

February 22, 2010

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY FEBRUARY 8, 2010 AT 6:30 P.M.**

Mayor Magazzu opened the meeting and stated that pursuant to the requirements of the Open Public Meetings Law, notice of this meeting was advertised in the Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

**Present-** Councilman Batten, Councilman DiGangi, Councilman McIntosh, Council President Morris, Mayor Magazzu.

**Also Present-** Donafaye Zoll, Solicitor, Chuck Reibel, Engineer Michael Laginestra, Zoning Officer, Michael McGee, Director Public Works. Lori Campisano, CFO, Joseph Jackson, Chief of Police

Cindy Johnson from National Multiple Sclerosis presented an award to Berlin Township Mayor and Council for all of the support and help during the past years for the MS Bike to Shore.

**GOOD AND WELFARE #1**

Motion by Councilman Batten, second by Council President Morris to open the meeting to the public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu opened the meeting to the public for comments.

Diana Horan asked what the hours of operation was for Sahara Sam's Water Park.

Mayor Magazzu stated that it did not have any specific hour of operations stated in the plans submitted. Mayor asked if Diana heard of any complaints with Sahara Sam's Hours.

Diana just said she had heard a complaint on how noisy it was at closing time, when Sahara Sam's held an event from a resident on Cooper Avenue.

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Motion by Councilman , second by Council President Morris to close the meeting to public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu closed the meeting to the public.

**DEPARTMENTAL REPORTS**

**ENGINEER'S REPORT**

**A. CHANGE ORDERS AND VOUCHERS**

No change orders or vouchers to report at this time.

**B. ENGINEER'S REPORT**

**1. FY2011 FEDERAL APPROPRIATIONS REQUEST:**

In my last report, I had noted that the request forms must be e-mailed to the Congressman's office by 5:00 p.m. on February 17, 2010. I had suggested that the Governing Body consider the following projects for submission for the funding request:

a. Energy and Water Appropriations Request

- 1) Installation of Energy Efficient Roof System for the Municipal Building
- 2) Installation of Solar Energy System at the Public Works Complex
- 3) Water Main Extension along Collings Avenue and Hopewell Road (Berlin Borough Water System)

b. Interior and Environment Appropriations Request

- 1) Sanitary Sewer Extension to Public Works Complex and Businesses along Allied Parkway
- 2) Sanitary Sewer Extension along Cooper Road, Industrial Drive and Chestnut Avenue dead end
- 3) Stormwater Management and Improvements to Storm Drainage System – Southwest Portion of the Township (Haddon and Walker Avenues)

c. Transportation and HUD Appropriations Request

- 1) Improvements to Katherine Avenue
- 2) Improvements to Edgewood Avenue
- 3) Street Improvements to the Pinecrest Section
- 4) Street Improvements to the West Berlin Section

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The request forms have been simplified. We would be glad to prepare and submit the Request Forms for the selected projects or provide any necessary assistance to the assigned Township staff member.

**2. RESURFACING OF MT. VERNON AVENUE-FRANKLIN AVENUE TO MINCK AVENUE [N.J.D.O.T. FY2010 MUNICIPAL AID FUNDING - \$180,000.00] (KEI #506BT0509):**

The N.J.D.O.T. has announced the allotment of \$180,000.00. The application requested \$254,000.00 (\$221,147.50 estimated construction cost plus \$32,852.50 for inspection and materials testing). The N.J.D.O.T. funds are reimbursed to the Township. The N.J.D.O.T. reimburses 75% of the eligible funds after the award of the construction contract and 25% after their acceptance of the construction.

The following is an estimate of the costs:

a.	Construction Cost	\$221,147.00
b.	Engineering Cost	\$ 26,000.00
c.	Contract Administration and Inspection Cost	\$ 20,000.00
d.	Materials Testing Costs	<u>\$ 2,000.00</u>

Total Estimated Construction, Engineering, Inspection,  
Contract Administration and Materials Testing Costs  
\$269,147.00

I recommend that the Governing Body consider authorizing our office to perform the necessary engineering and prepare the bid documents so that bids can be received in late 2009/early 2010. Typically, opening bids, during this period of the year, results in the receipt of the most competitive bids as the contractors are developing their workload for the upcoming construction season.

If the Township is not, financially, able to afford the entire cost, we recommend that the Proposal be structured to include a Base Bid and Alternate Bid(s) to allow the Governing Body to select the limits of the project, based on the availability of funds.

The N.J.D.O.T. has submitted a letter to Mayor Magazzu, informing her that funding was not allotted for the improvements to Hazel Avenue (Priority No. 2).

**3. PROPOSED MUNICIPAL BUILDING, N.J.S.H. ROUTE 73 AND DAY AVENUE (KEI# 422BT0804):**

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- a. N.J.D.O.T. Highway Access Permit: Last meeting, we informed the Governing Body that the N.J.D.O.T. is requiring a major access permit for the existing driveway, at N.J.S.H. Route 73, due to the change to a more intense use. We have submitted the application to the N.J.D.O.T., but noted that Mayor Magazu will discuss the additional fee of \$3,400.00 with the N.J.D.O.T. Commissioner.
- b. Site Work: Due to the onset of the inclement winter weather, the site subcontractor has not been able to pave the proposed, rear parking area.

The current contract provides for the seal coating of the existing, front parking area. Due to the degradation of the pavement surface by construction equipment and materials and the pipe trenches, the Governing Body may want to consider a milling and bituminous overlay or surface preparation/micro resurfacing, rather than the seal coat.

- c. Landscaping and Irrigation System: These matters will be addressed at a later date.

**4. FORMER MUNICIPAL BUILDING SITE:**

I recommend that the Governing Body attempt to resolve the issue of the deed restriction with the Board of Education so that plans can proceed with the redevelopment and/or restoration of the site.

Any changes to the site will require action to be taken by the N.J.D.E.P. Green Acres Program, since a large portion of the site is Green Acres encumbered.

**5. SIDEWALK ALONG N.J.S.H. ROUTE 73, EDGEWOOD AVENUE TO JACKSON ROAD, (N.J.D.O.T. FY 2008 AND FY2009 FUNDING - \$320,000.00):**

We have discussed the use of porous concrete with The Pinelands Commission. As a result of the discussions, we have performed soil borings and permeability tests. We are currently preparing the stormwater management report, reflecting the use of the porous concrete sidewalk.

We are also addressing the wetlands issues with The Pinelands Commission.

Since The Pinelands Commission is now heavily involved with the proposed improvement, which seems to be such a simple project

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with minimal, if any, impacts, I cannot predict when the project will be able to be bid. I will inform the N.J.D.O.T. Local Aid Office in hopes they will not recapture the funds due to the extended delay for construction. The failure to perform the project, in a timely fashion, also reduces the possibility for the Township to receive N.J.D.O.T. Municipal Aid funds, in the future.

6. **TRAFFIC SIGNAL AND GEOMETRIC IMPROVEMENTS AT THE INTERSECTION OF COOPER ROAD AND TAUNTON AVENUE (KEI #393BT0203):**

It is our understanding that the Preconstruction Meeting was held on January 28, 2010. I believe that Chief Jackson attended the meeting. I have requested that the County Project Manager provide us with the anticipated date for the commencement of construction. Once we receive the response, we will inform the Governing Body.

I believe that the County will be discussing the relocation of the force main, at a future meeting with Mr. McGee.

7. **SENIOR CITIZENS BUS, C.D.B.G. YEARS 30 AND 31 FUNDING-\$60,500.00+/- (KEI# 165.01BT0209):**

I have spoken with the bus contractor. They have ordered the missing parts and will be installing them in the near future. Therefore, all of the issues, which are in our punch list, have been resolved with explanation or will be corrected.

I had recommended that the Governing Body consider releasing 90% of the payment and retain 10% until the corrective work has been performed by the contractor.

Once full payment is made, we will submit the necessary documentation for reimbursement of funds.

8. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 AND #431BT1104):**

- a. Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105). Mr. McGee has advised our office that the cobra head lighting has not been removed in the areas where the decorative lighting was installed. We have obtained the utility pole numbers and have forwarded a request for the removal of the cobra head light to Mr. David Darcy of Atlantic Electric.

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- b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (FY2004 Transportation Enhancement Program and FY2005 SAFETEA-LU) (KEI #29-430BT1104): As reported, the Governing Body had decided not to accept the funds and requested that the project be bypassed to the future time when the Township would be in the position to bond the project.

9. **N.J.D.O.T. MATTERS**

- a. Punch List Items – Sanitary Sewer Construction, N.J.D.O.T. Route 73 Project: I have, again, requested that the N.J.D.O.T. Assistant Commissioner schedule a meeting with the new Commissioner and Township Officials to discuss this matter.
- b. Planting of Trees along the Rear of the Retail Center, Along the N.J.D.O.T. Ramp, Connecting Oak Avenue to Taunton Avenue (KEI #484BT0108): I had informed the Governing Body, last month that the new property maintenance representative for the owner of the retail center, is willing to allow the planting of the evergreen trees on their property. I have requested that the owner provide a written consent to the planting of the trees on their property.

I have received a response from the N.J.D.O.T. Landscape Architect. He has questioned if it would be better to plant evergreen trees along the entire rear of the retail center. He is checking with his superiors to see if it would be possible to screen the entire rear. Once I receive his response, I will inform the Governing Body.

10. **SANITARY SEWER EXTENSION ALONG ALLIED PARKWAY AND EDGEWOOD AVENUE:**

We are still waiting for The Pinelands Commission to respond to the letter, which was provided by the Borough Water Engineer.

11. **SANITARY SEWER ALLOCATIONS:**

- a. Request for Increase in Allocation. As recommended by Mr. Kricun from the C.C.M.U.A., the Governing Body has decided to wait until the Spring of 2011 to push for the increase in allocation.
- b. Possible Request for Redesignation of Allocation for High Point II. A meeting will be scheduled, between Paparone Housing and the Township.

**12. U.S.D.A. WATER AND WASTE DISPOSAL LOANS AND GRANTS PROGRAM:**

Since the grant amount is substantially less than what was, initially, represented by the N.J. Water Association, the Governing Body has decided not to pursue funding through this grant/loan program.

**13. ALTERNATIVE ENERGY SOURCES:**

- a. N.J.B.P.U. Local Energy Audit Program: We recommend that the Township consider applying for the performance of the Energy Audit for the desired Township facilities, which could be the Senior Citizens Building, library, public works complex, sewer pumping stations, etc.

There are other programs, which are being offered through the N.J.B.P.U., N.J.D.E.P. and Atlantic City Electric, that the Governing Body may want to consider. If interested, I would be glad to provide any necessary assistance, regarding these programs.

**14. ZONING OF BLOCK 2001, LOT 1, 120 E. COLLINGS AVENUE (KEI #353BT1001):**

We have forwarded the information to Ms. Zoll for her review and comment.

**15. STORMWATER ANALYSIS FOR LESTER AVENUE:**

I have visited the area and observed the conditions. I am, currently preparing a report, which lists possible alternatives and the respective, estimated costs. Once completed, I will submit the report to the Governing Body for review and consideration for action to be taken.

**16. POSSIBLE SOCCER FIELD AT ROBERT T. CLYDE PARK:**

I have visited the park and determined, with the necessary 20 feet perimeter clearances, it would be necessary to remove the trees and relocate the bituminous path, along the side of the multi-purpose field for U-13 teams. To provide a soccer field, with the necessary width for adult play, the above mentioned area would have to be filled to provide a consistent cross slope for the field.

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**17. SAFE ROUTES TO SCHOOLS:**

We had updated, in our last report, that the N.J.D.O.T. will be accepting applications in the Spring/early Summer for consideration for funding in the end of the year.

**SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. New Municipal Building
4. Nancy Anderson V. Berlin Township
5. Berlin Township ADS. Michael Brown
6. Berlin Township ADS. David Carp
7. Berlin Township ADS. Karen Cella
8. C&M Auto Repair Environmental Issues
9. High Point Sewer Connections
10. Berlin Township ADS, Richard Davies

**DIRECTOR OF PUBLIC WORKS**

Michael McGee, Director of Public works said that the building is moving along well and that his guys are still cleaning the sidewalks from this past snow storms. Mike informed the Mayor and Council that he will be retiring and that his last day of work will be April 30<sup>th</sup> due to the changes being pass with health benefits and pension.

**MAINTENANCE/ZONING DEPARTMENT**

Michael Laginestra reported that a letter was sent out to the residents requesting them to remove the snow from their sidewalks, due to the snow on the sidewalks residents and children walk in the street jeopardizing their safety.

**POLICE DEPARTMENT**

Joseph Jackson reported that the Police and Fire Department did an outstanding job in regards to the past weeks snow storms. Many of the guys at the fire department stayed over night at the station, on call when ever we needed a hand with a car stuck in the snow.

**ORDINANCE 2010-1 AN ORDINANCE AMENDING CHAPTER 125-14.1 SEC. A OF THE TOWNSHIP OF BERLIN - SEWER CONNECTION FEE**

**WHEREAS**, The Township of Berlin is required on an annual basis to evaluate its sewer connection fee; and

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**WHEREAS**, said analysis has been performed which is attached hereto and incorporated by reference herein; and

**WHEREAS**, as a result of this analysis, it is necessary for the Township to increase its sewer connection fee from \$2,345.00 to \$2,500.00; and

**WHEREAS**, as required, a public hearing is to be held in regard to the consideration to revise the sewer connection fee.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council, in the Township of Berlin, County of Camden, State of New Jersey, as follows:

**SECTION 1:** As required by law, a public hearing will be held on February 22, 2010 to increase the Township sewer connection fee from \$2,345.00 to \$2,500.00.

**SECTION 2:** As a result of said public hearing, the Township has approved a revision to the sewer connection fee from \$2,345.00 to \$2,500.00 effective April 1, 2010.

**SECTION 3:** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistencies only.

**SECTION 4:** This ordinance shall take effect 20 days after adoption and publication as required by law.

Motion by Councilman DiGangi, seconded by Councilman McIntosh to open the meeting to the public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu opened the meeting to the public for questions or comments on ordinance 2010-1

Mayor at this time we will have testimony from our Chief Financial Officer on the validity of the calculations of this Ordinance.

Solicitor, Mrs. Campisano will you please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you god.

Mrs. Campisano, I do.

Solicitor, Mrs. Campisano by whom are you employed?

Mrs. Campisano, Berlin Township.

Solicitor, what is your position with the Township?

Mrs. Campisano, Chief Financial Officer.

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Solicitor, and have you been directed to reviews the Debt Service in the connection of sewer units for the Township in order to determine sewer connection fee?

Mrs. Campisano, yes.

Solicitor, are you familiar with the statutory requirements for the establishment of the sewer connection fee.

Mrs. Campisano, yes I am.

Solicitor, have you completed those calculations?

Mrs. Campisano, yes I did.

Solicitor, and how were those calculations preformed?

Mrs. Campisano, the calculations I prepared, were prepared in accordance with State Statue involving three items. The first item would be the amount of debt service paid to date. The second item would be any Capital outlay including Capital Expenditures made by the township not funded by a Bond Ordinance but through the operating budget. The third item being the number of service units. Debt Service, includes all Principal and Interest of, all Bonds and the amount of any Loans and Interest paid by the Township. The Capital outlay includes Capital Expenditures made by the Township not funded by a Bond Ordinance paid through our regular sewer operating budget. The total Debt Service and Capital Outlay, less any grants which are not to be repaid is divided by the number of service units served by the township at the end of the immediately preceding budget year, which was 6/30/09. The total Debt Service that was paid through June 30, 2009 of \$7,716,012.84, would be divided by the total number of service units totaling 3,084, obtained from the Tax Office. The result equals \$ 2501.95 which is the maximum sewer connection fee which may be charged

Solicitor, I believe you indicated that those calculations were performed in accordance with the statutory requirements.

Mrs. Campisano, yes they were.

Solicitor, in your opinion, would a connection fee of \$500.00 meet the statutory requirements for establishing such a fee.

Mrs. Campisano, yes I do.

Solicitor, would this fee apply only to new connection permits which are issued on or after April 1, 2010.

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Mrs. Campisano, yes.

Solicitor, thanked Mrs. Campisano, and stated for the record that the notice for this Ordinance was advertised in the required newspapers, and notice was given to Voorhees Township as well as Berlin Borough with respect to the sewer connection fee.

Mayor asked if anybody else from the public had any comments. There were no comments to be heard.

Motion by Councilman Batten, second by Councilman DiGangi to close the meeting to the public. Motion carried by voice vote, all five present voting in the affirmative. Motion by Councilman Batten, second by Councilman Digangi to adopt Ordinance 2010-1. Ordinance adopted by call of the roll, five of the members present voting in the affirmative.

**RESOLUTION 2010-78 RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT FOR STREET LIGHTING WITH ATLANTIC CITY ELECTRIC**

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized and directed to sign an agreement with Atlantic City Electric for street lights to be placed in Montebello Development at Copley Circle, West Berlin N.J.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-78. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2010- 79 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM A VENDOR WITH STATE CONTRACT IN EXCESS OF BID THRESHOLD DURING SFY 2010**

**WHEREAS**, the Township of Berlin may, pursuant to N.J.S.A.40A:11-12, purchase materials, supplies and equipment under contracts entered into on behalf of the State of New Jersey by the Division of Purchases and Property in the Department of the Treasury; and

**WHEREAS**, purchases under the aforesaid State Contract may be made by the Township without the necessity of advertising for bids or may be made in cases where advertisements for bids have produced either no bids or have produced rejected bids; and

**WHEREAS**, the following purchase will be made during SFY2010 in excess of the bid threshold:

<b>CONTRACT</b>	<b>VENDOR</b>	<b>ITEM</b>	<b>DATE OF EXPIRATION</b>
1. 73961	Warnock Automotive	Ford F-450 Super Duty	4/14/10

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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Township of Berlin hereby formally authorize the above purchase be available under State Contract, to the Township pursuant to N.J.S.A. 40A:11-12.

Motion by Councilman Batten, second by Councilman DiGangi to adopt Resolution 2010-79. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Resolution 2010-80**

**Payment of Bills February 22,2010**

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides payment of claims after certification by the Treasurer and consideration by Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the following claims are hereby approved and the bills be paid.

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
AWSCC-Animal Shelter	Dog Trust	590.00
Treasurer, State of NJ	Dog Trust	546.00
Charles Block	Municipal Public Defender	75.00
Robert E DePersia	Municipal Public Defender	150.00
Cricket Communications	Planning Board Esc #339	1,460.00
KEI Associates	Planning Board Esc #229	242.50
	Planning Board Esc # 308	485.00
	Planning Board Esc # 329	513.75

**CONFIRMING**

Jones & Frank	07-201-55-502-2026	207.30
James Gleeson	04-216-55-860-09021	1,200.00
Greenworks Inc.	04-216-55-860-41009	1,500.00
Treasurer, State of NJ	04-216-55-861-09021	300.00
Camden County Treasurer	01-208-55-020-3000	840,752.78
	01-209-55-020-3000	37,914.28
	01-208-55-020-3000	60,725.05
	01-211-55-020-3000	30,074.13

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John M McGee	01-201-26-290-2105	115.60
Palace Diner	01-201-26-290-2105	252.39
Warnock Fleet	01-1963-05-010-3000	33,461.00
NJ State Health	01-201-23-220-2092	16,213.48
	01-201-23-220-2092	48,192.06
Payroll, Current Fund	1/7/2010	84,337.98
Payroll, Sewer	1/7/2010	4,597.55
Payroll, Current Fund	1/14/2010	57,979.44
Payroll Sewer	1/14/2010	4,382.33
Payroll, Current Fund	1/21/2010	87,898.55
Payroll, Sewer	1/21/2010	4,382.33
Payroll, Current Fund	1/28/2010	82,714.93
Payroll, Sewer	1/28/2010	4,382.33

Motion by Councilman McIntosh, second by Councilman Batten to adopt Resolution 2010-80. Resolution adopted by call of the roll, five members present voting in the affirmative.

**CONSENT AGENDA**

Motion by Councilman Batten, second by Council President Morris to receive and file the monthly reports on the consent agenda. Motion carried by voice vote, all present voting in the affirmative.

**APPROVAL OF FEBRUARY 8, 2010 MEETING MINUTES**

Motion by Councilman DiGangi, second by Council President Morris to approve the minutes for February 8, 2010. Motion carried by voice vote, four present voting in the affirmative, one abstained.

**GOOD & WELFARE #2**

Motion by Council President Morris, second by Councilman Batten to open the meeting to the public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu opened the meeting to the public for comments.

No comments were to be heard.

Motion by Councilman Batten, second by Councilman McIntosh to close the meeting to public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu closed the meeting to the public.

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**ALL OTHER BUSINESS**

No other business were to be heard.

**RESOLUTION 2010-81 CLOSED SESSION TO DISCUSS LEGAL MATTERS IN THE TOWNSHIP.**

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Mayor and Council are now in going into closed session to discuss a legal matters in the Township.

Motion by Councilman Batten, second by Councilman DiGangi to adopt Resolution 2010-81. Resolution adopted by call of the roll, five members present voting in the affirmative.

**ADJOURN**

Motion by Councilman Batten, second by Councilman McIntosh to adjourn the meeting at 8:25 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:25 pm

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Catherine Underwood, Township Clerk