# MINUTES BASS RIVER TOWNSHIP BOARD OF COMMISSIONERS REGULAR MEETING OF MONDAY, JULY 11, 2011

Mayor Cope called the regular meeting of the Bass River Township Board of Commissioners to order at 7:30 p.m. Present at meeting were: Mayor Deborah Buzby-Cope, Commissioner T. Richard Bethea and Commissioner Gary Smith. Also present Township Clerk Amanda Somes and Solicitor Peter Lange. Members of the public were present at this meeting.

## FLAG SALUTE

Mayor Cope led the flag salute and read the sunshine statement.

## APPROVAL OF MINUTES:

Minutes of the regular meeting of June 6, 2011, were presented to the Board for review with copies available for public. The motion was made by Commissioner Smith, seconded by Commissioner Bethea to approve minutes as submitted by the Clerk. Votes: Cope -Yes, Bethea -Yes, Smith-Yes. Minutes hereby approved.

## APPROVAL OF BILLS LIST:

The motion was made by Commissioner Bethea to approve payment of the bills in the amount of \$174,398.72. The motion was seconded by Commissioner Smith to approve bills for payment. Votes: Cope –Yes, Bethea –Yes, Smith-Yes. All present in favor and bills were ordered paid.

ARAWAK PAVING CO., INC.	14083	-44675.00
BASS RIVER BD OF ED	14163	99238.62
ΑΤ&Τ	14164	42.75
PEGGY BECK	14165	107.77
ΑΤ&Τ	14166	141.16
NEW JERSEY DEPT. ENVIRONMENTAL	14167	4941.23
VERIZON	14168	330.76
АТ&Т	14169	75.75
FLEET FUELING	14170	1012.45
DEER PARK - NESTLE WATERS	14171	16.91
VERIZON WIRELESS	14172	199.07
COMCAST	14173	95.12
MAILFINANCE	14174	585.00
Q C LABS	14175	54.10
RUSSELL P. CHERKOS ESQ.	14176	2250.00
RUSSELL P. CHERKOS ESQ.	14177	300.00
MUNICIPAL MAINTENANCE COMPANY	14178	1068.66
ALLUS INC	14179	90.00
ANIMAL CAPTURE & CONTROL	14180	995.00
ARAWAK PAVING CO., INC.	14181	43472.60
ATLANTIC CITY ELECTRIC	14182	1773.21
BEACONS	14183	86.40
BF MOLZ	14184	343.17
BURL CO TREAS, LANDFILL	14185	5528.66
BURL CO TREASURER	14186	546.71
CASA PAYROLL SERVICES	14187	205.35
DAVE'S SEPTIC	14188	919.50
FRANK'S FLOWER SHOP	14189	188.00
HOME DEPOT	14190	443.78
IPM INTEGRATED PEST MANAGEMENT	14191	85.00

JOHN STEELE	14192	40.11
KEVIN S. QUINLAN	14193	200.00
KLUK CONSULTANTS	14194	11471.70
KOWALSKI TIRE	14195	979.00
LANGUAGE SERVICES ASSOCIATES	14196	54.60
MGL PRINTING SOLUTIONS	14197	446.00
NEW GRETNA POSTMASTER	14198	100.00
ORIENTAL TRADING	14199	376.98
PEGGY BECK	14200	20.40
PETER C. LANGE	14201	2764.50
S & S	14202	110.66
SUPREME ASSET MANAGEMENT & REC	14203	485.00
THOMSON -WEST	14204	9.50
TRANSFORMATION ENTERPRISES	14205	5905.00
VERIZON	14206	567.75
BASS RIVER PAYROLL ACCOUNT	61611	16781.43
BASS RIVER PAYROLL ACCOUNT	63011	13624.36

## CORRESPONDENCE:

## **ORDINANCES & RESOLUTIONS:**

#### **ORDINANCE 2011-04**

# AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING TITLE 15 OF THE TOWNSHIP CODE ENTITLED "STATE UNIFORM CONSTRUCTION CODE" SO AS TO AMEND §15.04 "CONSTRUCTION CODE FEES"

Mayor Cope read Ordinance 2011-04 on second reading. The motion to approve Ordinance 2011-04 and to open for public hearing was made by Commissioner Bethea, seconded by Commissioner Smith. Votes: Cope-Yes, Bethea-Yes, Smith-Yes. All in favor and meeting was open for public hearing on Ordinance 2011-04. Public Comments: Being no comments, the motion to close the public hearing was made by Commissioner Bethea, seconded by Commissioner Smith. All in favor. The motion to adopt Ordinance 2011-04 was made by Commissioner Bethea, seconded by Commissioner Smith. Votes: Cope-Yes, Bethea-Yes, Smith-Yes. All in favor and Ordinance 2011-04 was hereby adopted.

### ORDINANCE NO. 2011 - \_04

AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING TITLE 15 OF THE TOWNSHIP CODE ENTITLED "STATE UNIFORM CONSTRUCTION CODE" SO AS TO AMEND §15.04 "CONSTRUCTION CODE FEES"

BE IT ORDAINED, by the Bass River Township Board of Commissioners, County of Burlington, State of New Jersey as follows:

**SECTION 1.** The Township Code of the Township of Bass River and specifically Chapter 15 Section 15.04, entitled "State Uniform Construction Code," Subsection (1)(a) is amended by replacing the current language included in Section 15.04, entitled "Construction Code Fees" Subsection (1)(a), to read as follows:

#### Section 15.04 - Construction Code Fees

*The following fee schedule is hereby adopted and established for the following construction and subcode fees:* 

(1) Building sub code fees.
(a) New construction. Fees for new construction shall be based upon the volume of structure. Volume shall be computed in accordance with <u>NJ.A.C.</u> 5:23-2.28. Use groups and types of construction are as classified and defined in Articles 3 and 6 of the building sub code.

[1] New construction shall be \$0.030 per cubic foot of volume for all Use Groups, except Use groups A-1, A-2, A-3, A-4, F-1, F-2, S-1 and S-2, which shall be \$0.020 per cubic foot of volume

[2] Structures on farms, including commercial farm buildings under <u>N.J.A.C.</u> 5:23-3.2(d) shall be \$0.008 per cubic foot of volume.

[a] Maximum fee: \$1,145.00 [b] Minimum fee: \$60.

**SECTION 2.** The Township Code of the Township of Bass River and specifically Chapter 15 Section 15.04, entitled "State Uniform Construction Code," Subsection (4)(e) is amended by replacing the current language included in Section 15.04, entitled "Construction Code Fees" Subsection (4)(e), to read as follows:

(e) Private swimming pool, spa, hot tub or fountain shall be \$75. Annual fees for inspection of public swimming pools, spa, hot tub or fountain shall be \$60.

*The fee for initial inspection of a new public swimming pool, spa, hot tub or fountain: \$100.* 

**SECTION 3.** After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township shall send a copy of the ordinance to the Burlington County Planning Board pursuant to <u>NJ.S.A.</u> 40:55D-16.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law and the filing of the adopted ordinance with the Burlington County Planning Board.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 6.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 7.** This ordinance shall take effect after second reading and publication as required by law.

ALL OF WHICH IS ADOPTED this 11<sup>th</sup> day of July, 2011, by the Bass River Township Board of

Commissioners.

## ORDINANCE 2011-05

# AN ORDINANCE REGULATING THE OPERATION OF TRUCKS AND ESTABLISHING A "NO TRUCK" ZONE BEGINNING AT THE GARDEN STATE PARKWAY EXIT RAMP ON AMASA LANDING ROAD IN BASS RIVER TOWNSHIP AND PROVIDING FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

Mayor Cope introduced Ordinance 2011-05 on first reading by title only. The motion to approve Ordinance 2011-05 by title only was made by Commissioner Smith, seconded by Commissioner Bethea. Votes: Cope-Yes, Bethea-Yes, Smith-Yes. All in favor and Ordinance 2011-05 was approved on first reading by title only with second reading and public hearing scheduled for August regular meeting.

#### BASS RIVER TOWNSHIP ORDINANCE 2011-05

#### AN ORDINANCE REGULATING THE OPERATION OF TRUCKS AND ESTABLISHING A "NO TRUCK" ZONE BEGINNING AT THE GARDEN STATE PARKWAY EXIT RAMP ON AMASA LANDING ROAD IN BASS RIVER TOWNSHIP AND PROVIDING FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED, by the Township Commissioners of the Township of Bass River, County of Burlington and State of New Jersey that:

§ 1. NO TRUCK ZONE

The following described streets or parts of streets are hereby restricted against truck traffic for all vehicles with a GVW above 4 tons. No person shall operate or cause to be operated any vehicle with a Gross Vehicle Weight in excess of 4 tons on the following roadways within Bass River Township:

Amasa Landing Road beginning at the Garden State Parkway exit ramp and continuing eastbound approximately 1900 linear feet to the end of Amasa Landing Road.

#### § 2. Penalties.

Unless another penalty is expressly provided for by New Jersey Statute, every person convicted of a violation of this chapter shall be liable to a penalty of not more than \$250 or imprisonment for a term not exceeding 15 days or both.

## **RESOLUTION 2011-58**

# A RESOLUTION SETTING THE ANNUAL SALARY AND HOURLY PAY RATES FOR THE 2011 CALENDAR YEAR FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BASS RIVER

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to approve Resolution 2011-58. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All present in favor and Resolution 2011-58 was approved.

#### RESOLUTION 2011-58

#### A RESOLUTION SETTING THE ANNUAL SALARY AND HOURLY PAY RATES FOR THE 2011 CALENDAR YEAR FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BASS RIVER

BE IT RESOLVED by the Board of Commissioners of the Township of Bass River in the County of Burlington and the State of New Jersey at a special meeting held on the 11<sup>TH</sup> day of July 2011, that the following pay rate is hereby established for the 2011 calendar year and set as follows pursuant to Salary Ordinance:

#### **OFFICE/EMPLOYEE**

#### SALARY

NAME	TITLE		
DEPARTMENT OF REVENUE AND FINANCE			
Bethea, T. Richard	Deputy Mayor	4079/year	
Brooks, Christina	Mun. Alliance Aid	7.25/hour	
Brooks, John	Mun. Alliance Aid	7.25/hour	
Brower, Eileen	Clerk	11.22/hour	
Brown, Kathryn	Mun. Alliance Aid	7.25/hour	
Eliason-Ash, Linda	Tax Collector	7764.24/year	
Evans, Terri	Mun. Alliance Coord.	1300/year	
Firth, Robyn	Clerk	15.36/hour	
Godfrey, Elizabeth	Planning Board Clerk	3496.56/year	
Godfrey, Elizabeth	Tax Assessor Clerk	6555.54/year	
Godfrey, Elizabeth	Clerk	14.71/hour	
Gross, Joseph	Acting CFO	12240/year	
Jaeckel, Kathleen	Mun. Alliance Aid	7.25/hour	
Jillson, Courtney	Mun. Alliance Aid	7.25/hour	
Lavenberg, Mark	Waste Water Operator	3800/year	
Oshman, Nancy	Enviro. Comm. Secretary	750/year	

Renwick, James Somes, Amanda S. Somes, Amanda S. Somes, Amanda S. Steele, John

Tax Assessor Municipal Clerk Administrative Assistant Municipal Alliance Coord. Municipal Alliance Coord.

15034.80/year 52534.08/year 5681.40 1000/year 1300/year

#### **DEPARTMENT OF PUBLIC WORKS & PROPERTY**

Bennangazo, Angelo Conover, Ronald H. Cramer, Charlie Derr, David Hample, Fred Munson, Sue Potter, Steve Smith, Gary

Laborer Laborer Laborer Laborer Foreman Laborer Waterfront Manager Commissioner

11.80/hour 10.65/hour 11.04/hour 9.46/hour 15.00/hour 11.56/hour

600/year 4079/year

#### **DEPARTMENT OF PUBLIC AFFAIRS & SAFETY**

Beck, Peggy Cope, Debby Cramer, Terry Firth, Jeff Firth, Robyn Godfrey, Elizabeth Griffiths, Helen Haines. Jav Hample, Fred Hample, Fred McKernan, Kathleen Munson, Sue Nino, Micheal Raff, Marion Sicheri, Aldolph Winterberg, Marilyn

Court Administrator 44797.38/year Mavor 4606/year Deputy Emerg. Manage. Coord. Clerk/Dog Clinic Dog Registrar Clerk/Dog Clinic Court Clerk/Typist Deputy Zoning Official Code Enforcement Official Deputy Zoning Official Emergency Management Coord. Secretary Court Baliff Deputy Court Administrator Municipal Court Judge Court Clerk/Typist

250/year 75.00/day 350/year 75.00/dav 11.22/hour 1600/vear 4202.40/year 1600/year 600/vear 11.56/hour 190.74/court day 26265/vear 31001.40/year 14.75/hour

## **RESOLUTION 2011-59**

# A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REOUESTING THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT PERMISSION TO **APPROVE THE INCREASE OF AN ITEM OF SPECIAL REVENUE IN THE 2011** BUDGET ENTITLED "ALCOHOL EDUCATION REHAB. FUND DWI" IN THE **AMOUNT OF \$1456.24**

The motion was made by Mayor Cope, seconded by Commissioner Bethea to approve Resolution 2011-59. Votes: Cope-Yes, Bethea -Yes, Smith-Yes. All present in favor and Resolution 2011-59 was approved.

## **RESOLUTION 2011-59**

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT PERMISSION TO APPROVE THE INCREASE OF AN ITEM OF SPECIAL REVENUE

# IN THE 2011 BUDGET ENTITLED "ALCOHOL EDUCATION REHAB. FUND DWI" IN THE AMOUNT OF \$1456.24

**WHEREAS,** NJS 40A-87 provides that the Director of the Division of Local Government Services may approve the increase of any special item of revenue in the budget of any county or municipality when such item shall have been made law and the amount thereof was not determined at the time of the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED that the Township of Bass River, County of Burlington hereby requests the Director of the Division of Local Government Services to approve the increase of an item of revenue in the budget of the year 2011 in the sum of \$1456.24; which item is now available as revenue for the Alcohol Education Rehab. Fund DWI pursuant to the provisions of statue; and

**BE IT FURTHER RESOLVED** that a like sum of \$1456.24 be and the same is hereby appropriated under the caption of the Alcohol Education Rehab. Fund DWI.

#### **RESOLUTION 2011-60**

## A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT PERMISSION TO APPROVE THE INCREASE OF AN ITEM OF SPECIAL REVENUE IN THE 2011 BUDGET ENTITLED "2011 CLEAN COMMUNITIES GRANT" IN THE AMOUNT OF \$186.69

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to approve Resolution 2011-60. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All present in favor and Resolution 2011-60 was approved.

#### RESOLUTION 2011-60

#### A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT PERMISSION TO APPROVE THE INCREASE OF AN ITEM OF SPECIAL REVENUE IN THE 2011 BUDGET ENTITLED "2011 CLEAN COMMUNITIES GRANT" IN THE AMOUNT OF \$186.69

**WHEREAS,** NJS 40A-87 provides that the Director of the Division of Local Government Services may approve the increase of any special item of revenue in the budget of any county or municipality when such item shall have been made law and the amount thereof was not determined at the time of the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED that the Township of Bass River, County of Burlington hereby requests the Director of the Division of Local Government Services to approve the increase of an item of revenue in the budget of the year 2011 in the sum of \$186.69; which item is now available as a revenue for the 2011 Clean Communities Grant pursuant to the provisions of statue; and

**BE IT FURTHER RESOLVED** that a like sum of \$186.69 be and the same is hereby appropriated under the caption of the 2011 Clean Communities Grant.

## **RESOLUTION 2011-61**

# A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT PERMISSION TO APPROVE THE INCREASE OF AN ITEM OF SPECIAL REVENUE IN THE 2011 BUDGET ENTITLED "BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM" IN THE AMOUNT OF \$75,000.00

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to approve Resolution 2011-61. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All present in favor and Resolution 2011-61 was approved.

#### RESOLUTION 2011-61

#### A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT PERMISSION TO APPROVE THE INCREASE OF AN ITEM OF SPECIAL REVENUE IN THE 2011 BUDGET ENTITLED "BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM" IN THE AMOUNT OF \$75,000.00

**WHEREAS,** NJS 40A-87 provides that the Director of the Division of Local Government Services may approve the increase of any special item of revenue in the budget of any county or municipality when such item shall have been made law and the amount thereof was not determined at the time of the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED that the Township of Bass River, County of Burlington hereby requests the Director of the Division of Local Government Services to approve the increase of an item of revenue in the budget of the year 2011 in the sum of \$75,000.00; which item is now available as revenue for the Burlington County Municipal Park Development Program pursuant to the provisions of statue; and

**BE IT FURTHER RESOLVED** that a like sum of \$75,000.00 be and the same is hereby appropriated under the caption of the Burlington County Municipal Park Development Program.

OLD BUSINESS:

#### **NEW BUSINESS:**

Junkyard License Renewal—Cramer's Junkyard. Upon the motion by Commissioner Bethea, seconded by Commissioner Smith the license renewal hearing was tabled until the August regular meeting. All in favor.

Campground License Renewals: Pilgrim Lake Campground Arrowhead Campground Timberline Lake Campground

Upon a motion by Commissioner Smith, seconded by Commissioner Bethea the above 3 licenses where hereby renewed. All in favor.

## **REPORTS:**

The following reports were noted:

Report of Solicitor Report of Municipal Court Dog Report Report of Animal Control Report of Safety Coordinator Report of the Governing Body Members

## PUBLIC COMMENT:

The meeting was open for public comment at 7:55 p.m. upon a motion by Commissioner Smith, seconded by Commissioner Bethea.

Mr. L. Assur requested the Board acknowledge the letter he sent to them requesting an executive session with him. Solicitor stated that this letter did not fit into the parameters of the Sunshine Law exemptions for the purpose of this executive session. Solicitor noted the possible litigation that is ongoing with respect to Mr. Assur that such a meeting would not be appropriate at this time. Mr. Assur asked how the township responds to email. He stated that government should be visible from all sides. Emails and letters were not available to him and needed to be as he requested in his OPRA requests. He felt it is a violation of the law and if Commissioners authorize attorney to speak with Mr. Assur then Mr. Assur would be willing to do so.

Mr. L. Bourguignon stated that New Gretna Volunteer Fire Company had a chance to receive approximately \$50,000.00 from Tuckerton First Aid. However, the offer was turned down by the Trustees of Squad 85. Mr. Bourguignon wished to know why. Mayor Cope stated that a gag order was currently in place and felt uncomfortable to speak and turned the question over to the Chair of Squad 85, Deputy Mayor Bethea. Mr. Bethea reported to Mr. Bourguignon that no specific dollar amounts have been given and courts are handling issues.

Mrs. B. Schmutz asked about the horse ordinance and how much acreage could you take out of the equation for the house on the property. Zoning question and the code would have to be reviewed. Mayor clarified that farm land assessment is only the land assessed separately from the house. The house is fully assessed in value.

Mr. Henry Bourguignon asked if Riparian rights are grandfathered. The answer to the question was not available at this time.

Being no further comments the motion to close the public portion was made by Commissioner Bethea, seconded by Commissioner Smith. All in favor and public comment was closed at 9:15 p.m.

## EXECUTIVE SESSION:

The motion to enter into executive session was made by Commissioner Smith, seconded by Commissioner Bethea. All in favor and Board entered into executive session at 8:30 p.m.

#### RESOLUTION AUTHORIZING EXECUTIVE SESSION PURSUANT TO N.J.S.A. 10:4-12

BE IT RESOLVED by the Board of Commissioners of the Township of Bass River, County of Burlington, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12 (b), specifically:

- 1. Matters Relating to Litigation, Negotiation, and the Attorney-Client Privilege
  - a. West Greenbush Road Culvert Replacement Contract with Stumper Enterprises

BE IT FURTHER RESOLVED, it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination of the Governing Body that the public interest will no longer be served by such confidentiality and if not then legally privileged.

## ACTION TAKEN UPON ENTERING BACK INTO REGULAR SESSION:

## NONE

Being no further business to come before the Board the motion to adjourn was made by Commissioner Smith, seconded by Commissioner Bethea. All in favor and meeting was adjourned at 8:50 p.m.

Respectfully Submitted Amanda S. Somes, RMC Township Clerk

Deborah Buzby-Cope, Mayor