

**MINUTES BASS RIVER TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING OF MONDAY, OCTOBER 6, 2014**

Mayor Cope called the regular meeting of the Bass River Township Board of Commissioners to order at 7:00 p.m. Present at meeting were: Mayor Deborah Buzby-Cope, Deputy Mayor Nicholas Capriglione and Commissioner Louis Bourguignon. Also present Township Clerk Amanda Somes, Solicitor Joanne O'Connor. 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 August 4, 2014 were presented to the Board for review by the Township Clerk. The motion to approve the minutes was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. Votes: Cope-Abstain, Capriglione-Yes, Bourguignon-Yes. Majority in favor and minutes were hereby approved as submitted by the Clerk.

Minutes of the Regular Meeting of September 8, 2014 were presented to the Board for review by the Township Clerk. The motion to approve the minutes was made by Commissioner Bourguignon, seconded by Mayor Cope. Votes: Cope-Yes, Capriglione-Abstain, Bourguignon-Yes. Majority in favor and minutes were hereby approved as submitted by the Clerk.

**PAYMENT OF BILLS:**

The motion was made by Mayor Cope to approve payment of the bills in the amount of \$174,087.68. The motion was seconded by Commissioner Bourguignon to approve bills for payment. Votes: Cope –Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and bills were ordered paid.

ACE OUTDOOR POWER EQUIPMENT 3	MOWER PARTS	\$	199.65
ALLUS INC	NEW MONITOR TAX OFFICE	\$	195.00
AMANDA SOMES	MILEAGE & ATTENDANCE REIM.	\$	110.00
ANIMAL CAPTURE & CONTROL	3RD QTR. ANIMAL CONTROL	\$	936.00
ATLANTIC CO. FIRE ACADEMY	TRAINING	\$	2,010.00
ATLANTIC CITY ELECTRIC	ELECTRICITY AUG/SEPT 2014	\$	2,395.64
A T & T	MUNI. & COURT ALL IN ONE SEPT. 2014	\$	344.93
A T & T	ISDN LINE AUG. 2014	\$	30.91
BASS RIVER BD. OF ED.	LOCAL SCHOOL TAX 10/7/14	\$	5
BAYSHORE CENTER AT BIVALVE	BRES EDUCATIONAL SAIL	\$	800.00
BEACONS	ORDINANCES	\$	65.95
			112,213.7

BURL CO TREAS, LANDFILL	TIPPING FEE SEPT. 2014	\$	3,478.96
CAM CO.	PARTS	\$	68.40
CASA PAYROLL SERVICES	SEPT. 2014 PAYROLL	\$	236.40
CHRISTOPHER NORMAN, ESQ.	PLANNING BD. EMAIL	\$	29.00
COMCAST	SERVICE 9/19 -10/18	\$	107.95
CONWAY AUTOMOTIVE	FORD EXPLORER PARTS	\$	170.69
DEER PARK DIRECT	SERVICE 8/15 - 9/14	\$	24.23
FLOWERS BY P.J.	PLANT FOR STEMMER	\$	29.99
GREAT BAY REGIONAL EMS	CONTRIBUTION #3 - 2014	\$	2,500.00
HANDS PATIO & GARDEN CENTER	SUPPLIES FOR PARK	\$	298.50
HOLMAN FRENIA ALLISON, P.C.	SUPPLEMENTAL DEBT STM.	\$	225.00
HOME DEPOT	SUPPLIES LEACH FIELD	\$	196.93
ITS NEOPOST, INC.	POSTAGE METER INK CART.	\$	277.95
JEREMY S. PRICE	PUBLIC DEFENDER 9/22/14	\$	500.00
JERRY'S DIESEL & TRUCK REPAIR	PLOW INSTALLED CHEVY/2500	\$	1,200.00
JERSEY SHORE RESTROOMS, LLC	PORT A POTS OCT. 2014	\$	170.00
LAWYERS DIARY & MANUAL	LAWYERS DIARY	\$	201.00
MUNICIPAL MAINTENANCE COMPANY	LEACH FIELD REPAIRS	\$	5,480.00
NEW JERSEY CONF MAYORS	NJCM 2015 MEMBERSHIP DUES	\$	295.00
NJ LEAGUE OF MUNICIPALITIES	REG.LOM CONF. 11/18-20/14	\$	275.00
OFFICE BASICS, INC	SUPPLIES	\$	511.04
PEGGY BECK	MILEAGE & BATTERY	\$	114.92
PETER C. LANGE	JULY 2014 LEGAL FEES	\$	1,338.50
Q C LABS	WATER TEST	\$	101.50
RICHARD IRETON	IRETON 3RD QTR MILEAGE	\$	148.80
RUMPF REID & DOLCY	SEPT. 2014 PROSECUTION	\$	1,400.00
TRANSFORMATION ENTERPRISES	AUGUST 2014 ROLL-OFF	\$	3,355.00
TREASURER, STATE OF NEW JERSEY	MARRIAGE LIC. FEES	\$	50.00
UNIVERSAL COMPUTING SERVICES	MESSAGE MAILERS/NOTICES	\$	259.70
VERIZON	COURT & MUNI. PHONES AUG/SEPT 2014	\$	950.85
WEX BANK	FUEL CHARGES AUG. 2014	\$	821.77
BASS RIVER PAYROLL ACCOUNT	PAYROLL 9/18/14	\$	14,630.45
BASS RIVER PAYROLL ACCOUNT	PAYROLL10/2/14	\$	14,781.55
HASLER, INC.	POSTAGE SEPT. 2014	\$	556.77
			174,087.6
	TOTAL	\$	8

ORDINANCES & RESOLUTIONS:

**ORDINANCE 2014-04**  
**AN ORDINANCE OF THE TOWNSHIP OF BASS**  
**RIVER, IN THE COUNTY OF BURLINGTON, NEW**

**JERSEY, PROVIDING FOR A GENERATOR AND  
OTHER RELATED EXPENSES IN AND FOR THE  
TOWNSHIP OF BASS RIVER AND  
APPROPRIATING \$75,000 THEREFORE, AND  
PROVIDING FOR THE ISSUANCE OF \$71,250 IN  
BONDS OR NOTES TO FINANCE THE SAME**

Mayor Cope read Ordinance 2014-04 by title. Upon the motion by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione Ordinance 2014-04 was approved and the meeting was open for public hearing. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Yes. Comments: Being no public comment, the motion to close the public portion was made by Deputy Mayor Capriglione, seconded by Commissioner Bourguignon. All in favor and meeting was closed for public comment. The motion to adopt Ordinance 2014-04 was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and Ordinance 2014-04 was hereby adopted.

**ORDINANCE 2014-04**

***AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR A GENERATOR AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF BASS RIVER AND APPROPRIATING \$75,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$71,250 IN BONDS OR NOTES TO FINANCE THE SAME***

*BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF BASS RIVER, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:*

*Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the TOWNSHIP OF BASS RIVER, in the COUNTY OF BURLINGTON, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$75,000 including the aggregate sum of \$3,750 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.*

*Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$71,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.*

*Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:*

*(a) (1) Purpose: Generator for Township Shelter*

<i>Appropriation and Estimated Cost:</i>	<i>\$ 75,000.00</i>
<i>Estimated Maximum Amount of Bonds or Notes:</i>	<i>\$ 71,250.00</i>
<i>Period or Average Period of Usefulness:</i>	<i>15 years</i>
<i>Amount of Down Payment:</i>	<i>\$ 3,750.00</i>

(b) *The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.*

(c) *The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefore.*

*Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.*

*Section 5. The capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.*

*Section 6. The following additional matters are hereby determined, declared, recited and stated:*

(a) *The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.*

(b) *The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15.0 years.*

(c) *The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$71,250 and the obligations authorized herein will be within all debt limitations prescribed by that Law.*

(d) *An aggregate amount not exceeding \$1,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.*

(e) *The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.*

*Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.*

Section 8. *The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.*

Section 9. *The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.*

Section 10. *To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.*

Section 11. *This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.*

### **ORDINANCE 2014-05**

#### **AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF BASS RIVER, SO AS TO CREATE A CHAPTER 8.21 ENTITLED "ABANDONED PROPERTY"**

Mayor Cope read Ordinance 2014-05 by title. Upon the motion by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione Ordinance 2014-05 was approved and the meeting was open for public hearing. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Yes. Comments: Ms. K. Dolch noted that one property on Route 9 is much improved by the Township cutting grass and trimming brush. Ms. N. McCarten commented on the burnt structure on Route 9 stating that it is an eye sore. Mayor commented that this property is in the process of obtaining the proper permits to reconstruct. Mr. Aaronson asked how is it determined to be abandoned. Solicitor O'Connor said that it is defined in the ordinance and also defined by statute. Being no further public comment, the motion to close the public portion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and meeting was closed for public comment. The motion to adopt Ordinance 2014-05 was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and Ordinance 2014-05 was hereby adopted.

### **ORDINANCE 2014-05**

#### **AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF BASS RIVER, SO AS TO CREATE A CHAPTER 8.21 ENTITLED "ABANDONED PROPERTY"**

*BE IT ORDAINED* by the governing body of the Township of Bass River, County of Burlington, and State of New Jersey as follows:

**SECTION 1.** *The Township Code of the Township of Bass River is hereby amended and supplemented so as to create Chapter 8.21, which shall be entitled "Abandoned Property," and which shall read as follows:*

#### **8.21.01 DEFINITIONS AND WORD USAGE.**

*For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.*

**ABANDONED PROPERTY.** *Any property that is determined to be abandoned pursuant to the “Abandoned Properties Rehabilitation Act.” N.J.S.A. 55:19-78.*

**LIEN HOLDER or MORTGAGE HOLDER.** *Any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.*

**OWNER.** *The holder or holders of title to an abandoned property.*

**PROPERTY.** *Any building or structure and the land appurtenant thereto.*

**PUBLIC OFFICER.** *The person designated by the municipality pursuant to N.J.S.A. 40:48-2.5 or any other officer of the municipality qualified to carry out the responsibilities set forth in the Abandoned Properties Rehabilitation Act and designated by the Mayor.*

**QUALIFIED REHABILITATION ENTITY.** *An entity organized and authorized to do business under the New Jersey Statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provisions of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in N.J.S.A. 55:19-78 et seq. to carry out the rehabilitation of vacant buildings in urban areas.*

#### **8.21.02 INVENTORY OF ABANDONED PROPERTY; LIST TO BE MAINTAINED; NOTICE TO OWNER; CHALLENGE BY OWNER.**

*The Township of Bass River may direct the public officer to identify abandoned property for the purpose of establishing an abandoned property list throughout the Township. Each item of abandoned property so identified shall include the block and lot, the name of the owner of record, the street address of the lot, and the basis for the determination that the property is abandoned.*

- A. *The public officer shall establish and maintain a list of abandoned property, to be known as the “Abandoned Property List.” The Township of Bass River may add properties to the list at any time, and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property.*
- B. *An interested party may request that a property be included on the abandoned property list following the procedure set forth at 55:19-105.*

#### **8.21.03 ABANDONED PROPERTY, CRITERIA**

A. *Any property that has not been legally occupied for a period of six months and which meets any of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:*

1. *The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;*
2. *Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of determination by the public officer pursuant to this section.*
3. *At least one installment of property taxes remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the revised statutes as of the date of determination of the public officer pursuant to this section; or*
4. *The property has been determined to be a nuisance by the public officer in accordance with N.J.S.A. 55:19-82 for one or more of the following reasons:*
  - (a) *The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;*
  - (b) *The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;*
  - (c) *The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the township has secured the property in order to prevent such hazards after the owner has failed to do so;*
  - (d) *The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or*

*(e) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.*

*B. Exceptions.*

*1. A property which contains both residential and nonresidential space may be considered abandoned pursuant to N.J.S.A. 500:19-78 et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public Officer.*

*2. A property used on a seasonal basis shall be deemed abandoned only if it meets any two of the additional criteria set forth in N.J.S.A. 55:19-81.*

**8.21.04 ESTABLISHMENT OF ABANDONED PROPERTY LIST**

*A. The public office shall identify abandoned property within the Township of Bass River for the purpose of establishing an abandoned property list. The abandoned property list shall include, for each abandoned property identified, the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. The Public Officer may add properties to the abandoned property list at anytime, and may delete properties at any time when he or she finds that the property no longer meets the definition of an abandoned property.*

*B. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Township of Bass River has purchased or taken assignment from the township of a tax sale certificate which has been placed on the abandoned property list may be removed if the owner of the certificate pays all municipal taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list in accordance with the provisions of N.J.S.A. 55:19-103.*

*C. The Public Officer shall establish the abandoned property list and any additions or deletions thereto by authorizing the publication of the list in the official newspaper of the Township of Bass River, which publication shall constitute public notice, and, within 10 days after publication, shall send a notice, by certified mail, return receipt request, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if now, the tax lot and block number and street address. The Public Officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64(d). When the owner of record is not known for a particular property and cannot be ascertained by the by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is abandoned property as that term is defined herein and in N.J.S.A. 55:19-54, and shall specify the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the Public Officer in the Office of the Burlington County Clerk. This filing shall have the same force and effect as a formal notice under N.J.S.A. 2A:15-6. The notice shall be captioned with the name of the Township of Bass River as "plaintiff" and the name of the property owner as "defendant," as though an action had been commenced by the Township against the owner.*

*D. An owner or lien holder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the Public Officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the Public Officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Public officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification asserting that the property is not an abandoned property, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation such as, but not*

limited to, photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined herein and in N.J.S.A. 50:19-54. The Public officer shall decide any timely filed appeal within 20 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decisions and the reasons therefore.

E. The property owner may challenge an adverse determination of an appeal with the Public Officer pursuant to Subsection D of this section by instituting, in accordance with the New Jersey Court Rules, a summary trial proceeding in the Superior Court, Burlington County. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the Public Officer. The sole ground for appeal and new hearing before the Superior Court shall be that the property in question is not an abandoned property as that term is defined in N.J.S.A. 55:19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the Court may extend the deadline for instituting the action.

F. The Public Officer shall promptly remove any property from the abandoned property list that has been determined by him or on appeal not to be abandoned and may, in his discretion; remove properties from said list whenever he deems such removal appropriate under the circumstances.

G. The abandoned property list shall become effective, and the Township of Bass River shall have the right to pursue any legal remedy with respect to properties on the list, at any time after at least one property has been placed on the list and following the expiration of the period for appeal with respect to that first property or upon the denial of an appeal brought by the property owner of that first property.

#### **08.21.04 REMOVAL OF PROPERTY FROM ABANDONED PROPERTY list**

A. An owner may request removal of his or her property from the Abandoned Properties list prior to sale of the tax sale certificate by paying all taxes and Township liens due, including interest and penalties, and:

1. By posting cash or bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to N.J.S.A. 55:19-55 and by posting cash or bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public Officer, stating that the cash or bond adequately covers the cost of the cleanup; or

2. By demonstrating to the satisfaction of both the Public officer and the Board of Commissioners that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the Public Officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned, as evidenced by significant rehabilitation actively on the property, the Public Officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.

B. If the owner has posted cash or bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the New Jersey Department of Environmental Protection or an administrative consent order, as the case may be, or if any agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Township which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

#### **08.21.05 SALE OF RESTRICTED TAX LIENS**

A. Notwithstanding the provisions of N.J.S.A. 54:5-19, or the provisions of any other law to the contrary, if a property is included on the abandoned property list and the property taxes or other Township liens due on the property are delinquent for six or more quarters as of the date of expiration of the right to appeal the property's inclusion on the list, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the list have been exhausted, then the tax lien on the property may be sold in accordance with the procedures of the Tax Sale Law, N.J.S.A. 54:5-1 et seq., on or after the 9<sup>th</sup> day following the expiration of that time of appeal or final determination on an appeal.

B. The township of Bass River may, at its option, require that the sale of the tax sale certificate or any subsequent assignment or transfer of a tax sale certificate held by the Township be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to removed the property from the abandoned property list pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the Township to guarantee the rehabilitation or repair of the property. The Public Officer may waive a requirement to post a bond imposed by the Township for any purchases, assignee or transferee of a tax sale certificate that provides documentation acceptable to the Public Officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in N.J.S.A. 55:19-80. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the tax collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1,500 in effect for the time period when the amounts were expended, pursuant to N.J.S.A. 54:4-67. The tax sale certificate purchaser, assignee or transferee, with the authority of the Township of Bass River, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement, holding the Township of Bass River harmless, has been filed with the Public Officer.

C. If the Township of Bass River acquires the tax sale certificate for a property on the abandoned property list, then, upon 10 days' written notice to the property owner and any mortgagee as of the date of the filing of the notice pursuant to N.J.S.A. 55:19-55, the Township shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that 10 day period the owner or mortgagee shall have notified the Township in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Township of Bass River in order to ensure performance. The amount and conditions of the bond shall be determined by the Public Officer.

D. The cost of remediation incurred by the Township of Bass river, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to or after the filing of any lien by the Township, except for Township taxes, liens and assessments and any lien imposed pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the Burlington County Clerk.

E. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to this chapter shall be considered a public purpose and public use for which the power of eminent domain may be lawfully exercised.

#### **08.21.06 SPECIAL TAX SALE AND CRITERIA FOR BIDDERS**

A. The Township of Bass River may hold special tax sale with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on the abandoned property list.

B. The Public officer, with the advice and consent of the Township board of Commissioners, shall establish criteria for eligibility to bid on properties at the sale, which may include, but need not be limited to:

1. Documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Township's plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with Township's plans and regulations;

2. Commitments by the bidder to take action to foreclose on the tax lien by a date certain; and

3. Such other criteria as the Public officer, with the advice and consent of the Board of Commissioners, may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest.

C. The Public Officer, with the advice and consent of the Board of Commissioners, may establish minimum bid requirements for a special tax sale that are less than the full amount of the taxes, interest and penalties

due, to help ensure that the properties will be rehabilitated or otherwise utilized in a manner consistent with the public interest.

D. The Public Officer, with the advice and consent of the Board of Commissioners, may combine properties in said special tax sale into bid packages, and require that bidders place a single bid on each package, rejecting any and all bids on individual properties that are submitted.

E. The Public Officer, with the advice and consent of the Board of Commissioners, may sell said properties subject to provision that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Township, and any amount paid by the purchaser at the special tax sale shall be forfeited to the Township.

F. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the Township may designate the unsuccessful qualified bidder whose bid was closest to the successful bid as an eligible purchaser. In the event that the selected purchaser of that property or bid package fails to meet any of the conditions of sale established by the township pursuant to this section and his or her interest in the property or properties reverts to the Township, the Township may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.

G. The Township of Bass River shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-25. The notice shall include any special terms of sale established by the Township pursuant to this section. Nothing shall prohibit the Township from holding a special tax sale on the same day as a standard or accelerated tax sale.

#### **08.21.07 EXPEDITED ACTION TO FORECLOSE RIGHT OF REDEMPTION**

A. When a person or entity other than the Township of Bass River acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of just six months following the date of the sale of the tax sale certificate.

B. When the Township of Bass River is the purchaser of tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of Subsection b of N.J.S.A. 54:5-77.

C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:

1. Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the court; or

2. Demonstrates to the Court that the conditions because of which the property was determined to be abandoned have been remedied in full.

#### **08.21.08 ABANDONED PROPERTY STATUS DURING EXPEDITED FORECLOSURE**

A. If an entity other than the Township of Bass River has purchased or taken assignment from the Township of a tax sale certificate on a property that has not been legally occupied for a period of six months that property shall not be added to the abandoned property list under the following limited circumstances:

B. A determination that a property is abandoned property under the provisions of this chapter and N.J.S.A. 55:19-78 et seq. shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulations.

C. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to Subsection b of N.J.S.A. 54:5-86, the Public Officer or the Tax Collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of an "abandoned property" according to the criteria established in N.J.S.A. 55:19-81 and N.J.S.A. 55:19-82.

D. Nothing in this chapter shall preclude the Township from addressing concerns regarding the condition of the property through the Township of Bass River property maintenance hearing process, established by Title 8 of the Township Code, irrespective of any ongoing foreclosure proceedings.

#### **08.21.09 SUMMARY ACTION FOR CONTROL AND POSSESSION OF ABANDONED PROPERTY**

A. A summary action or other action to transfer possession and control of abandoned property in need of rehabilitation to the Township of Bass River may be brought by the Township in the Superior Court, Burlington County. If the Court shall find that the property is abandoned and that the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the Court may authorize the Township to take possession and control of the property and to develop its own rehabilitation plan for the property.

B. Where the Township has been granted possession and control, the Township may commence and maintain those further proceedings for the conservation, protection and disposal of the property, or any part thereof, that are required to rehabilitate the property, recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however that the Court shall not direct the sale of the property if the owner applies to the Court for reinstatement of control and possession of the property as permitted by N.J.S.A. 55:19-92.

C. Failure by the owner, mortgage holder or lien holder to submit a plan for rehabilitation to the Township, obtain appropriate construction permits or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding within the initial six-month period shall be deemed clear evidence that the owner has failed to take any action to further the rehabilitation of the property.

D. An owner may defend against a complaint filed pursuant to N.J.S.A. 55:19-84 by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to 125% of the amount determined by the Public Officer or the Court to be the projected cost of rehabilitation.

E. Any plan submitted by an owner to defend against a complaint shall be submitted within 60 days after the complaint has been filed, unless the Court provides the owner with an extension of time for good cause shown. A plan submitted by an owner pursuant to this section shall include, but not be limited to:

1. A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;

2. A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing including grants and loans;

3. A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and

4. Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.

F. Where the Court approves the rehabilitation plan of the owner or other party in interest, then it may appoint the Public Officer to act as monitor of compliance and progress. If the owner fails to carry out any step in the approved plan, then the Township may apply to the Court to have the posted bond forfeited, to transfer possession of the building to the Township to complete the rehabilitation plan, and to grant authorization to use the bond proceeds for the rehabilitation. The owner or other party in interest shall provide quarterly reports to the Public Officer on its activities and progress toward rehabilitation and reuse of the property.

G. If an owner is unsuccessful in defending against a complaint filed pursuant to N.J.S.A. 55:19-84, the mortgage holder or lien holder may seek to be designed in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. Their plan must be submitted within 60 days following the Court's rejection of the owner's plan, unless the Court provides the mortgage holder or lien holder with an extension of time for good cause shown. If the Court approves any such mortgage holder or lien holder's plan, it shall designate the party to be in possession of the property for purposes of ensuring its rehabilitation.

H. The mortgage holder or lien holder, as the case may be, shall provide quarterly reports to the Court and the Public Officer on its activities and progress toward rehabilitation and reuse of the property. If the mortgage holder or lien holder fails to carry out any materials step in the approved plan, then the Public Officer shall notify the Court, which may order the posted bond forfeit, grant the Township possession of the property, and authorize the Township to use the proceeds of the bond for rehabilitation of the property.

I. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lien holder granted possession of a property, including Court costs and reasonable attorney's fees, may be added to the unpaid balance due to the mortgage holder or lien holder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax lien holder, at the statutory interest rate for subsequent liens.

*J. If no mortgage holder or lien holder meets the conditions of N.J.S.A. 55:19-88, then the Township may submit a plan to the Court which confirms with the provisions of N.J.S.A. 55:19-87. Such plan shall designate whether the Township or a qualified rehabilitation entity shall undertake the rehabilitation plan in accordance with the provisions of N.J.S.A. 55:19-90.*

**08.21.10 TOWNSHIP REHABILITATION OR DESIGNATION OF QUALIFIED REHABILITATION ENTITY**

*A. The Public Officer, with the advice and consent of the Township Board of Commissioners, may designate a qualified rehabilitation entity for the purpose of exercising the Township's rights, where that designation will further the rehabilitation and reuse of the property consistent with Township's plans and objectives.*

*B. Regardless of whether the Township exercises its rights directly or the Public Officer designates a qualified rehabilitation entity pursuant to this section, while in possession of a property, the Township shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the Township's possession of the property, the owner of the property shall not be relieved of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.*

*C. The Court may approve the borrowing of funds by the Township of Bass River to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the Court must find as follows:*

*1. The Township sought to obtain the necessary financing from the senior lien holder, which declined to provide such financing on reasonable terms;*

*2. The Township sought to obtain a voluntary subordination from the senior lien holder, which refused to provide such subordination;*

*3. Lien priority is necessary in order to induce another lender to provide financing on reasonable terms. No lien authorized by the Court shall take effect unless recorded with the Clerk of Burlington County.*

*D. Where the Township has designed a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the Public Officer on its activities and progress toward rehabilitation and reuse of the property. The Township or qualified rehabilitation entity, as the case may be, shall provide such reports to the Court as the Court determines to be necessary. If the Court finds that the Township or its designee has failed to take diligent action toward rehabilitation of the property within one year from the grant of possession, then the Court may request the Township to designate another qualified rehabilitation entity to exercise its rights, or if the Township fails to do so, may terminate the order of possession and return possession and control of the property to its owner.*

*E. The Township of Bass River shall file a notice of completion with the Court, and shall also serve a copy on the owner and any mortgage holder or lien holder, at such time as the Township has determined that no more than six months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the Public Officer, attesting that the rehabilitation is anticipated to be completed within six months, and a statement setting forth the actions as it plans to undertake consistent with the plan.*

**08.21.11 PETITION FOR REINSTATEMENT OF CONTROL AND POSSESSION BY OWNER**

*A. An owner may petition for reinstatement of control and possession of the property at any time after one year from the Court's removal or possession, but no later than 30 days after the Township of Bass River has filed a notice of completion with the court or, in the event the notice of completion is filed within less than one year of the grant of possession, within 30 days after the township has filed said notice.*

*B. The Court may allow additional time for good cause if that additional times does not materially delay completion of the rehabilitation, place undue hardship on the township or affect any of the terms or conditions under which the Township has applied for or received financing for the rehabilitation of the property.*

*C. If the owner fails to petition for the reinstatement of control and possession of the property within 30 days after the Township has filed a notice of completion or, in any event, within two years after the initial grant of possession, or it's the owner fails to meet any conditions that may be set by the Court in granting a reinstatement petition, the Court may grant the Township title or authorize the Township to sell the property, subject to the provisions of N.J.S.A. 55:19-96.*

**08.21.12 PROCEDURES FOR TOWNSHIP TO PLACE LIENS, OBTAIN TITLE AND SELL PROPERTY**

A. The Public Officer, with the approval of the Court, may place a lien on the property to cover any costs of the Township in connection with any proceeding under N.J.S.A. 55:19-78 et seq. incurred prior to the grant by the Court of an order of possession, which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Township lien for the purposes of N.J.S.A.54:5-9, with the rights and status of a Township lien pursuant thereto.

B. Where the Township seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the Court shall approve, and may place the proceeds of sale in escrow with the Court.

C. The Court may authorize the Township of Bass River to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement. The proceeds of the purchase of the property shall be distributed as set forth in N.J.S.A. 55:19-97.

D. Upon approval by the Court, the Township shall sell the property in such terms and at such price as the Court shall approve, and may place the proceeds of sale in escrow with the Court. The Court shall order a distribution of the proceeds of sale after paying Court Costs in the order of priority set forth in N.J.S.A. 55:19-97.

E. With the exception of the holding of special tax sales pursuant to N.J.S.A. 55:19-101, the remedies available under N.J.S.A. 55:19-78 et seq. shall be available to the Township with respect to any abandoned property, whether or not the Township has established an abandoned property list and whether or not the property at issue has been included on any such list.

**SECTION 2.** 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 3.** This ordinance shall take effect after second reading and publication as required by law.

## **RESOLUTION 2014-75**

### **RESOLUTION AUTHORIZING SUBMISSION OF NJ DOT GRANT APPLICATION FOR CHIPS FOLLY ROAD**

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve Resolution 2014-75. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2014-75 was hereby approved.

## **RESOLUTION 2014-75**

### **APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF CHIPS FOLLY ROAD PROJECT**

*NOW, THEREFORE, BE IT RESOLVED* that Council of Bass River Township formally approves the grant application for the above stated project.

*BE IT FURTHER RESOLVED* that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Bass River Township-00361 to the New Jersey Department of Transportation on behalf of Bass River Township.

*BE IT FURTHER RESOLVED* that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bass River Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION 2014-76**

**A RESOLUTION REQUESTING THE CITIZENS, RESIDENTS, AND VISITORS OF BASS RIVER TOWNSHIP TO END HALLOWEEN TRICK-OR-TREATING AT 9:00 P.M. ON FRIDAY, OCTOBER 31, 2014 AND TO KEEP THEIR CHILDREN BELOW THE AGE OF 18 INDOORS AFTER 9:00 P.M. ON THURSDAY, OCTOBER 31, 2014 “MISCHIEF NIGHT”**

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve Resolution 2014-76. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2014-76 was hereby approved.

**RESOLUTION 2014-76**

**A RESOLUTION REQUESTING THE CITIZENS, RESIDENTS, AND VISITORS OF BASS RIVER TOWNSHIP TO END HALLOWEEN TRICK-OR-TREATING AT 9:00 P.M. ON FRIDAY, OCTOBER 31, 2014 AND TO KEEP THEIR CHILDREN BELOW THE AGE OF 18 INDOORS AFTER 9:00 P.M. ON THURSDAY, OCTOBER 31, 2014 “MISCHIEF NIGHT”**

*WHEREAS, in the Township of Bass River past experience has shown that at the Halloween season vandalism has, upon occasion, become a problem effecting the public welfare; and*

*WHEREAS, the citizens of the Township of Bass River have from time to time at the festive Halloween season been harassed by pranks which, though starting as innocent fun, developed into more serious problems; and*

*WHEREAS, Halloween occurs at a season of the year when darkness settles on the community early in the evening; and*

*WHEREAS, having small children running through the municipality and on the streets thereof during hours of darkness creates a safety hazard to the children as well as to other users of the streets and highways; and*

*WHEREAS, the convenience of the citizens of the municipality must be weighed and balanced.*

*NOW, THEREFORE, 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 regular meeting held on the 6<sup>TH</sup> day of October, 2014, that the citizens, residents, and visitors of Bass River Township be requested to end their trick-or-treating at 9:00 p.m. on Friday, October 31, 2014, and thereafter to show their cooperation with this request by no longer keeping their Halloween decorations and lights displayed.*

*BE IT FURTHER RESOLVED that parents are requested to keep their children below the age of 18 indoors after 9:00 p.m. on Thursday, October 30, 2014 “Mischief Night”.*

**RESOLUTION 2014-77**

**A Resolution Awarding the Contract for Construction of Municipal Park Tennis Court Pursuant to NJSA 40A:11-1**

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve Resolution 2014-77. Votes: Cope–Yes, Capriglione–Yes, Bourguignon–Yes. All present in favor and Resolution 2014-77 was hereby approved.

***Bass River Township  
Resolution 2014-77***

***A Resolution Awarding the Contract for Construction of Municipal Park Tennis Court Pursuant to  
NJSA 40A:11-1***

***WHEREAS***, the Bass River Township Municipal Clerk received sealed bids for the reconstruction of the Municipal Park Tennis court; and

***WHEREAS***, N.J.S.A. 40A:11-4 states that a contract, the cost of which would exceed \$17,500.00 in a fiscal year, shall be awarded only after public advertising for bids and bidding therefore; and

***WHEREAS***, there has been public advertisement for bids and the Township Clerk has received and opened bids on September 30, 2014 at 12:00 P.M. for the purpose of awarding a contract for the aforementioned reconstruction of the municipal tennis court, in the Township of Bass River, Burlington County, NJ and has advised that a certain entity is the lowest qualified responsible bidder for said contract and has recommended that the Municipality award said contract or reject the bids within sixty (60) days as required by N.J.S.A. 10A: 11-4; and

***WHEREAS***, the Township Engineer, Kluk Consultants, has reviewed the bid documents and prepared a bid summary; and

***WHEREAS***, the Township Commissioners have reviewed the recommendations made by the Township Administrator and Solicitor on said bids; and

***WHEREAS***, American Athletic Courts, Inc. was the lowest qualified bidder submitting a conforming bid.

***NOW, THEREFORE, BE IT RESOLVED*** by the Bass River Township Board of Commissioners as follows:

- 1. That the Township Board of Commissioners, for the aforementioned reasons, hereby declares that American Athletic Courts, Inc., is the lowest qualified bidder for the aforementioned contract and hereby awards a contract to the said entity for the aforesaid purpose in the amount of \$73,500.00 in accordance with the terms and conditions of the Bid Proposal, the Notice to Bidders and Specifications, copies of which are on file in the Office of the Township Clerk and available for public inspection during regular business hours.***
- 2. That the award to American Athletic Courts, Inc. is consistent with the legal requirements of the lowest responsible bidder, which conforms, to all specification requirements and applicable statutory provisions.***
- 3. That the Board of Commissioners does hereby direct the Township Mayor and Clerk to execute any contract documents which are necessary to effectuate the terms of this Resolution which shall be prepared by or reviewed by the Office of the Township Attorney.***

**RESOLUTION 2014-78**

**RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIGNATING THE CERTIFIED COSTS OF PROPERTY MAINTENANCE PERFORMED BY THE TOWNSHIP**

**OF BASS RIVER ON BLOCK 54, LOT 45, AS A LIEN ON THE PROPERTY AND AUTHORIZING THE TAX COLLECTOR TO COLLECT THE LIEN IN ACCORDANCE WITH CHAPTER 8.20 OF THE MUNICIPAL CODE**

The motion was made by Mayor Cope, seconded by Commissioner Bourguignon to approve Resolution 2014-78. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2014-78 was hereby approved.

**RESOLUTION 2014-78**

**RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIGNATING THE CERTIFIED COSTS OF PROPERTY MAINTENANCE PERFORMED BY THE TOWNSHIP OF BASS RIVER ON BLOCK 54, LOT 45, AS A LIEN ON THE PROPERTY AND AUTHORIZING THE TAX COLLECTOR TO COLLECT THE LIEN IN ACCORDANCE WITH CHAPTER 8.20 OF THE MUNICIPAL CODE**

*WHEREAS, Chapter 8.20 of the Municipal code of the Township of Bass River provides that the owner or tenant of lands, or the agent of such premises, within the Township is required to removed or cause to be removed from such lands any brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris which is or may become dangerous to life or health or might tend to extend a conflagration in the Township; and*

*WHEREAS, the Municipal Code further provides that if after inspection by the Code Enforcement officer any such lands are deemed to be in violation of Chapter 8.20, the Township Clerk shall notify the owner, tenant or agent of the lands in question to remedy such violations within ten (10) days after receipt of notice to do so. Said notice shall be made upon the owner, tenant or agent of any such lands by letter to his or her last known address; and*

*WHEREAS, the Municipal Code Further provides that if the owner, tenant or agent to whom notice of violation sent, neglects or refuses to abate or remedy the violation within ten (10) days after notice thereof, the Code Enforcement officer or his or her designated agent shall cause the violation to be abated and remedied and certify the costs thereof to the Borough Council which, after examination of the certificate and determination of its accuracy, shall cause the costs to be charged against the lot or land on which the violations exists. The amount so charged shall become a lien upon the lot or land and shall be added to and become and form part of the taxes next to be assessed and levied upon the lot or land, the same to bear interest at the same rate as taxes and to be collected as provided by R.S. 40:48-2.14, and enforced by the same officers responsible for the collection of taxes and in the same manner as taxes; and*

*WHEREAS, after inspection, the Township's Code Enforcement officer has determined Block 54, Lot 45, as shown on the tax map of the Township of Bass River, currently known as (address) 5689 Route 9, and assessed to (owner) Fox Plumbing, Heating and Air Conditioning Corp. in violation of Chapter 8.20 of the Municipal Code; and*

*WHEREAS, notice has been provided to the assessed owner of the said property in accordance with Chapter 8.20 of the Municipal Code; and*

*WHEREAS, the assessed owner to whom notice of violation was sent, neglected or refused to abate or remedy the violation within ten (10) days after notice thereof, causing the violation on said property to be abated and remedied by the Township of Bass River, and the costs associated therewith to be certified to the governing body; and*

*WHEREAS, the governing body has examined the certification of costs and finds same to accurate.*

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Bass River, County of Burlington, State of New Jersey, as follows:

1. That the costs incurred by the Township to remedy and abate the violations on Block 54, Lot 45, commonly referred to as (address) 5689 Route 9, as determined by the Code Enforcement Officer, and the costs of **\$460.25** of which having been certified to the governing body and upon examination thereof found to be accurate, are hereby charged against said property and shall become a lien upon same.
2. That said lien shall be added to and become and form a part of the taxes next to be assessed and levied upon said property, and that the Tax Collector is hereby authorized to collect same in accordance with the provisions of Chapter 8.20 of the Municipal Code.
3. That a certified copy of this resolution shall be forwarded by the Municipal Clerk to the Code Enforcement Officer and Tax Collector of the Township of Bass River.

### **RESOLUTION 2014-79**

## **PROCLAMING OCTOBER IN THE YEAR 2014 DOMESTIC VIOLENCE AWARENESS MONTH**

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve Resolution 2014-79. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2014-79 was hereby approved.

### **RESOLUTION 2014-79**

#### ***PROCLAMING OCTOBER IN THE YEAR 2014 DOMESTIC VIOLENCE AWARENESS MONTH***

*WHEREAS, one in every four women will experience domestic violence in her lifetime; and*

*WHEREAS, historically females have been most often victimized by someone they know; and*

*WHEREAS, 1 in 12 women and 1 in 45 men have been stalked in their lifetime; and*

*WHEREAS, witnessing violence between one's parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next; and*

*WHEREAS, Domestic Violence Awareness Month evolved from the first Day of Unity observed in October 1981 by the National Coalition Against Domestic Violence; and*

*WHEREAS, The Day of Unity is celebrated the first Monday in October and the (NCADV) National Coalition against Domestic Violence hopes that special events in communities and regions across the fifty states will culminate in a powerful statement celebrating the strength of battered women and their children.*

*NOW, THEREFORE, I Deborah Buzby-Cope, Mayor, of the Township of Bass River in the State of New Jersey along with the Bass River Township Board of Commissioners, proclaim October as "Domestic Violence Awareness Month."*

**RESOLUTION 2014-80**

**RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve Resolution 2014-80. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2014-80 was hereby approved.

**RESOLUTION 2014-80**

**RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

*WHEREAS, the Township of Bass River is the owner of certain surplus property which is no longer needed for public use; and*

*WHEREAS, the Board of Commissioners of the Township of Bass River are desirous of selling said surplus property in an “as is” condition without express or implied warranties.*

*NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Bass River, County of Burlington, State of New Jersey, as follows:*

1. *The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Township Clerk of Bass River Township.*
2. *The sale will be conducted online and the address of the auction site is govdeals.com*
3. *The sale is being conducted pursuant to Local Finance Notice 2008-9*
4. *A list of the surplus property to be sold is as follows:*
  - a. *1-Simplx SST 25c Dike Capacity-56 Gal. Open Top Dike  
Simplx SST Series Fuel Oil Day Tank Pump System*
  - b. *2-Modine 45,000 BTU Hot Air-- Oil*
  - c. *1-1000 Gal. Highland Fire Guard Double Wall Tank*
  - d. *1-Portable Onan Generator—A/C Volt 120/240, KVA 10,000*
5. *The surplus property as identified shall be sold in an “as-is” and “where-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.*
6. *The Township of Bass River reserves the right to accept or reject any bid submitted.*

**REPORTS:**

The following reports were noted.

Solicitor’s Report

Report of Municipal Court  
Dog Report  
Safety Coordinator Report

PUBLIC COMMENT:

The meeting was open for public comment at 7:37 p.m. upon a motion by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All present in favor.

Ms. C. Bitzberger mentioned she attended a township meeting months ago. The Township Auditor was in attendance and said Bass River was fine for this year but next year Bass River would be in trouble. She asked what did that mean. Mayor stated that the surplus is depleting and state aid is being cut more and more and the township needs to take steps to generate revenue to build the surplus. Keeping the local purpose tax rate flat for so many years may not have been such a good thing. PILOT funding was cut by the state and DOT funds are not being awarded. All grants are swindling.

Ms. C. Bitzberger asked the Mayor if she was President of the Conference of Mayor and are Mayors looking for ways for schools to decrease the costs. Deputy Mayor Capriglione said the only time the township can really cut anything in the school budget is when the budget is rejected by the township voters and the budget would come before the governing body to recommend cuts. Her concern is that taxes will continue to go up next year.

Mr. W. Aaronson said because of the State of the State there will be no other option then for costs to continue to go up. He noted that Bass River Township is fortunate in one sense that we have a \$1,000,000 corporation (the Township) being run with very little. Mr. Aaronson noted, however, Viking is not paying their fair share of taxes. They are paying the same amount of taxes as they have paid previously in 2006. Assessment of taxes on the new building would be a huge increase to our tax base. He would like to see Viking pay their fair share of the taxes to the Township and thinks the Township should make them step up and pay. Deputy Mayor Capriglione feels that the Township Tax Assessor will have to go over and reassess. Mayor to talk with Assessor as to why there are no added assessments on the expansion.

Ms. N. McCarten asked is there a step up in assessments when there is a big added such as Viking vs. her little house. Mayor said yes. Ms. McCarten asked if the assessor is qualified to do the assessment. Mayor said yes, he is qualified.

Mr. R. Steele asked is anyone talked to Little Egg Harbor about some of the issues that people are having with Little Egg Harbor Construction Office. Yes, Mayor and Commissioner Bourguignon have talked to Mr. Haines of the Construction Department.

Ms. W. Aaronson asked where the tennis court was going to be. Commissioner Bourguignon said that it was being construction at the North Maple Avenue Playground.

Mrs. W. Aaronson asked is we know if there is an approved manufacturing node in the town. Mayor said that it would appear that if all was approved then it should be approved. Clerk to check with DEP to attempt to get certificate of filing from them to bring back to the next meeting.

Being no further comments, the motion to close the public portion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and public portion was closed at 8:18 p.m.

Being no further business to come before the Board the motion to adjourn was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and meeting was adjourned at 8:18 p.m.

Respectfully Submitted  
Amanda S. Somes, RMC  
Township Clerk