

**REGULAR MEETING
JUNE 12, 2012
7:00 P.M.**

Mayor Brown called the meeting to order at 7:00 p.m. read the following statement and led the flag salute.

IN COMPLIANCE WITH CHAPTER 231 OF THE PUBLIC LAWS OF 1975, NOTICE OF THIS MEETING WAS GIVEN BY WAY OF ANNUAL NOTICE PUBLISHED IN THE ATLANTIC CITY PRESS, ON JANUARY 5, 2012, THE EGG HARBOR AND HAMMONTON NEWS ON JANUARY 11, 2012 AND POSTED AT TOWNHALL.

Mayor requested a Moment of Silence for resident Judy Calderone who passed away on Friday.

Roll Call:

Committee Present: Ed Hagaman, Anthony Gabris, Susan Polk, Larry Riffle, Mayor Brown

Municipal Clerk: Kimberly Johnson

Solicitor: Elias Manos

CFO: Dawn Stollenwerk

Approval of Committee Minutes: Mayor entertained a motion to approve the minutes of the May 22, 2012 for the Capital Budget Meeting; so moved by Ms. Polk seconded by Mr. Hagaman. RCV: Yeas: Mr. Hagaman, Ms. Polk, Mayor Brown. Abstain: Mr. Gabris, Mr. Riffle. Mayor entertained a motion to approve the minutes of the regular meeting held May 22, 2012; so moved by Ms. Polk seconded by Mr. Hagaman. RCV: Yeas: Mr. Hagaman, Ms. Polk, Mayor Brown. Abstain: Mr. Gabris, Mr. Riffle.

Presentation: MS 150 City To Shore Bike Ride: Mr. Tom Figlio stated this year's event will be held on September 29th and September 30th, encompassing the same route as in the past. Mr. Figlio thanked Mullica for our participation and stated this event raises over 5 million dollars for this devastating disease. Ms. Polk expressed her concern with drink bottles being found along the roadways after bike runs. Mr. Figlio stated he will address this.

Public Discussion Relating to Agenda Items: None.

First Reading: Ordinance #6-2012 / Bond Ordinance: Mayor entertained a motion to read by title; so moved by Mr. Riffle seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown.

Bond Ordinance Authorizing Various Capital Acquisitions and Improvements Including All Cost and Appurtenances thereto, Appropriating \$576,000 Therefor and Authorizing the Issuance of \$545,000 of Bonds or Notes of the Township for financing Part of the Cost of Said Improvements in and by the Township of Mullica, in the County of Atlantic, New Jersey

Mayor entertained a motion to approve and set hearing date for June 26th, 7pm; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown.

Committee Reports:

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Public Safety: Ms. Hagaman reported the following: On June 1st several M.T.P.D. officers participated in the 29th, annual New Jersey Law Enforcement Torch Run, along with students from Mullica Township Middle School which raised money for the Special Olympics. The event kicked off at the Taj Mahal in Atlantic City and ended at Campbell's Field in Camden. We thank them for their participation and appreciate their involvement in support of a worthy cause. National Night Out will be held August 7th from 5pm to 8pm. This event is sponsored by the Mullica Township Police Department and is to bring awareness to community safety.

Administration: Ms. Polk reported the following: The annual 8th Grade Awards Ceremony was held last night at the Mullica Township School. Congratulations to all who received awards and good luck to the 8th Grade Class who is graduating June 13th at 7:00 p.m. with commencement services at Cedar Creek High School. Cedar Creek Girls Basketball Championship Camp, June 26-28, 9am-12pm, players going into 1st grade through 8th grade are invited to participate, \$50.00 per player. Municipal Offices will be closed for Independence Day on July 4th. Everyone have a happy and safe 4th of July celebration. Thank you to Green Thumb for the gorgeous flower arrangements donated to beautify the Municipal Building. Mullica Recreation is hosting a 2012 Baseball Camps at the Recreational Fields, July 23 - 26 - All Skills Camp (Ages 6-16), July 30 - Aug 2 - Hitting / Pitching / Catching Camp (Ages 7-16), times 9:00 a.m. - 12:00 p.m., \$110. / 4-day camp, \$95. / Each additional sibling per 4-day camp. For more information contact us at camps@atlanticeliteacademy.com. Ms. Polk gave an updated report on the Schoolyard Garden Project, noting due to the generosity and kindness of many the garden has far exceeded their expectations!

Public Works: A Green Acres compliance inspection was conducted at our recreation fields and the park was found to be well maintained and in compliance with Green Acres Rules and Regulations. Department of Community Affairs, Division of Fire Safety, recently inspected the municipal complex. Minor violations were found and are being addressed. Chipping is currently at a halt while the chipper is being repaired.

Development & Housing: Mr. Anthony Gabris thanked the community for their condolences and support during his family's time of grief. Mr. Gabris reported the Planning Board agreed with Committee's suggestion to remove Block 4182, from the proposed zoning changes from the swap land in the FAR Zoning District to meet the requirements to extend zoning along the White Horse Pike. Mr. Gabris reported the Planning Board has been reviewing amendments to the Pinelands Comprehensive Management relating to cluster development, wetlands management and forestry. Mr. Gabris stated an Ad-Hoc Committee was formed to review these amendments and report back to the Board. Mr. Gabris reported after several months of consideration the Planning Board and Township Planner have prepared an Ordinance to be considered by the Committee to meet the mandates of the Pinelands Commission. Mr. Gabris made a motion to direct the Clerk to prepare the appropriate Ordinance for the zoning change as recommended by the Planning Board seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown. Mr. Gabris made a motion to direct Clerk to schedule the proposed Ordinance to address Pinelands mandates for first reading seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown. Mr. Gabris informed the public the Township has a Discovery House located in the Nesco section of the Township and this organization provides an escape for inner city children. Mr. Gabris stated the Discovery House is hosting an Open House on the 23rd of June and urged everyone to attend to see what they may offer to our community.

Revenue & Finance: Mayor reported the May treasurer's report was mailed to all members of committee, and will be included in the minutes of tonight's meeting.

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Correspondence:

Correspondence from Senator Whelan thanking Committee for the Resolution calling for restoration of energy taxes to municipalities which he will co-sponsor.

Old Business:

Discuss Mullica Woods Rent Control Complaint: Ms. Joyce Howell, 11 Holly Drive, they are requesting the Governing Body accept the recommendation of the Rent Control Board. Mr. Manos stated the recommendation of the Board is to limit the increase to CPI increase of the current year's social security benefits with no minimum and the increase would not exceed 4%. Ms. Howell reported the Social Security increases in 2010 and 2011 were zero percent, which is why they requested this adjustment in the Ordinance.

Mr. Bob Maholland, 2 Mullica Way, stated he has lived in Mullica Woods for the sixteen years and the Township has done nothing for them. He stated they are requesting consideration for the high costs they pay to live in Mullica Woods. Mr. Mullohand asked for an explanation as to why the attorney for the owners of Mullica Woods has stated they have to give us a raise and why she states the Ordinance is unlawful. Mr. Manos stated he believes the position of the owners is because there is another mobile home park located in Mullica which this Ordinance does not apply to; therefore, there is the threat to strike down the Ordinance.

Mr. Marshall "Ted" Bauer, 16 Mullica Way, asked Committee if they were aware of the record that was established at the hearings held by the Rent Control Hearing Officer and Rent Control Board. Mayor stated Committee is aware of the recommendations. Mr. Bauer suggested the testimony at those hearings become part of the record. Mr. Bauer stated in the past two years the residents received 0% increase in social security; however, they received a rent increase in accordance with the Ordinance. He stated they feel that is unfair because their lot rents are the highest in the Mullica Woods organizations located in New Jersey and other competing communities. Mr. Bauer urged Committee to adopt the proposed recommendation of the Rent Control Board.

Mr. Tom Henely Manufactured Homeowners Association of NJ, Inc., 53 Village Road, Morganville. Mr. Henely stated he is on the Affordable Housing and Rent Control Board in Marlboro Township. Mr. Henely stated there is nothing wrong for Committee to adopt the law the residents are requesting.

Mr. Joe Pauls stated he was speaking on behalf of his mother who resides at 39 Mullica Way. Mr. Pauls expressed his dissatisfaction with the increase of the lots rent afforded to seniors who live on fixed incomes. Mr. Pauls stated based on the lot rent the company is not taking care of their residents.

Ms. Hilda Taylor 14 Mullica Way, resident for 25 years, stated her rent was \$289.00 and is now at \$656.82. Ms. Taylor urged Committee to offer them assistance.

Maureen Shouleteer, 13 Clubhouse Drive, resident for three years, questioned why her rent is lower than residents who have lived there much longer than her. Ms. Shouleteer advised Committee they pay more than the other communities owned by this organization and have fewer amenities.

Ms. Kathy Dickerson, 30 Mullica Way, submitted to the Governing Body a breakdown showing how their rent is distribution (lot rent, pad fee, etc.), adding residents are responsible for shoveling their sidewalk, mowing their lawn. Ms. Dickerson expressed her dissatisfaction that the residents need to explain all of this again.

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Ms. Joyce Howell stated the housing market has dropped; however, she noted the sale of mobile homes has dropped more dramatically.

Ms. Andrea Johns, 16 Mullica Way, stated many communities have the rent control regulation in place that they are requesting and it was granted because politicians from those communities support their constituents.

Mr. Bob Maholland, stated the Ordinance Ms. Johns is referencing is from Weymouth Township and asked Mr. Henley if it is illegal to amend. Mr. Henely stated it is not. Mr. Mullohand stated he does not understand why they have to pay taxes and suggested removing or lowering the pad fees.

Mr. Ted Bauer suggested if an amendment is made to the Ordinance, to include the other mobile home park located in Mullica, so there is no basis for it to be declared unconstitutional or illegal.

Mr. Riffle stated this Committee is extremely interested in this issue; however, this Governing Body wants to ensure if an action is taken, that the remedy is not worse than the sickness.

Mayor Brown reported the following regarding pad fees, 2008 to 2009 increase in \$4,000; from 2009- 2010, there was a decrease of \$3,000; and in 2011 the amount increased \$10.00. Mayor Brown stated the goal of this Committee is to not only give relief to the residents of Mullica Woods, but to Mullica Township. Mayor stated the tax increase in 2010 and in 2011 was one cent. He stated their goal is to have Mullica affordable to all of its residents.

Mr. Ted Bauer again expressed his concern that the Governing Body review all of the records, noting this is the third hearing.

Mr. Kyle Houessian, Regional Manager, Hometown America (landlord), stated Hometown America owns and operates manufactured housing communities, who take pride in how they manage and operate their communities. Mr. Houessian reported one of their biggest investors is the Washington State Pension Fund, who represents firefighters, police, teachers from the State of Washington, who invest heavily in the company and with that investment expect a turn on that investment. Mr. Houessian stated Hometown America does not oppose the current Ordinance, what they oppose is the proposed change to tie it to a social security increase and dropping out the bottom cap. He stated what is in place protects the residents on the high end and also protects the company on the low end. Mr. Houessian stated their expenses have not been capped, including increased operating expenses, health insurance for their employees, property liability insurance, etc. Mr. Houessian stated if the Ordinance is amended they will need to challenge because it will not allow them to obtain a fair return on their investment. He stated Mullica Woods was not created to provide a low income assistance housing for seniors, it is based on free market, noting they have 90 units which are all occupied and revenue producing. He explained the base rent is \$595.68, pad tax is \$39.89, property taxes are \$20.42, capital improvement for pool is \$.82, and added the last increase was 2.8% which totals a little over \$17,000 annually. He stated the front deck cost over that amount. Mr. Houessian did not state they have worked with the Ordinance they have not challenged nor have they requested capital pass though fees for capital improvements over the past few years.

Ms. Lori Greenberg, Esquire, was present on behalf of Hometown America. Ms. Greenberg stated she represents eight manufactured housing communities throughout the State of New Jersey and Treasurer of NJMHA. Ms. Greenberg stated she works with many ordinances and they are all based on CPI not social security. Ms. Greenberg advised Committee the following Communities are voting or have voted to phase out rent control, Cherry Hill, Gloucester Township, and Hazlet. She stated in Hazelet once it was phased out the rents went down. Ms.

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Greenberg stated when you have rent control, you have to use it or lose it, you cannot skip a year, because you do not have a chance to get it back. Ms. Greenberg stated the CPI is not a real number, noting in 2011 it was 2.8% and everyone's expenses went up more. Ms. Greenberg stated the limit the residents are now requesting has nothing to do with inflation and cost of living. She stated this is a business and her client has worked with the Ordinance and not gone for capital improvements. Ms. Greenberg stated the reason the value of their homes have gone down is because of the Safe Act and Dodd Frank. She explained the Safe Act says the landlord cannot provide mortgagees to its residents and Dodd Frank made the banks not want to do it. Therefore, she further noted homes that are older than 1990 cannot get financing and it has greatly depressed the values of these homes. Ms. Greenberg referenced the correspondence she sent to the municipality dated February 23, 2012 and gave the following synopsis of the letter: The municipality's Rent Control Ordinance controls rents for 55+, case law states you cannot force the landlord to take over the obligation of the State or government as far as protecting senior citizens. In the case of Property Owners Association v. Township of North Bergen, 75 NJ 327 (1977), the provisions that regulated rents for senior tenants who lived in the plaintiff's buildings as was struck down as being unconstitutional. Ms. Greenberg stated if this Ordinance is modified she will challenge it. She stated this Ordinance works well and they have not tried to come in for capital improvement for the deck, and they will not. Ms. Greenberg asked Committee not to change the Ordinance and asked the residents to continue to keep communication open.

Mr. Robert Maholland asked the difference between maintenance and capital improvement, noting the deck was old.

Ms. Maureen Shouleteer stated the attorney is failing to acknowledge the fact that the prior manager was not as helpful as the new manager, but that is about it. She stated the deck was replaced because it was brought up to Mr. Houessian at a prior meeting.

Mayor requested comments from members of the Rent Control Board. No comment.

Mr. Gary Miller, 48 Foxwood Drive, Jackson, NJ, officer of Manufactured Homeowners Association, clarified that snow removal is only on the streets, which means probably that was not warranted last year and should not have been a cost. He stated Hometown America has operating expenses, but so does homeowners, if the roof, plumbing, electric or property needs to be repaired or maintained that is the responsibility of the homeowner. Mr. Miller stated based on a base rent of \$600.00 the landlord has a profit of \$259,000 and \$389,000 in maintenance expenses, adding the landlord is not only operating on the 2% increase. He suggested the Governing Body should change the law to include the other mobile home park.

Mr. Mullohand thanked Committee for their time.

Mayor stated Committee's options are to do nothing, rescind the Ordinance and they will have no protection, or accept the recommendation of the Hearing Officer and Rent Control Board. Mr. Gabris stated or we could include other rentals. Mr. Manos stated it is not that simple, as law requires the landlord to have a reasonable turn on their investment. Mr. Riffle stated the Ordinance will be challenged if it is modified. Ms. Polk stated if it is challenged it will cost the taxpayers' money to fight this. Mr. Mullohand stated the money they pay should be utilized to challenge it. Ms. Polk stated the taxes and pad fees are insignificant to what their rental fee is. Mr. Gabris explained the residents in Mullica Woods who are 65 and older should be applying for the property tax reimbursement program, which freezes their rent. Ms. Winnie Howells, Manager of Mullica Woods, explained the process for applying for the program and stated she has completed this for many residents.

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Mr. Tom Henely suggested Committee review if any other communities have been challenged with this type of change and what the outcome was.

Mayor stated he is concerned with how this Committee can state to a corporation that we can control their profit. Mayor Brown stated his other concern is that if we amend the Ordinance and it is challenged, the biggest risk is how it affects the residents of Mullica Woods.

Mr. Pauls expressed his dissatisfaction with the landlord, stating the deck was atrocious, water pressure is low, trees need to be taken down, and the place is beautiful because of the residents. Mayor stated those are issues that can be addressed.

Ms. Taylor stated when she first moved there it was a family operated and the owners now are greedy and do not want to help anyone.

Mr. Robert Maholland stated the landlord insinuated the only profit they make is from the CPI and if that is true they are poor business owners.

Mr. Tom Ciocco, 9 Cardinal Drive, suggested a fact-finding Committee be formed to review other communities and for everyone to have a better understanding. Mr. Riffle stated the question is what we can legally do to control the rent. Mayor stated this Committee needs to weigh what the bottom line will be for the residents of Mullica Woods and agreed that Committee should review this further. Mayor stated the facts are clear, over the past three years the rents went up approximately \$12.00 - \$16.00 per month. Mayor again stated the options and expressed his concern with a Judge throwing out the Ordinance all together and there will be no protection for the residents of Mullica Woods. Mayor stated they will compare Mullica Woods to other communities in Atlantic County, which may prolong the decision.

Ms. Shouleteer they were looking for compassion from the landlord.

Mr. Bernard Graebener, Rent Control Board Member, suggested case law be reviewed.

Mr. Ted Behr asked that everyone work to keep the lines of communication open. Mayor stated that was uncalled for because that is what is being done.

Mayor entertained a motion to explore other mobile home communities in Atlantic County; Mr. Gabris so moved appoint a fact-finding team to further investigate seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown.

Mayor called for a five minute recess.

New Business:

Resolution 73-2012 / 2012 – 2013 Liquor License Renewals: Mayor entertained a motion to renew; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown.

Resolution 74-2012 / Refund Construction Permit Fees: Mayor entertained a motion to refund; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown.

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Resolution 75-2012 / Community Development Block Grant Cooperation Agreement: Mayor entertained a motion to approve; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown.

Appoint Part-time Laborer / Karl Chase: Mayor entertained a motion to appoint per the recommendation of the Superintendent of Public Works with an hourly rate of \$10.00 and start date of June 13th; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown.

Payment of Bills: Ms. Polk so moved to approve the Bill List seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown.

Public Discussion: No public.

Mayor entertained a motion to enter Executive Session; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle, Mayor Brown. Clerk read Resolution ES #10-12 in full to review Executive Session Minutes.

Ms. Polk moved to come back to Regular Session at 9:15 pm seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Hagaman, Ms. Polk, Mr. Riffle Mayor Brown. Clerk reported the Governing Body reviewed the Executive Session Minutes of My 8th and 22nd, 2012, and discussed possible pending litigation regarding Mullica Woods.

Approve Executive Session Minutes: Ms. Polk so moved to approve the minutes of May 8, 2012 seconded by Mayor Brown. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown. Abstain: Mr. Hagaman. Mayor Brown made a motion to approve the minutes of May 22nd seconded by Ms. Polk. RCV: Yeas: Mr. Hagaman, Ms. Polk, Mayor Brown. Abstain: Mr. Gabris, Mr. Riffle.

Ms. Polk made a motion to adjourn the meeting seconded by Mr. Riffle. RCV: Yeas: All voted yes.

Respectfully submitted,

Kimberly Johnson, RMC

BILL LIST

Al & Rich's Car Wash	200.00	Car Wash Tickets
Alicea, Miriam	225.00	May Services 5/1, 5/15 & 5/22
Animal Capture & Control Svc.	1,298.00	April – December 2012 Services
Atlantic City Electric	3,817.75	April-Dec 2012 Services
Benchmark Professional Seminar	295.00	3/5, 3/19 & 3/20 Class
Best Eastern Exterminating	90.00	5/2 Svcs.
Horizon Blue Cross Blue Shield	4,146.80	June-December 2012 Premium
Casa Payroll	120.70	April – December 2012 Services
Crescent Tire & Auto	965.05	April 2012 Purchases
Dimeglio Septic, Inc.	65.00	May-December 2012 Services
Dell USA	790.99	Optiplex 780 – PD

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Deer Carcass Removal Services	120.00	April Services
Federal Express Corporation	37.05	Police Shipment
G&P Floor Maintenance	425.00	April – December 2012 Services
Goloff, Carol	375.00	April-December 2012 services
Hess Corporation	628.88	May-December 2012 Services
Gasbarro, William E.	350.00	Sub Gudge 5/22/12
Clay, Edward	150.00	Tax Map Revisions
Kay Printing	211.09	Construction Forms
Lowe's	618.74	Ladder / Supplies
Lawmen Supply Company of NJ	400.00	Flares
Laurel Lawnmower Services	503.83	Belt, Grinder Blade
Metropolitan Telecomm.	760.18	April – December 2012 Services
Lee's Emergency Equipment	9,303.00	Elwood Tanker Repairs
Verno, Michelle	666.66	2012 Services
Nehmad Perillo & Davis	6,261.65	May-December 2012, Mar/April Svc
Verizon	185.99	May 2012 Services
Pole Tavern Equipment Corp.	300.16	Mower Blades
Pitney Bowes	110.44	Postage Meter Supplies
Absecon Lock Service	590.00	Lock Box Rec/Fix Front Door
Reserve Account	2,000.00	Postage
Rodio Tractor Supplies	311.55	Tractor Parts
Lynkris Hardware & Supply	18.71	Misc Hardware
South Jersey Gas Co.	162.84	May-December 2012 Services
Sirchie Finger Prints Labs.	118.67	Evidence Bags
Spectera Inc.	697.68	June-December 2012 Coverage
Staples Advantage	1,352.70	Office Supplies – PD
Swift, James P.	300.00	April-December 2012 Services
Thanks for Being Green	135.00	E-Waste Pickup 4/20/12
The Press – Subscription	379.60	Renewal
Petroleum Traders	4,215.29	May 2012 Purchases
Drager Safety Diagnostics Inc.	206.45	Solution/Parts
Val-U Auto Parts	82.05	April 2012 Purchases
Vital Services Group	311.30	March 2012 Services / 2013 Farmland Forms
Avaya, Inc.	475.40	May-December 2012 Lease
Marathon Engineering	3,030.00	Cluster Ord Review, Street Opening 4 th , Locust, Jehovah Witness, EV Zoning, Cluster Ord Review
Purdy Collision	803.98	Repairs 2005 Ford F250
Fleishman Daniels	2,355.25	2010 Ban Rollover, Bond Ord 6
Ford Motor Credit Co	21,799.36	Final Lease Installment

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Atlantic Co. Utilities Auth.	16,932.47	April 2012 Services
Lupinetti, Ann	80.38	3 rd Grade Trip
NJ State Health Benefits Fund	54,872.20	June 2012 Premium
NJ Dept of Health & Senior Sv.	13.20	May 2012 State Licenses
Corelogic Real Estate Tax Serv	2,773.33	Tax Refund Res 71-2012
American Home Mortgage Serv	984.31	Refund Tax OP Res 71-2012
Nesco Vol. Fire Company	14,750.00	2012 Contribution

Current Fund	2-01	161,071.48
Grant Fund	G-02	400.00
Trust Fund	T-03	1,702.20
Total of All Funds		163,173.68