

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2014**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order immediately following the Special Council Meeting at approximately 7:08 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** 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. Bryson led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. Daniel Teefy		Excused
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Pres., Garbowski made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of July 2, 2014. The motion was seconded by **Cncl. Bryson** and approved by all members of Council in attendance.

C.) PUBLIC PORTION

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

Cncl. Sebastian advised the towers in attendance that the Towing Committee has not met, that the Solicitor is trying to reduce the size of the Towing Ordinance by making it more concise and that one tower has submitted some changes that the Solicitor is reviewing. Mr. Fiore encouraged all members of Council to review and submit in writing any changes/recommendations they may have so everything can be taken into consideration.

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C.) PUBLIC PORTION (cont'd)

Jack Simmermon questioned whether the changes/recommendations the towers previously submitted in February/March were also being considered. Cncl. Sebastian requested the Deputy Clerk to send copies of the information previously submitted by the towers to the Solicitor and all members of Council. Mr. Simmermon questioned whether there would be any further discussion regarding towing this evening. Cncl. Sebastian advised there would be no further discussion on towing, as everyone is being given the opportunity to submit additional information.

With no one else from the public wishing to speak Cncl. Pres., Garbowski made a motion to close the Public Portion. The motion was seconded by Cncl. Bryson and unanimously approved by all members of Council in attendance.

D.) ORDINANCES FOR REVIEW

- Chapter 30 Emergency Medical Services Division

Business Administrator Kevin Heydel explained when the job description for EMS supervisor was established under Chapter 30-13 the EMS full time supervisor was listed as the ambulance license administrator on the state license. Chapter 30 also states the Public Safety Director is responsible to designate the license administrator so to correct the contradiction in the code the proposed amendment removes that responsibility from EMS supervisor and allows the Public Safety Director to make that designation. The same person could be designated but this change will clean up the conflicting verbiage in the ordinance.

Cncl. Sebastian polled Council and all in attendance were in favor of deleting the language in Chapter 30-13 D that stated the EMS supervisor was the ambulance license administrator. Cncl. Pres., Garbowski authorized the proposed amendment to be placed on the August 25th Regular Council Meeting agenda for First Reading.

- Property Maintenance Code/Vacant Properties

Cncl. Sebastian questioned whether Solicitor Fiore drafted the proposed ordinance based upon ordinances from Woodbury and other municipalities. Solicitor Fiore explained the ordinance is based upon Cherry Hill's and a couple of other towns. Woodbury's ordinance deals more with abandoned buildings and they actually budgeted for that so it is slightly different than the general registration ordinance that we are trying to accomplish. For the draft ordinance Council needs to decide what department will handle these responsibilities, what the process will be and what the registration fee will be. He urged Council not to be bashful when deciding upon a fee. He suggested \$500.00 or \$1,000.00, as there will be a lot of work involved for the municipality in policing this. Most of the time the banks are assuming the responsibility for the homes people are losing and there needs to be a monetary nuisance hanging around their neck. Cncl. Caligiuri questioned how the township will find out when a property becomes vacant and how will the owners know they are required to register a property within 60 or 30 days of it

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D.) ORDINANCES FOR REVIEW (cont'd)

becoming vacant. Mr. Fiore explained the ordinance will be published in the newspaper just like any other ordinance and then it will be the law in Monroe Township. We do not have an obligation to send every homeowner in the municipality a copy. The Township will find out about vacant properties the same way we do now by someone riding by the house or by a neighbor complaining. Whomever is going to be responsible for policing this would then send a notice of violation to the property owner and if they do not abide by the ordinance within a certain number of days a summons will be issued for them to go to court. The banks will be more responsible to register than the people whose properties are being foreclosed upon because they don't care and will probably not even respond to a summons.

Cncl. DiLucia felt the biggest problem is that banks are very slow in selling the abandoned houses many of which are in our nicer neighborhoods and the township can only cut the grass; we can do nothing about the interiors being in disrepair. Banks don't care so we need to find a way to compel them to at least secure the properties or hire companies to fix them up for resale. A lot of it might be that the banks are hoping the curve comes back so they can recover a larger percentage of their losses. Mr. Fiore explained the definition of owner defines someone as the foreclosing entity so once the foreclosure notice is sent the foreclosing entity will be responsible, not just the titled owner. The tax office has that information and if the property is really dilapidated we can pull the title from Woodbury to see what lending institution has a mortgage on it. Cncl. DiLucia felt teeth should be put in the ordinance that would require banks to correct the problem or show them that it would be in their best interest to move the process along due to the administrative cost associated with complying to this ordinance. Cncl. DiLucia noted we need to find a way to impose such a cost on these banks or mortgage companies that it is imperative for them to cut their losses due to what it is costing them each year. Cncl. Bryson explained if the mortgage is a federally insured mortgage the bank didn't lose the money taxpayers did so basically banks will hold onto a property forever. Banks would lose on conventional mortgages but very few of those mortgages are going into default. Cncl. DiLucia felt at least half of the mortgages in default are conventional because seven years ago people needed no down payment or credit history. They could buy a house owing 100% on it and then go borrow money against it, which is why the market is in such bad shape. Mr. Fiore added up to 125% could be borrowed on a house back then. Cncl. Bryson noted there are a few vacant properties in town that are owned by senior citizens or by people that don't have a lot of money and those people would also have to comply with this ordinance. He added we would like to exclude those people but we can't so this will force them into making a decision on what to do with their property. Cncl. Sebastian added one property like that is where the elderly woman wants to save the house for her kids but in that case the kids should begin maintaining it. Dan Kozak explained there are some homes in the Pinelands that have fallen into disrepair but the owners do not want to tear them down because the Pinelands only gives them five years to rebuild once the original house is torn down. If it is not done within that time period additional paperwork must be completed for the Pinelands. There are also investors sitting on houses so Council should be aware they will be getting calls from those people affected by this ordinance. He added the little old lady will be hurt more than the banks because she won't even let the

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D.) ORDINANCES FOR REVIEW (cont'd)

township cut the grass, she'll go out there with scissors if she has to because she can't afford the \$500.00 cost. Mr. Fiore noted he doesn't disagree but we need to look at the big picture, as everyone acknowledges that we need to do something. We need to take the little old lady out of it; she is a person with a financial interest and it is her obligation to maintain the property. Cncl. DiLucia noted this is the same scenario as paying taxes on the property. She will have to make a decision and if she wants to keep it she will need to continue paying for it.

Business Administrator, Kevin Heydel noted on some of the properties it requires more than just cutting the grass, some have bushes overgrown and on one an entire row of bushes fell over because they were not planted deep enough. No one can do anything about something like that and he questioned whether we should have regulations that require at least the empty houses to be manicured to the point where appearance wise it does not bring down the neighborhood. Mr. Kozak questioned how we could require that for the vacant homes and allow the neighbor who lives in the next house to not maintain his property. Mr. Fiore advised it would be difficult to articulate that in an ordinance. Mr. Heydel also recommended that next year Council consider putting at least \$50,000.00 into the budget so we can hire an outside company to maintain these properties rather than having our township employees do it on the weekends. That would give us a lot more flexibility. Right now if we want to board up a house and paint it we don't have a fund to cover that cost. He went on to explain how the budgets have been tight over the last few years but we are to the point now where these properties really need to be addressed. Mr. Fiore added at one point in time there was a line item in the budget for abandoned properties and statutorily under the UCC there is a process for the Construction Code Official to deem a property uninhabitable so it can be torn down. Cncl. DiLucia questioned whether that would be like a petty cash account or dedicated account where the money can be replenished. Mr. Heydel replied no, this is not something that could be in a trust account. There would be a line item on the expenditure side in a department's budget that allows us to maintain the properties. Cncl. Bryson questioned whether any ordinances would need to be changed to establish a fund like that. Solicitor Fiore replied no, it would be a budget line item. Mr. Heydel spoke of how this year he already used close to \$4,000.00 out of Zoning's \$11,000.00 budget so funds will need to be transferred into that account in November, which is the first time funds can be transferred unless a special emergency resolution is done and he does not want to do that. He added if Council wants to aggressively address these houses at least \$50,000.00 will need to be budgeted next year. Cncl. Sebastian requested Council to read over the draft ordinance to see if there is anything they want changed. The ordinance will be discussed again at the next Ordinance Meeting.

E.) MATTERS FOR DISCUSSION

- Chapter 175-135 Sign Ordinance - Planning Board

Cncl. Sebastian explained the Sign Ordinance was sent to the Pinelands as required and they requested some amendments be made to the ordinance for areas within the Pinelands. Those amendments were forwarded to the Planning Board for review and the Board has denied them. Cncl. Caligiuri explained the reason the Board denied them is because the proposed amendment calls for the removal of pre-existing digital display signs and typically when new ordinances take

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E.) MATTERS FOR DISCUSSION (cont'd)

effect pre-existing conditions are grandfathered in. If the Pineland's recommendations were adopted it would then be the township's responsibility to enforce that law and the Planning Board felt that was not fair and that there was no precedent to support that since pre-existing are usually grandfathered. The Board felt it would be expensive and difficult to enforce something like that so we turned it down. Solicitor Fiore questioned how many digital signs are located in Pineland areas. Cncl. Caligiuri replied 60% of the township is Pinelands so he wasn't sure how many signs would be involved. Council discussed the ones located along the Black Horse Pike that included PC Helpers, Sabers, CVS and Wawa. Mr. Fiore noted the Pinelands is not an enforcing agency and he questioned whether they would compel the municipality to enforce that by taking us to court. Cncl. Caligiuri noted pre-existing signs are not allowed in the Pinelands anymore but since they are not an enforcing agent what are they going to do to us. Mr. Fiore noted entities like CVS probably changed their signs to digital after receiving approval from the Planning Board. CVS would have had to submit their plans to the Pinelands for a Certificate of Filing and probably back then it was just for a free standing sign, not digital. Cncl. Sebastian noted Wawa went through the legal process at the time of their application and asked for a waiver from the ordinance that did not allow digital signs and it was granted by the Zoning Board. Walgreens also went through the legal process and then everyone else along the pike wanted those signs. CVS went up, Schwartz and Sabers went up because they thought if the others were put up they could put them up too. Cncl. Bryson questioned whether we stirred up a hornets nest when we adopted this ordinance and whether the Pinelands was retroactively punishing the township. Cncl. Sebastian added if we had time to drive around we would find digital signs in Pineland areas of other municipalities. He noted the Pineland headquarters is outside the Pineland areas because they don't want to abide by their own rules. The bottom line is the Pinelands shot down our ordinance and made recommendations, which the Planning Board denied and now we have to deal with how to change the ordinance so it can be certified by the Pinelands. Cncl. Bryson questioned if there was any way that the Township of Monroe could change the Pineland boundaries that were arbitrarily and capriciously set back in 1972. Cncl. Sebastian advised the Pinelands falls under the Department of Interior, a Federal organization, and it is mandated under Federal legislation. Any complaints about the Pinelands gets sent to the Department of Interior and it gets lost along with everything else in Washington. We cannot make that change by resolution or ordinance and we can't request State legislators to do it because they don't have that authority. Cncl. Sebastian explained if we change the ordinance to say that digital signs are only allowed on state-highways and not allowed in the Pinelands that takes the Pinelands out of the equation as far as the ordinance is concerned but it doesn't change the fact that digital signs are already in the Pineland areas. Mr. Fiore noted in breaking down the ordinance it sounds like no signs are permitted in Pineland areas and he suggested getting clarification from the Pinelands on what their intent is. He felt instead of abandoning the entire ordinance this discussion should be continued next month after he speaks to Tim Kernan, who can get some clarification on what the Pinelands wants. This makes no sense whatsoever because it references December 5, 1996 when the Pinelands was actually enacted in 1981 retroactively back to 1976. Cncl. Sebastian agreed with Mr. Fiore and noted this matter will be discussed again at the next Ordinance Meeting.

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E.) MATTERS FOR DISCUSSION (cont'd)

- Nuisance Ordinance and Downgrading Offense

Solicitor Fiore explained in May we received a letter from Mr. Paff, of the Libertarian Party, questioning once again the legality of our Nuisance Ordinance and he is somewhat correct as to the vagueness of the ordinance. Mr. Fiore assured Council that the portion of the ordinance being questioned was not being utilized in court at this point in time so prior to repealing it he would like to come up with an ordinance that is not in violation of this particular case. He explained from a prosecutor's point this is a valuable tool. The case Mr. Paff referenced involved a young lady who had all kinds of problems that resulted in her being charged with an aggravated assault. She was comatose and under the influence and while they were attempting to revive her in the back of an ambulance she spit on a driver. According to State Statute if you project bodily fluid on anyone without consent it is aggravated assault. She cleaned up her act and when the case went to the County court it was downgraded to a local ordinance violation. She was assessed a \$100.00 fine plus court cost of \$30.00 and by handling the case under the local ordinance the violation would not penalize her for the rest of her life. He went on to speak about how other towns use local ordinances and explained what the State does not like is that under a local ordinance all the fines and penalties go to the municipality. When under State Statute we share those fines with the State. Mr. Paff is correct in his interpretation that the ordinance cannot be so broad and that local ordinances are preempted by State Statute. Mr. Fiore noted fifteen years ago Logan Township used their entire local ordinances for their motor vehicle code so if someone had a speeding ticket it could be amended to a violation of a Logan Township ordinance and that is clearly preempted by State Statute. The Breach of the Peace Statute is interesting because under the law it is a disorderly person's offense, a petty DP, with a maximum fine of \$500.00 and possibly jail time. He noted he understands philosophically what Mr. Paff is saying but from a realistic standpoint it doesn't work however the law is the law and we are obligated to follow it. **Cncl. Sebastian** noted prosecutors have the ability to downgrade other ordinances besides this one so we are not eliminating the ability of the prosecutor to downgrade the violation to a local ordinance. Mr. Fiore noted that is correct and police officers can write a violation under a local ordinance and the 2C can be dismissed. He explained some officers issue under the 2CDP and also under Ordinance 295-2 at the time of the arrest. Unfortunately there was a memo from Sean Dalton slapping our hands and telling us never to do that again but sometimes it is just a matter of moving cases and they either plead guilty to the 2C or it gets dropped and that can cause a logjam in the court. **Cncl. Sebastian** requested Mr. Fiore prepare the changes to the ordinance for review at the September Ordinance Committee Meeting.

- Chapter 262 - Towing Ordinance - Update

Cncl. Sebastian reported the Towing Committee held one meeting and Domenic Burgess submitted some changes to the proposed ordinance. Jack Simmermon didn't submit any additional changes but verbally questioned why we were going back to invent the wheel when the only problem with the current ordinance is that it was not being enforced. **Cncl. Sebastian** advised after the last Council Meeting he suggested the Solicitor review the ordinance to try to trim it down from the draft 14 or 15 pages. One thing Domenic Burgess suggested, which was also discussed by the Committee, was a two year license period instead of the current annual one.

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E.) MATTERS FOR DISCUSSION (cont'd)

Mr. Fiore agreed and even suggested going as far as three years. Cncl. Sebastian noted the Deputy Clerk will again send Council and the Solicitor the towers previous recommendations and once everyone reviews the information any recommendations should go through her so no rolling emails are created between Councilmembers. Mr. Fiore noted Chief McKeown contacted him and would like the Police Department and Jim Smart to have some input into the ordinance. He added the old ordinance is not bad and went on to speak of Cncl. Caligiuri's suggestion for a rolling list in the event a person is removed from the towing list, of the possibility of reducing the number of towers, of requiring towers to have more than one truck and of Sgt. Mark Burton running stats regarding the trucks needed for accidents involving more than one vehicle. He added part of the problem with the ordinance is the process of getting from point "A" to point "B" and one way to change that would be to put the requirements of the ordinance into the application. Mr. Fiore noted West Deptford requires towers to have one heavy, one medium and one light tow truck due to Rt. 295 running through that municipality but here a medium truck may not be needed if they have a heavy and a light. He requested Council consider those types of things while reviewing the ordinance and tower recommendations since we need to support our underlying theme of vehicles being removed from the roadway as safely and quickly as possible.

Cncl. DiLucia stated he is a proponent of short legal language but no matter how long or short the ordinance is Council must address the issue of public safety. However, every time we get involved in enforcing public safety it becomes very clear that the interest of those attending the meetings is money and opening up the list to all people who qualify was vehemently opposed, as the towers feel new towers should be placed on a waiting list just like they were. We are trying to satisfy the towers in terms of their financial interests because they are business people in town but then we get smacked in the face every time. As a member of the Towing Committee Cncl. DiLucia felt the number of towers is not important; developing an ordinance that provides safety to the people Council is serving and reasonable rules and consistent enforcement. Everyone knows this has been going on long enough that the process should be understood so there should be no "do overs" in the future. Cncl. DiLucia also went on record to say at some point in time if it is financially feasible the township should take over towing to increase revenue and he requested another financial feasibility study be done to see if that would be beneficial for the taxpayers. He felt that Council will be subject to a legal challenge no matter what so Council should not stop from going in that direction to avoid a legal challenge. The reality of the situation is that we are more focused on things we cannot control than we are on things we should be controlling such as the safety of our residents. Both can be accomplished because if the township ran towing we could be supervising the jobs and our employees would adhere to safety equipment to fulfill our obligation. What we are doing now is putting patches on something that is unfixable because no matter how or what we write it will not be right because the interest is a financial interest, which nobody can agree on. In regards to the current ordinance he agreed with Cncl. Caligiuri's recommendation to expand the number of towers to ensure coverage and proper safety but he felt that would be rejected because it would diminish the income of some people.

Cncl. Caligiuri noted a balance must be achieved. Towers earn about \$10,000 for every week they tow so if there were more towers we might have more coverage but then they would

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E.) MATTERS FOR DISCUSSION (cont'd)

not have the income to upgrade their equipment. Solicitor Fiore noted at one time there were ten towers. Cncl. Caligiuri spoke of how when that number was decreased to eight each tower made enough money to upgrade their equipment as well as pay their commercial taxes. If there were twenty towers each would have a small piece of the pie and if there were too few towers what would be done in the event of an ice storm. He felt the number of towers should be between seven and ten, as that would provide each one with enough revenue to upgrade equipment but not so few that it turns into a monopoly. Cncl. Bryson felt Council is talking about this like township towing is their only revenue and that is not totally true, they tow for other entities so if they are looking at this as 100% of their business they are not good businessmen. He felt Cncl. DiLucia's recommendations made sense since there are not many ways for Council to raise revenue and that the ordinance could be changed so towers could be called in the event the township needed additional support. Cncl. DiLucia requested to clarify on the record that he was not opposed to creating an ordinance towards safety, as that is his responsibility as a committee member to work toward that issue. As a separate issue he would like to see a financial study be done to see whether it would financially benefit the taxpayers for us to assume the responsibility of towing and creating meaningful jobs. This would be totally under control of someone we would appoint to supervise that department and it would be their responsibility to hire, fire, discipline and make sure that safety is the primary concern on our part. It has nothing to do whatsoever with history or the fact that we are working on this ordinance; it just makes financial sense to as a separate issue look at the feasibility of it. Business Administrator, Kevin Heydel felt another study would not change the figures much because the previous one he prepared was very, very detailed so he would distribute that one again. Cncl. DiLucia explained he requested another one because he thought some things were not included in that report. Mr. Heydel noted he sent out the study and then realized he missed something, corrected it and sent it out again so he is comfortable with the numbers included in that report. Cncl. Sebastian asked Mr. Heydel to continue reviewing that to ensure everything is included due to the request of a Councilperson. Mr. Heydel explained his analysis was very conservative because there will be an initial outlay that is amortized over five years so in those years we would only make around \$50,000.00 a year. He noted he calculated our costs as far as equipment, expenses, the salaries and other things were estimated such as how long a car sits. He noted he would send that report to Council so it can be discussed at a future meeting. Cncl. Sebastian noted no action will be taken this evening, as this is still a matter for discussion. All the towers will still be involved and Sharon will be sending out the information to Council for review and input.

F.) NEW BUSINESS

• Ames Road Traffic Control

Cncl. Bryson reported the Public Safety Committee met with Chief McKeown, Sgt. Burton from the Traffic Department and Engineer Dave Cella to discuss Mr. Simpson's complaints at the last Council Meeting about speeding on Ames Road. Mr. Simpson's request for a four-way stop sign was discussed but that cannot be installed at the intersection. Alternative options were discussed and the Public Safety Committee would like to recommend a new type of laser driven equipment available to Police Departments that can be attached to a pole or tree to register the speed and time of the violation. With that information police officers could be dispatched to the

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F.) NEW BUSINESS (cont'd)

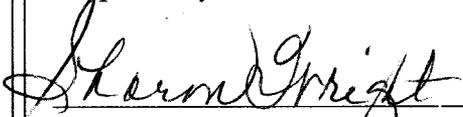
area during the times the violations are occurring. Cncl. Sebastian advised this discussion is for information only as this has nothing to do with ordinances. He added this equipment is mobile so it can be placed in any location in the township where speeding problems occur. Cncl. Bryson noted the cost is \$4,600.00 per unit so funds would need to be placed in the budget. The Police Department is asking for one unit but could probably use two because once residents find out about this they will want it in their neighborhoods as well. Mr. Heydel spoke of how the Police Department is reallocating their funds to increase the number of officers in the Traffic Unit. Cncl. Bryson advised permanent speed monitors were also discussed and their cost is about the same. Those devices may be good in areas with continuing problems. Dave Cella will continue to work on passive ways to control speed such as painting lines or "slow down" on the roadway like Washington Township did but the cost for that will probably be the same as using the new technology. Cncl. Sebastian noted the police brought up the fact that Ames Road is not lined giving the impression the road is wider so cars tend to go faster while lined roads give the impression of being narrower and vehicles tend to slow down. Cncl. DiLucia spoke of Chris Rehmann telling Council about a device that gave an impression a road was narrow so people would slow down and he felt when looking at visual devices that would be something for Council to consider but he felt for the money, the data gathering device would be the best type of equipment. Mr. Heydel advised the Police Department has a budget and they can shift some money around to purchase the equipment.

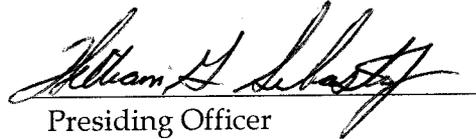
G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss Cncl. Caligiuri made a motion to adjourn the Ordinance Committee Meeting of August 6, 2014. The motion was seconded by Cncl. DiLucia 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 August 6, 2014 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 AW Date 9/3/14
Approved as corrected _____ Date _____