

**MAURICE RIVER TOWNSHIP  
BILL & AGENDA REVIEW MEETING  
Monday, June 16, 2014– 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 Sarclette**

**Roll Call**

- A. Gordon Gross, OEM & HO/ZO Report
- B. Allen Foster, CMFO Report
- C. Discussion Items
  - 1. Unsafe Structure Hearing – 49 High Street (Murphy)
  - 2.
  - 3.
- D. Misc. Report of Operations
- E. Township Committee Concerns
- F. Review of Agenda for June 19, 2014
- G. Public Comment
- H. Executive Session - Resolution #79-2014 re: Personnel
- I. Review of Bills
- J. Adjournment

**Monday, June 16, 2014, 7:30 P.M.**  
**Bill & Agenda Review Meeting**

PRESENT: Andrew Sarclette, Mayor  
Patricia Gross, Deputy Mayor  
Kathy Ireland, Committeewoman  
Frank DiDomenico, Solicitor  
Allen Foster, Finance Officer  
Linda L. Costello, Acting Municipal Clerk

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

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

**ROLL CALL:** Mr. Sarclette, present  
Mrs. Gross, present  
Mrs. Ireland, present

**Unsafe Structure Hearing**

Mr. DiDomenico advised a hearing will be held regarding an unsafe structure at 49 High Street, also known as Block 290, Lot 9. The owner of record is Katherine Murphy who was present. Mr. DiDomenico advised a title search was completed and no further notices were required to be sent. Mr. DiDomenico swore in Gordon L. Gross, Construction Official and Housing/Zoning Officer and Mrs. Katherine Murphy, owner of the property.

DiDomenico to Murphy: Did you receive the notice of this hearing.

Murphy: Yes

DiDomenico to Murphy: Did you receive two notices sent in January?

Murphy: No, someone else was getting my mail.

DiDomenico: The green card (certified mailing) was signed for, but I can't make out the name.

DiDomenico to Murphy: Did you receive a notice sent to you on February 18<sup>th</sup>?

Murphy: No, someone else is getting my mail.

DiDomenico to Murphy: Do you understand the reason for tonight's proceedings?

Murphy: Not really.

DiDomenico: Also present tonight are two fire chiefs.

Murphy: Why?

DiDomenico: The fire companies have been to the property on three occasions for fire calls. Someone was living there and made to leave.

Murphy: Don't know who was living there. I had the brick tested by Irick Engineering and they said it was safe.

DiDomenico: This hearing is to determine if the garage will be demolished.

DiDomenico to Gross: What is your job with the Township?

Gross: Construction Official and Zoning Officer.

DiDomenico to Gross: Have you inspected this property in the past?

Gross: Yes. The first time inspected sometime in December. There was a fire call in December reporting someone was burning a wood stove. They were told they had to

leave. A notice was sent in January to Mrs. Murphy. There was a second fire call on January 10<sup>th</sup> and a notice was sent.

DiDomenico to Gross: What was the notice for?

Gross: Notifying the owner that the property must be vacated. The building is an accessory (structure) to the home, which the home was destroyed. The building is not habitable. Egress windows do not meet code; some windows missing and covered with wood. The roof is covered by tarps. In January people were living there.

DiDomenico to Gross: Who was living there?

Gross: I believe it was her son. On February 9<sup>th</sup> there was another fire call. A notice was sent advising of structural collapse due to fire suppression.

DiDomenico to Gross: Which fire companies responded?

Gross: Number 1 and Number 2.

DiDomenico to Gross: Were the chiefs present?

Gross: Yes

DiDomenico to Gross: Did you receive any response to the notices sent?

Gross: No

DiDomenico to Murphy: Did you receive the notices sent by Mr. Gross:

Murphy: I have them now.

DiDomenico to Gross: Who took the pictures of the building?

Gross: I did.

DiDomenico to Gross: When was the last time you visited the property?

Gross: 6:30 tonight.

DiDomenico to Gross: Is the condition worse.

Gross: No

DiDomenico to Gross: Have you had access to the inside of the building?

Gross: No. Female on the site did not allow us in.

DiDomenico to Gross: Will you explain the pictures attached to the February notice?

Gross: First photo shows the structure covered with a tarp and a rope holding the door. No windows are on the front; windows are required in bedrooms. Don't know where bedrooms are. Building still looks the same.

Second photo is the side showing windows boarded with plywood. Side is still the same.

Third photo shows a close-up of the windows which don't meet egress code. The window on the left is boarded over.

Fourth photo is rear of building. Three windows are boarded over. A large crack and hole can be seen. And the tarp covering the roof.

Fifth photo is the opposite side.

DiDomenico to Gross: Are the pictures an accurate depiction of the property?

Gross: Yes

DiDomenico to Gross: Is the junk and debris still in the yard?

Gross: Yes

Gross: The next picture shows property maintenance issues.

DiDomenico to Gross: Are the issues still on the site?

Gross: Yes

DiDomenico to Gross: Do the property maintenance issues affect habitability?

Gross: No

DiDomenico to Gross: Is the building habitable?

Gross: No

DiDomenico to Gross: Can it be repaired?

Gross: No. It is an accessory structure not a dwelling.

Mr. DiDomenico stated Patricia Gross will be abstaining from the hearing. He asked if the other Township Committee members had questions.

Sarclette to Gross: Has the building ever been legally used as a residence?

Gross: No.

Sarclette to Gross: Does it have a well and septic?

Gross: I don't know. The square footage cannot meet the minimum requirements.

Murphy: On October 1, 2001 there was a fire and the township gave me two days or the house would be demolished.

Sarclette to Gross: Is it accurate that the township would not let her build?

Gross: No, nothing came before the township. I have the zoning file and I see nothing regarding rebuilding the house.

Sarclette to Gross: To have an accessory use there must be a principle use and would need Land Use Board approval.

DiDomenico: This is a code violation and would need a use variance.

DiDomenico to Murphy: Do you have any questions on the photos?

Murphy: I don't understand why people are going behind the fence.

DiDomenico to Murphy: How did you find out about tonight's hearing?

Murphy: I just moved back to the area.

Mr. DiDomenico swore in Fire Chief Michael Phillips of Leesburg Vol. Fire Co.

DiDomenico to Phillips: How long have you been Chief of Leesburg Fire Co.?

Phillips: Three to four years.

DiDomenico to Phillips: Are you familiar with the property?

Phillips: Yes. We have responded to this property three times for a structure fire over the past six to eight months.

DiDomenico to Phillips: Do you respond with a crew?

Phillips: Procedures are set-up for structure fire calls and each fire company can set-up for response. Leesburg responds with three pieces of equipment. Station 25 dispatched for tanker/tender. Mauricetown dispatched with one unit. Port Norris is dispatched with a ladder truck.

DiDomenico to Phillips: Do you recall the last fire?

Phillips: I don't recall the date but I was the incident commander. The call was for smoke on the B-side of the building (left side).

DiDomenico to Phillips: Was there an active fire?

Phillips: Assumed the fire was coming from a woodstove.

DiDomenico to Phillips: Did you go inside?

Phillips: Yes

DiDomenico to Phillips: What was the condition inside?

Phillips: Quite deplorable. There was a couch, chairs and a mattress against the wall. There were remnants of blankets and car batteries with lights attached.

DiDomenico to Phillips: How did you enter?

Phillips: Initially knocked several times. Fellow Chief Bob Whildin advised we would have to kick the door in if not opened. A girl came to the door and another person, male, came out.

DiDomenico to Phillips: Was there any indication of a bathroom, running water or kitchen facilities?

Phillips: There was a table with soda and chips on it.

DiDomenico to Phillips: Was the condition of the house safe?

Phillips: No. The roof was made from 2x8's and 2x10's and about 2" was rotted. The roof was absolutely not safe.

DiDomenico to Phillips: Did the roof leak?

Phillips: I assume so due to the tarps.

DiDomenico to Phillips: What was the cause of the smoke?

Phillips: Fire from a wood stove.

DiDomenico to Phillips: Was the wood stove properly installed?

Phillips: No it was not.

DiDomenico to Phillips: Do you know the proper installation of a wood stove?

Phillips: I do. This was sitting on cinder blocks with pipe going straight through the wall and did not go above the roof line.

DiDomenico to Murphy: Do you have any questions for Chief Phillips?

Murphy: Why didn't anyone let her know? She had someone keeping an eye on the property.

Phillips: The NJ State Police were contacted after the third call since this is a nuisance. A lot of apparatus is called out and there is concern for the people living in there.

Mr. DiDomenico asked if any of the Township Committee Members had questions.

Mr. Sarclette stated no fire is desired but there is also concern by himself and the Chief regarding safety of the crew.

Mr. Phillips stated it was made very clear the people had to go and if the building did catch fire the firemen would not be allowed to enter. They responded they were not living there just hanging out.

DiDomenico to Phillips: Why wouldn't you let the firemen enter? Is it due to the condition of the roof and walls?

Phillips: Yes. The first time we would go in but after witnessing condition of the structure we would not enter again.

Mr. DiDomenico swore in Fire Chief Robert Whildin of Heislerville Volunteer Fire Co.

DiDomenico to Whildin: Are you familiar with the building?

Whildin: Yes

DiDomenico to Whildin: Have you been to the site for fires?

Whildin: Yes

DiDomenico to Whildin: Have you been to the property with Chief Phillips?

Whildin: Yes

DiDomenico to Whildin: How many times?

Whildin: All three times.

DiDomenico to Whildin: Did you hear Mr. Phillips explain the condition of the roof?

Whildin: Yes. Our men were not permitted in.

DiDomenico to Whildin: How would you describe the building?

Whildin: Deplorable. We could see daylight through the rotted roof. It was not burnt, just rotted.

DiDomenico to Whildin: How far in did you enter the building?

Whildin: About 2 feet.

DiDomenico to Whildin: Did you get the same first impression as Chief Phillips?

Whildin: First thing I kicked a car battery which had a light attached.

DiDomenico to Whildin: Did you see any bathroom, kitchen or sink.

Whildin: It was one large room with a sofa and mattress.

DiDomenico to Whildin: Was it suitable for habitation?

Whildin: No

DiDomenico to Whildin: How long have you been a fireman?

Whildin: 28 years.

DiDomenico to Whildin: Would you consider the building safe or unsafe?

Whildin: Unsafe

DiDomenico to Whildin: Do you know about safety of structures?

Whildin: Yes and I would not let the firemen in the house.

DiDomenico to Whildin: Do you witness Chief Phillips knock on the door three or four times?

Whildin: Yes. And they were told to unlock the door or we would knock the door down.

DiDomenico to Whildin: Were there people on the property?

Whildin: Every time we went there. There was evidence of soda, water and sandwich wrappers.

DiDomenico to Whildin: Do you recall the last date you were called there?

Whildin: I don't know the date but it was cold out and there was ice on the roads. The road conditions were bad due to snow.

Mrs. Murphy asked when this happened was it daytime or nighttime?

Mr. Gross responded the dispatch on February 9<sup>th</sup> was at 11:41 a.m. He had a copy of the dispatch report.

Mrs. Murphy asked if all the calls were in the daytime.

Mr. Gross responded Yes. Mr. Gross advised the call was made to the 9-1-1 Center which dispatches the fire calls; it is unknown who reported the fires.

Mr. DiDomenico asked if there were any other questions for the Fire Chiefs, if not they may be dismissed. Chief Phillips and Chief Whildin were dismissed from the hearing.

Mr. DiDomenico asked Mr. Gross if the building can be repaired to be habitable. Mr. Gross responded No.

Mrs. Murphy stated she tried to rebuild and got bounced around. There are other places worse than hers and she is the only one getting picked on. She wasn't allowed to rebuild.

Mr. DiDomenico asked Mrs. Murphy if she disputes what was said. Mrs. Murphy responded she did not know the condition, she has not been there. She knew there is no electric and there is a hand pump for water. Mr. DiDomenico asked if it is true it is one big room with no kitchen or bedroom? Mrs. Murphy said there should have been.

Mrs. Murphy stated she was denied to build and also denied to put a trailer on the property temporarily. She tried to get the building converted when there was a house fire and was denied.

DiDomenico to Murphy: What is your plan for the structure?

Murphy: Want to get the roof fixed and convert to a house.

DiDomenico to Murphy: Who denied your permits, Mr. Gross?

Murphy: No, the other construction official (Mr. Higgs).

Mr. DiDomenico advised based on the testimony of three professionals the building is not suitable for habitation.

Mrs. Murphy stated she was not aware there is an appeal process. She stated she has pictures of other properties worse than hers and she should be permitted to have people live there.

Mr. DiDomenico to Murphy: Do you have people living there.

Murphy: No I don't have people living there.

Mrs. Murphy approached Mr. DiDomenico to show him pictures she took of other properties. Mr. DiDomenico advised if she shows him the pictures he would have to keep them. Mrs. Murphy showed him the photos which Mr. DiDomenico labeled exhibits #1 through #13. Mr. DiDomenico advised this is a different issue and the purpose of tonight's hearing is to determine if the accessory structure is habitable and safe? Mrs. Murphy stated she wants to make it a house.

DiDomenico to Murphy: When was the last time you were at the property?

Murphy: Two years ago. I just came back from out of state.

Mr. Sarclette stated he saw Mrs. Murphy at the property on his way to this meeting tonight.

Mrs. Murphy stated she does not have a key, someone changed the lock.

Mr. Sarclette commented that this is the third unsafe structure hearing this year and there is a list of twenty-eight properties with violations so the Township is not singling her out; the Township is trying to address all the issues.

Mr. DiDomenico asked Mrs. Murphy again, when the last time she was at the property.

Mrs. Murphy replied two years ago and she has not been around.

Mr. Gross advised he has copies of all the structural reports from 2001 through 2007 for the house not the garage. He stated the property is surrounded by wetlands. She (Mrs. Murphy) would have to get wetland delineations to build and no applications have ever been made.

Mr. DiDomenico asked if there is anything else to be discussed or if there are any other witnesses. Mrs. Murphy stated her daughter is present. Mr. DiDomenico swore in Jacqueline Murphy. She stated "That is my mother" (pointing to Katherine Murphy). Ms. Murphy stated she did not know anything was going on. She lives an hour away in Bridgeton and has not had a car for four years. She stated she did not know about the fires or people living there. She can help her Mom repair the roof and the block work. She stated years back there was a kitchen in the building. She said people break in there. Mr. DiDomenico asked if she knows if there is a kitchen or bathroom in the building. She replied, not sure if kitchen or bathroom but there were two bedrooms along time ago. She said there was electric, no running water but there is a hand pump. She stated when she had a car she would have been there and cleaned up. Mr. DiDomenico asked the last time Ms. Murphy was inside the building. She replied four years ago.

Mr. Sarclette asked how many times they have been in court for grass and debris violations, noting they may have the means and ability to make the garage a house but it can't meet code.

Mrs. Ireland asked Mr. Gross if they wish to build and need to go outside the footprint will they need approvals. Mr. Gross responded they need everything, board approvals and county approval for a septic, before he can approve a house. Mr. Sarclette confirmed the original house was a separate structure and not the garage which is an accessory building.

Katherine Murphy stated she doesn't understand why the building will be demolished. Mr. DiDomenico advised if the building is structurally unsafe the township can demolish.

Mr. DiDomenico stated the hearing will be closed. He noted Mrs. Gross will be recusing from voting since she is married to Gordon Gross.

Mrs. Murphy asked is she will have a chance to do something with the property?

Mr. DiDomenico asked Mr. Gross if the garage is habitable and should it have been occupied. Mr. Gross replied, No.

Mr. Sarclette stated he cannot see any circumstance to be in favor of making the garage into a house based on testimony the place is deplorable. He also has not heard that they have the means or desire to be on site to manage the property. Mr. Sarclette stated no one has ever come before the Township Committee.

Mrs. Ireland made a motion declaring the structure at 49 High Street unsafe and not habitable for humans and authorized to demolish the structure. Motion seconded by Mr. Sarclette.

Roll Call:       Ayes – Ireland, Sarclette       Nays – None       Abstentions – Gross

Mr. DiDomenico advised Mrs. Murphy the structure has been deemed unsafe, uninhabitable, and dangerous to the public. He advised she has thirty days to do something before the Township will demolish. Mrs. Murphy commented she will contact Irick Engineering.

### **Gordon Gross, OEM & HO/ZO Report**

Gordon Gross advised there are two properties owned by NJDEP that are in terrible condition; Fish Tails at Matts Landing and the old Cedar Lake Campground. He stated they have paved at Fish Tails and people line up to go there, but the property is not cleaned up. He stated at Cedar Lake the doors are kicked in, the grass is 4' tall, and the building is starting to fall down. Mr. Sarclette suggested he contact Laurie Pettigrew at NJDEP to discuss options.

Mr. Gross advised the EMA funding will be coming to an end June 30<sup>th</sup>. Mr. Sarclette and Mr. Gross will discuss further.

Mr. Gross advised he has spoken with Cormac Morrissey regarding a drainage issue at Leechester Hall which floods the Leesburg Fire House. He advised Mr. Morrissey has a plan. Mr. Sarclette asked if it is something the Road Department can do and are they aware of the situation. Mrs. Gross asked if this happened before the remodel.

Mr. Gross reported on the progress of updates to the Multi Jurisdictional Hazardous Mitigation Plan which is being facilitated through the County OEM. A local kick off meeting was held which went very well. The mitigation plan is available for review on the township's website and there are flyers available in the Municipal Hall which were supplied by the mitigation group. The next meeting will be held August 20<sup>th</sup> and residents, business owners and environmental groups are all invited to attend and participate in the process. Community involvement is welcomed and residents are invited to join the working group.

Mr. Gross asked if a no parking zone has been established at the end of Schooner Landing Road. He heard that someone was issued a ticket. Mr. Sarclette responded that signage will be emplaced through a joint effort of The Nature Conservancy and NJDOT. He also stated the NJSP can issue tickets for trespassing if there isn't any signage.

### **Allen Foster, CMFO Report**

Mr. Foster provided copies of the budget status report to the Township Committee.

Mr. Sarclette asked the status of bid specs for a loader. Mr. DiDomenico and Mr. Foster will coordinate. Options were discussed regarding trade-in or on-line sale of equipment no longer needed.

Mr. Foster advised all email accounts will be switch over from Webmail to Office 365 by the end of the week.

### **Discussion Items**

1. Unsafe Structure Hearing – 49 High Street (Murphy)  
See minutes at beginning of meeting re: Demolition hearing.

### **Misc. Report of Operations**

Mrs. Costello advised three quotes were obtained for the driveway repairs to the Municipal Hall. Mrs. Ireland made a motion to approve Eastern Wall Systems quote of \$4,775.00, seconded by Mrs. Gross.

Roll Call: Ayes – Ireland, Gross, Sarclette Nays –None

Mrs. Gross asked if funds are available to support the Light House Challenge to be held in the fall. Mr. Foster advised there are funds available in the line item for celebration of public events.

Mrs. Ireland advised CDC is waiting to hear if Maurice River Township will be adopting a resolution like Downe Township regarding tax assessor legislation.

### **Township Committee Concerns**

Mrs. Gross advised she met with Senator Van Drew and he will support a request to NJDEP for use of property on Route 47 for potential vending site for veterans. Mrs. Gross will be providing a letter with more details to Senator Van Drew requesting three vendor sites.

### **Review of Agenda for June 19, 2014**

The Acting Clerk next reviewed the draft agenda for the upcoming June 19, 2014 meeting.

### **Public Comment**

Mrs. Ireland made a motion to open the public comment session at 9:55 P.M., seconded by Mrs. Gross.

Roll Call: Ayes – Gross, Ireland, Sarclette Nays – None

Mrs. Costello advised George Kumor had requested she advise the Committee he has been in touch with Larry Niles and has reviewed the requests for a beach closure ordinance, noting he is aware of what Fortescue has done. He suggests listing the exempt areas but suggests the ordinance be prepared for next year since we are currently in horseshoe crab season. Mr. Sarclette commented that the ordinance should be specific as to the areas that will be accessible.

Mrs. Ireland made a motion to close the public comment session, seconded by Mrs. Gross at 9:58 P.M.

Roll Call: Ayes – Gross, Ireland, Sarclette Nays – None

### **Executive Session**

Resolution #79-2014 A Resolution Providing For A Closed Session Not Open To The Public In Accordance With The Provisions Of The New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

Mrs. Costello noted the purpose of the executive session is to discuss three personnel title promotions. The session is anticipated to last twenty minutes. Action will not be taken.

Mrs. Ireland made a motion to adopt Resolution #79-2014, seconded by Mrs. Gross.

Roll Call: Ayes – Gross, Ireland, Sarclette Nays – None

Mrs. Ireland made a motion to reconvene the public session at 10:25, seconded by Mrs. Gross.

Roll Call: Ayes – Gross, Ireland, Sarclette Nays – None

Mr. Sarclette asked if bid specs have been prepared for Estell Manor Road. Mr. DiDomenico will contact Cormac Morrissey.

### **Review of Bills**

The remainder of the meeting was dedicated to the review of bills for approval at the June 19, 2014 meeting.

### **Adjournment**

Mrs. Ireland made a motion to adjourn, seconded by Mrs. Gross.

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Linda L. Costello, Acting Municipal Clerk