

**FOR TOWNSHIP COMMITTEE REVIEW**

**TUESDAY, DECEMBER 21, 2021**

**I. Ordinances Pending**

- **Ordinance for 2022 salary increases (Police Department and Road Employees).**

**II. Other Matters**

**1. Request from Franklin Lakes resident at 673 Vance Ave to connect to the Wyckoff Sanitary sewer system.**

- **See background correspondence from Township Engineer**
- **See Bob's reply letter to the request from the Engineer for the property owner**
- **As per Township Committee Direction on November 4, 2021- Mayor's suggestion was all information provided to Rob Landel for review before contacting the attorney. Pending action- A recommendation from Rob.**
- **Email received from Franklin Lakes; they will participate in a tri-party agreement.**

### III. FYI- Dates and Events to Add to Your Diary

#### A. Meeting Schedule

- Tuesday, December 21, 2021, 7:00pm work session/8:00pm Regular Meeting
- Saturday, January 1, 2022, 11:30 am Sine Die Meeting
- Saturday, January 1, 2022, Noon Re-organization Meeting

#### B. Upcoming Dates Town Hall will be closed in 2021.

- Christmas Eve Friday, December 24, 2021
- New Year's Eve Friday, December 31, 2021

#### C. Upcoming Municipal Events and Services

- Curbside leaf collection begins Monday, October 18, 2021.
- Friday, December 17, 2021, Firehouse #1 at 5 PM, Bob Shannon's Township Retirement Party



Robert J. Shannon, Jr.  
Township Administrator

RJS:cw

Cc: Township Committee

Robert E. Landel, Township Attorney

## Robert Shannon

---

**From:** Robert Shannon  
**Sent:** Wednesday, December 8, 2021 1:59 PM  
**To:** rlandel@lbklaw.com  
**Cc:** Mark Di Gennaro; Diana McLeod  
**Subject:** 673 Vance Ave. Franklin Lakes  
**Attachments:** 20211208134722116.pdf

Rob, good afternoon, this email is sent to summarize our brief conversation last night and to be helpful. Please feel free to consult with Mark for any specific info. I may have overlooked.

1. As I understand the issue, the homeowner cannot upgrade his onsite septic because he is within a certain distance from a public sanitary sewer that NJDEP regulations mandate a sewer connection.
2. The problem is the sanitary sewer system is not in FL. ( I am not sure if the NJDEP regulation is precise to a specific municipality or if it does not apply to a different sanitary sewer system in a different municipality.)
3. Rudy was concerned that we may force the property owner into suing the Township to get relief. I was planning on sending a letter to the attorney and saying we will meet with him in 2022, however your client must pay our professional fees to address this matter. This would provide a communication and give us time to address this matter. Additionally with all the projects on our plate including Maple Lake purchase I was concerned that our limited time be spent on matters that benefit Wyckoff residents. When I mentioned this concern, the Mayor requested that you review it and advise. That is how it was left.
4. Please advise. This is not simple, this matter is complex, we have to ensure we can collect unpaid sewer charges when the owner or an owner in succession decides not to pay. Therefore the Tri- party agreement is critical and required where it is clear FL will consent to including these unpaid charges on their tax sale. We cannot include a FL property on the Wyckoff tax sale.
5. I hope this is helpful, bob

*Robert J. Shannon*

Township Administrator  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
201-891-7000, ext. #1040  
[wyckoff-nj.com](http://wyckoff-nj.com)

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## Robert Shannon

---

**From:** Robert Shannon  
**Sent:** Tuesday, November 9, 2021 7:31 AM  
**To:** rlandel@lbklaw.com  
**Cc:** Robert Shannon  
**Subject:** Request form lawyer for Township to allow a FL property owner to connect to the Wyckoff sanitary sewer system  
**Attachments:** 20211109072416944.pdf

Rob, good morning, At last meeting 11-4, I discussed this request and suggested I send a reply. The reply would say - the Township will consider the request, however your client has to pay all review fees from Township Professionals. I was attempting not to put this issue on your plate because I wanted your limited time spent on obtaining Maple Lake property before 12-31. Yesterday I had to delete Maple lake from the 2022 Parks calendar because I do not think we will own it before 1-1-21. I suspect Melissa forgot about my memo to this effect. She suggested, and the Township Committee agreed to have this matter reviewed by you first.

My reason for a memo as suggested is that a law exists that requires a property owner to connect to a sewer if there is one within a certain distance. (which exists) however we will need a tri-party agreement with FL and all successor owners to guarantee sewer payments because we do not have the tax sale to collect unpaid sewer payments. My concern is the lawyer may have to sue the Township if we do not reply. Attached is the file as I have it. thank you bob

*Robert J. Shannon*

Township Administrator  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
201-891-7000, ext. #1040  
[wyckoff-nj.com](http://wyckoff-nj.com)

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## Robert Shannon

---

**From:** Robert Shannon  
**Sent:** Friday, November 5, 2021 11:01 AM  
**To:** Rob Landel; Mark Di Gennaro  
**Subject:** Fwd: 673 Vance Avenue sewer connection  
**Attachments:** 2021-10-06 Wyckoff sewer connection letter.pdf

FYI.

Sent from my iPhone

Begin forwarded message:

**From:** Borough Administrator <ghart@franklinlakes.org>  
**Date:** November 5, 2021 at 10:10:10 AM EDT  
**To:** allen@morrisandhantman.com  
**Cc:** "Eileen Boland (eboland@boswellengineering.com)" <eboland@boswellengineering.com>, Kevin Boswell <kboswell@boswellengineering.com>, Robert Shannon <wyckoffadm@wyckoff-nj.com>, William Smith <WSmith@lawflnj.com>  
**Subject:** FW: 673 Vance Avenue sewer connection

**CAUTION:** This email originated from outside of Wyckoff Township. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Hantman,

The Mayor and Council discussed this sewer connection at their meeting last night and they have no objection to having your client connect into the Wyckoff sewer line. It is my understanding that this will require an interlocal agreement between Wyckoff and Franklin Lakes. The Franklin Lakes Borough Attorney and Engineer will work with their counterparts in Wyckoff to put this together. Feel free to follow up with Bill Smith, the Borough Attorney.

*Gregory C. Hart*

Borough Administrator  
Borough of Franklin Lakes  
(201)891-4000, ext. 1201  
Fax (201)848-9453

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---

**From:** Borough Administrator  
**Sent:** Wednesday, October 13, 2021 8:53 AM  
**To:** Eileen Boland (eboland@boswellengineering.com) <eboland@boswellengineering.com>  
**Cc:** Kevin Boswell <kboswell@boswellengineering.com>; 'allen@morrisandhantman.com' <allen@morrisandhantman.com>; 'William Smith' <WSmith@lawflnj.com>  
**Subject:** 673 Vance Avenue sewer connection

Eileen,

Please review and provide your recommendation for discussion at the November 4 Work Session of the Mayor and Council. Thanks.

Greg Hart

*Gregory C. Hart*

Borough Administrator  
Borough of Franklin Lakes  
(201)891-4000, ext. 1201  
Fax (201)848-9453

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MORRIS & HANTMAN  
*Attorneys at Law*

Allen Hantman

[allen@morrisandhantman.com](mailto:allen@morrisandhantman.com)

64 Diamond Spring Road  
P. O. Box 1243  
Denville, NJ 07834  
(973) 627-0892

October 6, 2021

Mayor Frank Bivona  
Council Members of the Borough of Franklin Lakes  
Municipal Building  
480 DeKorte Drive  
Franklin Lakes, New Jersey 07417

Re: 673 Vance Avenue, Block 3303, Lot 8.01, Franklin Lakes, New Jersey

Dear Mayor Bivona and Council Members:

I represent Mr. and Mrs. Mysliwicz, owners of 673 Vance Avenue, Block 3303, Lot 8.01 in the Borough of Franklin Lakes. My clients are requesting the permission of Franklin Lakes to connect into the sanitary sewer line of Wyckoff which is in Vance Avenue on the Wyckoff side. In addition, the sanitary sewer easement which allows the connection of Ramapo Regional High School runs through my clients' property.

They are presently caught in a catch-22 situation. The state regulation does not allow a new septic system within 100 feet of an existing sanitary sewer line. The owners are constructing a new home which will require a new sanitary system. Franklin Lakes does not have an available sewer. The connection to the Wyckoff line would be a reasonable solution. Application is being made to Wyckoff to allow the connection. It is the prevailing opinion agreement from both municipalities will be required.

If there are any questions or concerns we can address, my clients would be happy to appear before the Council with their engineer to address the issue. Please advise if you will entertain this request or if you want an appearance before the Council by my clients.

Very truly yours,

MORRIS & HANTMAN, ESQS.

By   
Allen Hantman, Esq.

AH/jv

Cc: Mr. and Mrs. Mysliwicz

RECEIVED

OCT 12 2021

BOROUGH OF  
FRANKLIN LAKES

MORRIS & HANTMAN  
Attorneys at Law

64 Diamond Spring Road  
P. O. Box 1243  
Denville, NJ 07834  
(973) 627-0892

Allen Hantman

[allen@morrisandhantman.com](mailto:allen@morrisandhantman.com)

October 6, 2021

Mayor Melissa D. Rubenstein  
Township Committee of the Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481-1907

Re: 673 Vance Avenue, Block 3303, Lot 8.01, Franklin Lakes, New Jersey

Dear Mayor Rubenstein and Township Committee Members:

I represent Mr. and Mrs. Mysliwicz who are the owners of 673 Vance Avenue, Block 3303, Lot 8.01 in the Borough of Franklin Lakes. They intend to construct a new home on the site which would normally be serviced by a septic system. The property is uniquely impacted by a state regulation which prohibits the construction of a new septic system if there is a sanitary sewer line within 100 feet. The property has an easement for the existing sewer line which connects Ramapo Regional High School with the Wyckoff sewer line which is in the portion of Vance Avenue which is Wyckoff.

We would request permission to connect into the existing Wyckoff sewer line and expect to be billed for the service provided.

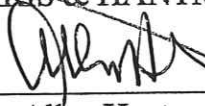
Please also be advised we are requesting Franklin Lakes to approve this solution, subject to your acceptance of the proposal.

If there are any questions that need to be addressed, my clients and their engineer would be available to appear before the Committee to answer any questions or alleviate any concerns. Awaiting your response, I remain,

Very truly yours,

MORRIS & HANTMAN, ESQS.

By

  
Allen Hantman, Esq.

AH/jv

Cc: Mr. and Mrs. Mysliwicz

SCANNED

OCT 18 2021

RE 673 Vance Ave



## Robert Shannon

---

**From:** Nancy A. Brown  
**Sent:** Tuesday, June 8, 2021 4:37 PM  
**To:** Tibor  
**Cc:** Mark Di Gennaro; Robert Shannon  
**Subject:** RE: Sewer Connection Matter - 673 Vance Avenue

Dear Mr. Latincsics,

Thank you for sending the drawing related to your request. Please be aware that the Township Committee does not consider sewer connections without a full review and recommendation from the Township Engineer and consent of the property owner to pay all applicable fees.

Mr. Di Gennaro will be in touch with you regarding this application.

The next Township Committee meeting for which this matter could be considered as an agenda item is the July 20, 2021 meeting.

*Nancy A. Brown*

Nancy A. Brown  
Acting Municipal Clerk  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
201-891-7000, ext. 1020  
wyckoff-nj.com  
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---

**From:** Tibor <tibor@conklinassociates.com>  
**Sent:** Tuesday, June 8, 2021 4:25 PM  
**To:** Nancy A. Brown <wyckoffclerk@wyckoff-nj.com>  
**Cc:** Mark Di Gennaro <wyckoffengineer@wyckoff-nj.com>  
**Subject:** RE: Sewer Connection Matter

Pardon, PDF attached

Tibor

---

**From:** Nancy A. Brown <wyckoffclerk@wyckoff-nj.com>  
**Sent:** Tuesday, June 8, 2021 4:04 PM  
**To:** Tibor <tibor@conklinassociates.com>

## Robert Shannon

---

**From:** Diana McLeod  
**Sent:** Tuesday, June 8, 2021 8:18 PM  
**To:** Robert Shannon  
**Cc:** Mark Di Gennaro  
**Subject:** RE: Sewer Connection Matter

Bob,

We've been through this with FL many times. If they would establish a "sewer operating" budget FL homes could connect, FL charges a municipal charge to them, and we bill FL annually for the connection. Same as we do with Waldwick and Midland Park. Unfortunately, FL refuses this approach and thus we cannot allow the connection because we have no jurisdiction and no way to guarantee collection through the tax sale process.

*Diana McLeod*

Diana McLeod  
Township of Wyckoff  
Chief Financial Officer  
Tax Collector

---

**From:** Robert Shannon <wyckoffadm@wyckoff-nj.com>  
**Sent:** Tuesday, June 8, 2021 5:02 PM  
**To:** Mark Di Gennaro <wyckoffengineer@wyckoff-nj.com>; Nancy A. Brown <wyckoffclerk@wyckoff-nj.com>  
**Cc:** Melissa Rubenstein <mrubenstein@wyckoff-nj.com>; Rudolf Boonstra <rboonstra@wyckoff-nj.com>; Tom Madigan <tmadigan@wyckoff-nj.com>; Peter J. Melchionne <pmelchionne@wyckoff-nj.com>; Timothy Shanley <tshanley@wyckoff-nj.com>; rlandel@lbklaw.com; Diana McLeod <wyckoffcfo@wyckoff-nj.com>  
**Subject:** RE: Sewer Connection Matter

Mark, thank you for the reminder:

1. Tolls Brothers is an Affordable Housing development and as such a municipality is compelled to allow the use of its sanitary sewer system by state law ( Rob can confirm)
2. B & D was a negotiated agreement where over 100 Wyckoff homes received sanitary sewer availability at little cost other than a connection charge because the then Township Committee meandered the route of the sanitary sewer line to sewer as many Wyckoff homes as possible and B & D consented . At that time Franklin Lakes did not allow sanitary sewers in their Community and it only occurred because B & D constructed the sanitary sewer from their property onto Route 208 state highway into Wyckoff. This achievement was considered by the Township Committee as compelling.
3. University Heights was an affordable housing development – ditto the same reason.
4. A municipality cannot perfect a tax sale for unpaid Municipal charges for a property not in its community. FL was compelled to agree in writing to perfect a tax sale for Wyckoff based on the paramount public policy of Affordable Housing.

5. Diana, lets discuss next week. Thanks bob

*Robert J. Shannon*

Township Administrator  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
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**From:** Mark Di Gennaro <[wyckoffengineer@wyckoff-nj.com](mailto:wyckoffengineer@wyckoff-nj.com)>

**Sent:** Tuesday, June 8, 2021 4:44 PM

**To:** Robert Shannon <[wyckoffadm@wyckoff-nj.com](mailto:wyckoffadm@wyckoff-nj.com)>; Nancy A. Brown <[wyckoffclerk@wyckoff-nj.com](mailto:wyckoffclerk@wyckoff-nj.com)>

**Cc:** Melissa Rubenstein <[mrubenstein@wyckoff-nj.com](mailto:mrubenstein@wyckoff-nj.com)>; Rudolf Boonstra <[rboonstra@wyckoff-nj.com](mailto:rboonstra@wyckoff-nj.com)>; Tom Madigan <[tmadigan@wyckoff-nj.com](mailto:tmadigan@wyckoff-nj.com)>; Peter J. Melchionne <[pmelchionne@wyckoff-nj.com](mailto:pmelchionne@wyckoff-nj.com)>; Timothy Shanley <[tshanley@wyckoff-nj.com](mailto:tshanley@wyckoff-nj.com)>; [rlandel@lbklaw.com](mailto:rlandel@lbklaw.com)

**Subject:** RE: Sewer Connection Matter

Bob,

I have heard about this connection request many times over the last few years. I continue to have denied the request as it involves connecting a Franklin Lakes home to a Wyckoff system directly, which we have not done in the past. The exceptions to that have been the Toll Project, University Heights and B&D. You have explained the reason that Wyckoff cannot collect utility fees from Franklin Lakes properties directly as there may be some challenge to collect payment and impose a lien for failure to pay. Therefore, it appears the engineer is appealing to the TC to obtain an approval or exception for his client.

From a practical perspective it makes sense to eliminate a septic system and connect to a gravity sewer whenever possible, however, the collection of user fees seems to be the challenge preventing this connection. Perhaps our CFO can investigate and offer recommendations. Such an action could pave the way for other connections in other areas which could be the source of additional revenue.

*Mark A. DiGennaro, P.E.*  
*Township Engineer*  
*Township of Wyckoff*  
*T: 201-891-7000 x 301*  
*F: 201-891-0314*

---

**From:** Robert Shannon <[wyckoffadm@wyckoff-nj.com](mailto:wyckoffadm@wyckoff-nj.com)>

**Sent:** Tuesday, June 8, 2021 4:18 PM

**To:** Mark Di Gennaro <[wyckoffengineer@wyckoff-nj.com](mailto:wyckoffengineer@wyckoff-nj.com)>; Nancy A. Brown <[wyckoffclerk@wyckoff-nj.com](mailto:wyckoffclerk@wyckoff-nj.com)>

**Cc:** Melissa Rubenstein <[mrubenstein@wyckoff-nj.com](mailto:mrubenstein@wyckoff-nj.com)>; Rudolf Boonstra <[rboonstra@wyckoff-nj.com](mailto:rboonstra@wyckoff-nj.com)>; Tom Madigan <[tmadigan@wyckoff-nj.com](mailto:tmadigan@wyckoff-nj.com)>; Peter J. Melchionne <[pmelchionne@wyckoff-nj.com](mailto:pmelchionne@wyckoff-nj.com)>; Timothy Shanley <[tshanley@wyckoff-nj.com](mailto:tshanley@wyckoff-nj.com)>; rlandel@lbklaw.com

**Subject:** FW: Sewer Connection Matter

Mark, Please see the attachment. The Township Committee procedure is that they do not consider a sewer connection without a written recommendation from you or Boswell Engineering and the applicant be apprised and agreeing to pay all fees. Please review the attachment ( The drawing the Engineer sent, neither Nancy or I cannot open or access). I suspect you know this Engineer, however an applicant 's Engineer does not set the Township Committee agenda nor should he expect the Township Committee to base a decision on an attachment we cannot access.

I am aware you are on a deadline with the June Board of Adjustment plan reviews, therefore please review this request when you can and advise the Township Committee in writing of your recommendation. thank you bob

*Robert J. Shannon*

Township Administrator  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
201-891-7000, ext. #1040  
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**From:** Nancy A. Brown <[wyckoffclerk@wyckoff-nj.com](mailto:wyckoffclerk@wyckoff-nj.com)>

**Sent:** Tuesday, June 8, 2021 4:04 PM

**To:** Robert Shannon <[wyckoffadm@wyckoff-nj.com](mailto:wyckoffadm@wyckoff-nj.com)>

**Subject:** FW: Sewer Connection Matter

I asked them to resend the second attachment.

How does this get "put on the agenda"?

*Nancy A. Brown*

Nancy A. Brown  
Acting Municipal Clerk  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
201-891-7000, ext. 1020  
wyckoff-nj.com  
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---

**From:** Tibor <[tibor@conklinassociates.com](mailto:tibor@conklinassociates.com)>  
**Sent:** Tuesday, June 8, 2021 4:00 PM  
**To:** Nancy A. Brown <[wyckoffclerk@wyckoff-nj.com](mailto:wyckoffclerk@wyckoff-nj.com)>  
**Cc:** Mark Di Gennaro <[wyckoffengineer@wyckoff-nj.com](mailto:wyckoffengineer@wyckoff-nj.com)>  
**Subject:** Sewer Connection Matter

Please see attached and advise on next available agenda .

Hard Copy in the mail

Thank You

Tibor

## Nancy A. Brown

---

**From:** Robert Shannon  
**Sent:** Wednesday, June 23, 2021 4:30 PM  
**To:** Nancy A. Brown  
**Subject:** FW: Reply to your 6-8-21 letter

FYI

*Robert J. Shannon*

Township Administrator  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
201-891-7000, ext. #1040  
[wyckoff-nj.com](http://wyckoff-nj.com)

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**From:** Robert Shannon  
**Sent:** Wednesday, June 23, 2021 4:22 PM  
**To:** [tibor@conklinassociates.com](mailto:tibor@conklinassociates.com)  
**Cc:** Mark Di Gennaro <[wyckoffengineer@wyckoff-nj.com](mailto:wyckoffengineer@wyckoff-nj.com)>  
**Subject:** Reply to your 6-8-21 letter

Dear Mr. Latincsics,

In reply to your 6-8-21 letter, the Township Committee is not able to schedule your request for a discussion with a Franklin Lakes resident on their next agenda. The Township of Wyckoff does not have the jurisdiction to enforce nonpayment of sewer charges on property that is not located in Wyckoff. It is my understanding that Engineer Mark DiGennaro has discussed this matter with you. Until the Borough of Franklin Lakes established a sewer operating budget and agrees to a billing and enforcement

of nonpayment of charges on behalf of the Township of Wyckoff, there is no reason to discuss your proposal any further.

*Robert J. Shannon*

Township Administrator  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
201-891-7000, ext. #1040  
[wyckoff-nj.com](http://wyckoff-nj.com)

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TIBOR LATINCISICS, PE & PP  
STEPHEN P. EID, PE & LS  
HERBERT SCHLESINGER, PE & LS, RETIRED

(201) 327-0443  
FAX (201) 934-1097

**CONKLIN ASSOCIATES**  
CONSULTING ENGINEERS AND LAND SURVEYORS  
P.O. BOX 282  
29 CHURCH STREET, RAMSEY, NJ 07446

June 8, 2021

Ms. Nancy Brown  
Township of Wyckoff  
Scott Plaza, 340 Franklin Avenue  
Wyckoff, NJ 07481  
[wyckoffclerk@wyckoff-nj.com](mailto:wyckoffclerk@wyckoff-nj.com)

Re: Block 3303, Lot 8.01  
Franklin Lakes  
673 Vance Avenue


Dear Ms. Brown,

This is a request to be placed on the next available agenda of the Township Committee in order to discuss a sewer connection to an existing Wyckoff Township sewer line. The subject property is located at 673 Vance Avenue in the Borough of Franklin Lakes on the town line. We have the unique situation that the Wyckoff Sanitary Sewer runs through their property within an easement. I believe the sewer line services Ramapo Regional High School. The current property is serviced by a septic system, but a new home is proposed. State Law prohibits the construction of a new septic system if there is a sanitary sewer line available within 100'. In this case, the sewer line is actually on the property itself. The physical connection is actually very simple. I believe the administrative matter which needs to be addressed is how Wyckoff Township would invoice the quarterly sewer bill to a home in Franklin Lakes. There may be precedence in this regard with the recent Toll Brothers Project in Franklin Lakes.

As requested above, please schedule this matter for the next Township Committee. The owner, Mr. Mysliwicz would be in attendance to review this matter and answer any questions.

I am available at 201-327-0443 or [tibor@conklinassociates.com](mailto:tibor@conklinassociates.com).

Very truly yours,

  
Tibor Latincisics, PE PP

cc: Mr. & Mrs. Mysliwicz  
Mark DiGennaro, PE



