spillway. **Cncl. Heffner** polled Council and all agreed to hold off on this until **Mrs. Flaherty** looks into the sand plant's approval and provides her report at the next Ordinance Meeting.

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E.) MATTERS FOR DISCUSSION (cont'd)

- Chapter 144 "Flood Damage Prevention/Flood Plain Management"

Sgt. Jim DeHart explained when the Police Department took over Emergency Management they found the flood plain management was under OEM and that makes no sense since that goes through the Zoning Office and Construction Office anyway. He noted the Chief requested it be removed from the OEM ordinance last year since we have no training or experience in it but it was never done. Mrs. Flaherty added she has been doing this since the Police Department took it over but she has been handling flood plain certification information for the last twenty years and does not mind doing it. Cncl. Heffner questioned whether a degree was required to perform those duties. Mrs. Flaherty replied no but there is a training course in Maryland coming up that she could attend to be certified if the township wants to pay for her to go. Mayor Teefy noted this coincides with basin maintenance that Mike Calvello handles and he requested Mike attend that class along with Mrs. Flaherty. Cncl. Heffner polled Council and all were in favor of removing the Flood Plain Management from the Office of Emergency Management. Mr. Fiore will draft the ordinance for review at the next Ordinance Committee Meeting.

- Nuisance Ordinance

Mrs. Flaherty explained Officer Burton contacted her regarding complaints about jacked up or tarped inoperable vehicles in the street. Most of those complaints will go to the Traffic Department but we need something in place where any enforcement officer could handle multiple violations on a property. We also need to establish regulations regarding shopping carts left on Main Street, burning of paint cans, neon signs and paint. She explained the proposed ordinance still needs some fine tuning but she wants to get it started so something is in writing so violations can be issued. Cncl. Miller questioned if this would also apply to properties where cars are jacked up in driveways for months on end while repairs are being made and does this include seasonal decorations, such as Christmas decorations that are left up for an entire year. Mrs. Flaherty replied it does. Solicitor Fiore advised that would be very difficult to enforce because it is "freedom of expression/free speech". Cncl. Marino questioned whether that would include Christmas lights that are not plugged in. Mrs. Flaherty replied no, because some people have professionals install lights; it would apply to Christmas garland and trees. Cncl. Marino questioned whether building standards were ever established that would say what colors a building can be painted. Mrs. Flaherty noted the Redevelopment Committee will be working with the planner and attorney to craft a "Street Scape Design" ordinance, which is definitely needed so people purchasing properties know what colors buildings can be painted and what types of signs are permitted. The Street Scape Design could also include requirements for planters and benches. Cncl. Marino questioned whether these requirements are all being added or are they already in the Code. Mrs. Flaherty noted they are all being added and are pretty standard. Mr. Calvello questioned if the neon lights already in town would be grandfathered in. Mrs. Flaherty noted they would only be grandfathered if approvals had been previously granted. She noted you want people to have their own unique style but you don't want unique style to end up being blight. Discussion took place regarding various businesses that have neon lights and Mrs. Flaherty noted she does not have a problem with lights in windows but the swirling

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E.) MATTERS FOR DISCUSSION (cont'd)

and racing lights are becoming pollution and are bothering people. **Cncl. Miller** noted businesses with existing lights may have the ability to keep them at one consistent color so should we prohibit them. Mrs. Flaherty noted the thing with that is instead of asking for permission they are asking for forgiveness and that goes against the grain of what we are telling everyone. We want the streets to look attractive in order to attract other businesses that will stay. We want to be business friendly but also want the town to look beautiful like other towns that do not allow those lights. Mayor Teefy referred to the digital sign ordinance that regulates how often signs can flash and suggested those same regulations be put in place for these lights. **Cncl. Pres., McIlvaine** noted he thought the purpose of this ordinance was to do away with the lights altogether not to change the time. Mrs. Flaherty noted that was correct because if this is not approved eventually everyone will be putting up those lights. Solicitor Fiore commented the lights were never regulated therefore they were permitted and Mrs. Flaherty replied they say in the absence of an ordinance deny. **Cncl. Miller** questioned whether businesses currently with the lights would be grandfathered as he felt they could potentially file a lawsuit against the township, win and overturn the entire ordinance. Mrs. Flaherty explained we would have to identify which businesses and Council would have to decide on whether they wanted to grandfather them in or put restrictions on them. **Cncl. Pres., McIlvaine** stated people do things in Monroe Township because they know we are afraid of a fight. Other towns are not afraid, which is why they don't have the same issues we have. Certain things are worth fighting for and to him how the town looks is one of them so if that means we get sued, then we get sued. **Cncl. Marino** did not have an issue with the lights aesthetically but was concerned about their UL listing, whether they were rated for outside and whether they were installed properly because if used incorrectly there could be a risk of fire. He felt a business owner that wants to bring attention to his business should install permanent lighting not strands of lights. **Cncl. Pres., McIlvaine** referred to the burning of paint cans and suggested Mrs. Flaherty contact the fire official if she comes across that again. **Sgt. DeHart** noted we can write a violation according to State Statute, which we did for the incident we had on Herbert Blvd. Mr. Fiore referred to an ordinance from Old Tappan Borough that said lights from a commercial property cannot shine into a residential area. He suggested creating regulations that do not say you can't have them but virtually makes it impossible in an existing business district for someone to put those lights up. Mrs. Flaherty noted this ordinance will be the first step and then we can sit down and craft another ordinance that gives specifications. **Cncl. Heffner** noted if we need to tweak this ordinance already it should not be done right now, it should wait another month because it seems every time we start an ordinance we end up amending it. He polled Council and all agreed the ordinance should be tweaked and then discussed at the next Ordinance Committee Meeting.

F.) NEW BUSINESS

Mayor Teefy noted he would like to meet with the Tax Abatement Committee to discuss crafting an ordinance for tax abatement for 55 and over communities as we are competing against Glassboro and Clayton that have five year tax abatement for 55 and over communities. **Cncl. DiLucia** questioned if this would just be for new communities and not existing ones because Holiday City has a lot of foreclosures. Mayor Teefy replied yes but maybe we could include owners of new properties in the existing communities. **Cncl. Miller** noted he would check some dates and contact everyone to schedule a meeting.

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F.) NEW BUSINESS (cont'd)

Sgt. DeHart noted Chapter 39 Section 39-3 states a Fire Department member must maintain 60% duty, which is actual attendance at fires and drills. That requirement previously mirrored the State guidelines for the State Firemen's Relief Association but that percentage was dropped to 50% and our ordinance needs to be amended to reflect the change. Mr. Fiore suggested instead of putting in the specific percentage the ordinance state the percentage would mirror the State Firemen's Relief Association in the event their requirement is amended again. Mr. Fiore will draft the ordinance for review at the next Ordinance Meeting.

Cncl. Heffner reported the Gloucester County Board of Chosen Freeholders adopted a resolution in support of restricting the sale of puppy mill dogs and cats at pet shops. This matter has been forwarded to the Board of Health and once they come back with their recommendation it will be addressed at a future Ordinance Committee Meeting.

G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss Cncl. Miller made a motion to adjourn the Ordinance Committee Meeting of March 8, 2017. The motion was seconded by Cncl. Pres., McIlvaine 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 March 8, 2017 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 *SW* Date 4/5/17
Approved as corrected _____ Date _____