

**MINUTES BASS RIVER TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING OF MONDAY, NOVEMBER 5, 2018**

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 Capriglione and Commissioner Louis Bourguignon. Also present Township Clerk Amanda Somes and 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 special meeting of September 26, 2018 were presented to the Board for review. The motion to approve the minutes was made by Mayor Cope, seconded by Deputy Mayor Capriglione. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Abstain. All in favor and minutes of the September 26, 2018 special meeting were hereby approved.

Minutes of the regular meeting of October 1, 2018 were presented to the Board for review. The motion to approve the minutes was made by Mayor Cope, seconded by Commissioner Bourguignon. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and minutes of the October 1, 2018 regular meeting were hereby approved.

PAYMENT OF BILLS:

The motion was made by Mayor Cope to approve payment of the bills in the amount of \$540,844.11. The motion was seconded by Commissioner Bourguignon to approve bills for payment. Votes: Cope –Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and bills were ordered paid.

PEGGY	DWI	\$
BECK	COURT	200.00
	DWI	\$
HELEN GRIFFITHS	COURT	150.00
	DWI	\$
LARA BEDNARCZYK	COURT	120.00
	DWI	\$
MICHAEL NINO	COURT	85.00
	DWI	\$
KEVIN QUINLAN	COURT	400.00
	DWI	\$
ADOLPH P. SICHERI	COURT	500.00
	DWI	\$
KATHLEEN McKERNAN	COURT	120.00
		\$
WAWA STORE #978	POSTAGE ON SAFETY GIFT CARDS	7.99
		\$
ACE OUTDOOR POWER EQUIPMENT 3	SUPPLIES	86.85
AMANDA SOMES	MILEAGE OCT. 2018	\$

		70.40
		\$
AMANDA SOMES	REIMBURSEMENT SAFETY GRATUITY	125.00
	3RD QTR. ANIMAL	\$
ANIMAL CAPTURE & CONTROL	SERVICES	936.00
		\$
ATLANTIC CITY ELECTRIC	SEPT/OCT 2018 ELECTRICITY	4,778.50
		\$
A T & T	ALL IN ONE SEPT. 2018	60.89
		\$
BASS RIVER BD OF ED	LOCAL SCHOOL TAX 11/7/18	126,200.00
		\$
BEACONS	ORDINANCE NOTICE	42.98
	TECH SUPPORT SEPT.	\$
BELLIA TECH, LLC	2018	85.83
		\$
BILMARK PLUMBING & HEATING LLC	REPAIRS	300.00
	SAFETY INCENTIVE	\$
BREEZES ON THE BASS RIVER	DINNER	616.00
		\$
BURL CO TREAS, LANDFILL	TIPPING FEES SEPT & OCT 2018	8,328.46
		\$
BURL CO TREASURER	4TH QTR COUNTY TAXES	156,641.28
		\$
CASA PAYROLL SERVICES	OCT. 2018 PAYROLL SERVICES	238.00
		\$
CENTRAL JERSEY EQUIPMENT	TRAIN PARTS FOR PARK	113.96
		\$
CINTAS	SUPPLIES	236.27
		\$
COMCAST	SERVICE 10/19/18 - 11/18/18	106.00
		\$
CONNER STRONG COMPANIES, INC.	ACCIDENT POLICY RENEWAL	2,154.00
READYREFRESH BY		\$
NESTLE	SERVICE SEPT. 2018	17.08
		\$
EMERGENCY MEDICAL PRODUCTS, INC.	EMS SUPPLIES	241.30
GREAT BAY REGIONAL		\$
EMS	2ND 1/2 2018 CONTRIBUTION	6,000.00
		\$
HANDS PATIO & GARDEN CENTER	HALLOWEEN SUPPLIES	396.00
		\$
HOME DEPOT	SUPPLIES	1,198.44
		\$
IPM INTEGRATED PEST MGMT.	QUARTERLY SERVICE	125.00
		\$
JERSEY SHORE RESTROOMS, LLC	PORT A POT OAK LANE 10/26 - 11/22	85.00
	OCT. 2018	\$
KEVIN S. QUINLAN	PROSECUTIONS	2,400.00
		\$
KEYPORT ARMY & NAVY	PUBLIC WORKS WEAR	404.78
		\$
LANGUAGE SERVICES ASSOCIATES	LANGUAGE SERVICES 9/1/18 & 9/30/18	54.60
MGL PRINTING		\$
SOLUTIONS	DOG TAGS 2019	249.00
		\$
MR. BOB'S	PORT A POTS 10/8/18 - 11/4/18	236.80
		\$
MUNICIPAL RECORD SERVICE	NOTARY STAMPER	46.00
		\$
NAPA AUTO PARTS	PARTS	31.02
	METER	\$
NEOPOST USA INC	TAPES	85.99
		\$
NEW JERSEY PLANNING OFFICIALS	NJPO CLASS DUES 2019	325.00

NEW JERSEY NATURAL GAS	NATURAL GAS 9/11/18 - 10/11/18	\$ 183.84
NFPA	MEMBERSHIP DUES	\$ 175.00
OFFICE BASICS, INC. PEGGY BECK	OFFICE & HOUSEKEEPING SUPPLIES	\$ 504.07
PINELANDS REGIONAL SCHOOL DIST.	BANK MILEAGE OCT 2018	\$ 103.12
RUMPF REID & DOLCY	REGIONAL SCHOOL TAX 11/2/18	\$ 180,485.50
STATE OF NJ DIV EMPLOYER ACCTS	PUBLIC DEFENDER 10/1/18	\$ 750.00
THE FIRE STORE THOMSON RUETERS - WEST	REIMBURSEMENT BILLING	\$ 2,180.00
TIM LOVINGHAM	PARTS	\$ 611.17
TRACTOR SUPPLY CREDIT PLAN	NJ COURT RULES STATE 2019	\$ 123.00
TRANSFORMATION ENTERPRISES	REIMB. ELECTRICAL SUPPLIES - TRAIN PARK	\$ 412.65
TREASURER, STATE OF NEW JERSEY	SUPPLIES	\$ 642.96
TREASURER, STATE OF NEW JERSEY	SEPT. 2018 ROLL-OFF	\$ 5,225.00
UNIVERSAL COMPUTING SERVICES	3RD QTR. MARRIAGE LICENSES	\$ 150.00
VERIZON	BFCE RENEWAL FEE	\$ 191.00
VERIZON WIRELESS	MESSAGE/MAILERS & NOTICES	\$ 282.70
WALMART COMMUNITY/SYNCB	PHONES OCT. 2018	\$ 726.50
WEX BANK	CELL -CRAMER 9/4 - 10/23	\$ 76.03
BASS RIVER PAYROLL ACCT	SUPPLIES	\$ 49.48
BASS RIVER PAYROLL ACCT	FUEL SEPT. 2018	\$ 1,214.38
HASLER, INC.	PAYROLL 10/11/18	\$ 15,463.38
HASLER, INC.	PAYROLL 10/25/18/18	\$ 15,545.14
	SEPT. 2018 POSTAGE	\$ 635.11
	OCT. 2018 POSTAGE	\$ 514.66

TOTAL \$ 540,844.11

ORDINANCES & RESOLUTIONS:

ORDINANCE 2018-05

AN ORDINANCE AMENDING CHAPTER 16, SUBDIVISIONS AND SITE PLANS, AND CHAPTER 17, ZONING ORDINANCE, OF THE CODE OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY

Mayor Cope read Ordinance 2018-05 upon second reading by title. The motion to approve and open for public hearing was made by Commissioner Bourguignon and seconded by Deputy Mayor Capriglione. All in favor and meeting was open for public hearing of Ordinance 2018-05. Comments: Mr. Assur asked if the Pinelands Commission doesn't agree with Engineer, can it be appealed and or challenged by the Engineer? Mr. Aaronson would favor going thru the LRO. Mr. Assur asked for the Township to check with other towns to see how it works with them. The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to close the public portion and to table the adoption of Ordinance 2018-05 to allow for solicitor to obtain more information and follow up with these questions. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Ordinance 2018-05 was tabled.

ORDINANCE # 2018- 05

AN ORDINANCE AMENDING CHAPTER 16, SUBDIVISIONS AND SITE PLANS, AND CHAPTER 17, ZONING ORDINANCE, OF THE CODE OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY

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

- I. **PURPOSE:** *The purpose of this Ordinance is to amend Chapter 16, Subdivisions and Site Plans, and Chapter 17, Zoning Ordinance, of the Code of the Township of Bass River in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018 and amendments to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq by Assembly Bill 1425/Senate Bill 3233. Further, to amend Chapter 17, Zoning, to provide for a simplified permitting system for single family dwellings in the Pinelands Area.*
- II. *Chapter 16, Subdivisions and Site Plans, Section 16.08, Procedure, is hereby amended by revising subsection 16.08.160A.2 as follows:*
 2. *Except as provided in subsection A(3) of this section, the following shall not be subject to the procedures set forth in this section:*
 - a.-f. *(No change.)*
 - g. *The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:*
 - (1) *If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and*
 - (2) *If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.*

h.-j. (No change.)

k. The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.

l. The clearing of land solely for agricultural or horticultural purposes.

m.-r (No change.)

s. The installation of an accessory solar energy facility on any existing structure or impervious surface.

t. The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.

u. The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.

v. The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

III. Chapter 16, Subdivisions and Site Plans, Section 16.08, Procedure, is hereby amended by replacing subsection 16.08.160.D in its entirety with the following:

D. Notices to the Pinelands Commission.

1. Application Submission and Modifications. Written notification shall be given by the approval agency, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the approval agency that an application for development in the Pinelands Area is complete or if a determination is made by the approval agency that the application has been modified. Such notice shall contain:

a. The name and address of the applicant,

b. The legal description and street address, if any, of the parcel that the applicant proposes to develop,

c. A brief description of the proposed development, including uses and intensity of uses proposed,

d. The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued,

e. The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency,

f. The approval agency with which the application or change thereto was filed,

- g. *The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports, and*
 - h. *The nature of the municipal approval or approvals being sought;*
2. *Meetings and Hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:*
- a. *The name and address of the applicant,*
 - b. *The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued,*
 - c. *The date, time and location of the meeting, hearing or other formal proceeding,*
 - d. *The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding,*
 - e. *Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission, and*
 - f. *The purpose for which the meeting, hearing or other formal proceeding is to be held.*
3. *Notice of Approvals and Denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall within five days of the approval or denial give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:*
- a. *The name and address of the applicant,*
 - b. *The legal description and street address, if any, of the parcel that the applicant proposes to develop,*
 - c. *The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued,*
 - d. *The date on which the approval or denial was issued by the approval agency,*
 - e. *Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission,*
 - f. *Any revisions to the application not previously submitted to the Commission, and*

- g. *A copy of the resolution, permit or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.*

IV. *Chapter 16, Subdivisions and Site Plans, Section 16.16, Improvements, is hereby amended by replacing subsection 16.16.010, Performance guarantee and inspections, in its entirety with the following:*

A. *No final plat or plan shall be approved by the Board until complete and satisfactory installation of all items required by N.J.S.A. 40:55D-53, as modified by P.L. 2017, c. 312 and the inspection, certification and approval of such items by the Township Engineer and acceptance by the governing body in accordance with the requirements of this section, or their installation shall have been provided for by a performance guarantee accepted and approved by the governing body in accordance with the requirements of this section. No maintenance guarantee shall be accepted nor shall any partial facility be accepted for any item which has further stages of work to be completed or which will need to be altered or reworked in any manner due to the installation or connection of any other facility. Any improvements included on a plat or plan and installed prior to final plat application that do not meet Township standards shall be added to the performance guarantee in accordance with N.J.S.A. 40:55D-53., as modified by P.L. 2017, c.312.*

B. *In accordance with N.J.S.A. 40:55D-53, as modified by P.L. 2017, c.312, the Township requires any performance guarantee to include, within a approved phase or section of a development, privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.*

C. *A performance guarantee estimate shall be submitted to the Board by the Township Engineer as part of his report on each plat or plan or section submitted for final plat review completely detailing the material and work required for the subdivision improvements and an estimated cost of providing them. The Board may request the Township Engineer to review and update the estimate from time to time as required*

D. *The proposed performance guarantee accompanying the final plat shall be submitted to the Board by the subdivider. The Board shall review the proposed performance guarantee and submit it o\to the Township engineer and Township Attorney for recommendations as to accuracy and form and then to the governing body for approval and acceptance by Resolution. Final approval shall not be granted until the performance guarantee has been accepted and approved by the governing body.*

1. *The performance guarantee shall consist of the performance guarantee estimate and a performance bond, in which the subdivider shall be principal and an acceptable surety company licensed to do business in the State of New Jersey and/or cash or certified check which shall be deposited with the Township by payment to the Township Treasurer shall be surety. The Township Treasurer shall issue a receipt for such deposits and shall cause same to be deposited in a bank approved by the governing body in the name of the Township to be retained as security for completion of all requirements and to be returned to the sub divider on completion of all required work or in the event of default on the part of the subdivider, to be used by the Township for completing the requirements. If the required improvements have not been installed or constructed in accordance with the standards of the Township or within the stipulated time, the obligor and surety for any bond shall be liable thereto to the Township for reasonable costs of the improvements or of the uncompleted portions thereof. The Township Engineer's determination*

that the principal has defaulted in meeting the required standards of construction shall be the basis for the governing body action which accepts or rejects the improvements, grants, partial approval or withhold approval. Upon authorization by the governing body, the Township Attorney shall take the necessary steps to obtain such costs from the obligor and surety.

2. *The performance guarantee shall run in favor of the Township in an amount not to exceed one hundred twenty (120%) percent of the costs of installation for improvements in accordance with N.J.S.A. 40:55D-53, as estimated by the Township Engineer. The form of the performance bond shall be approved by the Township Attorney as to its legal sufficiency. The governing body shall have the power to accept in such forma and with such surety as is acceptable to them.*

The subdivider shall post, prior to the release of a performance guarantee, as required, a maintenance guarantee posted with the Township in an amount not to exceed fifteen (15%) percent of the costs of the installation of private site improvements in accordance with N.J.S.A. 40:55D-53, which costs shall be calculated according to the method of calculation set forth in N.J.S.A. 40:55D-53.4.

The term of the maintenance guarantee shall be for a period not to exceed two (2) years and shall automatically expire at the end of the established term.

3. *The performance guarantee shall be held, used or released in accordance with the provisions of N.J.S.A. 40:55D-53.*

E. *The Township Clerk shall notify the Secretary of the Planning Board and the Township Engineer prior to the Board's next regular meeting that the performance guarantee has been approved and accepted by the governing body.*

F. *In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," (TCOG) in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items (including both private onsite and to be publicly dedicated) which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to section A above, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. No same item may be included in multiple performance bonds. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the municipal engineer. The TCOG shall be released by the municipal engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building or phase as to which the temporary certificate of occupancy relates, upon submission of a Maintenance Guarantee.*

G. *A developer shall furnish to the Township a "safety and stabilization guarantee" in favor of the Township. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Township solely for the purpose of returning property that has been disturbed*

to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstances that: (i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and (ii) work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township's intent to claim payment under the guarantee.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows: \$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.

The Township shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

The Township shall release a "safety and stabilization guarantee" upon the municipal engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

H. All improvements and utility installations shall be inspected during the time of their installation under the supervision of the Township Engineer to insure satisfactory completion. The Township Engineer shall be notified by the developer at least three (3) days in advance of the start of construction. The cost of the inspection shall be the responsibility of the developer and he shall post the inspection fees in escrow with the Township Treasurer in an amount as follows:

(1) not to exceed, except for extraordinary circumstances, the greater of five hundred (\$500) dollars or five (5%) percent of the cost of the bonded improvements that are subject to a performance guarantee under section a above; and

(2) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under section a above, which cost shall be determined in accordance with N.J.S.A. 40:55D-53.4. This deposit shall be in addition to the amount for the performance guarantee.

If the inspection costs exceed such funds, the developer shall deposit with the Township Treasurer additional sums in escrow upon delivery of a written inspection escrow deposit request, signed by the Township Engineer detailing the items or undertakings that require inspection, estimates of the time required for those inspections and estimates of the cost of performing those inspections. All inspection fees shall be determined in accordance with the Engineer's prevailing hourly rate on file with the Township Clerk.

- I. *In no case shall any paving work, including prime and seal coats, be done without permission from the Township Engineer prior to any such construction so that a representative of the Township Engineer's Office may be present at the time the work is to be done. No underground installation shall be covered until inspected and approved. The Township Engineer's Office shall be notified after each of the following phases of work has been completed so that he or a qualified representative may inspect the work; road subgrade, curb and gutter forms; curbs and gutters; road paving, after each coat in the case of priming and sealing; drainage pipes and other drainage structures before back filling; shade trees and planting strips; street name signs; and monuments. Electrical, gas and telephone utility distribution supply lines installed by the utility companies are exempt from the above requirements. Occupancy permits will be issued only when the installation of curbs, utilities, functioning water supply and sewage treatment facilities, necessary storm drainage to insure proper drainage of the lot and surrounding land, rough grading of lots, base course for the driveway, and four-inch compacted macadam base course for the streets or such other design standard as may have been approved are installed to serve the lot and structure for which the permit is requested. Streets, if installed prior to final approval, shall not be paved until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. Seeding of grass areas in season shall be the last operation.*
- J. *Inspection by the Township of the installation of improvements and utilities by the subdivider shall not subject the Township to liability for claims, suits or liability of any kind that may arise because of defects or negligence, it being recognized that the responsibility to provide proper utilities and improvements and to maintain safe conditions at all times on all parts of the tract whether construction is waiting to start, is in progress, or is completed, or any combination of conditions on all or part of the tract is upon the developer and his contractors or subcontractors if any.*
- K. *After completing the construction of the public improvements covered by the performance guarantee, the subdivider shall prepare two (2) sets of the proper improvements and utility plans and the profile amended to read "as constructed" and shall apply to the Township Engineer for final inspection of work. The Township Engineer shall, within thirty (30) days of notice of completion of improvements, report to the governing body on the condition of work and recommend that the performance guarantee be released, extended or declared in default in whole or in part.*
- V. *Title 17, Zoning Ordinance, Chapter 17.04 Introductory Provisions and Definitions, is hereby amended by replacing or adding the following definitions in subsection 17.04.030.B:*
- "Alternate design pilot program treatment system" means an individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater and that has been approved by the Pinelands Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b). Detailed plans and specifications for each authorized technology are available at the principal office of the Pinelands Commission.*
- "Immediate family" means those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.*

“Solar energy facility” means a solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

- VI. Title 17, Zoning, Chapter 17.08, Zoning Districts Designated, is hereby amended by replacing subsections 17.08.060A and B in their entirety with the following:
- A. *In the Pinelands Preservation and Coastal Wetlands Districts: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five percent of the parcel, and no more than one percent of the parcel will be covered with impervious surfaces; and accessory uses.*
 - B. *In the Special Agricultural Production Area District: Berry agriculture, horticulture of native Pinelands plants, forestry, beekeeping, fish and wildlife management, wetlands management, agricultural employee housing as an accessory use, and accessory uses.*
- VII. Title 17, Zoning Ordinance, Chapter 17.20, Use and Design Standards, is hereby amended by revising subsection 17.20.190B.5 as follows:
- 5. *Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:*
 - (a) *(No change.)*
 - (b) *If the proposed development is non-residential, it is located:*
 - i. *In the VR or VC zoning districts; or*
 - ii. *In the RD or F zoning districts, provided that the standards of N.J.A.C. 7:50-6.84(a)5iii(2) are met.*
 - (c) *(No change.)*
- VIII. Title 17, Zoning Ordinance, Chapter 17.20, Use and Design Standards, is hereby amended by revising subsection 17.20.190B.7 as follows:
- 7. *Alternate design pilot program treatment systems, provided that:*
 - a.-i. *(No change.)*
 - j. *Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that cannot be cancelled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time; and*

k. *The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in this subsection, and grants access, with reasonable notice, to the local board of health, the commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the commission that apply to said system.*

~~l. No alternate design pilot program treatment system shall be installed after August 5, 2013.~~

IX. *Title 17, Zoning Ordinance, Chapter 17.32, Administration and Enforcement, is hereby amended by revising subsection 17.32.070B as follows:*

1.-6. *(No change.)*

7. *The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:*

a. *If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and*

b. *If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.*

8.-10. *(No change.)*

11. *The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.*

12. *The clearing of land solely for agricultural or horticultural purposes.*

13.-18 *(No change.)*

19. *The installation of an accessory solar energy facility on any existing structure or impervious surface.*

20. *The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.*

21. *The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.*

22. *The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.*
- X. *Title 17, Zoning Ordinance, Chapter 17.32, Administration and Enforcement, is hereby amended by revising subsection 17.32.080, Application requirements for minor development, as follows:*
- A. *Any application for approval of minor development shall include at least the following information:*
 1. *The applicant's name and address and his or her interest in the subject property;*
 2. *The owner's name and address, if different than the applicant's, and the owner's signed consent to the filing of the application;*
 3. *The legal description, including block and lot designation and street address, if any, of the subject property;*
 4. *A description of all existing uses of the subject property;*
 5. *A brief written statement generally describing the proposed development;*
 6. *A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject property and the Pinelands management area designation and the zoning designation are shown;*
 7. *A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed sanitary facilities:*
 - a. *On-Site Treatment Facilities. Location, size, type and capacity of any proposed on-site wastewater treatment facilities; and*
 - b. *Soil Borings and Percolation Tests. If on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 et seq., and the regulations adopted pursuant thereto, shall be submitted at suitable location with a tract map showing location, logs, elevations of all test holes, indicating where ground water was encountered, estimating the seasonal high water table and demonstrating that such facility is adequate to meet the water quality standards contained in [Section 17.20.190](#);*
 - c. *The township engineer shall be given ten (10) days written notice prior to any soil testing.*
 8. *A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads;*
 9. *A soils map including a county soils survey which conforms to the guidelines of the United States Department of Agriculture Soil Conservation Service, showing the location of all proposed development;*
 10. *A map showing existing vegetation, identifying predominant vegetation types in the area, and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development;*
 11. *A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations;*
 12. *When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to [Section 17.32.110](#); and*

13. *In lieu of A.1 through 12 above, the application requirements of subsection B below shall apply to applications for development of a single-family dwelling on an existing lot of record.*

B. *Procedures for applications for the development of a single-family dwelling. For purposes of this subsection "B," the "Zoning Officer" is hereby designated as the Township Engineer.*

1. *The Zoning Officer is hereby authorized and directed to issue preliminary zoning permits as a prerequisite to the issuance of a construction permit or other permits or approvals which are needed to develop a single-family dwelling on an existing lot of record within the Pinelands Area.*

a. *Applications for a preliminary zoning permit.*

[1] *An application for a preliminary zoning permit shall be submitted to the Zoning Officer and shall include the following:*

[a] *The applicant's name and address and his interest in the subject property;*

[b] *The applicant's signed certification that he is duly authorized to submit the application, that the materials and information are accurate, and that duly authorized representatives of Bass River Township and Pinelands Commission are authorized to inspect the property;*

[c] *The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;*

[d] *The street address, if any, the tax map sheet and block and lot number of the property;*

[e] *Proof that taxes for the property have been paid*

[f] *Acreage of the property in square feet;*

[g] *A dated plot plan, with the scale noted, showing:*

[i] *The zoning district in which the property is located;*

[ii] *The location and dimensions of all property lines, easements affecting the property and streets abutting the property;*

[iii] *The location of all yards and setbacks required pursuant to the Schedule of District Regulations;*

[iv] *The location and use of all existing structures and improvements on the property and their intended disposition;*

[v] *A building envelope within which the single-family dwelling is to be located;*

[vi] *The location and dimensions of the proposed driveway;*

[vii] *The location and dimensions of any proposed accessory structures or improvements;*

[viii] *The location and dimensions of the area in which any sewage disposal system, including the disposal field, is proposed to be located; and*

[ix] *The location of any proposed water supply well.*

[h] *If proposed, certification that central sewer and/or water service are available; and*

[i] *If development of the property is proposed in accordance with the density transfer program standards of Section 17.20.240, the street address, if any, the tax map sheet, block and lot number and acreage in square feet of the non-contiguous property.*

b. *The Zoning Officer is authorized to require such additional information as may be necessary to determine compliance with Chapter 17. Such may*

include, but is not limited to, a soil boring in the area of any proposed septic system disposal field, a wetland and wetland buffer map and information to determine compliance with any permitted use requirement of Chapter 17.

- c. The Zoning Officer is authorized to waive any of the aforementioned application requirements if the information is not necessary to determine compliance with Chapter 17.
- d. Within 14 days of receipt of an application, the Zoning Officer shall determine whether the application is complete and, if necessary, notify the applicant of any additional information which is necessary to complete the application.

2. *Permit Decisions*

Within 14 days of determining an application to be complete, the Zoning Officer shall issue either a preliminary zoning permit or a refusal to issue a preliminary zoning permit.

3. *Preliminary Zoning Permit*

- a. A preliminary zoning permit shall be issued if:
 - [1] The application is consistent with the requirements of Chapter 17 or any necessary variance from those requirements has been obtained; and
 - [2] No Waiver of Strict Compliance from the requirements of the Pinelands Comprehensive Management Plan is necessary or any such Waiver has been approved by the Pinelands Commission; and
 - [3] A duly authorized representative of the Pinelands Commission approves the Zoning Officer's determination and so signifies by signing the preliminary zoning permit.
- b. A preliminary zoning permit shall expressly incorporate the plot plan being approved, shall specify any conditions which the Zoning Officer determines are necessary to ensure compliance with Chapter 17 and shall specify the expiration date of the permit.
- c. The Zoning Officer shall provide copies of the application and the preliminary zoning permit to the Pinelands Commission within 5 days of the issuance of the permit.

4. *Effect of Preliminary Zoning Permit*

- a. A preliminary zoning permit represents a determination that the application meets the requirements of Chapter 17 of the Code of the Township of Bass River and the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq.
- b. A preliminary zoning permit shall be valid for two years and shall, during that period, confer the following rights and privileges:
 - [1] The approved application shall not be subject to any substantive revisions of Chapter 17 of the Code of the Township of Bass River or the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq.
 - [2] Any subsequent approvals necessary for the development of the single-family dwelling on the property may be sought without the need for a certificate of filing from the Pinelands Commission.
- c. Any subsequent approvals to be sought, including but not limited to construction permits, shall be subject to the notice, review and decision requirements of Sections 17.32.100-130.

5. *Refusal to issue preliminary zoning permit.*

- a. The Zoning Officer shall issue a refusal to issue a preliminary zoning permit if any of the following are found to apply:

- [1] A variance from Chapter 17 of the Code of Bass River Township is required;
- [2] A variance from Chapter 17 of the Code of Bass River Township is not required, but the Zoning Officer determines that the application does not meet any requirement of Chapter 17 that reflects a provision of the Pinelands Comprehensive Management Plan;
- [3] A waiver of strict compliance from the Pinelands Comprehensive Management Plan is required; or
- [4] The duly authorized representative of the Pinelands Commission has not attested to the consistency of the application with the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq.

b. A refusal to issue a preliminary zoning permit shall expressly reference the reasons why the refusal was issued. If the refusal is predicated solely upon the need to obtain a variance from Chapter 17, the refusal shall also indicate that upon the applicant's submission of evidence of Planning Board or Board of Adjustment approval of the necessary variance, the Zoning Officer shall determine whether a preliminary zoning permit may be issued pursuant to subsection (d) above.

c. When a refusal to issue a preliminary zoning permit is predicated solely upon the need to obtain a variance from Chapter 17, the Zoning Officer shall provide copies of the application and the refusal to the Pinelands Commission within 5 days of the issuance.

d. When a refusal to issue a preliminary zoning permit is predicated wholly or in part upon subsection (f)[1][b], [c] or [d] above, the Zoning Officer shall provide the original application and a copy of the refusal to the Pinelands Commission within 5 days of the issuance. The Pinelands Commission shall thereafter process the application pursuant to the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq. and Sections 17.32.100 through 130 of the Code of the Bass River Township. In lieu of a preliminary zoning permit, a certificate of filing from the Pinelands Commission shall thereafter be required as a prerequisite to the issuance of a construction or other permit.

6. **Zoning Officer Vacancy**

Should the position of Zoning Officer become vacant for any reason, the application procedures set forth in Section 17.32.080.B. shall be of no force or effect and the procedures of Sections 17.32.080.A and 17.32.100, 17.32.110, 17.32.120 and 17.32.130 shall apply until the position has been filled.

XI. Title 17, Zoning Chapter 17.32, Administration and Enforcement, is hereby amended by replacing section 17.32.100 in its entirety with the following:

17.32.100 - Notices to the Pinelands Commission.

A. **Application Submission and Modifications.** Written notification shall be given by the approval agency, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the approval agency that an application for development in the Pinelands Area is complete or if a determination is made by the approval agency that the application has been modified. Said notice shall contain:

- 1. The name and address of the applicant;
- 2. The legal description and street address, if any, of the parcel that the applicant proposes to develop;

3. *A brief description of the proposed development, including uses and intensity of uses proposed;*
4. *The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;*
5. *The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;*
6. *The approval agency with which the application or change thereto was filed;*
7. *The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and*
8. *The nature of the municipal approval or approvals being sought.*

B. Meetings and Hearings. Where a meeting, hearing, or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:

1. *The name and address of the applicant;*
2. *The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;*
3. *The date, time and location of the meeting, hearing or other formal proceeding;*
4. *The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding;*
5. *Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission; and*
6. *The purpose for which the meeting, hearing or other formal proceeding is to be held.*

C. Notice of Approvals and Denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall within five days of the approval or denial give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:

1. *The name and address of the applicant;*
2. *The legal description and street address, if any, of the parcel that the applicant proposes to develop;*

3. *The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;*
4. *The date on which the approval or denial was issued by the approval agency;*
5. *Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;*
6. *Any revisions to the application not previously submitted to the Commission; and*
7. *A copy of the resolution, permit, or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.*

D. *Except as provided in Section 17.32.080.B., the requirements of subsections A through C above shall not apply to the issuance of a preliminary zoning permit or a refusal to issue a preliminary zoning permit for the development of a single-family dwelling on an existing lot of record.*

XII. *Title 17.32.120 is hereby amended and supplemented to provide for new subsection C as follows:*

C. *Except as provided in Section 17.32.080.B., the requirements of subsections A and B above shall not apply to the issuance of a preliminary zoning permit or a refusal to issue a preliminary zoning permit for the development of a single-family dwelling on an existing lot of record.*

XIV. *Title 17.32.130 is hereby amended and supplemented through the addition of the following sentence at the end of the subsection:*

“Except as provided in Section 17.32.080.B., the requirements of this section shall not apply to the issuance of a preliminary zoning permit or a refusal to issue a preliminary zoning permit for the development of a single-family dwelling on an existing lot of record.”

BE IT FURTHER ORDAINED *that all other provisions of the Township Code currently in effect, are hereby saved from repeal, and shall remain in full force and effect.*

BE IT FURTHER ORDAINED *that if any provision of section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.*

BE IT FURTHER ORDAINED *that this ordinance shall take effect upon proper passage, publication according to law, and approval by the Pinelands Commission.*

ALL OF WHICH IS ADOPTED this 1st day of October, 2018, by the Bass River Township Board of Commissioners.

RESOLUTION 2018-81

A RESOLUTION REQUESTING THE CITIZENS, RESIDENTS, AND VISITORS OF BASS RIVER TOWNSHIP TO END HALLOWEEN TRICK-OR-TREATING AT 9:00 P.M. ON WEDNESDAY, OCTOBER 31, 2018 AND TO KEEP THEIR CHILDREN BELOW THE AGE OF 18 INDOORS AFTER 9:00 P.M. ON TUESDAY, OCTOBER 30, 2018 “MISCHIEF NIGHT”

The motion was made by Commissioner Bourguignon, seconded by Mayor Cope to approve Resolution 2018-81. Votes: Cope–Yes, Capriglione–Absent, Bourguignon–Yes. All present in favor and Resolution 2018-81 was hereby approved.

RESOLUTION 2018-81

A RESOLUTION REQUESTING THE CITIZENS, RESIDENTS, AND VISITORS OF BASS RIVER TOWNSHIP TO END HALLOWEEN TRICK-OR-TREATING AT 9:00 P.M. ON WEDNESDAY, OCTOBER 31, 2018 AND TO KEEP THEIR CHILDREN BELOW THE AGE OF 18 INDOORS AFTER 9:00 P.M. ON TUESDAY, OCTOBER 30, 2018 “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 1st day of October, 2018, that the citizens, residents, and visitors of Bass River Township be requested to end their trick-or-treating at 9:00 p.m. on Wednesday, October 31, 2018, 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 Tuesday, October 30, 2018 “Mischief Night”.

RESOLUTION 2018-83

A RESOLUTION AUTHORIZING THE EXECUTION OF A RENEWAL LEASE AGREEMENT BETWEEN BASS RIVER TOWNSHIP AND INTERSTATE OUTDOOR ADVERTISING, L.P. FOR THE LEASING OF PROPERTY LOCATED AT ROUTE 9, MP 55.3 BLOCK 4, LOT 1, BASS RIVER TOWNSHIP, NJ

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve Resolution 2018-83. Votes: Cope–Yes, Capriglione–Yes, Bourguignon–Yes. All present in favor and Resolution 2018-83 was hereby approved.

**BASS RIVER TOWNSHIP
RESOLUTION NO. 2018-83**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
RENEWAL LEASE AGREEMENT BETWEEN BASS RIVER
TOWNSHIP AND INTERSTATE OUTDOOR ADVERTISING, L.P.
FOR THE LEASING OF PROPERTY LOCATED AT ROUTE 9, MP 55.3
BLOCK 4, LOT 1, BASS RIVER TOWNSHIP, NJ**

WHEREAS, the Township previously entered into a Lease Agreement, dated August of 2013, with Interstate Outdoor Advertising, L.P. Gaelic Communications, LLC, a New Jersey limited partnership for the leasing of property located at Block 4, Lot 1 5 and 5.1 in the Township of Bass River; and

WHEREAS, the Resolution approving the lease Agreement provided for a renewal option for an additional three (3) terms of five (5) years each, under the same terms and conditions as the original lease subject to a rental increase; and

WHEREAS, the Township and Interstate Outdoor Advertising, L.P. have agreed to renew the aforementioned lease for an additional five-year term; and

WHEREAS, the Township and Gaelic Communications, LLC agree that all other terms of the aforementioned August 2013 lease remain unchanged;

WHEREAS, it is appropriate to enter into an Addendum to the Billboard Lease Agreement permitting the continued leasing of property located at Block 4, Lot 1 in the Township of Bass River;

NOW, THEREFORE, BE IT RESOLVED by the Township of Bass River that:

- 1. The attached Addendum to Billboard Lease Agreement between **BASS RIVER TOWNSHIP** and **INTERSTATE OUTDOOR ADVERTISING, L.P.** shall be effective according to its terms.*
- 2. All remaining terms and conditions of the August 2013 Lease between **BASS RIVER TOWNSHIP** and **INTERSTATE OUTDOOR ADVERTISING, L.P.** shall remain unchanged.*
- 3. The Mayor of Bass River Township is hereby authorized to sign, seal, execute and witness/attest the Addendum/Renewal of Lease Agreement.*
- 4. The Mayor and Township Clerk are authorized to take any action necessary to implement the terms of the Addendum/Renewal of Lease Agreement.*

RESOLUTION 2018-84

**A Resolution Seeking the Restoration of Open Space Payments in Lieu of Taxes
Provided to Certain Municipalities Pursuant to the Garden State Preservation Trust
Act.**

The motion was made by Mayor Cope, seconded by Commissioner Bourguignon to approve Resolution 2018-84. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2018-84 was hereby approved.

Resolution No. 2018 –84

A Resolution Seeking the Restoration of Open Space Payments in Lieu of Taxes Provided to Certain Municipalities Pursuant to the Garden State Preservation Trust Act.

WHEREAS, the Garden State Preservation Trust Act (hereinafter the “Act”) was established to preserve as much open space and farmland, and as many historic properties, as possible; and

WHEREAS, the Act established a sliding scale formula for Payments in Lieu of Taxes (“PILOT”) by the State for open space acquired and owned in fee simple by the State or other nonprofit organizations; and

WHEREAS, the Act provides for a 13-year declining payment schedule, with a municipality, in the first year following the acquisition of land, receiving 100% of the property taxes last assessed and paid by the taxpayer in the prior year and then declining each year thereafter by approximately 8% per year in each of the following 12 years; and

WHEREAS, after the 13th year, and for open space acquired prior to or after the implementation of the Act using other funding sources and owned in fee simple by the State or other nonprofit organizations, the PILOT is based on the total amount of open space owned in fee simple by the State or nonprofit organization in the municipality, using a sliding scale, as follows: \$2 per acre when the percentage of the total acreage in a municipality that is owned in fee simple by the State or nonprofit organizations for open space preservation purposes is less than 20%; \$5 per acre for 20% to less than 40% ownership; \$10 per acre for 40% to less than 60% ownership; and \$20 per acre for 60% or more ownership; and

WHEREAS, the Fiscal Year 2011 appropriations act reduced the appropriations for the PILOT by one-third, which resulted, in-part, in the elimination of payments to municipalities that received less than \$5,000 in the previous fiscal year; and

WHEREAS, properties that are exempt under the Act utilize many basic municipal services, including roads, police, fire and EMT services, often without contributing any funds towards the cost of such services through property tax payments; and

WHEREAS, municipal officials recognize that there are many benefits provided by preserving open space, farmland and historic properties, however the burden of subsidizing these benefits should not rest solely on municipal taxpayers.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on the Governor and the State Legislature to advance and support legislation requiring the State to pay annually each municipality subject to Garden State Preservation Trust Act an amount not less than its PILOT in Fiscal year 2010; and,

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey and all members of the New Jersey State Legislature.

RESOLUTION 2018-85

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

The motion was made by Mayor Cope, seconded by Commissioner Bourguignon to approve Resolution 2018-85. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2018-85 was hereby approved.

RESOLUTION 2018-85

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-compact unit. McClain EZ Pack Serial Number 120582, Model Number M2SP. 2 Yard Capacity.*
- 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.*

RESOLUTION 2018-86

**RESOLUTION DIRECTING THE DISTRIBUTION
OF THE TOWNSHIP OF BASS RIVER
NET RETURNED SURPLUS FUNDS
HELD IN TRUST BY THE
BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND**

The motion was made by Mayor Cope, seconded by Commissioner Bourguignon to approve Resolution 2018-86. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2018-86 was hereby approved.

RESOLUTION NO. 2018-86

**RESOLUTION DIRECTING THE DISTRIBUTION
OF THE TOWNSHIP OF BASS RIVER
NET RETURNED SURPLUS FUNDS
HELD IN TRUST BY THE
BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Township of Bass River hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Burlington County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 2005, January 1, 2006, January 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010, January 1, 2011, January 1, 2012, January 1, 2013 **and**

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq., **and**

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY's membership, **and**

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND, **and**

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND, **and**

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND, **and**

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year, **and**

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year, **and**

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. Direct the FUND to apply the MUNICIPALITY's share to the MUNICIPALITY's premium as a credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),
2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY's share,
3. Direct the FUND to apply the MUNICIPALITY's share to the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, **or**
4. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

NOW THEREFORE, the MUNICIPALITY directs the FUND to distribute the MUNICIPALITY's share of its Net Distribution as follows (**check the boxes that apply**):

- Apply a portion of the amount as a credit to the MUNICIPALITY's next FUND Year premium.

- Apply a portion of the amount as a check to the MUNICIPALITY.
- Apply a portion or the full amount to the MUNICIPALITY's share of the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.).

Designate the amount as follows (Sum of below must equal full dividend amount):

- Credit \$5,479.00
- Check \$ _____ (Requires voucher)
- A.E.L.C.F. \$ _____ (Requires Resolution)
- Total Dividend** \$ _____

*This Resolution was duly adopted by the Governing Body of the
Bass River Township at a Public Meeting held on November 5, 2018*

RESOLUTION 2018-87

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF BASS RIVER
TO CONTINUE A SHARED SERVICES AGREEMENT WITH
WOODLAND TOWNSHIP FOR THE PROVISION OF MUNICIPAL COURT
OFFICES THROUGH DECEMBER 31, 2018**

The motion was made by Mayor Cope, seconded by Commissioner Bourguignon to approve Resolution 2018-87. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2018-87 was hereby approved.

RESOLUTION NO. 2018-87

***A RESOLUTION AUTHORIZING THE TOWNSHIP OF BASS RIVER
TO CONTINUE A SHARED SERVICES AGREEMENT WITH
WOODLAND TOWNSHIP FOR THE PROVISION OF MUNICIPAL COURT OFFICES THROUGH DECEMBER
31, 2018.***

WHEREAS, the Bass River Township Board of Commissioners recognizes the need to provide the residents of the Township with appropriate cost savings measures and the need to take advantage of opportunities to provide cost savings in the administration of local government services for the benefit of all residents; and

WHEREAS, Woodland Township has requested that the Township of Bass River allow Woodland Township to continue to utilize the Bass River Municipal Court offices through December 31, 2018; and

WHEREAS, Bass River Township and Woodland Township have agreed to extend the terms and conditions of their prior agreement for the provision of such services to Woodland Township by Bass River Township as detailed in the attached Shared Services Agreement; and

WHEREAS, the Township of Bass River evidences its desire to enter into such Agreement through passage of this resolution; and

WHEREAS, the Municipalities are authorized by the "Shared Services Act", N.J.S.A. 40A:65-4, et seq. to enter into any contract for the joint provision of any service which any party to the agreement is authorized to render within its own jurisdiction; and

WHEREAS, the parties have agreed to continue to participate in the Shared Services Agreement between the Municipalities as previously entered into.

NOW, THEREFORE, BE IT RESOLVED by the Township of Bass River that:

- 1. The attached Shared Services Agreement between the Township of Bass River and Woodland Township shall remain in effect according to its terms until December 31, 2018 unless extended for an additional term by mutual agreement of the parties.*
- 2. The Mayor and Township Clerk are authorized to take any action necessary to implement the terms of the Shared Services Agreement.*

RESOLUTION 2018-88

RESOLUTION OF THE TOWNSHIP OF BASS RIVER COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING THE TRANSFERS BETWEEN BUDGET APPROPRIATIONS DURING THE LAST TWO MONTHS OF THE FISCAL YEAR AND THE FIRST THREE MONTHS OF THE ENSUING YEAR.

The motion was made by Mayor Cope, seconded by Deputy Mayor Capriglione to approve Resolution 2018-88. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All present in favor and Resolution 2018-88 was hereby approved.

RESOLUTION NO. 2018-88

RESOLUTION OF THE TOWNSHIP OF BASS RIVER COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING THE TRANSFERS BETWEEN BUDGET APPROPRIATIONS DURING THE LAST TWO MONTHS OF THE FISCAL YEAR AND THE FIRST THREE MONTHS OF THE ENSUING YEAR.

WHEREAS, transfers are permitted between budget appropriations during the last two months for the fiscal year, and the first three months of the ensuing year;

NOW THEREFORE BE IT RESOLVED by the Governing Body, Township of Bass River, County of Burlington, New Jersey; that transfers between 2018 Budget Appropriations are made as follows:

8-01-20-110-002	Admin & Exec OE	\$	476.11
8-01-20-135-002	Audit Services	\$	350.00
8-01-20-142-002	Liquidation of TTL	\$	548.49
8-01-20-155-002	Legal OE	\$	7,334.21

8-01-23-210-003	Workmen's Compensation	\$	5,199.00
8-01-23-225-002	Unemployment	\$	10,666.19
8-01-24-180-250	Zoning Officer OE	\$	547.00
8-01-25-260-002	First Aid Contribution	\$	6,000.00
8-01-25-265-002	Fire OE	\$	2,515.54
8-01-26-290-002	Streets & Roads OE	\$	12,449.21
8-01-26-310-002	Buildings & Grounds OE	\$	1,583.42
8-01-28-370-002	Recreation	\$	590.88
8-01-31-430-002	Electricity	\$	2,000.00
8-01-31-460-002	Gasoline	\$	2,853.52
8-01-32-465-002	Landfill Closure Costs	\$	301.75

From:

8-01-20-130-002	Finance OE	\$	(4,500.00)
8-01-20-142-002	Tax OE	\$	(2,200.00)
8-01-20-165-002	Engineering	\$	(10,000.00)
8-01-21-185-002	Code Enforcement OE	\$	(100.00)
8-01-25-252-002	Office of Emergency Management	\$	(650.00)
8-01-25-275-002	Prosecutor OE	\$	(1,500.00)
8-01-25-253-002	EMS First Responder	\$	(2,500.00)
8-01-26-305-002	Convenience OE	\$	(3,000.00)
8-01-26-306-002	Utility Maintenance OE	\$	(5,000.00)
8-01-27-340-002	Dog Regulation OE	\$	(1,000.00)
8-01-31-455-002	Sewer Systems OE	\$	(3,500.00)
8-01-31-435-002	Street Lighting	\$	(2,000.00)
8-01-31-446-002	Gas (Propane)	\$	(1,965.32)
8-01-31-440-002	Telephone	\$	(1,000.00)
8-01-36-472-002	Social Security	\$	(1,500.00)
8-01-43-490-002	Municipal Court OE	\$	(3,000.00)
8-01-43-495-002	Public Defender OE	\$	(10,000.00)
		\$	53,415.32
			\$ (53,415.32)

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Bass River, County of Burlington, New Jersey as follows:

1. That the Governing Body hereby authorizes the necessary transfers for the year 2018.

2. *That a certified copy of this resolution shall be kept on file at the Municipal Clerk's office and be forwarded to the Township's Certified Municipal Finance Officer.*

NEW BUSINESS:

2018/2019 Best Practices Worksheet completed by Clerk and was made available at this public meeting and also available on line on the Township Website. Clerk provided a report on the worksheet noting that all information is available for the public.

REPORTS:

The following reports were noted.

Report of Solicitor
Report of Safety Coordinator
Municipal Court
Fire Company Report by President A. Anderson

PUBLIC COMMENT:

The meeting was open for public comment upon a motion by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and meeting was open for public comment at 7:59 p.m.

Rose Sweeney thanked everyone that helped to save the CCC Forest even though it may be temporary. She thanked Carol Bitzberger and Carl Swanseen who's actions helped to delay the application. DEP has withdrawn the application and will reapply at some point in the future.

W. Aaronson said he would like to see more participation by the local press. He would suggest supporting the paper by providing more advertising.

M. Assur asked if the beautification committee could give out seedlings and plantings during Arbor Day in 2019.

Being no further comments, the motion to close the public portion was made by Commissioner Bourguignon, seconded by Mayor Cope. All in favor and public portion was closed at 8:13 p.m.

Being no further business to come before the Board the motion to adjourn was made by Mayor Cope, seconded by Commissioner Bourguignon. All in favor and meeting was adjourned at 8:13 p.m.

Respectfully Submitted
Amanda S. Somes, RMC
Township Clerk