

**MAURICE RIVER TOWNSHIP
AGENDA
Thursday, September 15, 2016 – 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. Approval of Minutes of prior meetings

B. Presentations

1. N.J.S.P.
2. Proclamation – Knock Out Opiate Abuse Day

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

D. Ordinances

1. Second reading by title Ordinance 653 – An Ordinance Of The Township Of Maurice River, County Of Cumberland, State Of New Jersey, Authorizing Purchase Of A Dump Truck In The Amount Of \$160,000
2. Second Reading by title Ordinance 651 - An Ordinance Of The Township Of Maurice River, Cumberland County, Governing The Maintenance Of Vacant Property, Establishing Requirements For Registration And Requiring A Registration Fee On Owners Of Vacant Properties

E. Consent Agenda Resolutions

<p>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.</p>

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|-----|----------------|----------|---|
| * 1 | Resolution No. | 111-2016 | A Resolution And Order For Demolition Of An Unsafe Structure Located At 3095 And 3097 Route 47, Maurice River Township, Cumberland County, New Jersey, Known As Block 221, Lot 16, Owned By Henry Perez, As Unfit For Human Habitation Or Use Due To Dilapidation Or Defect |
| * 2 | Resolution No. | 112-2016 | A Resolution Authorizing The Cutting Of Grass And Property Maintenance Cleanup At 656 Main Street, Block 282, Lot 2 And Assessment Of A Maintenance Lien Thereon. |
| * 3 | Resolution No. | 113-2016 | A Resolution Authorizing The Cutting Of Grass And Property Maintenance Cleanup At 5 Station Road, Block 283, Lot 5 And Assessment Of A Maintenance Lien Thereon. |
| * 4 | Resolution No. | 114-2016 | A Resolution Authorizing The Cutting Of Grass And Property Maintenance Cleanup At 3545 Route 47, Block 229, Lot 8.01 And Assessment Of A Maintenance Lien Thereon |

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|-----|----------------|----------|---|
| * 5 | Resolution No. | 115-2016 | A Resolution Authorizing The Cutting Of Grass And Property Maintenance Cleanup At 3599 Route 47, Block 230, Lot 12 And Assessment Of A Maintenance Lien Thereon |
| * 6 | Resolution No. | 116-2016 | A Resolution Authorizing The Levying Of Additional Fees For Property Maintenance Conducted By The Township For Violations Against Property At 31 MacDonald Lane (Block 312, Lot 10), Heislerville |
| * 7 | Resolution No. | 117-2016 | A Resolution Authorizing The Levying Of Fees For Property Maintenance Conducted By The Township For Violations Against Property At 5 Station Road (Block 283, Lot 5), Leesburg |

F. Township Committee Reports

Discussion (*Tabled from Mondays Meeting*)

1. 3599 Route 47 – Gordon Gross request to maintain property
2. 656 Main Street – Gordon Gross request to maintain property
3. 3545 Route 47 – Gordon Gross request to maintain property
4. 5 Station Road – Gordon Gross request to maintain property
5. Library stipend
6. Mr. Gravenstine request to place original MRT Fire Marshall Emblem on 1989 Caprice as part of his restoration process.
7. Supervisor for Senior Center
8. Marine Council Meeting on Crab Pots

G. Professional Reports

Engineer

Solicitor

OLD BUSINESS

H. Announcements

1. A Senior Dance is scheduled for Saturday, September 17, 2016 from 1:00 pm to 4:00 pm at the Leechester Hall.
2. The 31st Annual International Coastal Cleanup, hosted by the NJ Clean Communities Council in NJ, will take place on September 17th. Interested volunteers should contact Louann Karrer, Clean Communities Coordinator for additional information.
3. There is a Township Wide Yard Sale scheduled for Saturday, October 15th, 2016 (Rain Date October 16, 2016)
4. The Municipal Offices will be closed on Monday, October 10, 2016 in observance of Columbus Day.

I. Correspondence

1. Ralph Rivera (estate of Donato Rivera) letter dated August 18, 2016 requesting to quit claim Block 142 Lot 13 to the Township of Maurice River. A copy was forwarded to Frank DiDomenico.

2. A quit claim request dated August 15, 2016 from Mary Kamarinos for Block 63 Lots 1 & 2. This request was forwarded to Frank DiDomenico on August 29, 2016.
3. A quit claim request received on August 29, 2016 from Dana Rooney as Executor for the estate of Rose Gagliardi for Block 98 Lots 12 & 13. This request was forwarded to Frank DiDomenico on August 29, 2016.
4. A news release from Atlantic City Electric dated August 24, 2016 stating that the BPU approved the stipulation of settlement for Atlantic City Electric to increase its electric distribution rates.
5. A letter dated August 29, 2016 from Cumberland Volunteer Fire and Fire Commissioners thanking the township for removing the tree limbs and brush around the fire company.
6. A letter from CCIA dated August 29, 2016 regarding Amendment 25 of the Cumberland County Solid Waste Management Plan.
7. A letter dated August 31, 2016 from Loretta Williams of Newfield requesting support for Property Tax Reform specifically funding of public schools.

NEW BUSINESS

J. Correspondence

1. Cumberland County 4-H Horse Club is requesting participation in the Clean Communities road Cleanup program.
2. Leesburg United Methodist Church request dated September 6, 2016 to waive the permit fees related to the recent fire inspection of the Fellowship Hall.
3. Leesburg United Methodist Church request dated September 6, 2016 to waive the permit fees related to the recent fire inspection of the Church.
4. Delmont United Methodist Church request dated September 5, 2016 to waive the permit fees related to the recent fire inspection of the Church.
5. Steven McPherson, Cumberland Pond Trailer Park, application for license to operate a mobile home park. Taxes and monthly fees are paid to date.
6. EDC and CDC request to hold a meeting in the Municipal Building on Wednesday, October 12, 2016.

REPORTS

Treasurers Report	\$2,114,660.57
Road Dept. Report August 2016	
Ron's Animal Control Monthly Reports August 2016	

PAYMENT OF BILLS

SECOND PUBLIC COMMENT SESSION

ADJOURNMENT

Thursday, September 15, 2016 - 7:30 pm

PRESENT: Andrew Sarclette, Mayor
Patricia Gross, Deputy Mayor
J. Roy Oliver, Committeeman
Frank DiDomenico, Solicitor
Cormac Morrissey, Engineer
Denise L. Peterson, Municipal Clerk

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

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

ROLL CALL: Mr. Sarclette, present
Mrs. Gross, present
Mr. Oliver, present

Approval of Minutes

Mrs. Gross made a motion to approve the minutes of August 18, 2016 and September 8, 2016 meetings, seconded by Mr. Oliver.

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

Presentations

1. N.J.S.P.

Station Commander Officer Bauer of the Port Norris Barracks provided the following report of activity in the month of August:

Motor Vehicle Accidents	21
Motor Vehicle Stops	269
Property Checks	104
Thefts	2

Officer Bauer explained that the two thefts were a credit card number and the other was irrigation equipment. This has been a very busy summer for the NJSP. Officer Bauer reported that the thefts have been knocked down in the area. Most of the reported thefts have been solved.

Officer Bauer asked for questions from the Township Committee. Mr. Sarclette asked if bike patrols will be out for Halloween. Officer Bauer stated that the Cumberland County Sheriff's Department will be handling bike patrol on Halloween as the program under NJSP only has two certified bike troopers and one is a sergeant who does not leave the station. Bike patrol must ride in tandem so they are very limited.

Mrs. Gross thanked Officer Bauer for NJSP attendance at the Family Night Out event and the surprise showing of the helicopter. Both kids and adults enjoyed seeing the helicopter. This made the night so much more special.

Mr. Oliver thanked Officer Bauer for all that they do for the township. Mr. Oliver stated that we are thankful for the quality of life that Maurice River Township residents have and the NJSP have contributed a lot to that quality of life.

2. Proclamation – Knock Out Opiate Abuse Day

Mrs. Gross accepted the proclamation on behalf of the Municipal Alliance.

First Public Comments Session (Limit 30 Minutes Total)

Mrs. Gross made a motion to open the first public comments session noting the time at 7:49 pm; seconded by Mr. Oliver.

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

Steven Land, Hands Mill Road, Delmont, stated that his neighbors are using the park on Hands Mill Road for their personal dog park. Mr. Land stated that for a year he has talked to the Park's family, also on Hands Mill Road, about using the playground as their dog pen. They allow the dogs in the park to use as a bathroom and they do not clean up after them. The dog catcher did come out but he did not do anything. Mr. Land believes that public works has witnessed the dogs in the park. Mr. Land asked if there was an ordinance prohibiting this behavior or can a sign be placed in the park to deter this ongoing situation. Last night there was a situation and the State Police were called and the Park's family came down and a yelling match ensued. Mr. Land asked the Park's family what needed to be done to get them to stop bringing their dogs in the park? The Park's family replied their daughter was in the park with them. This situation stopped for a short period of time but not it has started again. Mr. Land asked if leashes could be mandatory in the park and cleaning up after dogs. Mr. Sarclette said that it will be checked into see "what" regulations are on the books pertaining to dogs. Mr. Sarclette asked the clerk to pull the township ordinances that regulate this situation.

Dennis Bailey, President of the Maurice River Heritage Society, stated there were concerns about the lease agreement for the Port Elizabeth Library. Mr. Sarclette stated that the Township Committee is supportive of the project and what the Heritage Society is doing. The issue that the Township Committee has to be concerned is tax payer dollars and constructing the lease so that it beneficial to your organization but also not a blank check for the township to pay. Currently the Library Association receives an annual stipend but they were not using the building much and there were limited costs associated with their lease. Mr. Sarclette stated that presently the HVAC is being installed which could potentially increase the usage of the building and electric cost to the township. There must be a dialogue between the Heritage Society and the Township to establish responsibility.

It was discussed regarding the available options for bathroom facilities and the possibility of placing a port-o-potty on site. Further discussion regarding handicapped accessibility and the responsibility of the township in this regard took place. Clarification of ADA is needed because of the possibility of meetings and/or events being open to the public and the lack of handicapped accessibility. Mr. Morrissey suggested that a 'switch ramp' could be placed at the back door. Mrs. Gross suggested investigating the temporary access ramp available to veterans.

Further discussion took place regarding the historical designation. Mr. Oliver suggested to the Heritage Society to investigate having the building placed on the county and/or state registry.

Mr. Bailey stated that the Heritage Society does not need the stipend that was previously paid to the Library Association. The Heritage Society will raise the funds for display cases and supplies needed. The current contents of the library were discussed and how it would be disposed of or given away appropriately. It was discussed that 501(c) organizations upon dissolving should bestow their assets to another 501(c). It was discussed that the Library Association had made inquiries to other organizations about the books (which are old) and no one was interested. Mr. Bailey stated that there are some historical books which his organization would be interested in but there are other books that they would have no use for. The main concern is the proper disposal or distribution of the items that the historical society is not interested in. Mrs. Gross suggested disposing of the unwanted books through Clean Communities; contribute toward the tonnage. Mr. Bailey stated that there are thousands of books in the library. Mr. Sarclette stated that the main concern is the proper distribution of the property. Mr. Bailey stated that he believes the books belong to the Library Association and if they give to him then his organization would be responsible for the proper handling of the items.

Mr. DiDomenico stated that since there is no historical designation for the library that once it becomes a public accessible building it must be made ADA accessible. Mr. Sarclette questioned if a

501(c) non-profit is using the building is it still considered "public". Mr. DiDomenico stated that the township owns the building. It was discussed that the Library Association had the lease previously as a 501(c) non-profit and the subject was not broached. Mr. DiDomenico added that it only takes one person to request the ramp or handicapped accessible restroom. Mr. Morrissey stated that handicapped includes getting onto the site and being able to get in the building. Mr. Morrissey added that the building needs to be painted on the inside, the chimney demolition is almost done and the HVAC will be installed in the next couple weeks. Mr. Morrissey stated that the floors and walls of this building are not insulated; insulation could be blown into the walls.

Mr. Sarclette asked the solicitor if the agreement could include wording regarding the ADA accessibility issue. Mr. DiDomenico stated that he prepared a 'draft' of the lease; Mr. Bailey acknowledged receipt of this draft. Mr. DiDomenico stated that the lease can include wording which includes 'required ADA renovations' or other purposes that the Township Committee can cancel the lease immediately or the Heritage Society can elect to make the renovations with the township approval. Mr. Sarclette said the monthly bills to the township must still be worked out and regarding the ADA issue sometimes there are grants available.

Lelaine Munyon, Bricksboro, thanked the Township Committee for working on the problem with flooding in Bricksboro. Ms. Munyon asked the Township Committee opinion on how to handle the groundhog problem which is becoming worse in the Bricksboro area; she was not sure of the procedure for trapping, etc. Mr. Ken Whildin stated that groundhogs can be trapped but you must get rid of them yourself and they are not to be relocated. Ms. Munyon asked if animal control can handle. Animal control will only deal with domestic animal problems. Mr. Sarclette offered that Fish & Game deal with wild animals but they will not do anything about it. Ms. Munyon confirmed that groundhogs can be trapped and then killed because they are a nuisance animal, however you cannot shoot a gun in town.

Stanley Novakowski, 11 Newell Road Leesburg, asked the status of the Leesburg Volunteer Fire Company fire siren. Mr. Sarclette provided a synopsis of the progress so far to have the siren fixed and is hoping for in a couple weeks something will be done. Mr. Sarclette advised that the fireman do have an alert system for emergency notification but is aware that a siren is helpful.

Mrs. Gross made a motion to close the first public comments session noting the time at 8:17 pm; seconded by Mr. Oliver.

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

Ordinances

Ordinance 653 - The clerk gave the second reading by title Ordinance 653 – An Ordinance Of The Township Of Maurice River, County Of Cumberland, State Of New Jersey, Authorizing Purchase Of A Dump Truck In The Amount Of \$160,000

Mrs. Gross made a motion to open the public hearing for Ordinance 653; seconded by Mr. Oliver.

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

Mr. Sarclette explained that this ordinance allocates funding for the purchase of a new dump truck for the road department.

There was no public comment or questions regarding Ordinance 653.

Mrs. Gross made a motion to close the public hearing for Ordinance 653; seconded by Mr. Oliver.

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

Mrs. Gross made a motion to adopt Ordinance 653; seconded by Mr. Oliver.

Roll Call: Ayes – Gross, Oliver, Sarclette Nays - None

Ordinance 651

The clerk gave the second reading by title Ordinance 651 - An Ordinance Of The Township Of Maurice River, Cumberland County, Governing The Maintenance Of Vacant Property, Establishing Requirements For Registration And Requiring A Registration Fee On Owners Of Vacant Properties

Mrs. Gross made a motion to open the public hearing for Ordinance 651; seconded by Mr. Oliver.

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

Mr. DiDomenico summarized Ordinance 651 for the public. Mr. DiDomenico explained that this ordinance which sets standards for abandoned properties and there is a graduated fee for properties that are considered abandoned or empty. The first annual fee will be \$1,000, the second year the fee is \$2,000 and the third year and beyond is \$3,000. This ordinance also requires that the owner post a signage indicating that the property is vacant and the properties are subject to inspection and applies to both residential and commercial properties. There was discussion at the first reading by committee members about applying this ordinance to commercial properties. The purpose is to encourage upkeep of the properties as there is a problem in the township with abandoned properties. The intention is to generate fees in the event the township has to take care of cleanup and encourage property owners to maintain the properties.

Mr. Sarclette stated that other municipalities are also enacting this type ordinance because a lot of banks are taking ownership of properties and then because there is no fast sale they do not maintain the properties which creates unattractive neighborhoods for people who do take care of their property. The wording was taken from other successful ordinances in surrounding municipalities. Banks are expecting this ordinance now. Modification to the ordinance may be needed but must take the first step to trying to get this under control.

Mr. Morgan, Bricksboro, asked if the banks are paying the taxes on these properties. Mr. Sarclette stated that they are supposed to be paying the taxes and probably are because they do not want to lose the properties; they are not cutting the grass, etc. Mr. Sarclette reiterated that this ordinance encourages the banks to be interested in the maintenance of the properties that they own and to possibly sell the properties faster. Mr. Sarclette explained that liens are placed against properties should the township have to cleanup or perform maintenance.

Mr. Sarclette added that there were concerns expressed about applying this ordinance to commercial properties and making more hardships on them but they are not being maintained. Mr. Morgan questioned posting 'vacant' on these properties will this not cause further problems. Mr. DiDomenico stated that in most cases people already know the property is vacant. It was further discussed that Port-O-Call has a new owner but it does not appear that they have made any improvements to the property and it is now for sale again. Mr. Sarclette explained that Port-O-Call has wetlands in the back and the township is trying to be cooperative in order to preserve the 'footprint'. The township is also looking at agreements to extend the 'footprint' timeframe and whether the township can grant such an extension but must also meet NJDEP, CAFRA and Pinelands guidelines also. Mr. Sarclette stated that it is complicated because the effort is to make the community look better without hurting the future of the township. Mr. Morgan said the lack of property maintenance is evident everywhere not just Maurice River Township.

Mrs. Gross added that she was recently asked to supply pictures of local vacant businesses to CDC for possible investors. However she did not supply the pictures because of the lack of maintenance at the commercial properties. It is unfortunate because in this situation they were their own worst enemy.

Mr. Morgan stated that Route 347 hurt the businesses on the southern section of Route 47 in Maurice River Township.

Mrs. Gross made a motion to close the public hearing for Ordinance 651; seconded by Mr. Oliver.

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

Mrs. Gross made a motion to adopt Ordinance 651; Mr. Oliver stated that he has serious reservations about commercial properties. Mr. Oliver further stated that if they are not maintained he has no problem imposing fines to make sure they are maintained but he believes that most of the commercial properties are owned by private individuals and this will cause a hurdle/hardship for them to overcome to sell. Mr. Oliver stated that if the ordinance can be tweaked to the point where commercial properties are properly maintained and no subject to the fine he will approve but otherwise he will vote no. Mr. Sarclette seconded the motion.

Roll Call: Ayes – Gross, Sarclette Nays – Oliver

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. 111-2016 A Resolution And Order For Demolition Of An Unsafe Structure Located At 3095 And 3097 Route 47, Maurice River Township, Cumberland County, New Jersey, Known As Block 221, Lot 16, Owned By Henry Perez, As Unfit For Human Habitation Or Use Due To Dilapidation Or Defect

- * 2 Resolution No. 112-2016 A Resolution Authorizing The Cutting Of Grass And Property Maintenance Cleanup At 656 Main Street, Block 282, Lot 2 And Assessment Of A Maintenance Lien Thereon.

- * 3 Resolution No. 113-2016 A Resolution Authorizing The Cutting Of Grass And Property Maintenance Cleanup At 5 Station Road, Block 283, Lot 5 And Assessment Of A Maintenance Lien Thereon.

- * 4 Resolution No. 114-2016 A Resolution Authorizing The Cutting Of Grass And Property Maintenance Cleanup At 3545 Route 47, Block 229, Lot 8.01 And Assessment Of A Maintenance Lien Thereon

- * 5 Resolution No. 115-2016 A Resolution Authorizing The Cutting Of Grass And Property Maintenance Cleanup At 3599 Route 47, Block 230, Lot 12 And Assessment Of A Maintenance Lien Thereon

- * 6 Resolution No. 116-2016 A Resolution Authorizing The Levying Of Additional Fees For Property Maintenance Conducted By The Township For Violations Against Property At 31 Macdonald Lane (Block 312, Lot 10), Heislerville

- * 7 Resolution No. 117-2016 A Resolution Authorizing The Levying Of Fees For Property Maintenance Conducted By The Township For Violations Against Property At 5 Station Road (Block 283, Lot 5), Leesburg

Mrs. Gross made a motion to adopt resolutions 111-2016 through 117-2016; seconded by Mr. Oliver.

Roll Call: Ayes – Gross, Oliver, Sarclette Nays - None

Township Committee Reports

Mr. Oliver stated that yesterday, September 14, 2016, the township engineer, Cormac Morrissey, Ben Stowman and he attended a meeting in Trenton with representatives from the Army Corps of Engineers, Division of Fish and Wildlife, Fisheries Habitat, Division of Land Use Regulations, National Park Service, NJDOT and also attending was consulting engineer Kristin Wildman. The purpose of this meeting was to see what needed to be done alleviate the flooding in the Bricksboro area. Brief overview of the meeting was that all parties were in favor/in support of the township's efforts to eliminate the flooding in the Bricksboro area. The main concern and discussion was

around the reconstruction of the dike and the through pipe between the Valentine property and the Barbose property. In order to do this, Mr. Morrissey must submit a design plan for the reconstruction of the berm and the environmental consultant must come up with ideas on the type of permits required and from which agency; there may be one or more permits from one or more agencies. The process will be time consuming but hopefully it will be complete next year.

Another area examined was the sheathing effect of run-off of water from the meadow to the north of the Valentine property, across the Valentine property and into the swale. One good thing that was heard was that rather than constructing a berm between the Valentine driveway and the meadow north of the Valentine property; the representatives in attendance would accept an elevation of the road which would act as a berm. This might help alleviate the sheathing across the property and filling up the swale; the township cannot do work on private property and would lie with the property owner in conjunction with the township rebuilding the berm. Roadblocks that came up at the meeting came from an endangered species representative, who did not attend, and are construction timelines that must be followed and they are: sturgeon migration no construction is permitted, balding eagle feeding habitats were not a concern and ospreys are far enough away that they will not cause concern. Once the permits are in place the windows/timeline for sturgeon migration must be adhered to for no construction. Mr. Oliver stated that he left this meeting with a good feeling as the representatives were in support of the program and agreed to work with the township. Information must be supplied to them so they can supply a project number and tell the township what can be done, what can't be done and when it can be done.

Mr. Morrissey stated that currently in the process of gathering information. The township surveyor will be surveying the bulkhead and the outfall and get elevations of the bulkhead. There is a question regarding the history of the bulkhead; when was it put in which is relative to whether the bulkhead reconstruction would be grandfathered; existing versus getting a new permit. Army Corps of Engineers and Department of Environmental Protection regulate the bulkhead reconstruction. There is a nationwide permit that covers the repair and maintenance of existing structures. The key term is 'existing serviceable structures'; there is debate as to whether this bulkhead is serviceable because looking at the pictures you can see the holes that come through. It is confusing that you fix the bulkhead when there are problems but when it has a problem it no longer serviceable. Information will be sent to the Army Corps of Engineers so they can figure it out. It will fall under the nationwide permit or an individual permit but they were willing to work with the township and helpful. Regarding the berm/elevating the driveway, we probably have a decent chance of doing that because the wetlands that come up from the meadow is coastal wetlands (fresh water but still coastal) and there is potential that the buffer associated with coastal wetlands could be as low as zero (0) which would provide the room to build in there. The township will need to expand the survey scope to do elevations along the driveway in that area; which will be probably a couple hundred feet long by a hundred feet wide. This survey will tell elevations. There may be residual spoils from different construction operations whether millings, etc. to establish the base material of that driveway which will help get the elevation needed. There will be a physical survey (identifying physical components such as the bulkhead, berm behind the bulkhead and the pipe elevation, diameter and outfall) and then there is the environmental survey (where are the wetlands mapped, where are they physically, how are they surveyed and are there any endangered type species to be concerned about that would impact construction). A couple species were mentioned at the meeting which include a woodpecker, a turtle, red knot, caterpillar and bald eagle, but they did not seem that there was over concern about this; this will be addressed through the process.

Mr. Morrissey stated that historical information regarding the bulkhead needs to be addressed because there is a question to the legality of the installation of the bulkhead. If the bulkhead was installed prior to 1977 it will be considered to be legal; installation after 1977 the township will have to go back and permit the bulkhead retroactively. The consensus in the room was that it could be permitted it is just a matter of which channel to take to get it done. Once the base information is compiled a design plan will be put together and submitted to NJDEP, preliminarily and have a pre-application meeting which can be done via the internet and the telephone to exchange information. Mr. Morrissey agreed that the meeting was very constructive. Mr. Oliver thanked Ben Stowman for attending and the valuable information that he provided.

Mr. Sarclette questioned if there was potential for NJDOT to participate in this project as this will be keeping water off the roadway. Mr. Morrissey stated that 'no', NJDOT brought a plan from 1953 which showed that drainage system and basically they said that they have 25 feet from the centerline that they maintain and they will maintain the concrete headwall for the culvert that crosses onto Route 47; they have cleaned out any type of vegetation from Route 47 and this is the extent that they will participate. Mr. Morrissey stated that there may be a chance of contribution from the mosquito commission as they may have a blanket easement to go out and maintain. This became an issue which land use regulation at the meeting where they were strongly suggesting that the vegetation not be taken out because they are classifying as a wetlands. Background research needs to be done on the history of that swale; suspicion is that it was put in as part of the drainage system for the farmland. The mapping supplied by NJDEP is that they seem to think it might have been the stream going up from the river and there was not a bulkhead there. Aerial mapping will confirm out conclusion on that; NJDEP has mapping that goes back into the 1930s that will need to be reviewed.

Mr. Oliver asked Mr. and Mrs. Valentine, Bricksboro, if access through Mr. and Mrs. Devlin's property seemed possible to the berm. Mr. Valentine indicated that he does not believe this will be a problem. Mrs. Valentine asked if a permit was needed for them to build up the driveway. Mr. Morrissey stated that they needed a waterfront development permit because you are filling within so many feet of the water's edge; must determine how close you are to the coastal wetlands. Any improvements within the flood plain require a permit and consideration for buffer restrictions that may be imposed. It was questioned about dirt and fill availability to help with the elevation of the Valentine driveway. Mr. Oliver offered that a local contractor may have some left over material which he would like to get rid of and he may sell at a good price; this will help him and you. Mr. Morrissey stated that it was looked at to berm on the Valentine property as well but the problem is that there is a difference in the wetlands threshold; the marsh is coastal wetlands but the wetlands impacting the Valentine property is from the ditch and the ditch is freshwater wetlands which has a different buffer requirement. It would be problematic to build a berm on the Valentine property because you will be in the wetlands buffer.

Mr. Sarclette thanked everyone who participated in this and it sounds encouraging.

Mr. Sarclette stated that in January 2016 the Township Committee adopted Resolution 33-2016 approving the National Dual Sport Adventure Ride being held by the Tri-County Sportsmen Motorcycle Club. However the dates approved for the event in the resolution were Friday, November 4, 2016 and Saturday, November 5, 2016. It has been brought to the Township Committee's attention that the correct dates are Saturday, November 5th, 2016 and Sunday, November 6th, 2016. The event includes paper streets across township properties and memorialize by resolution at the October 20, 2016 meeting.

Mrs. Gross made a motion to modify Resolution 33-2016 with the dates of November 5, 2016 and November 6, 2016 and include paper streets; seconded by Mr. Oliver.

Roll Call: Ayes – Gross, Oliver, Sarclette
Nays - None

Discussion (*Tabled from Monday, September 12, 2016*)

1. 3599 Route 47 – Gordon Gross request to maintain property
Resolution #115- 2016 adopted above.
2. 656 Main Street – Gordon Gross request to maintain property
Resolution #112- 2016 adopted above
3. 3545 Route 47 – Gordon Gross request to maintain property
Resolution #114- 2016 adopted above
4. 5 Station Road – Gordon Gross request to maintain property
Resolution #113- 2016 adopted above

5. Library stipend

The Township Committee discussed the fact that the library has been closed since July/August 2015. Mr. Oliver stated that Ms. Kellett is moving to Florida and the concern is once she moves and the library association is dissolved – do we pay the stipend monthly or quarterly next year until she moves or cut the cord all together at the end of the year and do away with the stipend; saving \$1,700. Mr. Sarclette stated that he does not see why the stipend would be continued if the library is closed, she is moving to Florida and no services are being performed. Mr. Sarclette recommended that the stipend not be continued; she should be paid to date because she is reviewing the inventory of books. Mr. DiDomenico stated that the library closed last August 2015. Mr. Sarclette stated that she has been the caretaker but the library is closed. Mr. DiDomenico stated review of a written agreement (if one exists) should be terminated once it is clear that the Library Association has completed its business in the building.

Mr. Sarclette made a motion to that effective December 31, 2016 the agreement lease with the Port Elizabeth Library Association will be terminated and the stipend will be prorated to pay for two months due to work being performing for the renovations; seconded by Mrs. Gross.

Roll Call: Ayes – Gross, Oliver, Sarclette Nays - None

6. Mr. Gravenstine request to place original MRT Fire Marshall Emblem on 1989 Caprice as part of his restoration process.

Mr. DiDomenico stated that he spoke with Mr. Gravenstine and expressed the concerns of the Township Committee about the potential misuse and liability placed on the township. Mr. DiDomenico stated that Mr. Gravenstine was understanding and had made the request because he wanted to be up front and above board. No letter is needed.

7. Supervisor for Senior Center

Mr. Oliver stated that the Supervisor of Senior Citizen Activities will be retiring on February 1, 2017 and he supplied the 'duties' as outlined by the current Supervisor to the Township Committee. Mr. Oliver suggested that the Township Committee think about the position and at next month's bill review seek to define/redefine/job description and then seek applications for the position. Mr. Oliver would like to have the current supervisor train the new employee; possibly by the end of the year.

8. Marine Council Meeting on Crab Pots

Mrs. Gross stated that Mr. Kumor had asked her to attend a meeting of the Marine Council in Galloway. Mr. Kumor was asking her to recommend to the council that they form a committee in reference to birds getting trapped in the commercial crab pots. There have been two reported incidents where birds get trapped and then they die in the commercial crab pots. Mr. Kumor drafted a letter for her to sign but in reviewing the letter she did not feel it was her position or duty to recommend to this council to form a committee. The two incidents that occurred in Maurice River Township were handled and these were in the beginning of the summer and she has heard of no incidents since. Mrs. Gross wanted to let the committee know about the letter and why she did not attend the Marine Council meeting. Mr. Sarclette stated that Mr. DiDomenico had advised on Monday that this would not have been appropriate for her to represent the committee without their knowledge.

Professional Reports

Engineer

2016 Road Program – This is out to bid and the bid receipt date is October 6, 2016 which will give plenty of time to review the bids and make recommendations for the Monday, October 17, 2016 agenda session and should be able to make a recommendation provided that the bid is satisfactory. Mr. Sarclette asked if the governor had released the funding for the other projects. The Governor has not released the state funding yet. Mr. Morrissey stated that three companies had picked up the bid packages. Mr. Sarclette stated that the county is having problems obtaining asphalt for small projects.

Solicitor

Court Administrator Contract – Mr. DiDomenico stated that the current contract ends on October 11, 2016. In speaking with the Judge, he is very happy with his job performance. Mr. Sarcellette will touch base with the court administrator.

AFA Contracts – Mr. DiDomenico reviewed the contracts presented to the township for the OEM security alarm. There were three separate agreements: installation, maintenance and monitoring. In reviewing these agreements there were a lot of concerns. They limited their liability even if they did something wrong (to \$250) which he objected to. The maintenance and inspection but there was no maintenance. These were 5 year contracts. Mr. DiDomenico recommended that the contracts ‘not’ be signed as presented without the ability to cancel based on budgeting. They limited liability to \$250 on their part and also limited the statute of limitations to 1 year (under New Jersey law we have 6 years); it’s a contract. There were a number other comments that Mr. DiDomenico advised AFA of and he recommended that the contracts not be signed by the township until corrected. An email from AFA was received this morning but they did not make the changes as recommended by Mr. DiDomenico. Mr. DiDomenico spoke to the AFA representative a few times today and hopefully they will make the changes. Mr. Sarcellette asked ‘how far off were the other proposals’; the township went with AFA as the lowest responsible bid. Mr. Sarcellette suggested looking at the contracts that the township already has for the township building. As of this afternoon the AFA representative was sending the agreement to the cooperate office for review

7 Twin Oak Road – Mr. DiDomenico explained that he received a call on Monday from Ted Dupnock regarding his mother’s property at 7 Twin Oak Road which is being sold and closing was scheduled to take place on Monday. About an hour before closing he had his realtor call Mr. DiDomenico that the well is in the right-of-way of the road and also a corner of the house is in the right-of-way. Mr. DiDomenico explained that he had no authority to act but could convey the information to the Township Committee. This was briefly discussed on Monday. The realtor tried to claim adverse possession but there is no adverse possession against a municipality. Mr. Dupnock approached this by blaming the township because the township issued building permits, however, Mr. DiDomenico responded that permits were issued based on the surveys provided. The township does not obtain an independent survey. The surveys were provided to Mr. DiDomenico and the 1972 survey is for a septic system which shows the property not in the right-of-way but the new one survey clearly shows that the side of the house is in the right-of-way in addition to the well. The new survey equipment is much more accurate than the old survey equipment.

They are requesting an easement from the township so they can sell the property. Mr. DiDomenico rode by the property and it appears to be the only house the fronts on the dirt portion of the road. Michelle supplied a copy of the recorded deed which was conveyed to the township in 1961 with the understanding that it would be used as a public road to be known as Twin Oak Road; with a corrected deed in 1962. Mr. DiDomenico could not find any authority to grant an easement but also could not find anything saying it couldn’t be done. Michelle supplied an identical case from 2007 for the Salloway property where an easement was granted.

Mr. DiDomenico stated that this would require an ordinance if the Township Committee wants to proceed. This will require, at least, two months’ time to complete. Additionally will Mr. Dupnock be responsible for the fees associated for the preparing the ordinance, documentation required, the easement.

Mr. Sarcellette asked if the township owned the property north of this address. Mr. DiDomenico explained that the deed to the township shows two tracts of land; 1.56 acres to be used as a public street 50 feet in width and 1.6 acres to be used as a public street 50 feet in width.

Mr. Sarcellette asked what the township liability be for the well and side of the house. Mr. DiDomenico stated information about the township being exempt from liability and any maintenance is the responsibility of the property owner would have to be included in the easement. The bank that was financing the purchase refused to advance the money because of situation and want a permanent easement. If the easement is granted than the township would not be able to widen the road in the

future. Mr. DiDomenico stated that a portion of the road could be vacated by the township and then sold to the property owner. Mr. Sarlette would like to look at this first hand then discuss in October. It is too late to send to Land Use for setbacks. Mr. DiDomenico stated this is not a land use matter; the realtor mentioned a variance but it is on the township's property and this would not satisfy the bank because it is still on someone else's property. Mr. DiDomenico stated that it appears that the only recourse is an easement or vacate the road. Mr. Sarlette questioned relocation of the road if the township has property available to relocate; either way they would have to be responsible for the cost. Relocation of the road would require gravel and possibly the removing of trees and vegetation. The relocation of the road could possibly be done quicker than the process of passing an ordinance. The deed states Twin Oak Road as 50 feet wide. Mr. Morrissey stated the survey provided is showing the well 22 feet off the earth road and the road is as wide as the distance which is another 20 feet. This will be looked at and then discussed at the agenda session October 17, 2016.

OLD BUSINESS

Announcements

1. A Senior Dance is scheduled for Saturday, September 17, 2016 from 1:00 pm to 4:00 pm at the Leechester Hall.
2. The 31st Annual International Coastal Cleanup, hosted by the NJ Clean Communities Council in NJ, will take place on September 17th. Interested volunteers should contact Louann Karrer, Clean Communities Coordinator for additional information.
3. There is a Township Wide Yard Sale scheduled for Saturday, October 15th, 2016 (Rain Date October 16, 2016)
4. The Municipal Offices will be closed on Monday, October 10, 2016 in observance of Columbus Day.

Correspondence

1. Ralph Rivera (estate of Donato Rivera) letter dated August 18, 2016 requesting to quit claim Block 142 Lot 13 to the Township of Maurice River. A copy was forwarded to Frank DiDomenico.
Mr. DiDomenico received the request and has requested information from Mr. Rivera.
2. A quit claim request dated August 15, 2016 from Mary Kamarinos for Block 63 Lots 1 & 2. This request was forwarded to Frank DiDomenico on August 29, 2016.
Mr. DiDomenico received the request and has requested information from Ms. Kamarinos.
3. A quit claim request received on August 29, 2016 from Dana Rooney as Executor for the estate of Rose Gagliardi for Block 98 Lots 12 & 13. This request was forwarded to Frank DiDomenico on August 29, 2016.
Mr. DiDomenico received the request and has requested information from Ms. Rooney.
4. A news release from Atlantic City Electric dated August 24, 2016 stating that the BPU approved the stipulation of settlement for Atlantic City Electric to increase its electric distribution rates.
5. A letter dated August 29, 2016 from Cumberland Volunteer Fire and Fire Commissioners thanking the township for removing the tree limbs and brush around the fire company.
6. A letter from CCIA dated August 29, 2016 regarding Amendment 25 of the Cumberland County Solid Waste Management Plan.
7. A letter dated August 31, 2016 from Loretta Williams of Newfield requesting support for Property Tax Reform specifically funding of public schools.

NEW BUSINESS

Correspondence

1. Cumberland County 4-H Horse Club is requesting participation in the Clean Communities road Cleanup program.
Mr. Sarclette asked if confirmation from Ms. Karrer regarding funds availability was made. The clerk confirmed.
Mrs. Gross made a motion to approve this request; seconded by Mr. Oliver.
Roll Call: Ayes – Gross, Oliver, Sarclette Nays – None
2. Leesburg United Methodist Church request dated September 6, 2016 to waive the permit fees related to the recent fire inspection of the Fellowship Hall.
Mrs. Gross made a motion to approve the request; seconded by Mr. Oliver.
Roll Call: Ayes – Gross, Oliver, Sarclette Nays – None
3. Leesburg United Methodist Church request dated September 6, 2016 to waive the permit fees related to the recent fire inspection of the Church.
Mrs. Gross made a motion to approve the request; seconded by Mr. Oliver.
Roll Call: Ayes – Gross, Oliver, Sarclette Nays – None
4. Delmont United Methodist Church request dated September 5, 2016 to waive the permit fees related to the recent fire inspection of the Church.
Mrs. Gross made a motion to approve the request; seconded by Mr. Oliver.
Roll Call: Ayes – Gross, Oliver, Sarclette Nays – None
5. Steven McPherson, Cumberland Pond Trailer Park, application for license to operate a mobile home park. Taxes and monthly fees are paid to date.
Mrs. Gross made a motion to approve the request; seconded by Mr. Oliver.
Roll Call: Ayes – Gross, Oliver, Sarclette Nays – None
6. EDC and CDC request to hold a meeting in the Municipal Building on Wednesday, October 12, 2016.
Mrs. Gross made a motion to approve the request; seconded by Mr. Oliver.
Roll Call: Ayes – Gross, Oliver, Sarclette Nays – None

REPORTS

Treasurers Report \$2,114,660.57

Road Dept. Report (August 2016)
Ron's Animal Control Monthly Reports August 2016

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

PAYMENT OF BILLS

Action Signs & Awards	64.00
Atlantic City Electric	90.36
Atlantic City Electric	4,975.72
AFLAC	285.00
Beacon Title Services	247.00
B.W. Stetson Co.	72.00
Buonadonna & Benson, PC	726.00
Buonadonna & Benson, PC	286.00

Buonadonna & Benson, PC	1,936.00
Bayshore Center at Bivalve	1,450.00
Bottino's Supermarkets	390.83
Bottino's Supermarkets	53.20
Board of Fire Commissioners	39,593.00
Board of Fire Commissioners	29,001.00
Board of Fire Commissioners	24,196.00
Board of Fire Commissioners	32,446.00
Belleplaine Emergency Corps	5,555.55
Berman Printing & Stamp Mfg.	20.50
Collins Iron Works	323.59
Comcast Cable	242.93
Comcast Cable	242.93
Comcast Cable	495.48
Comcast Cable	138.89
CM3 Building Solutions	644.00
CM3 Building Solutions	187.00
Cherry Valley Tractor Sales	450.00
Clearwater Solutions of NJ LLC	3,465.00
Capital Contractors, Inc.	624.00
Caprioni Portable Toilets Inc.	72.00
Caprioni Portable Toilets Inc.	290.00
Cumberland Development Corp.	1,712.50
Dixon Assoc. Engineering, LLC	810.00
Dixon Assoc. Engineering, LLC	7,669.25
Dixon Assoc. Engineering, LLC	100.00
Dixon Assoc. Engineering, LLC	337.50
Dixon Assoc. Engineering, LLC	337.50
Dixon Assoc. Engineering, LLC	135.00
Dixon Assoc. Engineering, LLC	1,482.50
Dixon Assoc. Engineering, LLC	135.00
Dixon Assoc. Engineering, LLC	270.00
DCRP	126.45
Daley's Pit	70.00
EarthTech Contracting, Inc.	16,990.42
EarthTech Contracting, Inc.	6,006.40
EarthTech Contracting, Inc.	1,442.09
J.C. Ehrlich Co., Inc.	225.00
J.C. Ehrlich Co., Inc.	83.50
Frank DiDomenico	2,238.45
Frank DiDomenico	991.25
Frank DiDomenico	33.00
George Ely Associates, Inc.	394.00
Gramco Business Communications	107.00
Garden State Highway Products	30.00
Gordon L. Gross	108.00
Health Mats Co.	86.15
Heritage Business Systems, Inc.	41.25
Heritage Business Systems, Inc.	30.80
Jackie L. James	650.00
Kristie hollinsworth	30.00
Kuhar Family Tree Service LLC	3,850.00
Laurel Lawnmower Service Inc.	523.07
Long Marmero & Associates, LLP	1,050.00
Linda Dedrick	150.00
LexisNexis Matthew Bender	139.00
Lisa R. Fisher	226.00
Lisa R. Fisher	28.00
Maurice River Township BOE	240,501.00
MGL Printing Solutions	46.00
New Jersey SHBP	12,756.73
New Jersey SHBP	8,089.17
NJ State Dept. of Heath & SR	15.00
New Jersey Casualty Insurance	1,671.93
New Jersey Casualty Insurance	1,671.93

NAPA (Genuine Parts Company)	133.52
New York Life Insurance Co.	124.18
NJ Advance Media	15.85
NJ Advance Media	10.01
NJ Advance Media	96.77
New Jersey State League Of	7.00
NJ Civil Service Association	380.00
Power of Production Studio	100.00
Prudential	67.07
Riggins Inc.	599.37
Riggins Inc.	914.19
Ron's Animal Shelter	400.00
Ronald L. Sutton, Sr.	950.00
Sheppard Bus Service, Inc.	900.00
Sharon E. Lloyd	206.00
Seashore Asphalt Corp.	210.00
Stephen P. Kernan	350.00
Staples Business Advantage	40.00
Selective Insurance Co.	4,449.00
Selective Insurance	4,604.00
Tiffany A.Cuvieelo, PP, AICP	617.50
T.M. Fitzgerald & Assoc., Inc.	1,158.56
Tri City Paper Co.	37.68
The Home Depot	386.54
The Home Depot	34.11
The Home Depot	112.44
US Bank Cust For Pro Cap 4 &	1,500.51
United States Postal Service	215.00
Verizon Wireless	361.89
Verizon	29.58
Vector Security	26.00
Woodard & Curran, Inc.	1,534.85
Woodard & Curran, Inc.	3,324.50
Whitemarsh Corporation	682.45
Woodruff Energy US LLC	139.92

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

Second Public Comment Session

Mrs. Gross made a motion to open the second public comment session; seconded by Mr. Oliver.
Roll Call: Ayes – Gross, Oliver, Sarclette Nays - None

Mr. Ray Morgan, Bricksboro, stated that a couple things that Mr. Morrissey mentioned he may be able to help with. Regarding the question of the ditch being present prior to 1977; he has lived there since 1972 and it was there then. When he purchased the house he went back through the deeds but that ditch was being used as a marker for many years. Mr. Morrissey questioned whether the bulkhead was also present at that time. Mr. Morgan stated that 'yes' the bulkhead was there in 1972 also and it was there a long time before that because it wasn't close to being new when he moved there. Mr. Morrissey asked about the pipe. Mr. Morgan confirmed that the pipe has always been there since he moved there.

Mr. Stowman, Delmont, asked Mr. Morgan if that pipe has been replaced since 1972. Mr. Morgan stated that there was an outfall and on a sluice basis. Mr. Morgan stated that the township repaired that two different times but is not sure if the gate was changed; but it has always been a pipe and sluice gate. Mr. Stowman questioned confirmation of being an outflow only. Mr. Morgan stated that it has always been for drainage.

Mr. Oliver stated that he spoke with Mr. Barry Creamer, MRT PW Manager, tonight and Mr. Creamer said that the pipe that is there now in the sand bags was put in about 14 years ago; this included the new pipe, new gate and the sand bags. Mr. Morrissey stated that it may be possible that

the NJDOT plans from 1953 and it was a type of outfall structure at that time. Mr. Sarclette stated that Kent Schellinger was the Township Engineer 14 years ago and may have some records that would be beneficial.

Mr. Oliver asked the clerk to search the archive room for the 1960 tax maps that were prepared by Charlie Hartman which may be helpful in showing the gate arrangement. The clerk confirmed she would have this pulled. Mr. Morgan stated that the Barbose house was built around 1970 and possibly their survey will show something; the clerk will check on this also.

Mr. Ben Stowman confirmed that this was a very positive meeting with ACOE, NJDEP, etc. Mr. Stowman stated that it appeared that these representatives were sensitive to the needs of the public. Mr. Stowman questioned whether an environmental species study was going to be needed. Mr. Morrissey stated the he did not know; this is generally on the check list and they did say that it is potential habitat. Mr. Stowman stated that there are no red knots there because it is a mud bank not Bayshore. Mr. Stowman stated that this was a salt hay meadow previously or a farm with swelling out. Mr. Morgan stated that Bricksboro originally was diked on both sides when it was Mr. Brick's farm.

A discussion took place regarding the cleaning of the ditch and NJDEP concern of fish being in the ditch and not cleaning the ditch because it is wetlands. Mr. Stowman did state that there were no fish in this ditch. Mrs. Valentine stated that they remember this ditch being cleaned out in the past. Mr. Valentine recalls this being ditch being cleaned as far back as 1964/1965. Mr. Sarclette stated that the township did clean this ditch in the past but in the wintertime because the ground had to be frozen so they would not sink. The situation now is that NJDEP does not want the wetlands disturbed. However given the information provided here it does appear that bulkhead and pipe will meet the grandfathered stipulation.

Mr. Morrissey will make a summary for the permit submission. Mr. Sarclette stated that according to his father-in-law there was a rice farm in the Bricksboro/Port Elizabeth area years ago. Mr. Stowman stated that one NJDEP representative questioned if the area was saltwater, freshwater or is it in between. But he believes the question pertained to the ditch and type of water there; however if the bulkhead and pipe are outflow only then it eliminates one problem but will have to deal with the sturgeon. Mr. Sarclette stated that they do not like to disturb the freshwater wetlands. Mr. Stowman stated that if the tide was getting in the ditch would present another issue but since it is an outflow it should be a non-issue. Mr. Morrissey said that NJDEP have stereoscope photographs going back to the 1930's which should show a lot of information.

Mr. Morgan and Mr. & Mrs. Valentine thanked the township committee for attending to this problem.

Mrs. Gross made a motion to close the second public comment session; seconded by Mr. Oliver.

Roll Call: Ayes – Gross, Oliver, Sarclette Nays - None

Mrs. Gross made a motion to adjourn; seconded by Mr. Oliver.

Denise L. Peterson, Municipal Clerk

TOWNSHIP OF MAURICE RIVER
COUNTY OF CUMBERLAND
ORDINANCE NO. 653

AN ORDINANCE OF THE TOWNSHIP OF MAURICE RIVER,
COUNTY OF CUMBERLAND, STATE OF NEW JERSEY,
AUTHORIZING PURCHASE OF A DUMP TRUCK IN THE AMOUNT OF \$160,000

BE IT ORDAINED by the Mayor and Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey (not less than two-thirds of the full membership thereof affirmatively concurring) as follows:

SECTION 1. The Township Council hereby authorizes for the purpose set forth in Section 3 of this ordinance an appropriation in the amount of \$160,000.

SECTION 2. For the financing of the cost of said purpose, the Township Council has received approval of an allotment in the amount of \$160,000 from the capital improvement fund.

SECTION 3. The purpose herein referred to and hereby authorized and the purpose of the financing is as follows:

Purchase of a Dump Truck	\$160,000
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SECTION 4. It is hereby found, determined and declared that:

A. The purpose described in Section 3 is not a current expense and is an improvement which the Township of Maurice River may lawfully make as general improvement, and no part of the cost thereof has been made or shall be specifically assessed on property especially benefitted thereby.

B. The average period of usefulness of the purpose authorized by this ordinance is 10 years.

C. No debt is authorized by this ordinance.

D. The aggregate amount included in the estimated cost of the improvements or purposes for accounting, engineering and inspection costs, legal expenses, fees, preliminary planning, test and survey expenses, and a reasonable proportion of the compensation and expenses of employees of the Township of Maurice River in connection with the construction or acquisition of such improvements or property shall not exceed \$1,000.

SECTION 5. This ordinance shall take effect twenty days after the first publication thereof after final passage as provided by law.

TOWNSHIP OF MAURICE RIVER
ORDINANCE NO. 651

AN ORDINANCE OF THE TOWNSHIP OF MAURICE RIVER,
CUMBERLAND COUNTY, GOVERNING THE MAINTENANCE OF VACANT PROPERTY,
ESTABLISHING REQUIREMENTS FOR REGISTRATION AND
REQUIRING A REGISTRATION FEE ON OWNERS OF VACANT PROPERTIES

WHEREAS, the Township of Maurice River, in the County of Cumberland, in the State of New Jersey, (hereafter referred to as "Township") contains numerous structures that are vacant and/or abandoned; and

WHEREAS, in many cases the owners or other responsible parties of these structures have neglected them, are not maintaining or

securing said properties to an adequate standard, or have not restored them to productive use; and

WHEREAS, vacant and abandoned structures pose a risk to health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the Township of Maurice River incurs disproportionate costs as compared to occupied structures in order to resolve the problems of vacant and abandoned structures, including but not limited to fire calls and property inspections; and

WHEREAS, it is in the public interest for the Township of Maurice River to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township of Maurice River; and

WHEREAS, it is in the public interest for the Township of Maurice River to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAURICE TOWNSHIP, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, DOES HEREBY ENACT THIS ORDINANCE AS FOLLOWS:

DEFINITIONS

- A. "OWNER" shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51(P.L. 2008, c.127, Sec. 17), or any other entity having a legal interest or right or authority to act with respect to the property.
- B. "VACANT PROPERTY" shall mean any building used or to be used as a residence or commercial use which is not legally occupied or at which substantially all lawful construction operations or residential occupancy or commercial use has ceased, and which is in such condition that it cannot legally be re-occupied Without repair or rehabilitation; provided, however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall also be deemed to be vacant property for the purposes of this ordinance.

GENERAL REQUIREMENTS:

- a) Effective the date of this ordinance, the owner of any vacant property as defined herein shall within 30 days after the building becomes vacant property or within 15 days after assuming ownership of the vacant property, whichever is later, file a registration form for each such vacant property with the Municipal Clerk on forms provided by the Municipal Clerk for such purposes. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the

registration annually as long as the building remains vacant property and the owner shall pay a registration or renewal fee.

b) Any owner of any building that meets the definition of vacant property as of the effective date of this ordinance, shall file a registration form for the property on or before thirty (30) days of the effective date of this ordinance. The registration form shall include such information as set forth on the prescribed Registration form.

c) The owner shall notify the Municipal Clerk within 30 days of any change in the registration information by filing an amended registration form on a prescribed form provided by the Code Enforcement Officer for such purpose.

d) The registration form shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

REGISTRATION FORM REQUIREMENTS, PROPERTY INSPECTION

After filing a registration form or a renewal of a registration form, the owner of any vacant property shall provide access to the Township to conduct an exterior or interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

a) The registration form shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement of any applicable code. This person must maintain an office in the state of New Jersey or reside within the state of New Jersey. The statement shall also include the name of the person responsible for maintaining and securing the property, if different.

b) An owner who is a natural person and who meets the requirements of this ordinance as to location of residence or office may designate him or herself as agent.

c) By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of his section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Municipal Clerk of a change of authorized agent and in no way releases the owner from any requirement of this ordinance.

FEE SCHEDULE

The initial registration fee for each property shall be \$500.00 for one (1) year. Said fee shall be prorated for the initial year of registration. All annual registration for vacant properties together with the appropriate fee shall be due and payable by July 1 of each year. All fees will be processed through the Municipal Clerk's Office. The fee for the first annual renewal is \$1,000.00 and the fee for the second annual renewal is

\$2,000.00. The fee for any subsequent annual renewal beyond the second renewal is \$3,000.00.

REQUIREMENTS FOR OWNERS OF VACANT PROPERTY

The owner of any building that has become a vacant property, and any person maintaining, operating or collecting rent for any such buildings that becomes vacant shall, within 30 days:

a) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the code of the Township of Maurice River, or as set forth in any applicable rules and regulations; and

b) Post a sign affixed to the building indicating the name, the address and the telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Registration Form Requirements; Property Inspection.) and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding the title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearest, but shall be no smaller than 18"X24", and

c) Secure the building from unauthorized entry and maintain the sign until the building is legally occupied or demolished or until repair or rehabilitation of the building is complete.

ADMINISTRATION

The Municipal Clerk and the Code Enforcement Officer shall be responsible for the administration of the provisions of this ordinance.

VIOLATIONS AND PENALTIES

a. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$100.00 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration form in time, failure to provide correct information on the registration form, failure to comply with the provisions under the Requirements for Owners of Vacant Property, shall be deemed to be violations of this ordinance.

Nothing in this Ordinance is intended to conflict with or prevent the Township from taking action against buildings found to be unfit for human habitations or unsafe structures as provided in applicable provisions of the Code of the Township of Maurice River. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve the owner from its obligations under this ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, does hereby enact this ordinance as follows:

This Ordinance authorizes the Township to govern the maintenance of vacant properties in the Township of Maurice River,

establishes registration requirements and levies a registration fee on owners of vacant properties.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey, this Ordinance shall take affect immediately upon the adoption and publication of notice of adoption as prescribed by law.

**MAURICE RIVER TOWNSHIP
RESOLUTION NO. 111-2016**

**A RESOLUTION AND ORDER FOR DEMOLITION OF AN
UNSAFE STRUCTURE LOCATED AT 3095 and 3097 Route 47,
MAURICE RIVER TOWNSHIP, CUMBERLAND COUNTY,
NEW JERSEY, KNOWN AS BLOCK 221, LOT 16,
OWNED BY HENRY PEREZ, AS UNFIT FOR HUMAN HABITATION
OR USE DUE TO DILAPIDATION OR DEFECT**

WHEREAS, HENRY PEREZ, is the owner of record of an improved property located at 3095 and 3097 Route 47, Maurice River Township, Cumberland County, New Jersey, also known as Block 221, Lot 16, on the Tax Map of Maurice River Township; and

WHEREAS, a Complaint and Notice of Unsafe Structure and Notice of Hearing was served upon Henry Perez, as owner, pursuant to Ordinance No. 568; and

WHEREAS, a title search revealed that US Bank National Association, as Trustee for Structured Asset Securities Corporation is a party in interest as a result of a pending foreclosure action and the filing of a lis pendens. A copy of the Complaint, Notice of Unsafe Structure and Notice of Hearing were served upon US Bank National Association, as Trustee for Structured Asset Securities Corporation c/o Milstead and Associates, LLC, attorneys for US Bank National Association; and

WHEREAS, a hearing was held before the Township Committee of Maurice River Township on Monday, September 12, 2016 at 6:30PM for the purpose of determining whether or not the structure located on said property is unsafe for human habitation or occupancy or use, due to the state of dilapidation or defect; and

WHEREAS, the owner of record and all parties having an interest in the property were given notice of said hearing and did not appear at the time and place fixed for said hearing and were given the opportunity to present evidence; testify; cross examine witnesses and present witnesses; and

WHEREAS, the Township Committee considered the report of Gordon Gross, Construction Official, and the sworn testimony of Gordon Gross, regarding his inspection and investigation pursuant to Ordinance No. 568 of the Township of Maurice River concerning the structure and premises; and

WHEREAS, the Township Committee considered the sworn testimony presented and the exhibits entered into evidence. Specifically, that the garage and attached shed located on site has collapsing walls and roof and both pose a danger to the public as the structures are collapsing and in imminent danger of complete collapse; and

WHEREAS, the property owner has not denied the condition of the property as set forth in the report of Gordon Gross, Construction Official; and

WHEREAS, the Township Committee has determined, through uncontraverted testimony and the exhibits entered into evidence that the detached garage and shed has walls and roof in imminent danger of collapse. The Township Committee further finds that the detached garage and shed are both a health hazard and safety hazard and cannot be utilized. The Township Committee finds that the garage structure is unsafe for human habitation, occupancy or use and that the garage structure and shed in their present condition poses a threat to public health and welfare.

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

1. The detached garage and attached shed located at 3905 and 3097 Route 47 being known as Block 221, Lot 16, on the tax map of Maurice River Township, in its present condition, constitutes an unfit and unsafe structure as defined in Ordinance No. 568 as "any building or structure, or part thereof, which is unfit for human habitation, occupancy or use due to the conditions set forth herein shall be deemed inimical to the welfare of the residents of the Township and shall be closed, repaired or demolished in accordance with the provisions of this article."
2. Pursuant to the aforesaid Ordinance No. 568, the Township of Maurice River hereby orders the demolition of the garage structure and attached shed as being economically unfeasible to repair the garage structure and attached shed, said demolition to occur on or before October 31, 2016.
3. In the event said garage structure and shed have not been demolished, removed or rehabilitated to code standards by October 31, 2016, the Construction Official may proceed without further notice to enforce the provisions of this Order by such means as is necessary for the demolition of the garage structure and shed. The cost of closing, repairing or demolishing and removing of the garage structure and shed shall constitute a municipal lien against the real property together with the cost of legal services, search fees and advertising expenses incurred in the course of these proceedings.

BE IT FURTHER RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that a copy of this Resolution and Order shall be served on the property owner and all parties in interest personally or by regular and certified mail, return, receipt requested, and mailing it to their last known address or by publishing the Order once in the official newspaper of the Township, by placing the Order in a conspicuous place on the building affected by the Order and by recording this Resolution/ Order in the Cumberland County Clerk's Office.

**MAURICE RIVER TOWNSHIP
RESOLUTION NO. 112-2016**

A RESOLUTION AUTHORIZING THE CUTTING OF GRASS AND PROPERTY MAINTENANCE CLEANUP AT 656 MAIN STREET, BLOCK 282, LOT 2 AND ASSESSMENT OF A MAINTENANCE LIEN THEREON.

WHEREAS, the Housing Officer has advised the Township Clerk that property maintenance issues exist at Block 282, Lot 2, 656 Main Street in Leesburg, and

WHEREAS, the owner of record, Bluejay Investments LLC, has been issued a violation letter for grass too high which is a property maintenance violation of Maurice River Township

Revised General Ordinances, Chapter 14, Sections 14-1 thru 14-1.4, and

WHEREAS, the property owner has failed to respond to notices sent by the Housing Officer by regular and certified mail, and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that the property owner, Bluejay Investments LLC, has ten (10) days from issuance of a copy of Maurice River Township Resolution # 112-2016 to resolve the property maintenance issues, and

BE IT FURTHER RESOLVED, should the property maintenance issues not be resolved within a ten (10) day period, the Maurice River Township Road Department be authorized to correct the above referenced property maintenance violations and that a maintenance lien shall be placed against this property to cover the Township's expenses at a rate of \$75.00 per man/equipment hour expended to satisfy the existing violations.

**MAURICE RIVER TOWNSHIP
RESOLUTION NO. 113-2016**

A RESOLUTION AUTHORIZING THE CUTTING OF GRASS AND PROPERTY MAINTENANCE CLEANUP AT 5 STATION ROAD, BLOCK 283, LOT 5 AND ASSESSMENT OF A MAINTENANCE LIEN THEREON.

WHEREAS, the Housing Officer has advised the Township Clerk that property maintenance issues exist at Block 283, Lot 5, 5 Station Road in Leesburg, and

WHEREAS, the owners of record, Christian and Sarah Keller, have been issued a violation letter for grass too high removal which is a property maintenance violation of Maurice River Township Revised General Ordinances, Chapter 14, Sections 14-1 thru 14-1.4, and

WHEREAS, the property owner has failed to respond to notices sent by the Housing Officer by regular and certified mail, and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that the property owners, Christian and Sarah Keller, have ten (10) days from issuance of a copy of Maurice River Township Resolution # 113-2016 to resolve the property maintenance issues, and

BE IT FURTHER RESOLVED, should the property maintenance issues not be resolved within a ten (10) day period, the Maurice River Township Road Department be authorized to correct the above referenced property maintenance violations and that a maintenance lien shall be placed against this property to cover the Township's expenses at a rate of \$75.00 per man/equipment hour expended to satisfy the existing violations.

**MAURICE RIVER TOWNSHIP
RESOLUTION NO. 114-2016**

A RESOLUTION AUTHORIZING THE CUTTING OF GRASS AND PROPERTY MAINTENANCE CLEANUP AT 3545 ROUTE 47, BLOCK 229, LOT 8.01 AND ASSESSMENT OF A MAINTENANCE LIEN THEREON.

WHEREAS, the Housing Officer has advised the Township Clerk that property maintenance issues exist at Block 229, Lot 8.01, 3545 Route 47 in Port Elizabeth, and

WHEREAS, the owner of record, Wells Fargo representative Ed Beck, Foreclosure and Asset Management, has been issued a violation letter for grass too high and trash and debris removal

which is a property maintenance violation of Maurice River Township Revised General Ordinances, Chapter 14, Sections 14-1 thru 14-1.4, and

WHEREAS, the property owner has failed to respond to notices sent by the Housing Officer by regular and certified mail, and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that the property owner, Wells Fargo, has ten (10) days from issuance of a copy of Maurice River Township Resolution # 114-2016 to resolve the property maintenance issues, and

BE IT FURTHER RESOLVED, should the property maintenance issues not be resolved within a ten (10) day period, the Maurice River Township Road Department be authorized to correct the above referenced property maintenance violations and that a maintenance lien shall be placed against this property to cover the Township's expenses at a rate of \$75.00 per man/equipment hour expended to satisfy the existing violations.

**MAURICE RIVER TOWNSHIP
RESOLUTION NO. 115-2016**

A RESOLUTION AUTHORIZING THE CUTTING OF GRASS AND PROPERTY MAINTENANCE CLEANUP AT 3599 ROUTE 47, BLOCK 230, LOT 12 AND ASSESSMENT OF A MAINTENANCE LIEN THEREON.

WHEREAS, the Housing Officer has advised the Township Clerk that property maintenance issues exist at Block 230, Lot 12, 3599 Route 47 in Port Elizabeth, and

WHEREAS, the owners of record, Richard and Leah Yearicks, have been issued a violation letter for grass too high which is a property maintenance violation of Maurice River Township Revised General Ordinances, Chapter 14, Sections 14-1 thru 14-1.4, and

WHEREAS, the property owner has failed to respond to notices sent by the Housing Officer by regular and certified mail, and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that the property owners, Richard and Leah Yearicks, have ten (10) days from issuance of a copy of Maurice River Township Resolution # 115-2016 to resolve the property maintenance issues, and

BE IT FURTHER RESOLVED, should the property maintenance issues not be resolved within a ten (10) day period, the Maurice River Township Road Department be authorized to correct the above referenced property maintenance violations and that a maintenance lien shall be placed against this property to cover the Township's expenses at a rate of \$75.00 per man/equipment hour expended to satisfy the existing violations.

**MAURICE RIVER TOWNSHIP
RESOLUTION NO. 116-2016**

A RESOLUTION AUTHORIZING THE LEVYING OF ADDITIONAL FEES FOR PROPERTY MAINTENANCE CONDUCTED BY THE TOWNSHIP FOR VIOLATIONS AGAINST PROPERTY AT 31 MACDONALD LN (BLOCK 312, LOT 10), HEISLERVILLE.

WHEREAS, the following property had been cited by the Township Housing Officer, Gordon Gross for violations of the Property Maintenance Code, and

WHEREAS, Maurice River Township Resolution #60-2016 authorized the demolition of an unsafe structure at 31 MacDonald Lane, Heislerville; and

WHEREAS, the Township Road Department has demolished the unsafe structures and cleaned up debris in order to circumvent potential health and safety problems, expending man/equipment hours in the process to do so; and

WHEREAS, by Resolution 98-2016 authorized a maintenance lien in the amount of \$8,897.15 for man/equipment hours, hauling & tipping fees, legal fees, search fees and advertising fees pertaining to the above property maintenance; and

WHEREAS, there were additional hauling and tipping fees in the amount of 561.83 for disposal of debris due to the above mentioned property maintenance and demolition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that the additional amount of \$561.83 be assessed and added to the initial assessment of \$8,897.15. Therefore making the total property maintenance assessment \$9,458.98 for the property known as 31 MacDonald Lane (Block 312, Lot 10), Heislerville.

**MAURICE RIVER TOWNSHIP
RESOLUTION NO. 117-2016**

A RESOLUTION AUTHORIZING THE LEVYING OF FEES FOR PROPERTY MAINTENANCE CONDUCTED BY THE TOWNSHIP FOR VIOLATIONS AGAINST PROPERTY AT 5 STATION ROAD (BLOCK 283, LOT 5), LEESBURG.

WHEREAS, the following property had been cited by the Township Housing Officer, Gordon Gross for violations of the Property Maintenance Code, and

WHEREAS, Maurice River Township Resolution #77-2015 authorized the cutting of grass and property maintenance cleanup at 5 Station Road (Block 283 Lot 5) Leesburg; and

WHEREAS, the Township Road Department has cut the grass and performed property maintenance cleanup in order to circumvent potential health and safety problems, expending man/equipment hours in the process to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that a maintenance lien in the amounts listed below be placed against the respective block/lot for the cleanup of said property at a rate of \$75.00 per man/equipment hour, and

BE IT FURTHER RESOLVED that the Township reserves the right to assess additional costs and charges associated with disposal of debris and additional property maintenance, and

BE IT FURTHER RESOLVED that all vested and interested parties shall be notified of the assessment of a maintenance lien due to the authorized property maintenance of said properties and if said maintenance lien is not paid within thirty (30) days the amount(s) reflected below will become a lien on the property which will be enforced through inclusion in a future tax sale for unpaid taxes and levies by the Township.

<u>Block/Lot</u>	<u>Property Address</u>	<u>Owner of Record</u>	<u>Time Expended</u>	<u>Total Cost</u>
Block 283	5 Station Road	Christian & Sarah Keller	59.5 man/equipment hours	\$4,462.50
Lot 5				
			Hauling & Tipping Fees	<u>1,972.05</u>
Total				\$6,434.55



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Item	Project Name	Project Number	Status
1	Port Elizabeth Library	MR16-012	Chimney demolition and repairs substantially complete. HVAC work to begin soon.
2	2015 Road Program	MR15-048	Final paving complete. Closeout documentation to be submitted for final payment and final change order
3	2016 Road Program	MR16-043	Project is out to bid with 10/6 bid date. Award recommendation anticipated for October meeting.
4	Estell Manor Road Phase III	MR13-053	Design work substantially completed. NJDOT has halted all grant work until further notice. Project is currently on hold.
5	Matts Landing Bike Path	MR11037	Laurie Pettigrew of NJDEP-DFW to be coordinating effort for the state. Project on hold until State funding issues resolved.
6	Fuel Tank Canopy	MR11010	Awaiting alternate design and pricing from American Steel Carports.
7	Bricksboro Flood Prevention	MR16-045	Survey work for bulkhead replacement presently pending. JPPM meeting attended on 9/14. DA to prepare bulkhead and outfall design plans. Permit applications for NJDEP and ACE to be prepared..