

**LINWOOD COMMON COUNCIL
CAUCUS AGENDA
September 28, 2022
6:00 P.M.**

**NOTICE OF THIS MEETING HAS BEEN PUBLISHED
IN ACCORDANCE WITH THE REQUIREMENTS OF
THE OPEN PUBLIC MEETINGS ACT.**

1. Roll Call
Mayor Matik ___ Mrs. Albright _____ Mrs. Byrnes _____
Mrs. DeDomenicis _____ Mr. Ford _____ Mr. Levinson _____
Mr. Michael _____ Mr. Paolone _____

Professionals: Mr. Youngblood _____ Mr. Polistina _____ Mrs. Napoli _____
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
4. Councilwoman Albright
 - A. Planning, Engineering, & Development
5. Councilwoman Byrnes
 - A. Neighborhood Services
6. Councilwoman DeDomenicis
 - A. Public Works
7. Councilman Ford
 - A. Planning, Engineering, & Development
 1. Ordinance prohibiting parking on North side of Poplar Ave from Oak to Wabash and designating a stop intersection at Maple Ave & Wabash Ave – final reading
 2. Ordinance amending Chapter 212 Rental Property for Lead Based Paints – final reading
8. Councilman Levinson
 - A. Revenue & Finance
9. Councilman Michael
 - A. Public Safety
10. Council President Paolone
 - A. Administration
 1. Ordinance amending Chapter 52A Employee Manual for sick leave – final reading
 2. Noise Ordinance
 3. Resolutions authorizing Raffles Licenses for Gilda's Club and Linwood PTO
 4. Resolution authorizing an Alcoholic Beverage Permit for the Linwood Board of Recreation Fall Festival
11. Solicitor's Report

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
September 28, 2022**

CALL TO ORDER

**NOTICE OF THIS MEETING HAS BEEN
PUBLISHED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT.**

FLAG SALUTE: Councilman Eric Ford

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

ORDINANCES

- | | |
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| 13 OF 2022 | AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 212 RENTAL PROPERTY, FOR LEAD BASED PAINTS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH. <i>FIRST READING:</i> September 14, 2022 <i>PUBLICATION:</i> September 19, 2022 <i>PASSAGE:</i> September 28, 2022 |
| 14 OF 2022 | AN ORDINANCE AMENDING CHAPTER 263 VEHICLES AND TRAFFIC, ARTICLE I GENERAL REGULATIONS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH. <i>FIRST READING:</i> September 14, 2022 <i>PUBLICATION:</i> September 19, 2022 <i>PASSAGE:</i> September 28, 2022 |
| 15 OF 2022 | AN ORDINANCE AMENDING CHAPTER 52A EMPLOYEE MANUAL OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH. <i>FIRST READING:</i> September 14, 2022 <i>PUBLICATION:</i> September 19, 2022 <i>PASSAGE:</i> September 28, 2022 |
| 16 OF 2022 | AN ORDINANCE AMENDING CHAPTER 183 NUISANCES, ARTICLE I PROHIBITED USES OF AND ARTICLE IV PENALTIES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH. <i>FIRST READING:</i> September 28 2022 <i>PUBLICATION:</i> October 3, 2022 <i>PASSAGE:</i> October 12, 2022 |

RESOLUTIONS WITHIN CONSENT AGENDA

All matters listed under item, Consent Agenda, are considered to be routine by City Council, and will be enacted by one motion in the form listed. Any items requiring expenditure are supported by a Certification of Availability of Funds and any item requiring discussion will be removed from the Consent Agenda and discussed separately. All Consent Agenda items will be reflected in full in the minutes.

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| 155-2022 | A Resolution authorizing the issuance of a Raffle License, #2022-16, to Gilda's Club South Jersey |
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RESOLUTIONS WITHIN CONSENT AGENDA (continued)

- 156-2022** A Resolution authorizing the issuance of a Raffle License, #2022-17, to PTO
Linwood
- 157-2022** A Resolution authorizing the issuance of a Raffle License, #2022-18, to PTO
Linwood
- 158-2022** A Resolution authorizing the issuance of a Raffle License, #2022-19, to PTO
Linwood
- 159-2022** A Resolution authorizing an Alcoholic Beverage Permit for the Linwood Board
of Recreation Fall Festival

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

ORDINANCE NO. 13, 2022

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 212 RENTAL PROPERTY, FOR LEAD BASED PAINTS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 212 Rental Property, Section 212-3, Registration form shall be supplemented to add subparagraphs "D" through "F" which will read as follows:

D. At the time of the filing of the registration form referred to in this Chapter, or at the time of any registration amendment due to tenant turnover, every owner shall present to the Code Enforcement Officer notice of the last tenant turnover date, as well as a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as set forth in Subsection G below. Should the owner fail to provide such a report within thirty (30) days of filing, the City, shall have said inspection performed with the City's cost for same to be assessed against the landlord's rental property as a municipal lien.

E. Should the evaluation report identify lead-based hazards, then the owner shall remediate the hazards through abatement or lead-based hazard control mechanisms. The remediation shall be confirmed through a subsequent lead-based hazard inspection. The identification of a lead-based hazard will result in the City, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.

F. If there are no findings of a lead-based hazard in the initial or any subsequent inspection conducted pursuant to the provisions of Subsections D and E above, the lead evaluation inspector or representative of the City shall certify the unit as lead-safe, on a form proscribed by the Department of Community Affairs. This lead-safe certification shall be valid for two years. A copy of this certification shall be provided to the tenants of the unit inspected.

G. Notwithstanding the provisions of Subsection D above, a dwelling unit in a single family, two-family, or rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- 1) has been certified to be free of lead-based paint;
- 2) has previously been inspected, and three years will not have passed before the next required registration of the property and there has not been a tenant turnover since the last inspection;
- 3) was constructed during or after 1978;
- 4) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the

multiple dwelling under the “Hotel and Multiple Dwelling Law,” N.J.S.A. 55:13A-1 et seq.

5) has a valid lead-safe certification issued pursuant to Subsection D, above.

H. Pursuant to the provisions of N.J.S.A. 52:27D-437.16, unless a unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20, a fee of \$20 for each inspection per unit shall be paid by the owner at the time of the registration of the unit. Said fee shall be deposited by the City into the “Lead Hazard Control Assistance Fund” established pursuant to N.J.S.A. 52:27D-437.4.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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| <i>FIRST READING:</i> | <i>September 14, 2022</i> |
| <i>PUBLICATION:</i> | <i>September 19, 2022</i> |
| <i>PASSAGE:</i> | <i>September 28, 2022</i> |

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, September 14, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 28, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

ORDINANCE NO. 14, 2022

AN ORDINANCE AMENDING CHAPTER 263 VEHICLES AND TRAFFIC, ARTICLE I GENERAL REGULATIONS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 263, Article I. General Regulations, Section 263-4 Prohibited parking; stopping or standing; time limit parking; snow emergencies; violations and penalties is hereby amended to add the following:

| Name of Street | Side | Location |
|-----------------------|-------------|----------------------------------|
| Poplar Avenue | North | From Oak Avenue to Wabash Avenue |

SECTION 2: Chapter 263, Article I. General Regulations, Section 263-9 Stop intersections is hereby amended to add the following:

| Intersection | Stop Sign On |
|--------------------------------|--|
| Maple Avenue and Wabash Avenue | Northerly side of Maple Avenue for traffic proceeding northbound on Maple Avenue |

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

ORDINANCE NO. 15, 2022

AN ORDINANCE AMENDING CHAPTER 52A EMPLOYEE MANUAL OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 52A, Employee Manual, Article IV, Absence from Employment, Section C, Sick Leave, 3. Regulations is hereby amended to add the following:

q. Employees shall not be permitted to utilize sick leave in advance and prior to the accrual thereof.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

ORDINANCE NO. 16, 2022

AN ORDINANCE AMENDING CHAPTER 183 NUISANCES, ARTICLE 1 PROHIBITED USES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 183, Nuisances, Article I, Prohibitions Section 1B, Noise is hereby amended as follows:

(1) Noise Prohibited. It shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others.

(2) Definition of Noise. Without intending to limit the generality of subsection (1), the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section, but said enumeration shall not be deemed to be exclusive:

a. Radios; Televisions; Phonographs. The playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of one hundred (100') feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

b. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck or other vehicle on any street or public or private place, except as a warning pursuant to the provisions of N.J.S.A. 39:3-69, or any whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is held up for any reason.

c. Loudspeakers; amplifiers for advertising: the use of any radio receiving set, musical instrument, phonograph, loudspeakers, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for purpose of commercial advertising.

d. Hawkers; peddlers: the shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

e. Schools; courts; churches: the creation of any excessive noise adjacent to any school, institution of learning, house of worship or judicial court while the same is in use, provided that the conspicuous signs are displayed on the adjacent streets indicating that the same is a school, church or court street.

f. Drums, bells and the like: the use of any drum, bell, horn, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or the display of merchandise by any creation of noise or sound.

g. Mobile loudspeakers: the use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.

h. Yelling, shouting and the like on public streets: yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or any persons in the vicinity.

i. Yelling, shouting and the like in private residences: yelling, shouting, hooting, whistling or singing in private residences or places in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. Any voluntary participant in such conduct who creates, in whole or in part, the prescribed conduct shall be a violator of this subsection to the same degree as the actual perpetrator. Yelling, shouting, hooting, whistling or singing between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, and prior to 9:00 a.m. and subsequent to 6:00 p.m. on Sunday, in such a manner as to be plainly audible at a distance of 50 feet from the private residence or place shall create a rebuttal presumption of a violation of this subsection.

j. A commercial establishment, which is licensed and authorized to sell alcoholic beverages, from which loud noise emanates as a result of musical instruments, bands, mechanical musical devices and/or any sound reproduction device, including but not limited to megaphones, air horns and whistles, live entertainment or patrons, from either the inside or any outside portion of such establishment, shall be in violation of this section whenever such noise is clearly audible, to be determined at the sole discretion of the enforcing authority, at a distance of one hundred (100') feet from the building, structure or source from where it emanates and any such noise shall be prima facie evidence of a violation of this section.

All outside music must end by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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| <i>FIRST READING:</i> | <i>September 28 2022</i> |
| <i>PUBLICATION:</i> | <i>October 3, 2022</i> |
| <i>PASSAGE:</i> | <i>October 12, 2022</i> |

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, September 28, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on October 12, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

RESOLUTION No. 155, 2022

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2022-16,
TO GILDAS CLUB SOUTH JERSEY

WHEREAS, Gildas Club South Jersey has applied for a Raffle License, to conduct games on November 6, 2022; and

WHEREAS, Gildas Club South Jersey has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 257-4-36004;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to Gildas Club South Jersey and that the Municipal Clerk be authorized to sign any documentation deemed necessary or useful.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 28th day of September, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th day of September, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 156, 2022

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2022-17,
TO PTO LINWOOD

WHEREAS, PTO Linwood has applied for a Raffle License, to conduct games on October 12, 2022; and

WHEREAS, PTO Linwood has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 257-5-40688;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to PTO Linwood and that the Municipal Clerk be authorized to sign any documentation deemed necessary or useful.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 28th day of September, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th day of September, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 157, 2022

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2022-18,
TO PTO LINWOOD

WHEREAS, PTO Linwood has applied for a Raffle License, to conduct games on October 23, 2022; and

WHEREAS, PTO Linwood has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 257-5-40688;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to PTO Linwood and that the Municipal Clerk be authorized to sign any documentation deemed necessary or useful.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 28th day of September, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th day of September, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 158, 2022

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2022-19,
TO PTO LINWOOD

WHEREAS, PTO Linwood has applied for a Raffle License, to conduct games on October 23, 2022; and

WHEREAS, PTO Linwood has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 257-5-40688;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to PTO Linwood and that the Municipal Clerk be authorized to sign any documentation deemed necessary or useful.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 28th day of September, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th day of September, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 159, 2022

A RESOLUTION AUTHORIZING AN ALCOHOLIC BEVERAGE PERMIT FOR THE LINWOOD BOARD OF RECREATION FALL FESTIVAL

WHEREAS, the Linwood Board of Recreation is hosting a Fall Festival in All Wars Memorial Park October 23, 2022; and

WHEREAS, the festival will include a beer garden at the park and the Linwood Parent Teacher Organization has applied for a Social Affairs Permit through the State of New Jersey for approval of same; and

WHEREAS, pursuant to Linwood City Code Chapter 83, Section 29, consumption of alcoholic beverages on public property for special municipal and municipally affiliated events requires City Council approval; and

WHEREAS, City Council is desirous of authorizing an Alcoholic Beverage permit for the event

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that subject to State approval of the Social Affairs Permit, and a Certificate of Liability Insurance naming the City as additional insured by the Linwood Parent Teacher Organization, the Alcoholic Beverage Permit for the Linwood Board of Recreation Fall Festival is hereby approved for October 23, 2022.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 28th day of September, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th day of September, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____