MAURICE RIVER TOWNSHIP
PUBLIC AGENDA
November 15, 2012 – 7:30 P.M.

This meeting has been advertised in accordance with the statutes of the State of New Jersey.

Call to Order

Pledge of Allegiance led by Mayor Ireland.

Roll Call

A. Approval of Minutes of prior meetings.

B. Presentations

1. Proclamation – South Jersey Sportsman's Jamboree
2. New Jersey State Police
3. Mark Pietrucha – Sapello Foundry Status – US EPA 2013 Grant Application
4. PSEG – Estuary Enhancement Program
5. NJ Dept. of Environmental Protection

C. First Public Comment Session (Limit 30 Minutes Total)

D. Ordinances

1. Second reading by title, Ordinance #621 "An Ordinance Of The Township Of Maurice River, County Of Cumberland, State Of New Jersey, Authorizing Acquisition Of Real Property And Equipment In The Amount Of $100,000.00."

E. Consent Agenda Resolutions

CONSENT AGENDA: All matters listed with an asterisk (*) are considered to be routine and non-controversial by the Township Committee and will be approved by one motion. There will be no separate discussion of these items unless a committee member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

* 1. Resolution No. 148-2012	A Resolution Authorizing Check #4052 Issued To Gary Lee Precision Saw Filing Be Voided And Authorizing Reissue.
* 2. Resolution No. 149-2012	A Resolution Consenting To The Proposed Water Quality Management (WQM) Plan Amendment Entitled: Cumberland County Future Wastewater Service Area.
* 3. Resolution No. 150-2012	A Resolution Rescinding Resolution #141-2012 Cancelling Assignment Of Tax Sale Certificate #12-00039.
* 4. Resolution No. 151-2012	A Resolution Authorizing Membership In A Mutual Aid And Assistance Agreement With Participating Units.
* 5. Resolution No. 152-2012	Resolution In Support Of A-3393, Legislation To Protect Residential Property Taxpayers From The Loss Of Telecommunications Tax Support
* 6. Resolution No. 153-2012	A Resolution Authorizing Refund Of Overpayment Of Taxes Due To Assessment Correction Against Block 296, Lot 47.
* 7. Resolution No. 154-2012	A Resolution Authorizing 2012 Budget Transfers
* 8. Resolution No. 155-2012	A Resolution Authorizing the Hire of Lillian J. Johnson to the Position of Clerk 1.
* 9. Resolution No. 156-2012	A Resolution Authorizing An Application For Federal Environmental Protection Agency Brownfield Cleanup Grant Funds For Block 230 Lot 30, 65 Broadway St., Commonly Known As Sapello Foundry Site.
*10. Resolution No. 157-2012	A Resolution Authorizing Reimbursement To The Tax Collector's Office Change Fund For Tax Clerk #2.
*11. Resolution No. 158-2012	A Resolution Supporting Grant Application To The National Park Service's American Battlefield Protection Program By The Cumberland County Cultural And Heritage Commission.

*12. Resolution No. 159-2012	A Resolution Waiving Construction Permit Fees For Damage Caused To Structures By Hurricane Sandy.
*13. Resolution No. 160-2012	A Resolution Authorizing Leave Of Absence Without Pay For David Bowen.

Other Resolutions

F. Township Committee Report

G. Professional Reports
Engineer
Solicitor

OLD BUSINESS

H. Announcements

1. If your property has sustained major or permanent damage from recent storms you must contact the Tax Assessor by 12/30/12 to schedule an inspection for an assessment adjustment for the 2013 tax year. Note: Minor cosmetic damages do not qualify.

2. NJ Governor's Executive Order #113 extends the grace period for payment of fourth quarter property tax payments to November 16, 2012.

I. Correspondence

NEW BUSINESS

J. Correspondence

K. REPORTS

L. PAYMENT OF BILLS

M. SECOND PUBLIC COMMENT SESSION

ADJOURNMENT

Thursday, November 15, 2012 7:30 P.M.

PRESENT: Kathy Ireland, Mayor
Andrew Sarclette, Deputy Mayor
Frank DiDomenico, Solicitor
Cormac Morrissey, Engineer
Linda L. Costello, Acting Municipal Clerk

This meeting has been advertised in accordance with the statutes of the State of New Jersey.

Mayor Ireland called the meeting to order; the Pledge of Allegiance followed.

ROLL CALL: Mrs. Ireland, present
Mr. Sarclette, present
Mr. Langley, absent

Approval of Minutes

Mr. Sarclette made a motion to approve the minutes of prior meetings, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

Presentations

Proclamation: Mayor Ireland and Deputy Mayor Sarclette presented a proclamation to Mr. Charles Jackson of the South Jersey Sportsmen's Jamboree in recognition of the annual community event. Mr. Jackson thanked the Township for all the great help and support.

NJSP: Sgt. Babinshock, NJSP, thanked the Public Works Department, Volunteer Fire Companies, and local OEM Coordinator for their work during Hurricane Sandy. He stated all agencies help out a lot during the high tides and flooding and the State Police appreciated their assistance during the 24 hour period. He reported there were 107 investigations overall during the month of October, 18 of which were in Maurice River Township. He noted the bulk of incidents were motor vehicle accidents however none involved drunk drivers.

Sapello Foundry – US EPA 2013 Grant Application: Mark Pietrucha of Woodward & Curran provided an overview of the Sapello Foundry with respect to Brownfields investigations, pending analysis, and projected cleanup project. The scope of work includes containment and stabilization of hazardous contaminated areas. A grant application will be submitted Dec. 3, 2012 seeking additional cleanup funds from the US Environmental Protection Agency.

Mr. Jim Veasey of Port Elizabeth asked if the contamination is just heavy metals. Mr. Pietrucha advised there is a concentration of heavy metals and an assessment report is available in the Municipal Clerk's office. Mr. Davidson, also of Port Elizabeth, asked if the buildings would be removed. Mr. Pietrucha responded the buildings would not be removed at this time, as the primary objective is containment and stabilization of hazardous substances at the site. He stated 9,000 cubic yards of casting waste exists on the property and this could cost over $1 million to remove depending on the designation of hazardous waste destinations. He anticipates a cost of less than $200,000.00 to contain the substances on site. This would be an interim remedial action. Mrs. Patricia Gross asked what he means by "contain". Mr. Pietrucha advised the areas will most likely be masked and tarped. Ms. Linda Reeves asked if the contamination at the site is dangerous to a person's health to which Mr. Pietrucha replied, "Yes".

Mayor Ireland asked once the project is completed what can the property be used for? Mr. Pietrucha advised there are a number of permitted uses in the Pinelands Village zone including residential, some commercial, and recreation. If everything is removed from the site the property may be useable for just about any permitted use. He noted the primary issue is the ground water. Mr. Sarclette asked if the site is capped rather than removal of substances what would leach into the ground water. Mr. Pietrucha advised the contaminates would have low solubility and the potential for leachate would be minimized. He noted that with an award of grant funds additional monitoring wells would be installed.

Mr. Pietrucha advised he would be available after the meeting if anyone had additional questions and a copy of all documents will be available in the Municipal Clerk's office.

PSE&G Estuary Enhancement – Thompson's Beach: Mr. Ken Strait of PSE&G provided an update on access at the end of Thompson's Beach Road. Mr. Strait advised the area is now fully vegetative. He noted the marsh creek density is a critical factor and it is far greater now than when originally assessed and Moore's Beach area is used as a reference site. He advised when the project began input from township officials and the public was considered and its scope would include public access via a walkway, car top boat launching and bollard removal with refurbishing of the marsh the primary goal. Mr. Strait provided information on the channel morphology, sediment accretion and Research was done on ways to increase flow to keep the channel open, which is not possible. In May 2011 a dredging plan of West Creek was prepared and permits obtained by the end of that year. The project was completed in April 2012 with the intent to create and/or increase fish habitat. He noted between April to October the sediment accreted between ½ to 2" post dredging. The next review will be in March 2013. He also noted the post hurricane affects are unclear at this time.

Mr. Sarclette stated that the current status of the project is unsuitable since the original intent was for public use. He feels the design is not adequate and not suitable for car top boat launching. Mr. Strait stated it was designed for channel flow (flood and flow) and the marsh naturally determines location of the flow. Mrs. Ireland suggested the boat launch be placed 'further out'; however, Mr. Strait replied it can't be done. Mr. Sarclette also stated that uplands were actually removed and he believes there needs to be a plan that is going to work, noting the Committee supported and wanted access and PSEG is not fulfilling their obligation. He stated continuing to dredge is not logistical and a better plan is needed.

Regarding less fish, Mr. Sarclette believes it is a lack of oxygen that is creating the problem. Ed Lupton of Matts Landing stated he visited the site when the fish count was underway and the young people were counting bull minnows as weak fish and felt the survey was totally wrong. Mr. Strait responded that he would stand behind the monitoring reports and survey results.

George Kumor of Heislerville commented on the boat ramp approved by the Township but scratched off by PSEG. He felt that the biological monitoring at Thompson's Beach was not good. He added that between 1996 – 1998 there was plenty of water, the project was very successful and worked wonderfully, however planting the mudflats did not provide enough tidal flow and the algae bloom robs oxygen. Mr. Kumor does not agree with dredging every two years, noting it will need to be dredged periodically.

Cormac Morrissey asked for a copy of the survey and clarification whether the sloughing in of the channel is coming in with the tides.

Jeanette Polhamus of Leesburg stated she is concerned for the town of Heislerville since upland areas have been converted to a wetland. Mr. Strait stated the level of ground was not changed

Ben Stowman commented that storm erosion has caused more than sea level rise, noting it is necessary for the water to flow and the weak fish are back.

NJ Dept. of Environmental Protection – Cindy Randazzo, Director of Local Government Assistance. Ms. Randazzo advised she is interested in seeing what problems there are and suggesting which programs could assist. She stated she is aware of the breached berm at Wildlife Management Area (Matts Landing) and portions of the road are not usable, noting Hurricane Sandy wreaked havoc before the plan could be implement. She advised there are 1200 Brownfield sites throughout New Jersey and there is a lot of opportunity in the Brownfield programs.

Tom Wiesnik of Heislerville commented on the work done by Mr. Lupton to sure up the dike at Matts Landing. He thinks the State should build new bulkheads for the marina owners at Matts Landing and raise the road. Mrs. Ireland advised that NJDEP will be in contact with Mr. Lupton regarding his help working at Matts Landing and agreed with the comment that new bulkheads would be good.

Ms. Randazzo commended residents noting there has been a lot of devastation in New Jersey and this County roles up its sleeves and gets jobs done.

Ms. Randazzo advised there are a lot of layers to NJDEP and she was excited about discussion held on public access since the State is promoting public access and looking to identify dollars to assist with more public access to waterways. Mrs. Ireland advised Maurice River Township is actively working on that through a grant.

Ben Stowman of Heislerville asked what kind of assistance can be provided; pressure not just stop gap fixes, acceleration of plan approvals. He advised the Township is considering an inland berm to protect the trees, people and homes and he would like to see what assistance is available. Mr. Sarclette relayed information regarding issues at Basket Flats and the mouth of the Maurice River. He also stated we have heard that active marina leases will no longer be transferrable and this would impact our business along the river. Ms. Randazzo advised she has heard about living shorelines which are a combination of hardscape and mussel and may be a viable option for this area. She offered her contact information and advised she will respond to emails and messages.

Gordon Gross, OEM Coordinator, provided a quick overview of Hurricane Sandy:
- Four days before the hurricane the evacuation plan was in place and the EOC was prepared to be manned by volunteers. The evacuation plan included reverse 9-1-1 calls.
- First half of the storm the Township made out pretty well; 12 roads closures- 3 for several days and 1 still one one-lane, 4 water rescues including 11 individuals and all were successful, assisted with staging of NJSP.
- Damage assessments – Dikes were breaches and concerns were run through the chain of command.
- Forty-five unsafe structure notices were issued including three condemnations, possibility of a fourth.
- Advised the Township Committee waived fees for construction permits.
- Noted Ed Lupton, Joe Haase, George Charlson and Don Langowski assisted with the sluice gate.
- He expects Matts Landing Rd. to be under water again with the pending Nor'easter.
- Volunteers did a great job

Mr. Sarclette expressed sincere thanks to Mr. Gross and all the volunteers.

First Public Comments Session

Mr. Sarclette made a motion to open the first public comment session at 9:26 pm, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

There being no public comment, Mr. Sarclette made a motion to close the public comment session at 9:26 pm, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

Ordinances

The Acting Clerk gave second reading by title of Ordinance #621 "An Ordinance of the Township of Maurice River, County Of Cumberland, State Of New Jersey, Authorizing Acquisition of Real Property and Equipment in the Amount Of $100,000.00."

Mr. Sarclette made a motion to open the public hearing on Ordinance #621, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

There being no public comment, Mr. Sarclette made a motion to close the public hearing on Ordinance #621, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

Mr. Sarclette made a motion to adopt Ordinance #621, seconded by Mrs. Ireland
Roll Call: Ayes –Sarclette, Ireland Nays – None

Consent Agenda Resolutions

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Mr. Sarclette made a motion to adopt Resolutions #148-2012 through #160-2012 as presented in the consent agenda, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

Township Committee Reports

Mrs. Ireland expressed sincere thanks to the volunteers, donors and anyone providing help during and after Hurricane Sandy.

Mrs. Ireland advised as of 6:15 PM NJDEP is still working on the dike at Matts Landing and hoped to have completed by 10:00 PM. She also spoke with Bill Dixon and the contracts for the Thompson's Beach project are being reviewed by the State's legal department. She noted that due to the disaster, it is necessary to obtain a three-month extension for the NRCS Funds. Regarding the East Point Revetment project, bid process was completed and they are waiting on approval of three contracts.

Mrs. Ireland also advised a study is under review regarding use of dredged material as fill.

Professional Reports

Engineer

Cormac Morrissey provided a report on the status of current projects throughout the municipality. A copy of Mr. Morrissey's report may be found at the end of the minutes.

1. East Point Shoreline Erosion Control Project
2. Thompsons Beach Restoration
3. Thompsons Beach Dredging
4. Carlisle Place Road, Phase IV – Mr. Morrissey advised a preconstruction meeting is scheduled for November 28th.
5. Matts Landing Bike Path Grant Application – Mr. Morrissey stated this project is on hold.
6. Public Works Storage Shed
7. Green Acres Trails Program
8. NJDOT Municipal Aid Grant
9. MRT Bikeways Signage Grant
10. Fuel Tanks
11. MRT Roadway Inventory
12. FEMA Letter of Intent
13. River Road Outfall
14. MRT 9-1-1 Fire District Map
15. Schooner Landing Road Dead End
16. Playground Shade Structure
17. Waterfront Access Plan
18. ATV Park
19. Hands Mill Road Playground
20. MRT Wastewater Management Plan – Mr. Morrissey advised the areas identified do not include CAFRA centers. He noted it could be harmful for areas if left out of the plan.
21. MRT Flood Control - Mr. Morrissey thanked Ms. Randazzo for her attendance and stated he has seen shifts in NJDEP approvals. He advised a general endorsement to do what is necessary to protect the coastal communities would be beneficial.

Solicitor

Mr. DiDomenico reported on the status of the following projects:

1. Ordinance on Schooner Landing Road Project – No change; still waiting for input.

2. Salvage Title of 69 Ford Pumper – Received improper evidence package but appears to be more work than the vehicle is worth.

3. Quit Claim – One claim still outstanding.

OLD BUSINESS

Announcements

1. If your property has sustained major or permanent damage from recent storms you must contact the Tax Assessor by 12/30/12 to schedule an inspection for an assessment adjustment for the 2013 tax year. Note: Minor cosmetic damages do not qualify.

2. NJ Governor's Executive Order #113 extends the grace period for payment of fourth quarter property tax payments to November 16, 2012.

Correspondence

1. Application For License Renewal From Steven McPherson To Operate A Mobile Home Park, Cumberland Pond Trailer Park At 5184 Route 49, Millville. Mr. Sarclette made a motion to approval renewal of annual license to Operate a Mobile Home Park for Cumberland Pond Trailer Park, seconded by Mrs. Ireland.
   Roll Call: Ayes –Sarclette, Ireland Nays – None

2. Letter Of Award From NJDEP Dated 10/22/12, Re: Recycling Tonnage Grant In The Amount Of $5,426.99.

3. Letter From Pinelands Commission Dated 10/23/12 Acknowledging Receipt Of MRT Ordinance #620 And Pending Review.

4. Notice Of Public Hearing From The City Of Vineland Re Ordinance #2012-50, "An Ordinance To Amend And Supplement Ordinance No. 86-38, As Amended, Known As Chapter 425 Of The City Of Vineland Code (Land Use)."

5. Letter from CCIA dated 10/29/12 re: Advisory of no increase in tipping fees for calendar year 2013.

6. Letter from CCP&D dated 10/26/12 re: Cumberland County Future Wastewater Service Area.

7. Request from Mary Hagemann dated 11/09/12 re Use of Leechester Hall for Annual Senior Citizen Holiday Dinner to be held Sat. 12/08/12. Mr. Sarclette made a motion to approve the use of Leechester Hall on December 8, 2012 for the annual Senior Citizen Holiday Dinner, seconded by Mrs. Ireland.
   Roll Call: Ayes –Sarclette, Ireland Nays – None

8. Receipt of copy of Remedial Action Protectiveness/Biennial Certification Form-Ground Water from U.S. Silica.

9. Application for Septic Cleaner License Renewal, Caprioni Portable Toilets.
   Mr. Sarclette made a motion to approve the renewal application and issuance of Septic Cleaner License for a term of one-year to Caprioni Portable Toilets. Motion seconded by Mrs. Ireland.
   Roll Call: Ayes –Sarclette, Ireland Nays – None

10. Notice of Pre-Construction Meeting from Dixon Associates Engineering LLC re: Carlisle Place Road Phase IV to be held Wed., 11/28/12.

11. Copy of Recreation Permit #1201 issued to Tri-County Sportsmen Motorcycle Club dated 11/01/12 for event held 11/3 & 4/12.

12. Notice Of Filings By Cozen & O'Connor On Behalf Of South Jersey Gas Dated 11/12/12 Re: Annual Filing To Adjust Rates; Petition To Modify, Extend & Adjust Capital Investment Recovery Tracker; Petition For Approval Of Increased Base Tariff Rates & Charges For Gas Service; Petition For Approval Of An Energy Efficiency Program; Petition To Implement An Accelerated Infrastructure Replacement Program.

13. Letter from Serber Konschak on behalf of Atlantic Masonry Supply Inc. dated 11/14/12 requesting 90 day extension of Resource Extraction License which expired on September 21, 2012. Mr. Sarclette made a motion to grant Atlantic Masonry Supply Inc. a 160 day extension on their Resource Extraction License, extending the expiration date to March 1, 2013. Motion seconded by Mrs. Ireland.
   Roll Call: Ayes –Sarclette, Ireland Nays – None

Other Old Business

1. Mr. Sarclette made a motion to authorize the Municipal Clerk and Finance Officer to proceed with implementation of the necessary programs to provide on-line and electronic tax payment options through Municipay and Edmunds & Assoc. Motion seconded by Mrs. Ireland.
   Roll Call: Ayes –Sarclette, Ireland Nays – None

NEW BUSINESS

Correspondence

1. Receipt of Agreement to Assist with Site Reuse Planning for USEPA Brownfields Assessment Grants from Tiffany Cuviello for 65 Broadway Street and 3098 - 3102 Route 47. Mr. Sarclette made a motion to authorize Tiffany Cuviello to proceed with assistance on Site Reuse Planning for USEPA Brownfields Assessment Grants for 65 Broadway Street and 3098-3102 Route 47. Motion seconded by Mrs. Ireland.
   Roll Call: Ayes –Sarclette, Ireland Nays – None

2. Receipt of Agreement to Assist with Land Surveying for USEPA Brownfields Assessment Grants from Dixon Associates Engineering for 65 Broadway Street and 3098-3102 Route 47. Mr. Sarclette made a motion to authorize Dixon Associates to proceed with land surveying for USEPA Brownfields Assessment Grants for 65 Broadway Street and 3098-3102 Route 47. Motion seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

REPORTS

Treasurers Report	$934,493.52
Road Dept. Report October 2012	
Ron's Animal Shelter Monthly Report – October 2012	
Cumberland County Summation of Activities September 2012	

Mr. Sarclette made a motion to accept the above reports, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

PAYMENT OF BILLS

A-1 Entertainment	225.00
Atlantic City Electric	4,208.65
Atlantic City Electric	896.06
B W Stetson	44.00
Buonadonna & Benson, P.C.	231.00
Buonadonna & Benson, P.C.	110.00
Barbara Wright	203.50
Board of Fire Commissioners	576.50
Board of Fire Commissioners	576.50
Comcast Cable	236.47
Comcast Cable	466.55
Comcast Cable	124.61
CM3 Building Solutions	589.00
Casa Payroll Services	112.25
Casa Payroll Services	105.75
Carmie's Pottery Paint Works	225.00
Cumberland Co. Horse Leaders	500.00
C and S Signs	375.00
Cumberland Development Corp	3,350.00
Dixon Assoc Engineering, LLC	397.50
Dixon Assoc Engineering, LLC	1,703.09
Dixon Assoc Engineering, LLC	1,920.00
Dixon Assoc Engineering, LLC	67.50
Dixon Assoc Engineering, LLC	1,147.50
Dixon Assoc Engineering, LLC	594.34
Dixon Assoc Engineering, LLC	202.50
Dixon Assoc Engineering, LLC	607.50
Dixon Assoc Engineering, LLC	900.00
Dixon Assoc Engineering, LLC	1,732.50
Deborah Adams	203.50
Edward F. Duffy, Esquire	992.22
Edward F. Duffy, Esquire	992.22
Etta C. Lambert	203.50
Elizabeth j. Osborn	203.50
FRA Technologies, Inc.	600.00

Frank DiDomenico	991.25
Frank DiDomenico	1,144.00
Gary Lee Precision Saw Filing	22.50
Hess Corporation	636.83
Health Mats Co	77.05
Jackie L. James	362.00
James A. Timmons	216.00
Jacqueline M. Rascone	203.50
John J. Garton	389.85
Kathryn L. Karrer	24.42
Keen Compressed Gas Co.	35.14
Laurel Lawnmower Service Inc.	208.11
Lisa R. Fisher	167.19
M.R.T. Current Fund	75.00
Millville Automotive Inc	92.52
Millville Automotive Inc	152.10
Maurice River Township BOE	224,701.00
Maurice River Township BOE	2,783.92
Maurice River Township BOE	161.48
Maurice River Township BOE	161.48
M.R.T. Petty Cash/Change Fund	1.68
M.R.T. Payroll Account	28,790.51
M.R.T. Payroll Account	33,789.32
Mary C. Hagemann	191.77
Mary C. Hagemann	82.80
New Jersey SHBP	6,872.96
New Jersey SHBP	12,749.20
NJ State Dept of Health & Service	25.80
Power of Production Studio	100.00
Positive Promotions	940.74
Preston C. Hoffman	203.50
Patricia A. Mason	203.50
Pitney Bowes, Inc	414.00
Pitney Bowes, Inc	180.00
Prudential	62.27
QC Laboratories	120.00
QC Laboratories	145.00
QC Laboratories	60.00
R.S. Animal Shelter Inc.	300.00
Riggins Inc	2,544.89
Riggins Inc	1,756.79
Riggins Inc.	1,528.43
Riggins Inc.	2,571.66
Riggins Inc.	1,974.50
Ricoh USA, Inc	50.92
Richard Polhamus	216.00
Ronald L. Sutton, Sr.	950.00
South Jersey Gas Company	710.36
Sir Speedy Printing #7057	98.00
Sheppard Bus Service Inc	180.00
Sharon E. Lloyd	203.50
Sharon E. Lloyd	165.00
State Capital Title and	125.00
Stephen P. Kernan	333.33
Staples Advantage	180.86
Staples Advantage	149.12
Staples Advantage	167.50
Selective Insurance Company	2,621.00

Stephen & Patricia Novakowski	1,739.11
Swanson Hardware Supply	.71
Spark Electric Service Inc	68.50
T&F Camera Shop, Inc.	749.95
Terri V. Davis	203.50
Tri City Paper Co.	47.80
The Home Depot	248.99
Verizon Wireless	354.32
Verizon	32.88
Vineland Auto Electric	451.21
Waste Management of NJ Inc	13,430.00
Waste Management of NJ Inc	7,217.43
W.B. Mason Co Inc.	261.10
Woodard & Curran, Inc	1,142.40
Woodard & Curran, Inc.	344.25
Woodard & Curran, Inc.	4,932.50
William r. Mints Agency	9,899.00
West	215.00
Whibco of New Jersey, Inc.	226.80
Whibco of New Jersey, Inc.	302.40
Whibco of New Jersey, Inc.	151.20
Xpress Electronic Service Inc	135.00

Mr. Sarclette made a motion to pay all properly signed bills, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

Second Public Comment Session

Mr. Sarclette made a motion to open the second public comment session at 9:49 PM, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

Bob Davidson of Port Elizabeth asked if the Township Committee has considered an assessment adjustment for location of properties next to the Sapello foundry. Michelle Behm, Tax Assessor, advised she will look into the legalities.

There being no further public comment, Mr. Sarclette made a motion to close the public comment session at 9:50 PM, seconded by Mrs. Ireland.
Roll Call: Ayes –Sarclette, Ireland Nays – None

Mr. Sarclette made a motion to adjourn, seconded by Mrs. Ireland.

Linda L. Costello, Acting Municipal Clerk

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 148-2012

A RESOLUTION AUTHORIZING CHECK NUMBER 4052 ISSUED TO GARY LEE PRECISION SAW FILING BE VOIDED AND AUTHORIZING REISSUE

WHEREAS, check number 4052, drawn against the Maurice River Township Current Fund, was issued to Gary Lee Precision Saw Filing on July 20, 2012 in the amount of $ 22.50; and

WHEREAS, check number 4052 was not cashed and is greater than 60-days old and therefore considered void; and

WHEREAS, Gary Lee has returned check number 4052 to the Chief Municipal Finance Officer due to it being greater than 60-days since issue and Mr. Lee has requested that a replacement check be issued;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP, that our Chief Municipal Finance Officer is authorized to process the necessary transactions required to issue a replacement check to be drawn on the Maurice River Township Current Fund in the amount of $ 22.50 to Gary Lee Precision Saw Filing.

MAURICE RIVER TOWNSHIP
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY

RESOLUTION NO. 149-2012

A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED:
CUMBERLAND COUNTY FUTURE WASTEWATER SERVICE AREA

WHEREAS, the Township of Maurice River desires to provide for the orderly development of wastewater facilities within Cumberland County; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on November 5, 2012, for the CUMBERLAND COUNTY FUTURE WASTEWATER SERVICE AREA has been prepared by the County of Cumberland

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP on this 15TH day of November, 2012, that:

1. The governing body of the Township of Maurice River hereby consents to the amendment entitled Cumberland County Future Wastewater Service Area publicly noticed on November 5, 2012, and prepared by the County of Cumberland for the purpose of its incorporation into the applicable WQM plan(s).

2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

CUMBERLAND COUNTY
MUTUAL AID AND ASSISTANCE AGREEMENT
BETWEEN PARTICIPATING UNITS
MAURICE RIVER TOWNSHIP
STATE OF NEW JERSEY

RESOLUTION NO. 151-2012

AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, Emergency Medical Service, fire departments, fire companies or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156:1; and

WHEREAS, the President of Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, "The New Jersey Civilian Defense and Disaster Control Act" APP.A9-33 et. seq, provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency, and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act," N.J.A.C. 52:14E-11 et. seq., commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C. 5:75A et. seq., and

WHEREAS, it is deemed to be in the best interests of the residents of this municipality and/or fire district to enter into a mutual aid and assistance agreement with the County of Cumberland and other municipalities including, but not limited to, municipal police, Emergency Medical Service or fire departments, volunteer fire companies or EMS organizations and/or fire districts to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP, County of Cumberland, and State of New Jersey as follows:

A. That the Township of Maurice River is hereby authorized and directed to enter into the Cumberland County Mutual Aid and Assistance Agreement Between Participating Units, a copy of which is attached hereto and made part hereof, on the terms and conditions contained herein.

B. That the Mayor and Township Clerk of the Township of Maurice River are hereby authorized and directed to execute said Mutual Aid and Assistance Agreement.

C. That the Township Clerk is hereby authorized and directed to forthwith file a certified copy of this Resolution and an executed copy of the Agreement with the Cumberland County Department of Emergency Services and Public Protection, Office of Emergency Management. Said Office shall serve as the central repository and shall maintain a master listing of all Participating Units to the Mutual Aid and Assistance Agreement.

MAURICE RIVER TOWNSHIP
CUMBERLAND COUNTY
STATE OF NEW JERSEY

RESOLUTION NO. 152-2012

A RESOLUTION IN SUPPORT OF A-3393, LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax ("BPPT"); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers "providing dial tone and access to 51% of a local telephone exchange"; and

WHEREAS, Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of $8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that it commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas

H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 153-2012

A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO ASSESSMENT CORRECTION AGAINST BLOCK 296 LOT 47.

WHEREAS, Maurice River Township Resolution #143-2012 authorized corrections to the 2011 and 2012 Tax Assessment Lists for Block 296 Lot 47 assessed to Stephen & Patricia Ann Novakowski, and

WHEREAS, the correction creates an overpayment of taxes for the 2011 and 2012 tax years.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Maurice River Township that Stephen and Patricia Novakowski, 97 Newell Road, P.O. Box 267, Leesburg, NJ, 08327, be reimbursed the overpayment amounts reflected below due to approved assessment corrections.

Block 296, Lot 47	**To Be Refunded**
2011 Tax Overpayment	$843.36
2012 Tax Overpayment	895.75
TOTAL	$1739.11

MAURICE RIVER TOWNSHIP

COUNTY OF CUMBERLAND

RESOLUTION NO. 154-2012

A RESOLUTION AUTHORIZING 2012 BUDGET TRANSFERS

WHEREAS, it has become necessary to expend for certain purposes specified in the Township of Maurice River 2012 Budget, amounts in excess of the respective sums appropriated therefore; and

WHEREAS, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purpose of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of such amounts to those appropriations which are insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Maurice River that the following transfers be made in the 2012 budget:

LINE ITEM TRANSFERS		**FROM**	**TO**
2-01-20-110-001-010	Governing Body S&W	4200.00	
2-01-20-120-001-010	Municipal Clerk S&W		4200.00
2-01-20-145-001-010	Tax Collection S&W		2500.00
2-01-20-145-001-200	*Tax Collection O&E*	2500.00	
2-01-20-150-001-200	Tax Assessment O&E	2000.00	
2-02-20-150-002-200	Tax Map Revisions O&E		2000.00
TOTAL		**8700.00**	**8700.00**

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 155-2012

A RESOLUTION APPROVING EMPLOYMENT OF LILLIAN J. JOHNSON IN THE POSITION OF CLERK 1

WHEREAS the Township Committee of Maurice River Township has determined that it is necessary and appropriate to employ an individual to perform clerical duties, and

WHEREAS the Township Committee of Maurice River Township has determined that it is in the best interest of the Township to hire Lillian J. Johnson in the position of Clerk 1, and

WHEREAS the Township Committee of Maurice River Township has determined that reasonable and appropriate funds are available in the budget of the Township for said purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP AS FOLLOWS:

(1) Linda L. Costello, as the designated appointing authority of the Township, may employ and hire Lillian J. Johnson to the non-competitive position of Clerk 1 effective on November 26, 2012;

(2) Said individual shall perform clerical duties for and on behalf of the Township during a 32.5 hour work week;

(3) Said individual shall be compensated per the Collective Bargaining Agreement Schedule B for the title of Clerk, at the step two rate of $11.61 per hour;

(4) Said individual is subject to a criminal background check including fingerprinting through the New Jersey State Bureau of Identification;

(5) Said employee shall be eligible for those benefits provided employees hired after January 1, 2005 and/or January 1, 2011 and is subject to the provisions of the Collective Bargaining Agreement between the Township and N.J.C.S.A., Cumberland County #18, the exclusive collective bargaining representative of the Township employees;

This hire is in conformance with the Township's Residency Ordinance.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 156-2012

A RESOLUTION AUTHORIZING AN APPLICATION FOR FEDERAL ENVIRONMENTAL PROTECTION AGENCY CLEANUP GRANT FUNDS FOR

BLOCK 230 LOT 30, 65 BROADWAY ST., COMMONLY KNOWN AS SAPELLO FOUNDRY SITE.

WHEREAS the Township of Maurice River wishes to apply to the Federal Environmental Protection Agency for Brownfields Cleanup Grant funds; and

WHEREAS, the Township of Maurice River holds title via foreclosure for unpaid taxes on Block 230, Lot 30, 65 Broadway St., commonly known as the Sapello Foundry Site, and

WHEREAS, the Township of Maurice River wishes to continue with site investigations and remediation of said properties in accordance with *N.J.S.A. 58:10b-6* as funding opportunities permit:

WHEREAS, in order to obtain the grants it is necessary to prepare detailed technical applications along with other administrative documentation covering the proposed scope of the work; and

WHEREAS, these services are of a technical nature and require the expertise of an environmental consultant, and

WHEREAS, the Firm of Woodard and Curran will provide the necessary services in order to apply for FY 2013 Brownfields Cleanup Grant for the above referenced site at an estimated cost of $2,500.00, which funds are available and designated in the 2012 Municipal Budget, and

WHEREAS, the Firm of Woodard and Curran are currently approved as a professional services provider for the Township of Maurice River for environmental consultation and Brownfields site investigation and remediation, and

WHEREAS, any grant awards through the Federal Environmental Protection Agency may be used as cost sharing for the ongoing Brownfields projects currently funded through the N.J. Economic Development Agency and N.J. Department of Environmental Protection through HDSRF grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP, that the Mayor and/or Municipal Clerk are authorized to execute grant documents on behalf of the Township of Maurice River

MAURICE RIVER TOWNSHIP

COUNTY OF CUMBERLAND

RESOLUTION NO. 157-2012

A RESOLUTION AUTHORIZING REIMBURSEMENT TO THE TAX COLLECTOR'S OFFICE CHANGE FUND FOR TAX CLERK NO. 2

WHEREAS, there were deposits of tax receipts made in the Maurice River Township Current Fund; and

WHEREAS, the cash receipts entered were in excess of the actual cash receipts and were as follows:

DATE OF RECEIPT	ACTUAL CASH RECEIVED	AMOUNT DEPOSITED	DIFFERENCE
10/02/2012	$ 1,915.12	$ 1,920.12	5.00
10/01/2012	410.91	411.00	.09

WHEREAS, the total excess deposited is $5.09 which created a shortage in the Tax Collector's Office Change Fund for Tax Clerk No. 2 of $5.09;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Municipal Finance Officer be hereby authorized to reimbursement the Tax Collector's Office - Change Fund for Tax Clerk No. 2 the amount of $5.09 which is deemed due and owing.

MAURICE RIVER TOWNSHIP

COUNTY OF CUMBERLAND

RESOLUTION NO. 158-2012

Resolution Supporting Grant Application to the National Park Service's American Battlefield Protection Program

WHEREAS, the National Park Service has funding available through its American Battlefield Protection Program, and;

WHEREAS, the Cumberland County Cultural and Heritage Commission desires to apply to the National Park Service for up to $75,000 in grant funding to identify, document, record and interpret the Revolutionary War battle site of Dallas' Landing along the shores of the Maurice River in Commercial and Maurice River Townships, and;

WHEREAS, the Battle of Dallas' Landing represents the only known officially-recorded skirmish during the Revolutionary War to occur in Cumberland County, and;

WHEREAS, the battle took place on the Maurice River between two small sailing vessels, or shallops, in which fourteen Tories were either killed or wounded by forces of the New Jersey Militia commanded by Captain James Riggins.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Maurice River, as follows:

1. That this Committee hereby supports the County of Cumberland's pursuit of grant funds from the National Park Service's American Battlefield Protection Program to identify, document, record and interpret the Revolutionary War battle site of Dallas' Landing.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 159-2012

A RESOLUTION WAIVING CONSTRUCTION PERMIT FEES FOR DAMAGE CAUSED TO STRUCTURES BY HURRICANE SANDY

WHEREAS, Hurricane Sandy struck the New Jersey coast including Maurice River Township on October 28, 2012; and

WHEREAS, Hurricane Sandy destroyed or damaged numerous dwellings within Maurice River Township especially, along the Delaware Bay communities; and

WHEREAS, property owners within Maurice River Township will be required to obtain construction permits to rebuild homes damaged by Hurricane Sandy or to obtain demolition permits to demolish homes which are beyond repair; and

WHEREAS, the Township Committee has determined that property owners should not be required to pay the Township's portion of construction permits or demolition permits; and

WHEREAS, certain property owners will be required to reside temporarily in recreational vehicles/trailers on their property sites during reconstruction.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Maurice River as follows:

1. The owners of residential units or commercial buildings damaged or destroyed by Hurricane Sandy shall not be required to pay the municipal portion of construction permits or demolition permits and said Township portion of said permits is waived.

2. The Maurice Township Construction Official shall, in his discretion, determine whether or not a dwelling unit or commercial property was damaged or destroyed by Hurricane Sandy in order for a property owner to qualify for waiver of fees.

3. The Township Zoning Officer/Construction Official shall be permitted to issue permits without fee to property owners who wish to reside temporarily in a recreational vehicle/trailer on their property site during reconstruction for damage caused by Hurricane Sandy. Said property owner shall be permitted to reside in a recreational vehicle/trailer for a maximum of ninety (90) days on their property site.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 160-2012

A RESOLUTION AUTHORIZING LEAVE OF ABSENCE WITHOUT PAY FOR DAVID BOWEN.

WHEREAS, David L. Bowen, Heavy Equipment Operator of the Maurice River Township Road Department, has met with a catastrophic medical situation, and

WHEREAS, David L. Bowen, has provided a medical note from his doctor certifying his unavailability to work, and

WHEREAS, Mr. Bowen has exhausted allotted sick and vacation time and may be seeking temporary disability, and

WHEREAS, Maurice River Township may grant David L. Bowen a leave of absence without pay per the provisions of the Council #18 Employee Contract.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that David L. Bowen is hereby granted a leave of absence without pay effective on or about November 28, 2012 for a period of three weeks.

DIXON ASSOCIATES ENGINEERING, LLC
313 E. JIM LEEDS ROAD
SUITE 200
GALLOWAY, NJ 08205
(609) 652-7131
FAX (609) 652-2513
WWW.DIXONASSOCIATES.COM

Township of Maurice River
Engineer's Report
November 15, 2012

Item	Project Name	Project Number	Status	Budget
1	East Point Shoreline Erosion Control Project	MR11007	Construction delayed. 3-6 weeks of construction after contractor mobilization.	$86,372.72

2	Thompson Beach Restoration	MR11008	Preconstruction meeting held. Construction delayed due to Hurricane Sandy. Additional $300,000 available for extra work on the project. DEP has asked if additional rubble is desired to removed from the beach.	
3	Thompson Beach Dredging	MR11008	Presentation from PSE&G to the Committee concerning dredging success to be made tonight. Field measurements performed on 11/12 indicated an average depth of 2.5' at approximately 2 hours after low tide.	
4	Carlisle Place Road – Phase 4	MR11009	Project awarded to Jerry and Sons Excavating for $140,748.10. Preconstruction meeting set for 11/28. Construction to start in December.	$170,000 Grant
5	Matts Landing Bike Path Grant Application	MR11037	DA has requested meeting with NJDOT to discuss revision to project scope and possible extension of timeline based on dike reconstruction. Dike sustained significant damage from Hurricane Sandy.	$190,000 Grant
6	Public Works Storage Shed	MR11041	Design sketch prepared for siting of new material storage building at Public Works yard.	
7	Green Acres Trails Program	MR11132	Awaiting completion of feasibility study for Port Elizabeth spur of MRT Trail. Trail length approximately 1.7 miles from Rt. 670 to Weatherby Road on Port-Cumberland Road.	
8	NJDOT Municipal Aid Grant	MR12001	NJDOT Municipal Aid Grant applications for roadway improvements to Estell Manor Road and River Road submitted via NJDOT's SAGE program on 10/8/12.	
9	MRT Bikeways Signage Grant	MR11132	$11,457 grant from Green Acres Recreational Trails program for trail signage. Sign locations determined. DA pursuing quote from local contractor for way-finding installation.	
10	Fuel Tanks	MR11010	Design sketch prepared for siting of new fuel tanks at Public Works yard.	
11	MRT Roadway Inventory	MR11001	Roadway inventory approximately 50% complete. Evaluation on-going.	
12	FEMA Letter of Intent	MR12001	Letter of Intent to pursue FEMA funding for River Road submitted on 1/27/12.	
13	River Road Outfall/Newell Road Flooding	MR12001	Lomax report prepared evaluating environmental considerations for improvements in this area. Culvert replacement on Newell Road required. DA exploring possibility of FEMA funding for roadway reconstruction.	
14	MRT 911 Fire District Map	MR12017	911 addresses being reviewed prior to map completion.	$3,000

15	Schooner Landing Road Dead End	MR12001	Request for Dead End sign still pending with NJDOT	
16	Playground Shade Structure	MR12001	OSK Architects authorized for design of shade structure. Public Works to construct.	$500.00
17	Waterfront Access Plan	MR12001	Township has identified 20 sites for access to tidal waters. Matrix to be prepared regarding functionality (i.e. – boat ramp, fishing, wildlife viewing, etc.). Plan to be adopted by Land Use Board. Application to Sustainable Jersey to fund plan. Work is being coordinated by Township Planner.	
18	ATV Park	MR12018	Township to submit 3 alternatives to Pinelands for ATV Park siting. Meeting TBD.	
19	Hands Mill Road Playground	MR12001	County has indicated that "Children at Play" signs will be installed by playground.	
20	MRT Wastewater Management Plan	MR12001	MRT Sewer Service Areas shown on County Plan. Public hearing scheduled for 6:30 pm on 12/11 at the County 4-H Building.	
21	MRT Flood Control	MR12150	Preliminary evaluation of flood protection berm being considered.	