

**BOROUGH OF MIDDLESEX
REGULAR MEETING
AGENDA
APRIL 26, 2016
7 PM**

1. **MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of an annual meeting notice to the Star Ledger, Courier News and Home News, and posted at Borough Hall.
2. **SALUTE TO FLAG**
3. **ROLL CALL:**

Greco [] Kaplan [] Corley [] Madden [] Schueler [] Mikolajczyk []
Mayor DiMura []
4. **APPOINTMENTS**
5. **PROCLAMATIONS**
6. **PRESENTATIONS**
 1. Jaffe Communications
7. **NEW BUSINESS**
8. **PUBLIC HEARING**
9. **ADOPTION OF MINUTES**
 1. Approval of the April 12, 2016 Regular Meeting Minutes & Executive Session Meeting Minutes and the April 19, 2016 Special Meeting Minutes
10. **REPORTS - STANDING COMMITTEES:**
 1. Finance/Taxation/Real Estate/Insurance/Public Utilities
 2. Recreation/Recreation Fields/Swim Pool/Community Celebrations
 3. Fire/OEM/Board of Health/Rescue Squad
 4. Public Works/Buildings & Grounds/Recycling
 5. Police/Legal/Code Enforcement/Construction/Municipal Court
 6. Administration/Department of Senior Services/Legislation/Licensing

11. REPORTS

Mayor

1. Capital Budget

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

12. CONSENT AGENDA/RESOLUTIONS: Matters listed within the Consent Agenda have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, the item may be removed from the Consent Agenda by Council action. The Resolutions listed below were submitted to the Borough Council for review and will be adopted by one motion.

1. Resolution #89-16 Approving the Refund of Street Opening Permit No. 2014-001 in the amount of \$1875.00 in favor of AJ Perri, Inc., Tinton Falls, NJ
2. Resolution #90-16 Approving the Refund of Street Opening Permit 2014-002 in the amount of \$1875.00 in favor of AJ Perri, Inc., Tinton Falls, NJ
3. Resolution #91-16 Approving the hiring of Frank Spallone, 75 Lincoln Boulevard, Clark, New Jersey as the Construction Official for 12 hours/week at a salary of \$29,640 effective May 16, 2016, pending a satisfactory background check.
4. Resolution #92-16 Redeeming Tax Sale Certificate #2015-1853, Block 341, Lot 1.01, in the amount of \$46,754.09.
5. Resolution #93-16 Authorizing the Mayor and Borough Clerk to execute the Hazardous Materials Cost Recovery Agreement with the County of Middlesex for the years 2016 – 2018 between the County of Middlesex and Middlesex Borough

13. NON-CONSENT AGENDA/RESOLUTIONS: Matters listed within the Non-Consent Agenda will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion. The Resolutions listed below were submitted to the Borough Council for review and will be adopted individually by motion.

1. Resolution #94-16 Pay all Claims

14. PRIVILEGE OF THE FLOOR

15. AGENDA WORKSHOP ITEMS

1. Fixed Assets
2. Amendments to the Personnel Policy – Use of Comp Time, Part-time Employees
3. Middlesex American Youth Football & Cheer Pep Rally & Bon Fire
4. Lights for Football Field
5. Swim Pool Gate and Pathway
6. Proposed Amendment of Chapter 317, Property Maintenance

16. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

17. EXECUTIVE SESSION – NONE

18. ADJOURNMENT. The next Regular Meeting will be on May 10, 2016.

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #89-16

WHEREAS, AJ Perri, Inc. was issued a street opening permit on 2/04/14; and

WHEREAS, AJ Perri, Inc. deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 401 Fulton St. was inspected by Michael Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of AJ Perri, Inc. , 1138 Pine Brook Road., Tinton Falls, NJ 07724, for refund of Street Opening Permit No. 2014-001.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #90-16

WHEREAS, AJ Perri, Inc. was issued a street opening permit on 2/04/14; and

WHEREAS, AJ Perri, Inc. deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 650 Lorraine Ave. was inspected by Michael Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of AJ Perri, Inc. , 1138 Pine Brook Road., Tinton Falls, NJ 07724, for refund of Street Opening Permit No. 2014-002.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #91-16

The governing body hereby hires Frank Spallone, 75 Lincoln Boulevard, Clark, New Jersey as the Construction Official effective May 16, 2016 for 12 hours per week at a salary of \$29,640, pending a satisfactory background check.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #92-16

The Tax Collector is hereby authorized to issue a check in the amount of \$46,754.09 to redeem tax sale certificate #2015-1853, Block 341, Lot 1.01, Baekeland Avenue. Check is to be made payable to:

FWDSL & Associates LP
17 W Cliff St
Somerville, NJ 08876

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #93-16

The governing body hereby approves the new Hazardous Materials Cost Recovery Agreement for years 2016 – 2018 between the County of Middlesex and the Borough of Middlesex and authorizes the Mayor and Borough Clerk to execute same.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #94-16

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ



April 20, 2016

Dear Mayor and Council:

Middlesex American Youth Football and Cheer would like to hold a pep rally and bon fire prior to the start of our 2016 season. At this time we aren't sure when our first game will be but we anticipate the pep rally and bon fire would be held on the evening of Thursday, August 25, 2016.

We will be requesting to use the high school field for the pep rally and would like to use the parking lot in the back of Mountain View Park for the bon fire. This is the same location as previous bon fires were held. Once we have your approval, we will forward onto the fire marshal for the appropriate permits and contact the fire department to have them present at the bon fire.

We appreciate your consideration and look forward to receiving approval of this event. If you have any questions please feel free to contact me at tnicolay@verizon.net or (908) 267-2770.

Sincerely,

Todd Nicolay

Todd Nicolay
President
Middlesex AYFC

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 317, PROPERTY MAINTENANCE

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

§ 317-1 Storage of certain materials and equipment restricted.

- A. Storage of materials or equipment which is dilapidated or in a condition of disuse or disrepair or unsanitary or unsafe or otherwise disturbing or inimical to the health, comfort and convenience of residents of the Borough of Middlesex is prohibited on any property within 1,000 feet of any dwelling, except if such storage is in an enclosed building and cannot be reasonably detected by a person of normal sensitivity at the property line of such building or is otherwise regulated by this municipality. "Inimical to the health, comfort and convenience of residents" shall mean any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity
- B. Residential accessory items, including but not limited to grills, play equipment and bicycles shall not be stored or displayed in any front or side yard area which is visible from any public place, street, sidewalk or highway. In addition, the use of any upholstered furniture manufactured primarily for indoor use, including but not limited to mattresses, couches, and recliners, shall be prohibited on any front or side yard area visible from any public place, street, sidewalk or highway.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect 20 days after passage and publication as provided by law.

Ronald G. Rios
Freeholder Director

Carol Bellante
Deputy Director

Kenneth Armwood
Charles Kenny
H. James Polos
Charles E. Tomaro
Blanquita B. Valenti
Freeholders



**COUNTY OF MIDDLESEX
DEPARTMENT OF PUBLIC SAFETY AND HEALTH**

Office of Health Services

H. James Polos
*Chairperson, Public Safety
and Health Committee*

John A. Pulomena
County Administrator

Joseph W. Krisza
Department Head

Lester Jones
Director-Health Officer

March 1, 2016

Honorable Ronald Dobies
Mayor
Borough Of Middlesex
1200 Mountain Avenue
Middlesex, NJ 08846-2037

RE: Hazardous Materials Cost Recovery Agreement

Dear Mayor Dobies:

The Middlesex County Office of Health Services in conjunction with the Middlesex County Office of Emergency Management, Communications, and Preparedness continues to provide your municipality with the opportunity to participate in the Hazardous Materials Cost Recovery program.

The new three year Hazmat Cost Recovery Services Agreement for years 2016, 2017, and 2018, is attached for execution by your governing body. Please return three original executed copies of the agreement to my office so it may be adopted by the Board of Chosen Freeholders. Should you wish not to continue to participate in this program, please inform me in writing of your decision.

If you have any questions, please contact my office at 732-745-3131.

Sincerely,

Lester Jones
Director – Health Officer

LJ/pk
Enclosures

Hazardous Materials Cost Recovery Agreement

THIS CONTRACT, entered into this 1st day of January 2016, between the COUNTY OF MIDDLESEX, a municipal corporation in the State of New Jersey having its principle office at 75 Bayard Street, in the City of New Brunswick, County of Middlesex, the State of New Jersey, hereinafter referred to as the "County" and the BOROUGH OF MIDDLESEX, having its principle offices at 1200 Mountain Avenue, Borough of Middlesex, County of Middlesex, State of New Jersey, hereinafter referred to as the "Municipality".

WHEREAS, The County of Middlesex adopted an Emergency Response Cost Recovery Ordinance No. 97-1143, on May 15, 1997, pursuant to the County Environmental Health Act N.J.S.A. 26:3A2-21 et. seq., and the Spill Compensation and Control Act N.J.S.A. 58:10-23 (11f.b and 11f.g) et. seq.; and

WHEREAS, said ordinance was approved by the Commissioner of the New Jersey Department of Environmental Protection on July 10, 1997, and

WHEREAS, said ordinance provides that the Middlesex County Office of Health Services shall be the lead agency for cost recovery purposes in conjunction with the Middlesex County Office of Emergency Management, Communications and Preparedness-Hazardous Materials Unit (hereinafter known as HAZMAT) and as delineated in N.J.S.A. 26:3A2-23(c), and

WHEREAS, it is necessary to establish a procedure and protocol for emergency response action and recovery of costs incurred by the County and/or the local municipality providing support in a hazardous materials incident; and

WHEREAS, the aforementioned statutes and ordinance allows municipalities to enter into a Uniform Shared Services Agreement under N.J.S.A. 40:65-1 et. seq.; and

WHEREAS, the Municipality is desirous of contracting with the County for the furnishing of environmental health services of a technical and professional nature by the County to the Municipality; and;

WHEREAS, the Municipality may be called upon to provide emergency services to support the County during a HAZMAT incident that occurs within the jurisdiction of the Municipality; and,

WHEREAS, the parties herein are authorized to enter into said agreement for said services pursuant to the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et. seq.; and,

WHEREAS, said agreement is in the best interest of both the County and the Municipality.

NOW THEREFORE, in consideration of the mutual promised, covenants, agreements, and other considerations between the parties, the parties do hereby mutually covenant and agree as follows:

1. The County shall provide N.J.D.E.P. certified programs within the territorial jurisdiction of the Municipality, to carry out the following Hazmat Emergency Response and Cost Recovery services.
2. Said services shall be conducted in accordance with the County Environmental Health Act, N.J.S.A. 26:3A2-21, the County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H and the County Emergency Operating Plan.
3. The services provided herein shall be provided for a period of three years from the date of the full execution of this agreement.

4. This agreement will be terminated by either of the parties upon written notice by the party desiring to terminate said agreement. Such notice shall be given no later than 120 days prior to the termination date of said agreement.
5. The County shall assign an administrative fee of twenty percent (20%) to the total cost of the emergency response conducted by the County and/or municipality to recover the response costs from the designated responsible party of such a Hazmat event.
6. The County and Municipality further agree to abide by the following procedures:

Emergency Response:

- a. The State and/or certified local health agency designee may initiate and conduct a hazardous materials response action in response to a discharge of a hazardous substance that has occurred, is occurring, or threatens to occur within the jurisdictional boundaries of the County, in accordance with the provisions of the Uniform Shared Service Agreement between the County and the Municipality pursuant to N.J.S.A. 26:3A2-27, et. seq., which is incorporated here as a reference.
- b. The certified local health agency designee shall be the lead agency in conducting response actions and at the scene of a Hazardous Materials Incident, unless otherwise provided for in an inter-local services agreement that has been incorporated into the County's CEHA Work Agreement or the Middlesex County Emergency Operating Plan.
- c. In the event personnel from the Municipality respond to a Hazmat event, pursuant to such an inter-local agreement, and pursuant to the inclusion of such services within the Municipality's Emergency Operating Plan, the Municipality may submit a payment request to the Middlesex County Office of Emergency Management, Communications and Preparedness seeking payment from the responsible party for services provided.

Cost Recovery:

Middlesex County Office of Health Services, the certified health agency, may recover all costs as defined within the County Ordinance, including the twenty percent (20%) administrative fee to offset the increased costs of billing, processing, collecting payments and coordination of insurance company questions related to the Unauthorized or Unpermitted Discharge of Hazardous Substances within Middlesex County in accordance with the following procedure:

1. It shall be the responsibility of the municipality to:

- a. Identify a coordinator or person-in-charge for Hazmat emergency response cost recovery, i.e. Emergency Management Coordinator, Fire Chief, etc.
- b. The designated local coordinator shall be the sole billing and contact point for all agencies and departments within the municipality and for contact with the Middlesex County (OEMCP).
- c. The coordinator will be responsible for the following:
 - (1) Collection of billable manpower and equipment costs from the responding municipal departments and agencies.
 - (2) Preparation and submittal of a report to the Middlesex County OEMCP for review, validation, and processing.
 - (3) This report must contain the following information or it will be returned to the municipal point-of-contact for completion:
 - (a) The inclusive date(s) and time(s) of the discharge/spill.
 - (b) The New Jersey Department of Environmental Protection Case Number.
 - (c) Exact location of the discharge/spill
 - (d) Itemization of costs incurred by the authorized municipal agencies in responding to the discharge/spill, i.e. paid employee costs, vehicles, expendable supplies, damaged equipment, etc. Municipalities must use the Hazmat Emergency Cost Recovery Rate Schedule and hourly rates for all claimed employee response must be included.
 - (e) Completed copies of all local incident reports regarding the Hazmat emergency response (police, fire, EMS, public works, etc.) including the name and contact information of the Incident Commander for the discharge/spill event.
 - (f) Completion of the Middlesex County Hazmat Responsible Party Form that includes drivers license information, vehicle registration, insurance card information, and other pertinent documentation and information that clearly identifies the responsible party of record for this incident.

- (g) It is the responsibility of the municipality to follow the guidelines contained herein for billing of equipment, personnel, and expendable items as defined in the Cost Recovery Ordinance.
- (h) The request for municipal Hazmat cost recovery must be submitted to the Middlesex County OEMCP for review and approval within ten (10) business days of the incident.

Guidelines for Processing Claims:

Middlesex County OEMCP Hazmat shall process claims as follows:

1. The incident report and supporting documentation will be reviewed by the Middlesex County OEMCP Hazmat Unit. Incomplete or inaccurate information will be returned to the Municipal Coordinator for correction.
2. Submittal of payments for recovery of costs shall be in accordance with the established Hazmat Emergency Response Cost Recovery Rate Schedule.
3. No submittals will be approved for volunteer manpower response to a Hazmat incident.
4. In the event that the Middlesex County OEMCP-Hazmat Unit responds to the emergency along with municipal forces, the Middlesex County Hazmat Unit shall be responsible for submitting its own recovery cost claim and attaching it to the municipal cost form for a single billing to the responsible party of record for the incident.
5. The Middlesex County OEMCP will submit the final cost recovery bill(s) to the responsible party via certified mail.
6. In the event that the responsible party would like to review the billing, this must be accomplished in writing within fourteen (14) working days of receipt of the billing. The Middlesex County OEMCP, the local coordinator, and the County's Environmental Prosecutor shall review these issues and make a final determination.
7. As elucidated in the County's Hazmat Cost Recovery Ordinance, the responsible party is responsible for submitting payment within forty five (45) working days of receipt of the County's billing. Insurance claim information may be used to extend this payment period with the consent of the Middlesex County OEMCP.

8. If the responsible party has not submitted payment or insurance claim authorization within this time period, a Delinquent Account Notice will be sent and payment must be received within ten (10) working days of this certified mail notification.
9. If the responsible party has not submitted payment in response to the Delinquent Account Notice within the specified ten day period, the matter will be turned over to the County's Environmental Prosecutor for collection and appropriate legal actions.
10. If the recovery of municipal costs is denied or not recoverable, the County of Middlesex will notify the municipal coordinator and shall not be responsible for reimbursements/costs and shall be held harmless from any personal injury or damage to property or equipment of the Municipality, its employees, or property owners.
11. The New Jersey Department of Environmental Protection's Office of Local Environmental Management shall receive a copy of this Uniform Shared Services Agreement once it has been executed by both the municipality and the county.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by its proper officer, attested by its Clerk, and have affixed hereto its corporate seal.

ATTEST

THE COUNTY OF MIDDLESEX

Amy R. Naples, Clerk of the Board
Board of Chosen Freeholders

Ronald G. Rios, Freeholder Director
Board of Chosen Freeholders

ATTEST

Town, Township, City, Borough of _____

Municipal Clerk

Mayor