FEBRUARY 11, 2009

The South Harrison Township Committee held the regular meeting on Wednesday, February 11, 2009 at 7:30 p.m. in the South Harrison Township Municipal Building.

Mayor Robert Campbell called the meeting to order and was followed by the flag salute.

Requirements of the "Open Public Meetings Act" were met. Notice of this meeting was given by: (1) sending sufficient notice herewith to the Today's Sunbeam of Salem and the Gloucester County Times of Woodbury; and (2) posting notice on the public bulletin board at the South Harrison Township Municipal Building.

Roll Call: Robert Campbell – present, Robert Diaz – present, Robert Gaines – present, Gary Spinner – present, Charles Tyson – present, John Eastlack Jr., Solicitor - present, Steve Bach, Engineer – present, Nancy Kearns, Municipal Clerk – present.

Minutes:

Motion to approve the closed session minutes of February 27, June 11, December 29, 2008 and the regular session minutes of January 12, 2009 was made by Gary Spinner, second by Charles Tyson.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – abstained, Robert Gaines – abstained, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 3 – yes', 0 – no's, 2 - abstentions. Motion carried.**

Motion to approve the closed session minutes of January 30 March 12, and May 14, 2008 was made by Gary Spinner, second by Charles Tyson.

Roll Call Vote: Robert Campbell – abstained, Robert Diaz – abstained, Robert Gaines – abstained, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 2 – yes', 0 – no's, 3 - abstentions. Motion carried.**

Committee Reports:

Police Department – January 2009 Report
Construction Code Official – January 2009 Report
Engineering Report – February 2009 Report

Tax Collector Report: Taxes collected for the month of January.

Treasurer's Report: None

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Old Business: **Ordinance O-09-01**

An Ordinance of the Township of South Harrison to Exceed the Municipal Calendar Year 2009 Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)

Open Meeting to the Public:

Motion to open the meeting to the public on Ordinance O-09-01 only was made by Charles Tyson, second by Robert Gaines. Motion carried.

No comments or questions were received from the public.

Close Meeting to the Public:

Motion to close the meeting to the public on Ordinance O-09-01 was made by Robert Diaz, second by Charles Tyson. Motion carried.

Motion to adopt Ordinance O-09-01 was made by Charles Tyson, second by Robert Campbell.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – yes, Robert Gaines – yes, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Ordinance O-09-02

Ordinance Establishing Confidentiality of Certain South Harrison Township Records and Proceedings

Open Meeting to the Public:

Motion to open the meeting to the public on Ordinance O-09-02 only was made by Robert Diaz, second by Charles Tyson. Motion carried.

Jack Fitzpatrick, 911 Monroeville Road asked Committeeman Tyson what this ordinance means and what the penalty would be. Committeeman Tyson explained that confidential matters have leaked out to the public and did not know about the penalties. Committeeman Gaines and Mayor Campbell stated that progressive discipline would be used for employees and violations of the Committees would go to the DCA, The Department of Community Affairs. Committeeman Spinner advised that the ordinance was not discussed.

George Buckland, 1 Fawn Court asked if this ordinance is ready to stand up if challenged in court. You reference NJSA10:4-12 Jersey's Open Public Meeting Act, and NJSA 10 etc, 10:4-17 which specifically outlines violations and penalties and non conformance. Why not use this body that has been approved at the state level? Mr. Eastlack stated that that statute is for if the municipality violates the open public records act. Different scenarios were given as examples as to what applies.

Next question – are the members of the committee or zoning board considered employees of South Harrison Twp.? No, they are appointed officials. This requires different

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type of discipline referrals or process. Mr. Buckland- is this lifetime confidentially basis for any and all topics discussed in close session? ANSWER - the issue discussed will define if the topic can be discussed openly. Mr. Buckland asked Mr. Campbell what specifically he was talking about in the article in the Gloucester County Times regarding the Twp. being sued. Mr. Campbell stated anything that was discussed in closed session that was leaked was an issue. Mr. Buckland suggested the committee get a little more specific before putting this ordinance to a vote.

Colleen Campbell, 15 Raccoon Creek Ct. spoke about the word perception, my perception as a resident is that this ordinance is a result of the computer incident that happened and the information that got out about that computer incident. My perception as a taxpayer and a resident is that if this was in effect at the time the residents would not know that our system was hacked into. I don't know how that improves the quality of our government or the residents' faith that the elected officials are acting in our best interest. How many other towns in Gloucester County have this type of ordinance came up and you said you did not have time to do the research – I DID and the answer is "0". Someone else not having it does not mean we do not need it. Mr. Eastlack referred to how he tried to take some of the legal ease out of the existing public Sunshine Law requirements. Our concern – currently the Sunshine Law in the State of NJ is considered lacking. There are currently two bills to make the Sunshine Law have some validity for the sake of taxpayers in the state. Currently Citizens for Open Government, the League of Women Voters and the ACLU are all backing this to make access to government decisions and discussions more open to the public. This is making it less, so what these other organizations already find lacking we are going to make more lacking in South Harrison Twp. alone in Gloucester County. Ms. Campbell compared the wording between what the state has versus what South Harrison would be regarding attorney client privilege. She quoted "only to the extent that confidentially is required to preserve the attorney client relationship". Ms. Campbell cautioned the committee to give this considerable thought.

Rob Schenk, 105 Antelope Drive – I think this piece of legislation is a disgrace, Shame on you Mr. Eastlack for trying to give it some legitimacy with some fancy legal talk. Why not just call this the "Bob doesn't like you bill". If you think there is no gray area why not volunteer your services free to defend it when someone brings an action against the township. Who is going to be the judge when someone allegedly violates this bill? What happens when three members of the committee have a conversion in a coffee shop that is overheard by someone, who then will bring the action who then will vote on it how will it be decided? You couldn't enforce this bill if you wanted to. Mr. Schenk does not think Mr. Eastlack is giving the best legal advice to the committee. Maybe what we need are new committee people NOT new laws that cannot be enforced.

Jeannine Campbell, 706 Lincoln Road asked Mr. Eastlack who specifically asked you to craft this ordinance. Was it the entire committee or specific members? She was given the answer of specific members, then stated she was asking Mr. Eastlack. Mr. Eastlack responded he was asked by Mr. Campbell. The other Mrs. Campbell talked about perception and I hope that a year from now the perception of this township will change dramatically. However, the perception is what it is and with regard to this ordinance Mr. Eastlack, I've highlighted a lot of areas I think you have taken a lot of liberties with, perception is

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everything just like campaign contributions, it's perception even though it might be legal, but in reality it probably doesn't look good. There is a state statute for confidentially, if people don't like what is being said in the public how are you going to prove it? If you don't have the answers tonight this needs to be tabled until you do. Mr. Gaines was asked what he and Mr. Campbell discussed with the Elk Township clerk recently? Mr. Gaines responded that it was about how they operate their government. Ms. Campbell said after she concluded her business with Elk Township, she asked what our Mayor and a Committeeman was doing there. Ms. Campbell stated that she was told that some of the items discussed were the performance of some of our employees, their salaries and some appointments that you do not plan to renew, along with making our clerk part time. Do you remember any of those conversations? Mr. Gaines answered we spoke about how they ran their government. Ms. Campbell about those specific things, Mr. Gaines again how they ran their government. Ms. Campbell asked the same thing again, she said Mr. Gaines was not answering her question. Ms. Campbell asked Mr. Campbell if these are things he should be discussing in public. Mr. Campbell said he did not, Ms. Campbell asked if he was saying he did not have those discussions with Ms. Pine at Elk Township. Mr. Campbell responded we did not discuss any specific names of anybody. We went to three different municipalities to find out how they are organizationally structured. This ordinance is to address the 20% of things discussed in closed session that may not make it out for the public to hear. Ms. Campbell stated she opposes this ordinance.

Jim McCall, 46 Cedar Grove Road asked how do you actually determine what is confidential? You can put a confidential stamp on anything you don't want the public to know. He never got a specific answer.

Close Meeting to the Public:

Motion to close the meeting to the public on Ordinance O-09-02 was made by Charles Tyson, second by Robert Gaines. Motion carried.

Motion to deny Ordinance O-09-02 was made by Gary Spinner, second by Robert Diaz.

Roll Call Vote: Robert Campbell – no, Robert Diaz – yes, Robert Gaines – no, Gary Spinner – yes, Charles Tyson – no. **R.C.V.: 2 – yes', 3 – no's. Motion failed.**

Motion to adopt Ordinance O-09-02 was made by Charles Tyson, second by Robert Gaines.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – no, Robert Gaines – yes, Gary Spinner – no, Charles Tyson – yes. **R.C.V.: 3 – yes', 2 – no's. Motion carried.**

Gloucester County EMS

Jerry White addressed the Township Committee regarding the governing body authorizing by resolution a letter of intent to designate Gloucester County EMS as the EMS

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provider for South Harrison Twp. Mr. White went on to state that in August of 2007 the state health department issued a report that determined EMS services in the state was in crisis. One year previous the Board of Freeholders established a panel to take a look at these services and the problems it was experiencing in many municipalities. They looked at the vital signs for Gloucester County EMS – they found response time was not adequate in many municipalities**,** excess reliance on mutual aide, chronic problem with recruiting and retaining qualified EMTs and many squads were experiencing financial difficulties. This is not a reflection of the volunteers. Demand for services is rising and the number of people and bases for many years is declining. The panel reached the conclusion to regionalize the EMS to close the service gap. There will be a rig in this station 24/7 with two EMTs. There will be no balance bill, Gloucester County will accept any insurance payments as full and complete. The net cost is $334,000.00 NOT the million dollars as previously reported. The Gold standard of 8 min. 59 secs. 90% of the time will be honored.

Captain Lovell advised that the current staffing pattern is 90 ambulances 24/7 and two additional ambulances during peak hours. To serve this municipality we would add an additional ambulance. The real benefit is not the first call but the second, third and possibly fourth call. We rotate ambulances as needed to cover any squad out in the field. There is qualified medical assistance on call and in house and there will be community involvement, crews are at the events rather than waiting for a call.

Open Meeting to the Public:

Motion to open the meeting to the public on this topic only was made by Robert Campbell, second by Robert Gaines. Motion carried.

Committee questioned:
-Will there be a staff in our facility? Mr. Lovell -Assuming we come to an agreement to use that facility yes we will. From an operational standpoint, I cannot deliver any less to South Harrison than to any other community. The only way to provide that service is to put the crew there.
- Inter-local service agreement was brought up. Mr. Lovell - Yes, that is the agreement all municipalities are required to provide.
- If we approve, will an ambulance in our station be written into the agreement. Mr. Lovell – No it would not, all staffing and stationing will be at the sole discretion of the Gloucester County EMS.
- Would we receive any reports and who gets them? Mr. Lovell - We generate a quarterly report that goes to all municipal and public safety officials.
- We would lease the equipment, building and ambulance. How can we enter into this if the township does not own the ambulance? Mr. Lovell - We look to the township to provide the ambulance.
- If the township cannot do this does it void the agreement? Mr. Lovell - No it does not, but it does provide a stumbling block. We assume maintaince and up-keep. As they retire and have to be replaced the County assumes that responsibility.
- Who bears the cost of insurance? Mr. Lovell - The county does. The town has an insurable risk as they own the building.

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- Non-emergency transports, do you handle those. Mr. Lovell - NO, they would have to hire a private service.
- Non county residents? Mr. Lovell - We seek payment from them. If they come out of a taxpayers residence they are treated as the taxpayer. Example: An automobile accident for nonresident is charged while a slip and fall at your home would be insurance acceptance.
- What if South Harrison had an auto accident requiring multiple ambulances, where would the next ambulance come from to attend a home? Mr. Lovell - It depends on what is going on in the rest of the system, but we deploy the resources to maintain county coverage.
- This is a 10 year agreement, is there an OPT OUT clause. Mr. Lovell - Yes, if the performance is not up to standard you may opt out. 18 month notice is required.
- If Harrison Township enters would that take our stationary ambulance away? Mr. Lovell - The system is not complete and may never be, but things will change as growth occurs. What will not change is the Freeholder decision to keep the 8 min. 59 sec. response time.

Jack Fitzpatrick, 911 Monroeville Road suggested put in writing to have an ambulance and crew here 24/7. Bob you said that was a very good idea, Charlie agreed, Gary agreed, the other two gentlemen weren't here. Before anything is signed that should be in writing. Do you know how far going East the nearest town is with people belonging to your organization? Clayton. I have driven, there are not many near us. 1st I would not sign anything without, in writing, an ambulance and a two man crew being here 24/7. Secondly I would not lease anything for $1.00. In the agreement all should come back to us.

Mary Howard, 4 Hollybrook Road recently witnessed an accident in South Harrison. While I was calling 911 within 2 minutes there was a South Harrison EMT on the scene and within 5 minutes there was another one. The Gloucester County EMTs did not show up for 15 minutes. My questions is what happens to our South Harrison EMTs? Are they still allowed to respond and serve us as a community?
Answer – The responsibility for designating who is legally obligated is up to the government, but once that designation is made there can only be one EMS provider.

Denise Fisher, 957 Lincoln Road suffered a loss in our family, my mother in law, neighbor and resident for 30 years had pulmonary edema. We called the ambulance about 5 times in 10 years. I went and got records to the response time of the Unity ambulance of 26 minutes. I don't think anyone should have to watch a loved one suffer that long. The last time was 13 minutes which was too late, she passed away. 26 minutes was in June 2008, we watched the Unity ambulance drive up and down the road six times. We have our specific 954 marker, we did not have that investigated, because we were glad she was fine. I know our volunteers are fantastic, they have been there for us, but maybe with the growth of this community we need to move on to something. Life and death should not come down to cost.

Marc Nagtegaal, 719 Franklinville Road asked what is the cost for a crew and ambulance for a year? Answer: $334,000.00. That is 24/7 paid EMTs. If there are 4 in a 24 hour period, how do you handle vacations and sickness? Answer- we have 170 staff members. Maybe the township, before signing with the county they should look into paying EMTs for the township itself. You have an ambulance here and EMTs dedicated to the township because we are paying them. We already have the equipment, we are looking at staff cost.

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Matt Warner, 34 Ashford Court since we are all getting re-assessed, are we currently right now paying for county services and not receiving it? Answer- Yes a portion of your county taxes goes towards this. Are our taxes going to go up if we go with this? If the county becomes our primary EMS we in South Harrison are not going to be taxed any more money. Answer – you will not pay any more or less based on this decision. This should not be a heavy decision we are already paying for a service we are not receiving.

Janice Huggins, 22 Lincoln Mill Road we needed to call the ambulance a number of times and it was comforting for the care giver to actually know the people that were there. I think keeping our own ambulance would be a positive thing.

Robert Diaz, 108 Foxford Lane South Harrison states there are no guarantees unless it is written in black and white. The ambulance is not available to the county it belongs to Unity Services Ambulance Association, Inc. and by our constitution we cannot give it to you if we wanted to. Will the reports be township specific or county wide? Answer – County wide. Do you have response time by municipality? Answer – No, we don't track it like that. So the 8 min. 59 sec. 90% is looking at 15,000 calls with a bulk of your ambulances nearby your calls. You could miss every call in South Harrison, miss 200 calls and not even impact that 10% of your goal.

Jim McCall, 46 Cedar Grove Road asked how many townships are involved? Answer – 13. So 13 cost 6.2 million how can you say it won't cost more to the county to add 7 more. Answer - Each town brings two different sets of areas, one is the call command the other is the insurance venue. Some with the insurance have more, pay faster, more revenue. Quite candidly this is not used as for profit venue, never has been.

Jeannine Campbell, 706 Lincoln Road stated that just knowing how quickly things are changing these days in our township I want to thank Unity in case this is it. Thank you for your service and the squad. Thank you to Ferrell, this is a great service. If our service remains please have pride and support them.

Close Meeting to the Public:

Motion to close the meeting to the public on this topic was made by Charles Tyson, second by Robert Gaines. Motion carried.

Discussion went on between the Committee and the County EMS representatives regarding creating a written document specific to South Harrison. The representatives stated they could not do that.

Resolution R-09-36

Resolution Authorizing the Issuance of a Letter of Intent to Join the Regionalized Gloucester County Emergency Medical Services

Motion to adopt Resolution R-09-36 was made by Charles Tyson, second by Robert Gaines.

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Roll Call Vote: Robert Campbell – yes, Robert Diaz – abstained, Robert Gaines – yes, Gary Spinner – no, Charles Tyson – yes. **R.C.V.: 3 – yes', 1 – no's, 1 - abstention. Motion carried.**

Route 45 & County Route 538 Project Update

Deputy Mayor Tyson advised that the Department of Transportation will be having a meeting here at the Municipal Building for those residents interested in or having any questions concerning the reconstruction of the intersection.

New Business: **Ordinance O-09-03**
Ordinance of the Township of South Harrison Amending Ordinance Number O-08-03 Which Established a Board of Recreation Commissioners

Introduction and first reading.

Motion to table Ordinance O-09-03 was made by Robert Diaz, second by Gary Spinner.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – yes, Robert Gaines – yes, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Ordinance O-09-04
Ordinance of the Township of South Harrison Amending Chapter 123 of the Code of the Township of South Harrison

Introduction and first reading.

Motion to adopt Ordinance O-09-04 on first reading was made by Robert Diaz, second by Gary Spinner.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – yes, Robert Gaines – yes, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Public hearing and final adoption set for March 11, 2009 at 7:30 pm.

Resolution R-09-27
Resolution Amending Resolution R-09-12 Resolution of the Township Committee of the Township of South Harrison Renewing Resolution R-05-92 Setting Forth Procedures for Agenda and Public Sessions for the South Harrison Township Committee Meetings

Motion to adopt Resolution R-09-27 was made by Robert Diaz, second by Robert Campbell.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – yes, Robert Gaines – yes, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

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Resolution R-09-28

Resolution Accepting the 2007 Annual Audit Report in the Township of South Harrison County of Gloucester State of New Jersey

Motion to adopt Resolution R-09-28 was made by Charles Tyson, second by Robert Diaz.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – yes, Robert Gaines – yes, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Resolution R-09-29

Resolution of the Township of South Harrison Authorizing an Employment Contract for the Tax Assessor for the Tax Reassessment Program

Resolution R-09-30

Resolution of the Township Committee of the Township of South Harrison Authorizing the Administrator to Sign the Agreement for Professional Services for the Reassessment Project

Resolution R-09-31

Resolution of the Township Committee of the Township of South Harrison Authorizing the Administrator to Sign the Agreement for Professional Services for the Reassessment Project

Resolution R-09-32

Resolution of the Township Committee of the Township of South Harrison Authorizing the Administrator to Sign the Agreement for Professional Services for the Reassessment Project

Resolution R-09-33

Resolution of the township Committee of the Township of South Harrison Awarding the Reassessment Data Management Bid to J. H. Services Incorporated

Motion to adopt Resolutions R-09-29, R-09-30. R-09-31, R-09-32 and R-09-33 was made by Charles Tyson, second by Robert Diaz.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – yes, Robert Gaines – yes, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Resolution R-09-34

Resolution Establishing a Communications Sub-Committee of the Township of South Harrison

Motion to adopt Resolution R-09-34 was made by Charles Tyson, second by Robert Gaines.

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Roll Call Vote: Robert Campbell – yes, Robert Diaz – no, Robert Gaines – yes, Gary Spinner – no, Charles Tyson – yes. **R.C.V.: 3 – yes', 2 – no's. Motion carried.**

Resolution R-09-35

Resolution Authorizing an Increase in the Change Fund for the Court Clerk and Municipal Clerk of the Township of South Harrison

Motion to adopt Resolution R-09-35 was made by Robert Diaz, second by Robert Gaines.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – yes, Robert Gaines – yes, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Open Meeting to the Public:

Motion to open the meeting to the public was made Robert Gaines, second by Robert Diaz. Motion carried.

Dan Webster read a poem reflecting his view of the state of the Township.

Denise Fisher, 957 Lincoln Road advised that she was criticized for voicing her earlier opinion regarding the EMS matter. I end up crying in the hall way, seriously do I need to bring my husband. Mr. Eastlack – I'm sorry this happened to you, unfortunately the atmosphere is tense. Ms. Fisher yes you could cut it with a knife. Mr. Eastlack -I've been solicitor in a number of towns and this is the only place where this type of activity takes place at a committee meeting. No one should be berated for bringing up personal experiences. Ms. Fisher, maybe a code of decorum would help people know right from wrong. Mr. Eastlack, that is only as good as the people using it.

Debra Stanton, 9 Greenbriar Road thank you Mr. Eastlack for your comments, my husband and I are about to become a ratable for this township. When I come to these meetings and see the junior high behavior makes us question if we should stay here, because we have a lot of choices. Someone in the audience said so go – Ms. Stanton said have I been voted out of the township, now? If you don't like the way – this is my point – if you do not like the way our elected officials act then when it comes time to vote you vote them out. Thank you for your service I cannot believe what you put up with in this room. I'll probably be harassed by my neighbors for this thank you statement.

Jim McCall, 46 Cedar Grove Road I sent an email on January 18th as a proposal for a subcommittee for a community day in our town. I feel if you are having any kind of events they should all be done at the beginning of the year and the appropriate amount of money should be put in place. There was also an Easter Egg hunt mentioned. Answer – no decision has been made we do not have a budget. Mr. McCall stated he sent a letter stating what had been previously spent. You need a volunteer committee to make any of this work. I offered my assistance for a subcommittee for a community day, but it needs to be done in a timely manner.

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Ben Freeman, 781 Eldridge's Hill Road regarding subcommittee for the communications, is this censoring the rest of you guys. Answer – no we are trying to separate the things we need to concentrate on such as the newsletter and web site. When we get the analysis out of the way we will be able to make decisions. Dan Webster has offered to work with us on the web site, he knows how to do it and is good at it. Mr. Freeman, so this subcommittee is only for the web site. Answer – no the news letter and the web site. The web site should eventually eliminate the news letter and the $700.00 cost.

Matt Warner, 34 Ashford Court I submitted an OPRA request in Dec. 08 requesting documents, emails and notes. I got a letter stating it would go to Mr. Eastlack, Mr. Eastlack have you seen it? Silence – Mr. Warner, I have not heard anything back yet and its been over a month. Mr. Eastlack asked Mr. Warner to fax directly to him.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Charles Tyson, second by Robert Gaines. Motion carried.

Approve Payment of the Bills:

Motion to approve payment of the bills was made by Robert Diaz, second by Robert Campbell.

Roll Call Vote: Robert Campbell – yes, Robert Diaz – yes, Robert Gaines – yes, Gary Spinner – yes, Charles Tyson – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Adjournment:

Motion to adjourn was made by Gary Spinner, second by Charles Tyson. Motion carried.

Respectfully submitted,

Nancy E. Kearns, RMC
Municipal Clerk

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