MINUTES FOR

MONTGOMERY TOWNSHIP COMMITTEE MEETING

August 11, 2022

7:00 p.m.

1. Montgomery Township Committee met at 7:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Present - Mayor Keenan, Deputy Mayor Bell, Committeemembers Schuldiner, & Barragan

Absent - Committeeperson Singh

ADMINISTRATOR – Lori Savron

TOWNSHIP ATTORNEY - Wendy Rubinstein-Quiroga

TOWNSHIP CLERK – Donna Kukla

2. Mayor Keenan stated the following: “Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers.”

3. Mayor Keenan led the salute to the flag.

4. **APPOINTMENT OF POLICE SERGEANT – Daniel Balinski**

BE IT RESOLVED that the Montgomery Township Committee hereby appoints Daniel Balinski to the position of Police Sergeant for Montgomery Township effective August 11, 2022.

4-2. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

**ROLL CALL -** Ayes - Barragan, Schuldiner, Bell, Keenan

Absent - Singh

Nays - None

4-3. Sergeant Daniel Balinski was sworn in by Mayor Keenan. Sergeant Balinski thanked the Committee, Command Staff, and his family for their support.

5. **EAGLE SCOUT PROCLAMATIONS** – Cary Wong and Anthony Mazza

WHEREAS, the prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Cary Wong and Anthony Mazza; and

WHEREAS, the standards established for this honor are high and very difficult to achieve; and

WHEREAS, those who have worked diligently to achieve this rank have exhibited excellence in leadership and a deep commitment to their community.

NOW, THEREFORE, BE IT RESOLVED that with great pride, the Montgomery Township Committee congratulates Cary Wong and Anthony Mazza on this remarkable achievement and extends its sincere best wishes for their continued success.

5-1. Eagle Scout Cary Wong worked with Inspired Threads, a non-profit organization that supports vulnerable individuals with intellectual and physical disabilities, by teaching skills and providing employment in the realm of eco-fashion. Mr. Wong built an ironing board and sewing table for easy access to the wheelchair bound. All items used for the project were re-purposed by utilizing old furniture.

5-2. Eagle Scout Anthony Mazza worked closely with Montgomery's Open Space Department and Montgomery's Friends of Open Space to create and install eight bat houses at Hoebler Park. The bat houses are to provide appropriate shelter for bats in hibernation to combat the disease, White Nose Syndrome, affecting species in North America.

6. **HEALTH DEPARTMENT UPDATE**

Health Officer Devangi Patel updated the Committee on vaccination clinics and vaccination rates for ages 3 to 5, with rates being the highest in the County. She discussed upcoming vaccination clinics for children. A Community Mental Health Resilience Event is scheduled November 15th in collaboration with the Montgomery Evangelical Free Church. Curbside testing continues Monday through Friday from 11:00 a.m. to 6:00 p.m.

6-1. Mayor Keenan thanked Health Officer Patel for her continued efforts.

7. **PUBLIC COMMENT**

We respectfully ask members of the public to limit your comments to approximately five (5) spoken minutes.  Additionally, if your comments are similar to comments already made, instead of repeating them at length, we ask that you instead indicate that you join in or support those comments previously made.

Any questions posed to the Township Committee will be answered after the closure of public comment. Any question requiring research or additional information will be answered at a subsequent Township Committee meeting.

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7-1. Susan Rogers, 80 Ichabod Crane Lane, added to her comments from the previous meeting of July 21st with regards to televised meeting access via Channel 29, her beliefs regarding the use of Cannabis, articles provided by her, Township guidelines for public comment and minutes. Ms. Roger's requested the guidelines be altered, and asked for an explanation of property purchases outlined on the agenda.

7-2. Administrator Lori Savron responded that Channel 29 may not be televising live Township Committee meetings at the moment due to the Township's change of residence. The company is recording the proceedings which can be viewed at a later time. The company was alerted of the move over a year ago, and is working to rectify the issue. Ms. Savron said she would follow up with IT Director Jack Ferrara.

7-3. Mayor Keenan responded that minutes are a reflection of the actions taken and discussion at a meeting so that members of the public may understand what occurred. Minutes are not intended to be a verbatim recitation or transcription of a public meeting. The Clerk's minutes are reflective of that, and are more than required by law. This explanation was given at a previous meeting in which it was explained by Township Attorney Wendy Rubenstein-Quiroga.

8. **CONSENT AGENDA** – All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committeeperson may request that an item be removed for separate consideration.

A. **RESOLUTION #22-8-173 - DECLARING CERTAIN TOWNSHIP SEWER UTILITY EQUIPMENT AS SURPLUS**

WHEREAS, the Township of Montgomery currently owns sewer utility equipment scrap metal ("surplus personal property") that the Director of Wastewater Operations has determined is no longer needed for public use; and

WHEREAS, the Township desires to dispose of said surplus personal property by sending the scrap metal to Klein's Scrap Metal.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery in Somerset County, New Jersey as follows:

1. The sewer utility equipment scrap metal owned by the Township of Montgomery is hereby declared surplus and no longer needed for public use.

2. The Purchasing Agent and Director of Wastewater Operations are hereby authorized and directed to send said surplus personal property to Klein's Scrap Metal.

1. Flygt Mixer - Serial # 4630.491-1130004

2. Flygt Mixer - Serial # 4630.491-1130003 3. Roots Blower – Serial # 1007915692 4. Flygt Decant Pump – Serial # 2610.172.2130068 5. Flygt Decant Pump – Serial # 2610.172.1630122 6. U.S. Motor – Serial # X06-7647710-0042-M0004 7. Zoeller Decant Pump – Serial 0620X 8. U.S. Motor – Serial # Z05-7694080-0006-M0012

9. Baldor Motor – Serial # 016193M5012 10. Baldor Motor – Serial # 0201203I002 11. TPI Heater – 63635-127 12. Various Amounts of Scrap Metal, Fence Chain Link and Piping

B. **RESOLUTION #22-8-174 – AUTHORIZING TEMPORARY ROAD CLOSINGS** – ClubCorp Cherry Valley 5K

WHEREAS, Cherry Valley 5K organizers have requested approval of the Township Committee to close Country Club Drive, Great Road, Bull Creek Court, Bedens Brook Road, Greenbriar Court and Shoal Creek between the hours of 8:30 a.m. and noon on September 17, 2022 to conduct a 5K cycling event.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee authorizes the road closings provided that the organizers obtain the required approval from the Police Department regarding traffic planning and safety considerations and employ three (3) Private Duty Officers.

C. **RESOLUTION #22-8-175 - FOR ENDORSEMENT OF NJDEP TREATMENT WORKS APPROVAL APPLICATION FOR EXTENSION – MONTGOMERY PROMENADE**

WHEREAS, Treatment Works Approval (TWA) No. 19-0321 for the Montgomery Promenade project has expired and the developer wishes to extend the approval; and

WHEREAS, a TWA is necessary to construct and operate the sanitary sewer that will serve the project; and

NOW THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the Township Administrator is hereby authorized to execute a Treatment Works Approval extension application to the New Jersey Department of Environmental Protection related to Montgomery Promenade, subject to review and approval by the Township Engineer and Township Attorney as to form and content.

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1. **RESOLUTION #22-8-176 - SUPPORTING A HIGHWAY OCCUPANCY PERMIT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR WAYFINDING SIGNS TO THE NEW MUNICIPAL CENTER**

WHEREAS, the new Municipal Center was recently constructed along Community Drive; and

WHEREAS, there is a desire to install directional signs to the Municipal Center along Route 206 to help the general public find their way to the Police, Municipal, and Library services; and

WHEREAS, the Township Engineer and Police Department recommend the installation of Wayfinding signs; and

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby supports the installation of directional wayfinding signs along Route 206 to the new Municipal Center.

1. **RESOLUTION #22-8-177 - AUTHORIZING MARK HERRMANN TO BE THE AUTHORIZED REPRESENTATIVE FOR THE STAGE II WASTEWATER TREATMENT PLANT FLOOD PROTECTION PROJECT WITH RESPECT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE LOAN**

WHEREAS, Montgomery Township has previously filed an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Stage II Wastewater Treatment Plant Flood Protection Project; and

WHEREAS, the previous representative, Township Engineer Gail Smith, authorized by Resolution 21-2-62, has retired.

NOW, THEREFORE BE IT RESOLVED, that Mark Herrmann be authorized to act as the Authorized Representative to represent in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the following address: 100 Community Drive, Skillman, NJ 08558 and phone number: 908-359-8211.

1. **RESOLUTION #22-8-178 - AUTHORIZING RELEASE OF SAFETY AND STABILIZATION GUARANTEE BLOOMBERG BUSINESS PARK SITE LIGHTING – Block 34001, Lots 38.01 and 38.001**

WHEREAS, the improvements pertaining to the Bloomberg Business Park Site Lighting project pertaining to the Safety and Stabilization Guarantee have been completed by the developer, Bloomberg LP. and Township Engineer, Mark Herrmann, has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the Safety and Stabilization Guarantee; and

WHEREAS, a Maintenance Guarantee is not required pursuant to Township Code Section 6-9.2d2.(e) and the inspection escrow funds(account PB-07-19)may be released.

The Township will not accept any improvements for this project.

1. **RESOLUTION #22-8-179 - AUTHORIZING RELEASE OF TEMPORARY CERTIFICATE OF OCCUPANCY GUARANTEE BLOOMBERG BUSINESS PARK SOLAR COLLECTOR PROJECT 2020 – Block 34001, Lots 38.01, 38.001, 38.03 \_\_\_**

WHEREAS, improvements pertaining to the Bloomberg Business Park Solar Collector Project 2020 the above referenced project pertaining to the TCO Guarantee have been completed by the developer, PowerFlex Solar, LLC. and Township Engineer, Mark Herrmann, has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the TCO Guarantee; and

WHEREAS, it is recommended that the release include the following conditions:

1. PowerFlex Solar, LLC shall post a 2-year maintenance guarantee in the amount of 15% of the original estimated installed cost for the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, in accordance with Township Code Seciton 6-9.2d2.(e)(2), which is:

**Maintenance Guarantee = $451.50**

1. PowerFlex Solar, LLC shall post adequate escrow funds.

The Township will not accept any improvements as part of this guarantee release.

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1. **RESOLUTION #22-8-180 - AUTHORIZING RELEASE OF SAFETY AND STABILIZATION GUARANTEE BLOOMBERG BUSINESS PARK SOLAR COLLECTOR PROJECT 2020 – Block 34001, Lots 38.01, 38.001, 38.03\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

WHEREAS, improvements pertaining to the Safety and Stabilization Guarantee have been completed by the developer, Enter Solar d/b/a ESNJ-BL-Skillman and the Township Engineer, Mark Herrmann, has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the Safety and Stabilization Guarantee.

WHEREAS, a Maintenance Guarantee is not required pursuant to Township Code Section 6-9.2d2.(e). Eligible items were previously transferred to a separate Temporary Certificate of Occupancy Guarantee.

The inspection escrow account PB-01-20 is in use for other guarantees required for this development, therefore the account should remain open at this time.

The Township will not accept any improvements as part of this guarantee release.

I. **RESOLUTION # 22-8-181 - AUTHORIZING RELEASE OF LANDSCAPING BUFFER GUARANTEE BLOOMBERG BUSINESS PARK SOLAR COLLECTOR PROJECT 2020 – Block 34001, Lots 38.01,**  **38.001, 38.03\_\_\_\_\_\_\_**

WHEREAS, improvements pertaining to the Landscape Buffer Guarantee have been completed by the developer, Enter Solar d/b/a ESNJ-BL-Skillman and the Township Engineer, Mark Herrmann, has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the Landscape Buffer Guarantee. Please add this to the August 11, 2022 Township Committee meeting agenda.

It is recommended that the release include the following conditions:

1. Enter Solar d/b/a ESNJ-BL-Skillman shall post a 2-year maintenance guarantee in the amount of 15% of the original estimated installed cost of the improvements which are being released pursuant to Township Code Section 6- 9.2d2.(e), which is:

**Maintenance Guarantee = $1,455.00**

2.Enter Solar d/b/a ESNJ-BL-Skillman shall post adequate escrow funds.

The Township will not accept any improvements as part of this guarantee release.

J**. RESOLUTION #22-8-182 – AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 21-R-36, 81 Scarborough Road, Block 4024, Lot 9**

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Amjad Farooq because all work has been satisfactorily

completed with respect to Street Opening Permit 21-R-36 at Block 4024, Lot 9 (81 Scarborough Road).

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of $600.00 be released to Amjad Farooq, 81 Scarborough Road, Belle Mead, NJ 08502.

K. **TOWNSHIP COMMITTEE APPOINTMENTS**

Be it resolved that Vincent Barragan is appointed Township Committee Liaison to

Open Space Committee, Veterans Memorial Committee and Budget & Finance Committee, replacing Kent Huang, 1-year unexpired term expiring December 31, 2022.

8-1. Deputy Mayor Bell moved to adopt CONSENT AGENDA. The motion was seconded by Committeeperson Schuldiner and carried on the following:

**ROLL CALL -** Ayes - Barragan, Schuldiner, Bell, Keenan

Absent - Singh

Abstain – Schuldiner (Item K)

Nays - None

9. **RESOLUTION #22-8-183 - 2022 SALARIES FOR NON-UNION EMPLOYEES**

WHEREAS, the Township Committee of the Township of Montgomery, Somerset County, New

Jersey desires to set 2022 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that 2022 annual salaries retroactive to January 1, 2022 be established as follows:

CFO/Tax Collector/Asst. Township Administrator Michael Pitts $166,328

Police Director/Captain James Gill $180,370

Salary retroactive to July 1, 2022:

Township Administrator Lori Savron $170,000

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9-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

**ROLL CALL -** Ayes - Barragan, Schuldiner, Bell, Keenan

Absent - Singh

Nays - None

10. **RESOLUTION #22-8-184 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY AUTHORIZING THE SETTLEMENT OF A RESIDENTIAL TAX APPEAL (Tarzia V. TOWNSHIP OF MONTGOMERY; BLOCK 18002, LOT 34.03 (22 Spruce Lane)**

WHEREAS, Richard and Lisa Tarzia, the owners of 22 Spruce Lane, Block 18002, Lot 34.03 in the Township of Montgomery (“the Property”) have filed an appeal of their 2019 and 2020 real property taxes in the New Jersey Tax Court, Tarzia v. Township of Montgomery, Tax Court Docket No. 007498-2019, 006245-2020; and

WHEREAS, the parties have reached a settlement of the tax appeal, subject to approval by the Township’s governing body, as follows:

CURRENT ASSESSMENT (2019) REQUESTED ASSESSMENT (2019)

LAND $ 361,000 LAND $ 361,000

IMPROVEMENT $ 884,300 IMPROVEMENT $ 839,000

TOTAL $1,245.300 TOTAL $1,200,000

CURRENT ASSESSMENT (2020) REQUESTED ASSESSMENT (2020)

LAND $ 361,000 LAND $ 361,000

IMPROVEMENT $ 884,300 IMPROVEMENT $ 814,000

TOTAL $1,245.300 TOTAL $1,175,000

together with a credit to be applied to the Property’s taxes resulting from any overpayment in 2019 and 2020, and other salient terms; and

WHEREAS, the Township’s Tax Assessor has reviewed the proposed terms of settlement, and find that same will result in the assessment of the Property at the fair assessable value consistent with assessing practices generally applicable in the taxing district as required by law; and

WHEREAS, it is equitable and just, and in the best interest of the citizens of the Township, to authorize the settlement of the tax appeal;

NOW THEREFORE BE IT RESOLVED By the Mayor and Township Committee of the Township of Montgomery, in Somerset County, in the State of New Jersey, that the Township’s attorney be and hereby is authorized to formalize the settlement of the subject tax appeal pursuant to the parties’ agreed terms, and execute and file with the Tax Court any and all documents necessary to accomplish said settlement.

10-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

**ROLL CALL -** Ayes - Barragan, Schuldiner, Bell, Keenan

Absent - Singh

Nays - None

11. **ORDINANCE #22-1689** - Amending Schedule XXI, Traffic Regulations on Private Property

The Meadows at Montgomery – Introduction\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Title: AN ORDINANCE AMENDING, SCHEDULE XXI, TRAFFIC REGULATIONS ON PRIVATE PROPERTY, OF CHAPTER VII, TRAFFIC, AND SECTION 10.2 OF CHAPTER III, POLICE REGULATIONS, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ADD THE PRIVATE PROPERTY OF THE MEADOWS AT MONTGOMERY

B. BE IT RESOLVED by the Township Committee of the Township of Montgomery that

the foregoing ordinance be hereby passed on first reading and that the same

be published in an official newspaper as required by law together with a

Notice of Pending Ordinance fixing September 1, 2022 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

11-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL -** Ayes - Barragan, Schuldiner, Bell, Keenan

Absent - Singh

Nays - None

12. **APPROVAL OF MINUTES**

As there arewere no corrections, the Regular Session minutes for July 21, 2022 stand approved as printed.

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13. **PAYMENT OF BILLS – Posted**

WHEREAS, the Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, the Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery as follows:

1. That these bills are hereby authorized for payment; and

2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and

3. That the proper Township Officials are authorized to sign the checks.

13-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

**ROLL CALL -** Ayes - Barragan, Schuldiner, Bell, Keenan

Absent - Singh

Nays - None

14. **NEW & UNFINISHED BUSINESS**

14-1. Township Clerk Donna Kukla informed the Committee that the Vote by Mail Drop-box has been moved from the old Municipal Building to the new Municipal Complex. Early voting will be held in the Township Chambers from October 29th through November 6th. Mayor Keenan asked if voting will be held at the new building. Ms. Kukla answered that voting will not take place at the new building as she cannot change polling places mid-year.

14-2. Mayor Keenan asked the Committee to contemplate combining dates for the November meeting schedule due to the Annual New Jersey League of Municipalities Conference. Update to follow.

15. **ADMINISTRATOR’S REPORT**

15.1 **Gammatech Building**

Ms. Savron reported the new owner of the vacant building formerly known as Gammatech located at 1026 Route 518 has submitted a request for a demolition permit. A fence has been erected to secure the building. Mayor Keenan asked for a timeline of completion. Ms. Savron answered that it will take approximately 8 weeks.

15.2 **Illegal Dumping**

Somerset Union Soil Conservation District reported all of the soil that had been illegally dumped has been removed.

15.3 **Road Work**

The 2022 Road Program Project by the Department of Public Works will commence in August. The roads to be milled and paved are Montfort Drive, Canaday Court, and East Ridge Road. The Road Rehabilitation Project for Cherry Brook Road has gone out to bid. Bids will be opened on Tuesday, August 30th at 11:00 a.m.

15.4 **Tax Bills**

Somerset County has finalized the County tax rates after a delay. The third quarter property tax bills will be mailed August 15th. The final grace period has been extended to September 15th.

16. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

BE IT RESOLVED by the Township Committee of the Township of Montgomery in Somerset

County, New Jersey as follows:

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject to be discussed in this session is as follows:

* Potential acquisition of property (Block 25001 Lot 4 (Normile), Block 37003 Lot 7 (Trap Rock), Block 11002 Lot 38 (Harcarik), Block 17008 Lot 1 (Bethke), Block 12001 Lot 20 (Goldstein), Block 17001 Lot 17.01 (Hardesty). Block 33001 Lots 28, 28.09, 28.10 and 28.11 (Thompson), Block 25001 Lot 20 (Spivey), Block 25001 Lot 22 (Brook Hollow Land Co.), Block 25001 Lots 24 & 25 (Barvalia);
* Police Interview.

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1. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Appointments and/or acquisition of property shall only be authorized by the Township Committee in a public session.

16-1. Deputy Mayor Bell moved to close the meeting to the public. The motion was seconded by Committeeperson Schuldiner and carried unanimously.

16-2. Deputy Mayor Bell moved to reopen the meeting to the public. The motion was seconded by Committeeperson Barragan and carried unanimously.

**ADJOURNMENT** was at 9:11 p.m. on a motion by Deputy Mayor Bell. The motion was seconded by Committeeperson Barragan and carried unanimously.

Date of Approval: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donna Kukla, Township Clerk