

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
NOVEMBER 24, 2014

The Regular meeting of the Township Committee of the Township of Bordentown was held in the Main Meeting Room in the Municipal Building.

PRESENT: Mayor Stephen Benowitz  
Deputy Mayor James Cann  
Committeeman Richard Carson  
Committeeman John Moynihan  
Committeewoman Jill Popko  
Township Clerk Colleen Eckert  
Attorney William J. Kearns, Jr.  
Chief Financial Officer David Kocian  
Chief of Police Frank M. Nucera, Jr.

ABSENT: Public Works Director Dean Buhner

Mayor Benowitz called the meeting to order at approximately 7:01 p.m. and led a salute to the flag and a moment of silence.

Township Clerk Eckert read the following Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 6, 2014, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was FAXED to the REGISTER NEWS, BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.

At this time, Committeewoman Popko made the following motion:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing Personnel Matter/Vacation Carryover Requests, Donated Sick Leave Policy, and Barbara Woolley-Dillon vs. Township of Bordentown; seconded by Deputy Mayor Cann.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

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The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:09 pm and reconvened the regular meeting at 7:37 pm.

APPOINTMENT OF MEMBER TO ENVIRONMENTAL COMMISSION:

In accordance with N.J.S.A. 40:56A-1 et seq and Section 2-18 of the Revised General Ordinances of the Township of Bordentown, I, Stephen Benowitz, as Mayor, do hereby make the following appointments to the Environmental Commission:

Mayor Benowitz announced that Carole Cann has been appointed to the Environmental Commission with an unexpired term expiring 12/31/15.

**ADMINISTRATIVE REVIEW**

Mayor Benowitz stated that Item #22 on the Agenda is being removed because of the absence of C. D. Director Brian Johnson.

Township Clerk Eckert announced there are two additional items: 1) a letter received today from Township Engineer, CME Associates, dated November 24, 2014 regarding an update to the 2014 Bordentown Road Program, and 2) the Financial Report, which corresponds to Resolution #2014-328-9.

Township Clerk Eckert also stated that she was not in the office today; however, a signed petition with 338 signatures was received from residents from the Crystal Lake Development opposing the (proposed) gas station and Quick-Chek at the Bordentown Waterfront Redevelopment. She will review it when she returns from vacation and provide the Township Committee with copies.

A letter was received from Sal Schiano, Commissioner of Fire District #2, dated November 13, 2014 regarding the Special Election Bond Question. Mayor Benowitz read the letter into the record.

**CONSENT AGENDA**

**Resolution #2014-328-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2014-328-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.**

**Resolution #2014-328-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.**

**Resolution #2014-328-11 entitled AMEND CHARLES BOSSERT PARK IMPROVEMENT PROJECT (CONTRACT #2) WITH ALL SURFACE ASPHALT PAVING, INC., CHANGE ORDER NO. 1.**

**Resolution #2014-328-12 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE CHARLES BOSSERT PARK IMPROVEMENT**

**PROJECT (CONTRACT #2), CHANGE ORDER NO. 1, AND THORNTOWN LANE/HINKLE DRIVE INTERSECTION IMPROVEMENTS.**

**Resolution #2014-328-13 entitled A RESOLUTION TO AWARD A CONTRACT TO GFI SITEWORKS, INC., FOR THE THORNTOWN LANE/HINKLE DRIVE INTERSECTION IMPROVEMENTS.**

**Resolution #2014-328-14 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE JUMBLE GUT RUN, DRAINAGE MODELING PROJECT.**

**Resolution #2014-328-15 entitled AUTHORIZING THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, TO CONSULT WITH ITS PROFESSIONALS TO DETERMINE THE ACCURACY OF ITS DISCLOSURE IN ITS PUBLIC OFFERING DOCUMENTS AND THE NEED TO PARTICIPATE IN THE SEC'S VOLUNTARY SELF-REPORTING MCDC INITIATIVE, TO ADOPT A CONTINUING DISCLOSURE COMPLIANCE POLICY AND TO TAKE SUCH FURTHER ACTION AS IS NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION.**

**Resolution #2014-328-16 entitled AUTHORIZING NOVEMBER 24, 2014, BUDGET TRANSFERS.**

**Resolution #2014-328-17 entitled A RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN TO ENTER INTO A COOPERATIVE PRICING AGREEMENT.**

**Resolution #2014-328-18 entitled APPOINTING MEMBER TO THE VETERANS ADVISORY COMMITTEE.**

Township Committee reviewed and discussed Consent Agenda Items #2014-328-8 through #2014-328-18. Committeeman Moynihan and Deputy Mayor Cann commented/asked questions.

Resolution #2014-328-8. Committeeman Moynihan recommended that the payments to CME Associates, Township Engineer, be pulled until a firmer understanding is received on the status of the project.

Resolution #2014-328-18. Mayor Benowitz read the resolution into the record. He mentioned that Michael Huntanar was Bordentown Township's Hometown Hero at the Veteran's Day Ceremony.

At this time, Committeeman Carson made a motion to open to the public the consent agenda items; seconded by Committeewoman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

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WALT KOSUL, 539 Route 206: Mr. Kosul inquired about Resolution #2014-328-15. Mayor Benowitz and CFO Kocian responded.

WILLIAM POPKO, 3 Henry Marshall Drive: Regarding Resolution #2014-328-14, Mr. Popko asked about the cost of the project. Mayor Benowitz responded \$58,000 for the survey. Deputy Mayor Cann responded it could go up depending on what the survey reveals.

Seeing no further comments, Committeeman Carson made a motion to close to the public; seconded by Committeewoman Popko.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

At this time, Deputy Mayor Cann made a motion to adopt the consent agenda; seconded by Committeewoman Popko.

AYE: Committeeman Carson, Committeeman Moynihan with the exception of the CME bills as noted above (Resolution #2014-328-8), Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

AS A RESULT OF CLOSED SESSION DISCUSSION:

At this time, Committeeman Carson made a motion to approve 10 vacation days be carried over to 2015 for Police Chief Nucera; seconded by Committeewoman Popko.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

At this time, Committeeman Carson made a motion to approve donated leave policy for an employee which will allow donors to provide sick time up to 20 days; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

**Consideration of Introduction of Ordinance #2014-30 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY AMENDING ORDINANCE NO. 2014-06, PROVIDING FOR VARIOUS CAPITAL**

**IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$2,088,181 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,516,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME.**

At this time, Deputy Mayor Cann made a motion to introduce Ordinance #2014-30: seconded by Committeewoman Popko.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be December 8<sup>h</sup>.

**Consideration of Introduction of Ordinance #2014-31 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE SECTION 15.04.020 OF THE BORDENTOWN TOWNSHIP CODE TO ESTABLISH FEES AND TO FURTHER PROVIDE A PROCEDURE FOR REVIEWING AND AMENDING THE FEE SCHEDULE**

At this time, Committeeman Carson made a motion to introduce Ordinance #2014-31: seconded by Deputy Mayor Cann.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be December 8<sup>h</sup>.

**Township Committee discussion of meeting with Williams Transcontinental Gas Pipe Line Company.**

Mayor Benowitz said that this is an additional gas compressor station, almost entirely in Chesterfield Township. He gave a description of the project. There was a brief discussion among the Township Committee. They will need to be charged for the easement.

**TOWNSHIP COMMITTEE AND STAFF REPORTS**

COMMITTEEMAN CARSON: Committeeman Carson had nothing to report.

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COMMITTEEMAN MOYNIHAN: The Bordentown Sewerage Authority met on November 17, 2014. The flow from the Ocean Spray facility will end on December 14, 2014. The Sewerage Authority Engineer forwarded a project status report to each Committee member.

In regard to the Police Department, the officers apprehended an armed robbery suspect on November 15, 2014. This incident involved a crime committed in Mansfield and a police pursuit through Bordentown Township.

COMMITTEEWOMAN POPKO: Committeewoman Popko announced that the flags are being flown at half staff today to honor Congresswoman Margaret (Marge) Roukema and tomorrow to honor Senator Robert Battelle.

Leaf collection continues by the Public Works Department.

There will be a Rabies Vaccination Clinic scheduled for Saturday, January 10, 2015 from 10:00 am - 12:00 noon at the Municipal Building.

The Annual Tree Lighting will be held at the Municipal Building on December 1, 2014 at 6:00 pm. Poster Contest Awards will be distributed.

On November 21, 2014, the yellow recycling buckets were picked up. Residents can drop off the remaining yellow buckets at the Public Works building.

The Environmental Commission is working on Tidy Towns and Sustainable Jersey. There were several projects and events held this year.

The Public Works Department received a grade of 100 on the E-JIF Municipal Inspection List.

Committeewoman Popko attended the National Foundation of Women Legislators in Philadelphia this past week. She briefly described what occurred at the Convention.

DEPUTY MAYOR CANN: Deputy Mayor Cann said that on December 2, 2014, there will be a meeting with FEMA representatives set up by Andy Law on the continued discussion on the potential Jumble Gut Run Projects. A visual inspection by the parties of this emergency will hopefully expedite the funding of the project.

At their last meeting, the Planning Board heard part of the Quick-Chek application and decided to continue it. There were outstanding issues that the applicant has to address. There is another meeting scheduled between the professionals and the applicant to go over the proposed changes.

There was a meeting with Model Insurance to review the HIF; the increase this year is 1.59%, which is \$14,124. Open enrollment for the employees' insurance continues through December 9, 2014.

In regard to the Holloway Meadows drainage issue with the N.J. Turnpike, a partial repair has been made. The Township is currently working with Alt. Engineer Turek to resolve the issue.

A copy of the ordinance which was received from the League of Municipalities on the maintenance of properties that are vacated or abandoned or in foreclosure was distributed. Deputy Mayor Cann asked for it to be placed on the Agenda for Introduction at the next meeting.

MAYOR BENOWITZ: Mayor Benowitz announced that Katherine Stark passed away on November 19, 2014. She was the Senior Citizen's Club Historian and a Trustee.

There are two prospective dates for the Mayor's ball: March 7 and March 21. There was no opposition to either date.

He attended the Fire District #1 meeting. There was a discussion on PILOT funds. They asked the Township if the Fire District could be given PILOT funds. Deputy Mayor Cann suggested modeling it out to see what each district would get based on the school's formula, and then present it back to the Township Committee. The consolidation of fire districts is still in discussion among themselves.

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In regard to the Township Administrator position, 3 of the 4 finalists were contacted and they are still interested. He would like to conduct the interviews with the applicants and the Township Committee. The Township Clerk will set up the meeting.

Mayor Benowitz thanked the Foundation for Bordentown Traditions for the Turkey Trot held on November 22, 2014. There were over 300 runners. He also thanked everyone who participated.

**MAYOR BENOWITZ:** Mayor Benowitz read a statement regarding the proposed Quick-Chek and Bordentown Waterfront Community. It stated that Bordentown Township has become very proactive in the partnership between Government, Business Commercial, and our residents. The residential impact will be as minimal as possible. The professionals have been meeting with the applicant to address the residential concerns and questions, including environmental and safety concerns. Some residents expressed concern that the original redevelopment that was promised may not come to fruition, and the Township is taking steps to make sure the original plan (2009-2010) is adhered to. Modifications must be presented to the Redevelopment Authority and approved.

**COMMITTEEWOMAN POPKO:** Committeewoman Popko inquired about the recent Information Session held by District #1 regarding the bonding for \$1.9 million. The vote is scheduled for December 13, 2014. She said their budget with additional information was never posted on their website. She asked if the Township liaison could contact them and request that they place the information on the website and/or we can post it to the Township website. Deputy Mayor Cann said he would contact them.

Committeewoman Popko said there have been several complaints about garbage pick-up. Police Chief Nucera has contacted the manager of Central Jersey Waste several times to try to set up a meeting date. Attorney Kearns will contact Police Chief Nucera and follow-up on this.

**PUBLIC PARTICIPATION:** At this time, Committeeman Moynihan made a motion to open the meeting for public participation; seconded by Deputy Mayor Cann.

**AYE:** Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

**NAY:** None

**SHAWN BURLEY, 12 Tantum Court:** Mr. Burley commented on the bald eagle located in the vicinity of his home, and gave additional reasons why he is against the Quick-Chek gas station at the Bordentown Waterfront Community. He read a petition into the record and said he obtained over 300 signatures.

**MANDY (INDISCERNIBLE), 14 (INDISCERNIBLE) Road:** She also expressed concern to the crime that having a Quick-Chek gas station at the Bordentown Waterfront Community would bring.

**JOHN HEROLD, 25 Tantum Court:** Mr. Herold said that there is an increase of noise since the traffic light was installed on Route 130 and Burlington Road. Police Chief Nucera said the jake-brake sign has been replaced. Mr. Herold added that the Township does not need another gas station.

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WALT KOSUL, 539 Route 206: Mr. Kosul asked what the conditional use is for the gas station and is it an exception to the Master Plan. Mayor Benowitz responded that it is not against the Master Plan, and a special ordinance was passed. It was also approved by the Redevelopment Authority. Mayor Benowitz said the submitted petition will be discussed at the next Township Committee meeting. Mr. Kosul also inquired about the Planning Board's application for the Quick-Chek gas station at the Bordentown Waterfront Community. Mayor Benowitz responded that the Township will make sure they are following the Redevelopment Plan, and the applicant will decide whether or not they will be attending the December 11, 2014 Planning Board meeting.

Mr. Kosul said he asked for an opinion from Attorney Kearns on why the property (former Dix Drive-in) is tax exempt. Attorney Kearns responded he has looked at all the documents and the property is being used by the Turnpike Authority for the construction project and as far as he can tell, it is exempt. The other businesses there are there on behalf of the Turnpike Authority and are not paying rent to them.

BILL POPKO, 3 Henry Marshall Drive: Mr. Popko asked how many gas stations are in Bordentown Township. Township Clerk Eckert will provide that number at the next Township Committee meeting.

CAROL de GROOT, 8 Arlington Road: Mrs. de Groot stated that only 4 people normally show up at the Township Committee meetings. She suggested that the developments send 2-3 people to the Township meetings and report back to their residents.

LEN de GROOT, 8 Arlington Road: Mr. de Groot said that the Bordentown Waterfront Redevelopment Financial Agreement report was accepted by a prior Township Committee. Mr. de Groot discussed the zoning at the southern end of the Township. He commented on the Bordentown Waterfront Community project and the residents' concerns.

WALT KOSUL, 539 Route 206: Mr. Kosul inquired about the hiring of the Township Administrator. Mayor Benowitz responded that interviews (only) will be conducted at a Special Meeting the first or second week in December.

Mr. Kosul also said that he would like to review the 2015 budget which has not yet been started. said he attended the meeting, and the tax rate for Fire District #1 is not going to be increased. He also asked if the Redevelopment map has been updated? Mayor Benowitz responded, no. There newest maps are displayed outside the Community Development Office. Deputy Mayor Cann corrected Mr. Kosul stating that the PILOT funds have been discussed. Mayor Benowitz responded to Mr. Kosul's question and said the Township Committee Members do communicate with each other.

(INDISCERNIBLE), 7 Tantum Court: (INDISCERNIBLE)

CHADY MEGEED, 14 Tantum Court: Mr. Megeed said his property borders Route 130 and the new traffic light. He said he would like to see a different type of business located there. He also did not see how luxury apartments could be located near a Quick-Chek gas station.

KEVIN BERMAN, 8 Seneca Lane: Mr. Berman said he is opposed to the proposed Quick-Chek gas station being built next to his development. He said there are too many gas stations here already.

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TINA MAZZILLI, 2 Seneca Lane: Ms. Mazzilli is concerned about the potential safety issues that can occur with a Quick-Chek 24 hour gas station at the Bordentown Waterfront location. She would like to see a different type of business there.

VINCENT MAZZILLI, 2 Seneca Lane: Mr. Mazzilli said there are currently too many gas stations in Bordentown and he sees too much going on at the gas station/convenience stores in the middle of the night. He said he does not have the time to attend Township Committee meetings. Mr. Mazzilli said he was also concerned about the future value of his home and the types of people that would be frequenting the Quick-Chek gas station.

MARIA CASTILLO, 18 Tantum Court: Ms. Castillo said she does not want a Quick-Check gas station located at the Bordentown Waterfront location.

(INDISCERNIBLE) SINGH, 10 Tantum Court: Mr. Singh said he agrees with everyone and a 24/7 Quick-Chek gas station is not a good idea at the Bordentown Waterfront. He said it is a safety concern and people are currently walking through his yard from Route 130. He added that the trucks at the traffic light behind his home are very loud.

MELANIE HANSFORD, 23 Allegheny Lane: Ms. Hansford said the proposed Quick-Chek gas station was brought to their attention by the Homeowners Association. She asked what the benefit is having a Quick-Chek gas station at that location. It will impact her home value and quality of life. She asked the Township Committee to hear what the residents are saying. They are aware of the Waterfront project; they were not, however, aware of the change.

COMMITTEEWOMAN POPKO: Committeewoman Popko suggested to all the residents that in the future they check the Township website for the posted Agenda and Minutes.

MAYOR BENOWITZ: Mayor Benowitz advised all the residents to keep informed of the next Planning Board meeting when the applicant comes back in. He thanked the audience for all their comments.

SHAWN BURLEY, 12 Tantum Court: Mr. Burley said he was a previous vice-president for the Homeowner's Association, and is very concerned about his community and the safety there.

KEVIN BERMAN, 8 Seneca Lane: Mr. Berman stated it seems that the Planning Board is meeting with the applicant to get their application correct.

BILL POPKO, 3 Henry Marshall Drive: Mr. Popko responded to Mr. Berman and said that at Planning Board meetings the Municipal Land Use Law requires notification to property owners within 200 feet, so the HOA was notified.

In regard to Fire District #1, Mr. Popko said that last year there was a Bond Referendum in the amount of \$1.5 million which was defeated. Fire District #1 had public sessions on November 13, 2014 and November 20, 2014. The Bond Referendum for this year is \$1.96 million, which is a 30% increase. He said he was disappointed that at the recent public meeting, the power point presentation did not show any type of budget for costs associated with the building addition, exterior improvements, etc. The

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accountant was present, but the attorney and architect were not. He questioned the cost estimate on the proposed addition. Mr. Popko also asked them to post the plans and their budget.

SAL SCHIANO, 9 Farmington Court: Mr. Schiano said that Fire District #2's Bond Referendum is asking to replace the fire engine purchased in 2000 and a utility truck purchased in 1997, at no increase to property taxes.

WALT KOSUL, 539 Route 206: Mayor Benowitz responded to Mr. Kosul's question and confirmed that a prior Township Committee floated public bonds for the infrastructure of the Bordentown Waterfront project. Deputy Mayor Cann clarified that technically the Township is not a partner. The Township allowed them to get money using the Township, so the Township is a conduit not a partner.

SHAWN BURLEY, 12 Tantum Court: Mr. Burley said that notification was not received by the Crystal Lake Homeowners Association in 2010 regarding the presentation of the Bordentown Waterfront project. Deputy Mayor Cann told Mr. Burley that the applicant is responsible for sending out notification certified mail, return receipt to all property owners within 200 feet, and it would have been sent to their HOA. Mayor Benowitz stated that the Planning Board will be voting on the Quick-Chek application when they return to the Board on December 11, 2014, unless the applicant carries the hearing to another date. He encouraged Mr. Burley to attend the meeting.

Seeing no further comments, Committeeman Carson made a motion to close the public portion of the meeting; seconded by Deputy Mayor Cann.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

DEPUTY MAYOR CANN: Deputy Mayor Cann stated that there is a misunderstanding that the section where the Quick-Chek wants to go was approved only for Senior COAH housing. It was actually approved for 21,650 sq. ft. of service retail, not high-end retail. That is what the original approval was for.

COMMITTEEMAN CARSON: Committeeman Carson said that several months ago, Mayor Benowitz attended a meeting with the Fence Enhancement Coalition. The fence budget was cut close to \$200 billion. He explained how this affects the McGuire AFB. Committeeman Carson asked if there are any additional funds available at the end of the year, the Township might consider donating to the Coalition.

At this time, Committeewoman Popko made the following motion:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby adjourn the regular meeting; seconded by Committeeman Moynihan.

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AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 10:12 p.m.

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STEPHEN BENOWITZ, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK