

WEST AMWELL TOWNSHIP COMMITTEE MEETING

July 18, 2018 - 7:30 p.m.

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regularly scheduled meeting of the West Amwell Township Committee was called to order at 7:30 PM. Present were Mayor Stephen Bergenfeld, Deputy Mayor Gary Hoyer, Committeemen James Cally, John Dale and Zachary Rich, Acting Clerk Maria Andrews and Attorney Philip J. Faherty III.

Acting Clerk Andrews announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat and Trenton Times on January 5, 2018, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Acting Municipal Clerk.

FLAG SALUTE

Mayor Bergenfeld led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY ACTING TOWNSHIP CLERK

Acting Clerk Andrews noted Resolution #90-2018: Road Resurfacing and Surface Treatment Services and #91-2018: Traffic Striping Services were added to the agenda under New Business. She explained the DPW Director requested they be added after the agenda was done.

Acting Clerk Andrews also noted the following items:

1. NJDEP flood hazard permit application has been received for a Delaware Township property if anyone is interested in viewing it.
2. Tax Collector Mary Hyland received an email from a Township resident thanking her for "awesome work."
3. NJDOT preconstruction conference at 9:00 AM on 7/19/18 for Route 31 and Route 202 projects.
4. Copy of petition filed by Elizabethtown Gas to revise, "Basic Gas Supply Periodic Rate and Universal Service Fund and Lifeline Rates."

ANNOUNCEMENTS

- SHRSD: Special Board of Education meeting 7/31/18 at 6:30 PM to discuss the Board retreat and goal setting
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Hoyer, seconded by Dale to approve the Township Committee's 6/20/18 Regular Session minutes with no revisions noted was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

A motion by Dale, seconded by Rich to approve the Township Committee's 6/20/18 Closed Session minutes with no revisions noted was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Bergenfeld opened the floor to public comment. Dave Beaumont of 205 Rock Road West came forward and commented that a falling tree branch missed a truck traveling on Rock Road West and asked who would be liable for any damages. Attorney Faherty indicated he wasn't sure and noted the Township or property owner would likely be held accountable if it could be proven the tree should have been taken down for safety issues.

Mr. Beaumont also commented on the real estate trends he follows noting the Township will likely benefit from the school tax because the equalized value is less than the assessed value based on Lambertville's home sale cycle.

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Additionally, Mr. Beaumont stated he attended the last Planning Board meeting where there was discussion on the letter received from Mayor Bergenfeld requesting review of the Circulation Plan Element of the Master Plan based on the road study he had suggested at the Township Committee's 6/20/18 meeting. Mr. Beaumont commented that the Planning Board indicated they didn't wish to take any action on the matter until the next required Master Plan Re-examination in 2022 – 2023. He expressed his original concerns regarding traffic and safety issues on Rock Road West noting specific details of the Circulation Plan Element with respect to "collector roads" and suggested certain roads might need to be re-classified.

Planning Board Chairman Rob Tomenchok spoke up from the public commenting that there are 2 classes of roads: Local and Arterial. He suggested review of weight ratings and "one-way" sign designations during certain times of the day to mitigate speeding on the road. Mr. Beaumont also suggested upgrading the right-of-way to accommodate the high traffic, although he noted he was not in favor of this solution.

Seeing no other members of the public come forward, Mayor Bergenfeld closed the floor to public comment.

SPECIAL PRESENTATIONS

Reports by Department Heads

Director of Public Works and Roads Ryan Rollero came forward and highlighted the following recent road repair details:

Rocktown Hill Road – 48 tons of asphalt was put down

Gulick Road – 285 tons of asphalt was put down

Wilson Road – Emergency paving was done to repair unsafe conditions

Rocktown-Lamberville Road – Paving was done to patch a deteriorated section and 2 main cross overs were replaced

Acting Clerk Andrews noted she had recently received a phone call from a Route 31 resident saying in the past she has received letters from the Township advising property owners of expected road work. Ms. Andrews asked the Committee if she should be sending letters out to residents regarding road projects. The Committee said no and remarked adequate signage is provided alerting everyone of pending road work and possible detours.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance 08, 2018 – An Ordinance Amending Chapter 99, Article I, Section 99-4.1 of the Code of the Township of West Amwell, County of Hunterdon, State of New Jersey – (Trash Depot; Required Fees)

Acting Clerk Andrews provided proof of publication noting the 6/28/18 edition of the Hunterdon County Democrat.

Mayor Bergenfeld read Ordinance 08, 2018 by title and opened the public hearing. Seeing no members of the public come forward, a motion by Cally, seconded by Hoyer to close the floor to public comment was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

WEST AMWELL TOWNSHIP

Ordinance 08, 2018

AN ORDINANCE AMENDING CHAPTER 99, ARTICLE I, SECTION 99-4.1 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – (TRASH DEPOT; REQUIRED FEES)

WHEREAS, West Amwell Township has long required that residents apply for and be issued a permit to use the weekly municipal garbage depot; and

WHEREAS, it has been determined that the current annual assessment needs to be changed to offer Township residents additional options; and

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that Chapter 99 Article I Section 99-4.1 be amended as follows:

Section 1

A. West Amwell residents wishing to use the Municipal Garbage Collection must make application in person at the Municipal Clerk's Office by providing proof of residency and paying an annual fee according to the program level cost schedule in place for the current year.

B. The annual fee schedule and/or package pricing will be posted each year, (or as changes occur) on the Township website, in the Clerk's Office and at the Depot.

C. The fiscal period of collection at the Garbage Drop-Off Depot is July 1st of the current year through June 30th of the subsequent year. Fees must be paid by June 30th in order to participate in use of the facility. Persons who have not remitted the proper fees will not be permitted to drop off household refuse.

D. Payment of fees may not be carried beyond the current depot fiscal season, (July 1st – June 30th). However, part-year and/or season remainder, and/or additional package extensions will be offered based on a pro-rated assessment to be determined during the months of October through June of the fiscal collection period for residents who did not previously acquire a trash depot package or have depleted their allotment.

Section 2

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3

This ordinance shall become effective upon final passage and publication according to law.

A motion by Dale, seconded by Hoyer to adopt Ordinance 08, 2018 on second reading was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Public Hearing: Ordinance 09, 2018 – An Ordinance to Amend Chapter 173, of the Code of the Township of West Amwell, County of Hunterdon, State of New Jersey – Sewage Disposal System, Individual

Acting Clerk Andrews provided proof of publication noting the 6/28/18 edition of the Hunterdon County Democrat.

Mayor Bergenfeld read Ordinance 09, 2018 by title and opened the public hearing. Seeing no members of the public come forward, a motion by Dale, seconded by Hoyer to close the floor to public comment was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

WEST AMWELL TOWNSHIP

Ordinance 09, 2018

AN ORDINANCE TO AMEND CHAPTER 173, OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – SEWAGE DISPOSAL SYSTEM, INDIVIDUAL

BE IT ORDAINED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that Chapter 1173 of the Code of the Township of West Amwell be amended in part as follows:

“§173-21. Reserved Disposal Areas. Be and the same is hereby repealed.”

BE IT FURTHER ORDAINED:

1. All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency;
2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective;

3. This Ordinance shall take effect upon its passage and publication according to law.

Mr. Cally commented that upon doing a little research into the use of reserve septic areas neither of the 3 recently contacted engineers or anyone at the County could recall a time when the reserve septic area was ever utilized in the Township since the ordinance was created 12 years ago.

A motion by Cally, seconded by Hoyer to adopt Ordinance 09, 2018 on second reading was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

STANDING COMMITTEE REPORTS

Open Space – Mr. Shute noted the Runkle property preservation was back on track with an anticipated closing date of 8/16/18. He also referred to a recent letter received from the CADB regarding agricultural development areas (ADA) and noted the County did honor West Amwell's request to expand the Township's ADA.

Environmental – Mr. Beaumont reported there was a bear sighting on Route 518.

Ag Advisory – No report was given.

Finance Committee – No report was given.

UNFINISHED BUSINESS

Re-location of Police HQ to Municipal Building Basement

Mayor Bergenfeld provided the Committee with copies of final plans he received from the Architect today. Mr. Cally asked what the estimated timeframe is for the project. Mayor Bergenfeld indicated he anticipates the renovations will start within the next few months.

NEW BUSINESS/OTHER

Discussion: General Contractor for Re-location of Police Headquarters to the Basement

Mayor Bergenfeld explained he intended to use his license to fill out the permit jackets for the basement renovations but realized he can't because he doesn't carry General Contractor's Insurance because the only construction projects he builds are for his own properties. Mayor Bergenfeld commented the Committee will need to either hire a General Contractor for the basement project or pay for the insurance coverage. He also clarified that he had reached out to an attorney at the Department of Community Affairs (DCA) who indicated there is no conflict with him acting as the General Contractor because he is not getting paid to manage the project.

It was the consensus of the Committee to have Mayor Bergenfeld act as the General Contractor for the basement renovation project and to cover the cost of the associated insurance requirements.

Discussion: Posting of Police Lieutenant Position

A motion by Hoyer, seconded by Cally to post the position of Police Lieutenant was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #85-2018: Hiring Class III Officer: Stephen Bartzak

West Amwell Township
Resolution #85-2018

WHEREAS, an opening exists for a Class III Officer in the Police Department to serve the Township schools; and

WHEREAS, Stephen Bartzak has submitted an application for employment; and

WHEREAS, Stephen Bartzak has been recommended by AOIC Skillman to fill this open position; and

WHEREAS, the Township Committee and School Superintendent Louis Muenker are in agreement with AOIC Skillman that Stephen Bartzak be hired as a Class III Officer and will be a probationary employee for one year; and

Minutes: 7/18/18

NOW THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that Stephen Bartzak be appointed to the position of Class III Officer (*probationary*) effective 7/18/18 at a rate of \$25.00 per hour.

A motion by Dale, seconded by Hoyer to approve Resolution #85-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #86-2018: Hiring Class III Officer: Daniel McKeown

West Amwell Township
Resolution #86-2018

WHEREAS, an opening exists for a Class III Officer in the Police Department to serve the Township schools; and

WHEREAS, Daniel McKeown has submitted an application for employment; and

WHEREAS, Daniel McKeown has been recommended by AOIC Skillman to fill this open position; and

WHEREAS, the Township Committee and School Superintendent Louis Muenker are in agreement with AOIC Skillman that Daniel McKeown be hired as a Class III Officer and will be a probationary employee for one year; and

NOW THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that Daniel McKeown be appointed to the position of Class III Officer (*probationary*) effective 7/18/18 at a rate of \$25.00 per hour.

A motion by Dale, seconded by Hoyer to approve Resolution #86-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #87-2018: Hiring Class III Officer: David Davis

West Amwell Township
Resolution #87-2018

WHEREAS, an opening exists for a Class III Officer in the Police Department to serve the Township schools; and

WHEREAS, David Davis has submitted an application for employment; and

WHEREAS, David Davis has been recommended by AOIC Skillman to fill this open position; and

WHEREAS, the Township Committee and School Superintendent Louis Muenker are in agreement with AOIC Skillman that David Davis be hired as a Class III Officer and will be a probationary employee for one year; and

NOW THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that David Davis be appointed to the position of Class III Officer (*probationary*) effective 7/18/18 at a rate of \$25.00 per hour.

A motion by Dale, seconded by Hoyer to approve Resolution #87-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution: #88-2018: Hiring Public Works Temporary Laborer: Christian Gabel

RESOLUTION #88-2018

WHEREAS, the Township's DPW is in need of a Temporary Laborer to perform various public works and road projects as well as general maintenance, mowing and snow removal duties; and,

WHEREAS, Christian Gable has expressed interest in this employment opportunity; and

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that Christian Gabel be hired as a Temporary Laborer for the DPW at a rate of \$15.00 per hour effective July 23, 2018 with a 1 year probationary period.

A motion by Dale, seconded by Hoyer to approve Resolution #88-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Discussion: COAH Accessory Apartment Subsidiary – memo dated 7/12/18 from S. Bishop

Present for the discussion was Township resident Kyle Osgood. He explained he is seeking details on creating a COAH accessory apartment on his property and hasn't been able to obtain specific information on the process. Mayor Bergenfeld remarked that according to the memo from S. Bishop a \$25,000 subsidiary was established years ago for the creation of a COAH unit. Both Committeeman John Dale and Planning Board Chairman Tomenchok (*from the public*) spoke up and suggested discussion on this matter should not continue due to the pending litigation.

Mr. Osgood suggested Mr. Tomenchok has a conflict of interest and expressed frustration with the process, commenting he may seek legal advice because he believes the Township is not facilitating his desire to construct a COAH unit on his property noting the Township is obligated to meet its State mandated COAH requirements.

Mr. Rich suggested the Committee and Township Attorney look into this matter with respect to the pending litigation and get back to Mr. Osgood.

Discussion: Habitat for Humanity – memo dated 7/13/18 from S. Bishop

Mayor Bergenfeld noted this matter will be discussed in Closed Session.

Discussion: Approval of Revised/Updated Planning Board By-Laws – 2018

A motion by Cally, seconded by Dale to approve the revised/updated Planning Board By-Laws was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Discussion: Letter Dated 6/26/18 from JCP&L, re: Temporary Decorative Lighting

It was noted for the record that the Township Committee expressed no interest in JCP&L's temporary decorative lighting opportunity.

Discussion: RO System Quote – Block 20 Lot 18.01

It was noted for the record that this property was part of the salt litigation and that the Township was obligated to cover the costs associated with the installation of RO systems on each of the bathroom sinks, as well as the kitchen sink, in the home. The kitchen system has been installed. The subject quote is for the 2 bathroom sinks. It was noted that one of the bathrooms has a pedestal sink which will need to be replaced with a vanity in order to house the RO system. This expense will be the responsibility of the homeowner.

A motion by Cally, seconded by Dale acknowledging the Jayson Company's 6/25/18 quote for the two remaining RO systems was unanimously approved by roll call vote noting the homeowner must pay for the vanity and the Committee will cover the costs of the RO system upon notification from the Jayson Company that the systems have been fully installed.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

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Discussion: Reimbursement for Portable Air Conditioner Unit – Police Dept.

It was noted a request had been received from the Police Secretary for reimbursement of \$191.88 for the purchase of a portable air conditioner unit she bought for the Police Department.

A motion by Hoyer, seconded by Bergenfeld approving the reimbursement cost of \$191.88 and noting the portable air conditioning unit will now become the property of the Police Department was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Approval: Resolution #90-2018: Awarding Resurfacing and Surface Treatment Services

WEST AMWELL TOWNSHIP
RESOLUTION #90-2018

WHEREAS, a master contract was awarded to Glen G. Hale, Inc. by the Hunterdon County Board of Chosen Freeholders, Bid No. 2018-9 (51-HCCPS) on June, 29 2018 to provide resurfacing and surface treatment services; and

WHEREAS, West Amwell Township projected the need for 10,807 gallons of surface treatment CRS-2M and 332 tons of surface treatment cover material #8 clean broken stone; and

WHEREAS, the total for these surface treatment commodities is \$62,970.44; and

WHEREAS, funds are available in the 2018 Budget under the category of Public Works, Streets and Road Maintenance, Other Expenses, as certified by the CFO; and

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that Glen G. Hale, Inc., 165 River Road, Flemington, NJ 08822 be awarded the surface treatment contract as above for the period of July 17, 2018 through July 16, 2019.

A motion by Dale, seconded by Rich to approve Resolution #90-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Approval: Resolution #91-2018: Awarding Traffic Striping Services

WEST AMWELL TOWNSHIP
RESOLUTION #91-2018

WHEREAS, a master contract was awarded to Denville Line Painting, Inc. by the Hunterdon County Board of Chosen Freeholders, Bid No. 2018-8 (51-HCCPS) on June 19, 2018 to provide traffic striping services; and

WHEREAS, West Amwell Township projected the need for 34,000 linear feet of traffic striping; and

WHEREAS, the total for this traffic striping commodities is \$9,146; and

WHEREAS, funds are available in the 2018 Budget under the category of Public Works, Streets and Road Maintenance, Other Expenses, as certified by the CFO; and

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that Denville Line Painting, Inc. 2 Green Pond Road, Rockaway, NJ 07866 be awarded the traffic striping contract.

A motion by Dale, seconded by Rich to approve Resolution #90-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

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OTHER

Resolution #89-2018: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

A motion by Hoyer, seconded by Rich to approve Resolution #89-2018 to enter into Closed Session was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #89-2018

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Mt. Laurel Litigation, personnel/contracts and subjects falling under Attorney-Client privilege.
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

A motion by Cally, seconded by Dale to return to open session was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

The Committee was in Closed Session from 8:57 PM – 9:50 PM.

OPEN TO THE PUBLIC

Mayor Bergenfeld opened the floor to public comment. Seeing no members of the public come forward, he closed the floor to public comment.

ADMINISTRATIVE

Treasurer: Approval of Bill List 7/18/18

A motion by Cally, seconded by Dale to approve the vouchers for payment as listed on the 7/18/18 bill list was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Tax Collector: Resolution #83-2018: Tax Rate Extension

RESOLUTION #83-2018

WHEREAS, the certified 2018 tax rate may be delayed from the Tax Board of Hunterdon County; and

WHEREAS, this amount is needed for the property tax bills to be printed; and

WHEREAS, there must be twenty-five days from the date of mailing for the return of the quarterly payment before interest is charged; and

THEREFORE BE IT RESOLVED, that pursuant to N.J.S.A. 54:4-66 et seq., the payment without interest for third quarter 2018 taxes will be extended to at least twenty-five days from mailing of the tax bills, after which time all receipts for the third quarter shall be deemed delinquent with interest accruing from August 1, 2018.

Minutes: 7/18/18

A motion by Rich, seconded by Bergenfeld approving Resolution #83-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Tax Collector: Resolution #84-2018: Tax Refund – Corelogic – Block 30 Lots 2 & Q0015

RESOLUTION #84-2018

WHEREAS, there has been a duplicate payment for the second quarter 2018, paid by Corelogic for Block 30, Lot 2 and Q0015; 701 Brunswick Pike, assessed to Leon Walters in the amount of \$1,773.64, and

WHEREAS, Corelogic has requested that this amount be refunded to them,

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to prepare and that the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$1,773.64 and that this check be mailed to:

Corelogic Tax Collection Services, LLC
PO Box 9236
Coppell TX 75019-9801

Tax Collector: Monthly Report – June 2018

It was noted that no comment was made on the Tax Collector's monthly report.

Construction – Monthly Report June 2018

It was noted that no comment was made on the Construction Office report.

Zoning Office – Monthly Report June 2018

It was noted that no comment was made on the Zoning Office report.

Police Report – Monthly Report June 2018

It was noted that no comment was made on the Police report.

CORRESPONDENCE

The Committee ordered the correspondence listed on the agenda, filed.

ADJOURNMENT

A motion by Rich, seconded by Bergenfeld to adjourn the meeting was unanimously approved.

The meeting adjourned at 9:54 PM.

Maria Andrews, Acting Municipal Clerk

Approved: 8/15/18