

**MINUTES BASS RIVER TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING OF MONDAY, FEBRUARY 6, 2012**

Mayor Cope called the regular meeting of the Bass River Township Board of Commissioners to order at 7:30 p.m. Present at meeting were: Mayor Deborah Buzby-Cope, Commissioner T. Richard Bethea and Commissioner Gary Smith. Also present Township Clerk Amanda Somes and Solicitor. 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 January 9, 2012, were presented to the Board for review with copies available for public. The motion was made by Commissioner Smith, seconded by Commissioner Bethea to approve minutes as submitted by the Clerk. Votes: Cope -Yes, Bethea-Yes, Smith-Yes. Minutes hereby approved.

ORDINANCES & RESOLUTIONS:

ORDINANCE 2012-01

**AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING
BASS RIVER CODE CHAPTER 17.32 ADMINISTRATION AND
ENFORCEMENT**

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to withdraw Ordinance 2012-01. Votes: Cope-Yes, Bethea-Yes, Smith-Yes. All in favor and Ordinance 2012-01 was hereby withdrawn.

**TOWNSHIP OF BASS RIVER
Ordinance 2012-01**

**AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING
BASS RIVER CODE CHAPTER 17.32 ADMINISTRATION AND ENFORCEMENT**

WHEREAS, the Bass River Township Board of Commissioners finds that there is a need to modify the Bass River Township Code provisions as they currently exist under Chapter 17.32 of the revised Township Ordinances which are applicable to Administration and Enforcement of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Bass River Township Board of Commissioners that Bass River Township Code and specifically "Title 17 Zoning, Chapter 32 Administration and Enforcement" is hereby amended to add the following:

17.32.235 Inspections.

The Zoning Enforcement officer of the Township, bearing proper credentials and identification, shall be permitted to enter any and all properties located within the Township of Bass River for the purposes of inspection, observation, measurement, sampling and testing in

order to investigate adherence to and compliance with the provisions of this Chapter. Entry will be on notice to the property owner and/or occupant of any property which is the subject of a request for inspection by the appropriate Township Official. Any failure to make the property available for such inspection based upon a reasonable request by the appropriate Township Official will constitute a violation of this Code. Any such violation of this Code shall subject the occupant and/or property owner of such property to a fine of not less than \$250 nor more than \$2,000.

BE IT FURTHER RESOLVED by the Bass River Township Board of Commissioners that Bass River Township Code and specifically "Title 17 Chapter 17.32.240 Penalties" is hereby amended to read as follows:

A. *Fines.*

1. Any violation of any provision of this Chapter shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00) for each offense and/or imprisonment for a term not exceeding ninety (90) days.

2. The following individuals shall be subject to potential punishment:

a. The owner, general agent, contractor or occupant of a building, premises or part thereof where such a violation has been committed or does exist; and

b. Any agent, contractor, architect, engineer, builder, corporation or other person who commits, takes part or assists in the violation.

3. Each day that a violation continues shall constitute a separate offense.

4. The imposition of penalties herein shall not preclude the Township or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair conversion, or use or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

B. *Injunctive Relief.* In addition to the foregoing, the Township of Bass River may institute and maintain a civil action for injunctive relief.

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

TOWNSHIP OF BASS RIVER Ordinance 2012-02

AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING BASS RIVER CODE SECTION 8.20 NUISANCES

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to withdraw Ordinance 2012-02. Votes: Cope-Yes, Bethea-Yes, Smith-Yes. All in favor and Ordinance 2012-02 was hereby withdrawn.

TOWNSHIP OF BASS RIVER Ordinance 2012-02

AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING BASS RIVER CODE SECTION 8.20 NUISANCES

WHEREAS, the Bass River Township Board of Commissioners finds that there is a need to modify the Bass River Township Code provisions as they currently exist under Chapter 8.20 of the revised Township Ordinances which are applicable to Nuisances.

NOW, THEREFORE, BE IT RESOLVED by the Bass River Township Board of Commissioners that Bass River Township Code and specifically "Title 8 Chapter 8.20 Nuisances" is hereby amended to read as follows:

8.20.030 Zoning Enforcement Officer

The public officer charged with enforcement of this chapter and entitled to exercise the powers set forth herein shall be the zoning enforcement officer of the Township.

8.20.050 Inspections and Notice

A. Debris.

If upon inspection by the public officer, such public officer deems a property to be in violation of Section 8.20.040 hereof as same pertains to debris, such public officer shall issue a violation to the owner and notify the owner to remedy the violation. The notice shall inform the owner that any failure to remedy the condition may result in the Township correcting the violation and any expenses and costs so incurred shall become a lien upon such land and become part of the taxes next to be assessed and levied upon such lands.

B. Unfit Buildings.

1. Whenever a petition is filed with the public officer designated by this chapter by a public authority or by at least five residents of the municipality charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer that any building is unfit for human habitation or occupancy or use, the public officer shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer or his or her designated agent at a place therein fixed not less than seven days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, to give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling the hearings before the public officer or his or her agent.

2. If after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation or occupancy or use, he or she shall state in writing his or her findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

a. Requiring the repair, alteration and improvement of the building to be made by the owner, within a reasonable time, at which time shall be set forth in the order or at the option of the owner to vacate or have the building vacated and closed within the time set forth in the order; and

b. If the building is in such condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the building within the time specified in the order then the owner shall be required to remove or demolish the building within a reasonable time as specified in the order of removal.

3. If the owner fails to comply with an order to repair, alter or improve, or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved, or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any building so closed, a placard with the following words: This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful.

4. If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may

contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor, if required by law. Any expenses and costs so incurred shall become a municipal lien upon such land and become part of the taxes next to be assessed and levied upon such lands.

5. If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment and summary proceedings for the demolition thereof.

8.20.090 Additional Powers of Public Officer

The public officer herein designated is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including, without limitation, the following:

To investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation or occupancy or use;

To enter upon premises for the purpose of making examinations and inspections necessary to carry out the purposes of this chapter, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession

To administer oaths, affirmations, examine witnesses and receive evidence;

To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of the chapter; and

To delegate any of his or her functions and powers under the chapter to such officers and agents as he or she may designate.

Any failure to make the property available for such inspection based upon a reasonable request by the appropriate Township Official will constitute a violation of this Code. Any such violation of this Code shall subject the occupant and/or property owner of such property to a fine of not less than \$250 nor more than \$2,000.

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

ORDINANCE 2012-03

**AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING
BASS RIVER CODE SECTION 8.20 NUISANCES**

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to withdraw Ordinance 2012-03. Votes: Cope-Yes, Bethea-Yes, Smith-Yes. All in favor and Ordinance 2012-03 was hereby withdrawn.

ORDINANCE 2012-03

**AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING
BASS RIVER CODE SECTION 8.20 NUISANCES**

An ordinance accepting and adopting the “New Jersey State Housing Code (1980 Revision) as a standard governing supplied facilities and other physical things and conditions essential to making dwellings safe, sanitary and fit for human habitation and governing conditions of dwellings, authorizing inspection of dwellings and fixing penalties for violations.

The Board of Commissioners of the Township of Bass River does ordain that:

- 1. The Burlington County Health Department be and is hereby designated as the Enforcement Officer to exercise the powers prescribed by the within ordinance, and they shall serve in such capacity without any additional salary.*
- 2. Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1 et. Seq.); the “New Jersey State Housing Code (1980 Revision)”, as approved by the Department of Community Affairs and filed in the Secretary of State’s Office, is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the “New Jersey State Housing Code (1980 Revision)” is annexed to this ordinance and three copies of same have been placed on file in the office of the Bass River Township Clerk and are available to all persons desiring to use and examine the same.*
- 3. The Enforcement Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the Township of Bass River in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Enforcement Officer is hereby authorized to enter, examine and survey, at all reasonable times, all dwellings, dwelling units and rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the Enforcement Officer free access to such dwellings, dwelling unit, or rooming units and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance, or with any lawful rule or regulations adopted, or any lawful order issued pursuant to the provisions of this ordinance.*
- 4. Whenever the Enforcement Officer determines that there are reasonable grounds to believe that there has been a violations of any provision of this ordinance, or any rule or regulations adopted pursuant thereto, they shall give notice of such alleged violations to the person or persons responsible therefore as hereinafter provided. Such notice shall (a) be put in writing; (b) include a statement of reasons why it is being issued; (c) allow a reasonable time for the performance of any act it requires; and (d) be served upon the owner or his agent, to the occupant, as the case may require; provided that such notice shall be deemed to be properly serviced upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by this notice; or if he is served with such notice by any other method authorized or required under the laws of this State. Such notice may contain an outline of remedial action, which, if taken, will affect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.*

Any person affected by a notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulations adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Commissioners provided such person shall file, in the office of the Township Clerk, a written petition requesting such hearing

and setting forth a brief statement of the grounds therefore within ten days after the day the notice was served. Upon receipt of such petition, the Township Clerk shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall commence not later than ten days after the day on which the petition was filed; provided that, upon application of the petitioner, the Township Clerk may postpone the date of the hearing for a reasonable time beyond such ten day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing, the Township Board of Commissioners shall sustain, modify, or withdrawn the notice, depending upon their findings as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the Township Board of Commissioners sustains or modifies such notice, it shall be deemed to be in order. Any notice served pursuant to this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Township Clerk within ten days after such notice is served. The proceedings of such hearing, including the findings and decision of the Board of Commissioners, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Township Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board of Commissioners may seek relief therefrom in any court of competition jurisdiction, as provided by the laws of this State. Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, or safety, they may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they deem necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petitions to the Township Board of Commissioners, shall be afforded a hearing as soon as possible. After such hearing, and depending upon their findings as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the Township Board of Commissioners shall continue such order in effect, or modify it or revoke it.

5. *The Board of Commissioners is hereby authorized and empowered to make and adopt such written rules and regulations as they may deem necessary for the proper enforcement of the provisions of this ordinance, provided, however, that such rules and regulations shall not be in conflict with the provisions of this ordinance, nor in anyway alter, amend, or supersede any of the provisions thereof. The Board of Commissioners shall file a certified copy of all rules and regulations which they may adopt in the office of the Clerk of the Township of Bass River.*
6. *No person shall occupy as owner, occupant, or rent to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the "New Jersey State Housing Code (1980 Revision)", established hereby as the standard to be used in determining wither a dwelling is safe, sanitary and fit for human habitation.*
7. *Any person, firm or corporation who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine not exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for such period of time not to exceed ninety (90) days or by both such fine and imprisonment, and each violations of any of the provisions of this ordinance and each day the same is violated, shall be deemed and taken to be a separate and distinct offense.*
8. *All other ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent that of such conflict or inconsistency and this ordinance shall be in full force and effect immediately up its adoptions and its publications as provide by law.*

9. *Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of the ordinance are hereby declared to be severable.*

NOTE:

**It should be noted that due to the high turnout in opposition of the forgoing ordinances; even though all ordinances were ordered withdrawn, Mayor and Commissioners decided to hold a special meeting at the school scheduled for Monday, February 13, 2012 to allow all individuals that wish to speak on this matter an opportunity to be heard.

RESOLUTION 2012-25

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY GIVING APPROVAL FOR A COIN DROP WITHIN THE TOWNSHIP OF BASS RIVER, SUBJECT TO APPROVALS BY COUNTY AND/OR STATE OFFICIALS

The motion was made by Mayor Cope, seconded by Commissioner Smith to approve Resolution 2012-25. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All present in favor and Resolution 2012-25 was hereby approved.

RESOLUTION 2012-25

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY GIVING APPROVAL FOR A COIN DROP WITHIN THE TOWNSHIP OF BASS RIVER, SUBJECT TO APPROVALS BY COUNTY AND/OR STATE OFFICIALS

WHEREAS, the New Gretna Volunteer Fire Company has provided an application to the Township of Bass River to hold a coin drop; and

WHEREAS, Bass River Township's local ordinance allow for such events, subject to approval by County and/or State Officials.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Bass River that the following schedule for coin drops by the New Gretna Volunteer Fire Company have been approved at locations(s) listed below:

LOCATION: Burlington County Route 679 a.k.a. North Maple Avenue, New Gretna and Route 9, New Gretna. Time from 0700-1700.

<i>DATES:</i>	<i>March 25</i>	<i>alternate</i>	<i>April 1, 2012</i>
	<i>May 27</i>	<i>alternate</i>	<i>June 3, 2012</i>
	<i>July 1</i>	<i>alternate</i>	<i>July 8, 2012</i>
	<i>August 26</i>	<i>alternate</i>	<i>September 2, 2012</i>
	<i>Oct. 14</i>	<i>alternate</i>	<i>October 21, 2012</i>

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the New Gretna Volunteer Fire Company and the Burlington County Engineer's Office for submission to the Board of Chosen Freeholders for approval.

RESOLUTION 2012-26

PROCLAMATION

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to approve Resolution 2012-26. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All in favor and Resolution 2012-26 was hereby approved.

PROCLAMATION

RESOLUTION 2012-26

WHEREAS, the citizens of Bass River Township stand firmly committed to the promoting of reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Bass River Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principal that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's Read Across America, a national celebration of reading, will be conducted in March 2, 2012, which would have been the 108th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, Read Across America-NJ is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey League of Municipalities, the New Jersey Library Association and their local affiliates across the state to promote reading and adult involvement in the education of our community's students:

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Bass River calls on the citizens of Bass River Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2012;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA's Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make American's children the best readers in the world.

RESOLUTION 2012-27

TAX OFFICE RESOLUTION

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to approve Resolution 2012-27. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All in favor and Resolution 2012-27 was hereby approved.

RESOLUTION 2012-27

WHEREAS, A subdivision has occurred in 2010 on Block 49 Lot 11, making it Block 49 Lot 11.01 & 11.02 and;

WHEREAS, Property taxes were already assessed to the property and again on the subdivision, the Tax Collector requests cancellation of the tax on the mother lot as taxes are being paid on the subdivision lots;

NOW THEREFORE, BE IT RESOLVED that the Tax Collector of Bass River Township is authorized to cancel taxes in the amount of \$522.34 for 2010.

RESOLUTION 2012-28

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR CY 2012 BUDGET

The motion was made by Commissioner Smith, seconded by Commissioner Bethea to approve Resolution 2012-28. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All in favor and Resolution 2012-28 was hereby approved.

RESOLUTION 2012-28

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR CY 2012 BUDGET

WHEREAS, an emergent condition has arisen in that the Borough is expected to enter contracts, commitments or payments prior to the 2012 CY budget and no adequate provision has been made in the 2012 CY temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2012 CY pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$10,000.00

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Bass River, in the County of Burlington, State of New Jersey, (not less than two thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. *Emergency temporary appropriations be and the same are hereby made in the amount of \$10,000.00 as follows:*

<i>CONVENIENCE CENTER</i>	
<i>Other Expense</i>	<i>\$10,000.00</i>

2. *Said emergency temporary appropriations will be provided for in the 2012 CY budget.*
3. *That one certified copy of this resolution be filed with the Director, Division of Local Government Services.*

RESOLUTION 2012-29

2011 APPROPRIATION RESERVES TRANSFER RESOLUTION

The motion was made by Commissioner Smith, seconded by Commissioner Bethea to approve Resolution 2012-29. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All in favor and Resolution 2012-29 was hereby approved.

RESOLUTION 2012-29

2011 APPROPRIATION RESERVES TRANSFER RESOLUTION

WHEREAS, the Board of Commissioners of the Township of Bass River, County of Burlington, State of New Jersey is authorized to permit transfers within the 2011 appropriation reserves budget and;

WHEREAS, it is the desire of the Board of Commissioners to make the following transfers;

NOW, THEREFORE, BE IT RESOLVED, that the CFO of the Township of Bass River is hereby directed to transfer the following:

<i>FROM:</i>	<i>Social Security</i>	<i>\$3000</i>	
			<i><u>Total \$3000</u></i>
 <i>TO:</i>	 <i>Convenience Center O/E</i>	 <i>\$3000</i>	
			<i><u>Total \$3000</u></i>

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the CFO for proper execution.

RESOLUTION 2012-30

NOTICE TO BIDDERS

RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE RECEIPT OF BIDS FOR THE LEASING OF CERTAIN MUNICIPAL PROPERTY, BLOCK 3, LOT 2, ROUTE 9 FOR USE AS STAGING OF OFFICE TRAILERS FOR USE BY CONTRACTORS WORKING ON THE GARDEN STATE PARKWAY WIDENING PROJECT

The motion was made by Commissioner Bethea, seconded by Commissioner Smith to approve Resolution 2012-30. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All in favor and Resolution 2012-30 was hereby approved.

RESOLUTION 2012-30

NOTICE TO BIDDERS

RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE RECEIPT

OF BIDS FOR THE LEASING OF CERTAIN MUNICIPAL PROPERTY, BLOCK 3, LOT 2, ROUTE 9 FOR USE AS STAGING OF OFFICE TRAILERS FOR USE BY CONTRACTORS WORKING ON THE GARDEN STATE PARKWAY WIDENING PROJECT

WHEREAS, N.J.S.A. 40A:12-24 provides that a municipality may lease any lands or buildings or portions thereof not presently needed for public use to the person who will pay the highest rent therefore; and

WHEREAS, the Township of Bass River owns certain property located on the east side of Route #9, located in Bass River Township, also known as Block 3, Lot 2; and

WHEREAS, the Board of Commissioners have determined that this portion of Block 3 Lot 2 is no longer needed for public use and may be leased; and

WHEREAS, the Board of Commissioners have set a certain price as the minimum acceptable bid for the leasing of a portion of Block 3 Lot 2; and

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. Lease will be for business purposes in conjunction with reconstruction and widening of the Garden State Parkway (NJ Highway Authority Project).*
- 2. Each bid shall be submitted in writing addressed to the Township Clerk, Township of Bass River, 3 North Maple Avenue, PO Box 307, New Gretna, NJ 08224. All bids are due no later than **10:00 a.m. on Friday, February 24, 2012** and shall be in the hands of the Clerk at or before the time set forth.*
- 3. Each bid will be signed by the bidder and contained in a sealed envelope which shall be addressed to the Clerk and shall contain on its face a statement that it is a bid on said item in order that said bid may not be inadvertently opened prematurely.*
- 4. The minimum bid accepted shall be \$800.00 per month for a period of 1 year with the option to renew for another three (3) years.*
- 5. The lease shall provide the successful bidder with an option to renew the lease for an additional three (3) years under the same terms and conditions.*
- 6. The Board of Commissioners reserves the right to waive any minor requirements and reject any and all bids on said property.*
- 7. The highest bidder will deliver a certified check, money order, cashiers check, or cash for the minimum amount of one month's rent at the time of bidding.*
- 8. The successful bidder shall enter into a lease contract for said property within thirty (30) days of the award of the bid. Said contract shall be in a form approved by the Township and acceptable to them with standard provisions per paragraph 12.*
- 9. The successful bidder will acknowledge that it has inspected the existing property and it is accepted in its present condition and will be maintained in good condition by the Tenant, at Tenant's sole expense.*
- 10. The successful bidder shall be solely responsible for obtaining all federal, state, county and municipal approvals and licenses and permits.*

11. In the event of a tie bid, Bass River Township reserves the right to award the bid, at its discretion, to any one of the tied qualified bidders.
12. The required lease agreement will be prepared by the Township attorney, a copy of which will be kept on file with the Township Clerk.
13. All bidders shall complete and sign the "Affirmative Action Plan", "Disclosure of Ownership" and the "Non-Collusion Certification" as provided with the instructions of this bid proposal. Failure to furnish this information shall be cause of rejection of bid as submitted.
14. The initial term of the lease shall be for a period of one (1) year; terms and conditions for the rental of said property are set forth in a Lease Agreement on file with the Township Clerk, which is available for public inspection during normal business hours.
15. **Award of lease bid** shall take place at 7:30 p.m. at the regular meeting to be held in the Municipal Building on **March 5, 2012**.
16. The "Notice to Bidders" of said lease shall be published in the Atlantic City Press with two insertions, on **February 9th and February 16th, 2012** which shall be at least once a week during two consecutive weeks, the last publication not earlier than seven days prior to the auction.

RESOLUTION 2012-31

RESOLUTION ESTABLISHING A FEE SCHEDULE TO IMPLEMENT ORDINANCE 2011-01 OF THE TOWNSHIP OF BASS RIVER

The motion was made by Mayor Cope, seconded by Commissioner Smith to approve Resolution 2012-31. Votes: Cope-Yes, Bethea -Yes, Smith-Yes. All in favor and Resolution 2012-31 where hereby approved.

BASS RIVER TOWNSHIP RESOLUTION 2012-40

RESOLUTION ESTABLISHING A FEE SCHEDULE TO IMPLEMENT ORDINANCE 2011-01 OF THE TOWNSHIP OF BASS RIVER

WHEREAS, Ordinance 2011-01 entitled "An Ordinance of the Township of Bass River Establishing Fees for Materials Containment and Clean Up" mandates cleanup by persons discharging hazardous substances within the Township of Bass River; and

WHEREAS, the Chief of the Bass River Fire Department has confirmed the reasonableness of the schedule of fees for reimbursement of services rendered in connection with a hazardous materials cleanup as set forth herein and attached hereto as "Schedule of Fees for Hazardous Material Clean Up"; and

WHEREAS, Township Commissioners have reviewed the fee schedule and find it to be reasonable and wish to adopt same; and

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

1. That the Township of Bass River hereby adopts the attached schedule of fees dated January 19, 2012, and incorporates same.

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Bass River Township Board of Commissions held on the 6th day of February 2012.

APPROVAL OF BILLS LIST:

The motion was made by Commissioner Bethea to approve payment of the bills in the amount of \$583,373.79. The motion was seconded by Commissioner Smith to approve bills for payment. Votes: Cope –Yes, Bethea-Yes, Smith-Yes. All present in favor and bills were ordered paid.

BASS RIVER PAYROLL ACCOUNT	11212	13808.81
BASS RIVER PAYROLL ACCOUNT	12612	13671.20
JERRY & SON, INC.	14515	11853.00
S.O.S. CREW RESCUE, LLC	14516	200.00
BASS RIVER BD OF ED	14517	101223.33
VERIZON	14518	595.00
FLEET FUELING	14519	746.04
A T & T	14520	142.01
A T & T	14521	19.97
VERIZON	14522	321.45
A T & T	14523	76.53
DEER PARK - NESTLE WATERS	14524	14.82
VERIZON WIRELESS	14525	203.76
ACUA	14526	9.12
AMANDA SOMES	14527	32.00
ANIMAL CAPTURE & CONTROL	14528	900.00
ANJEC	14529	280.00
ATLANTIC CITY ELECTRIC	14530	2478.37
BEACONS	14531	433.40
BURL CO MUN CLERKS ASSN	14532	25.00
BURL CO TREAS, LANDFILL	14533	3876.51
BURL CO TREASURER	14534	182580.31
BURLCO JIF	14535	29859.00
BURLINGTON COUNTY ANIMAL SHELTER	14536	30.00
CASA PAYROLL SERVICES	14537	243.00
CHRIS NAPLES, LLC	14538	1100.00
CHRISTOPHER NORMAN, ESQ.	14539	300.00
CITTA, HALZAPFEL & ZABARSKY	14540	500.00
CLERK OF BURLINGTON COUNTY	14541	24.00
COMCAST	14542	102.20
COMMUNITY TRAINING ASSOCIATES	14543	50.00
CONWAY AUTOMOTIVE	14544	21.78
DAVE'S SEPTIC	14545	170.00
EPIC WELL DRILLING LLC	14546	400.00
ESI EQUIPMENT INC	14547	1445.00
GANN LAW BOOKS	14548	202.00
HOME DEPOT	14549	1423.04
JERRY & SON, INC.	14550	14500.00
JERRY'S DIESEL & TRUCK REPAIR	14551	1307.13
M&W FRANKLIN, LLC T/A	14552	240.00
MARK FORD - HOME REPAIR & IMPR	14553	1112.13
MCANJ	14554	260.00
MGL PRINTING SOLUTIONS	14555	274.00
MGS PROPANE	14556	452.31
MUNICIPAL CLERKS ASSOC. OF NJ	14557	100.00

MUNICIPAL CODE CORPORATION	14558	1337.00
NEW JERSEY PRESS MEDIA SOLUTIO	14559	174.20
PEGGY BECK	14560	39.04
PETER C. LANGE	14561	2470.00
PINELAND REGIONAL SCHOOL DIST	14562	181954.75
POMONA OIL CO	14563	1805.04
RICHARD IRETON	14564	15.88
RUSSELL P. CHERKOS ESQ.	14565	1500.00
STAPLES INC	14566	89.99
SURFLIGHT THEATRE	14567	795.00
THE PRESS OF ATLANTIC CITY	14568	87.21
TRANSFORMATION ENTERPRISES	14569	4960.00
TUCKERTON BOROUGH	14570	169.00
UNIVERSAL COMPUTING SERVICES	14571	251.50
W.B. MASON COMPANY	14572	118.96

CORRESPONDENCE:

A list of correspondence was provided to the Board and available for public view.

Letter to residents from unknown person(s) opposing Ordinances 2012-01, 02 and 03

Letter from Mr. Floyd West Opposing Ordinances 2012-01 and 2012-02

Email received from District 9 Legislators addressed to Mr. Anderson and copied to Clerk in reply to Mr. Anderson's letter opposing Ordinance or Ordinances.

Letter from Mr. William Aaronson opposing Ordinances 2012-01, 02 and 03

Letter from Resident Carol Calcerano opposing ordinances or ordinance

OLD BUSINESS:

Cramers Junkyard License Renewal—The motion open the public hearing on the renewal of Cramers Junkyard was made by Commissioner Smith, seconded by Commissioner Bethea. All in favor and meeting was open for public comments on renewal of license to Cramers Junkyard. Hearing no comments, the motion to close the public hearing was made by Commissioner Smith, seconded by Commissioner Bethea. All in favor. The motion to issue 2011 License to Cramer's Junkyard was made by Commissioner Smith, seconded by Commissioner Bethea. Votes: Cope-Yes, Bethea-Yes, Smith-Yes. All in favor and the 2011 License was hereby issued to Cramer's Junkyard.

Tax Maps: Mayor Cope noted that corrections to the tax maps are being taken care of and should be completed soon.

NEW BUSINESS:

The revisions to the tax maps have been completed by the Township Engineer and are ready for formal adoption. A resolution to be prepared for the next regular meeting.

REPORTS:

The following reports were noted.

Report of Solicitor

Report of Municipal Court

Dog Report—Mayor noted the Rabies Clinic is scheduled for Saturday, March 17th from 9:30-11:00 at the fire house.

Report of Safety Coordinator

Report of State Police—Tuckerton Barracks for January 2012

Report of the Governing Body Members

PUBLIC COMMENT:

The meeting was open for public comment at 8:23 p.m. upon a motion by Commissioner Smith, seconded by Commissioner Bethea.

Mary DeLouis commented the signs on West Greenbush Road where illegal and requested a horse sign be installed. Mayor asked how many signs did she have. Ms. DeLouis said she had three signs on her end of the street. None of the signs were break away signs. The 25-mph in front of Conway's home can't be seen. Mayor would contact State Police to monitor the road more. Commissioner Smith will look into more signs.

Chris Naples wished to take the opportunity to thank the Board of Commissioners for the opportunity to work on the Convenience Center. He wanted to thank Mandy, Commissioner Smith and Ron Conover for helping to get in and out of the convenience center to do the overhang and also to redo the shack. Mr. Naples wishes to thank the town for giving him the opportunity to do the job and being that he lives here in town it is a good relationship. He wished it to be on the record that the township has a good guy in our employee Ron Conover. He was very helpful and the town should be aware of that. Mr. Naples noted that if someone was to look inside the shack where he replaced the window there is a piece of sheet rock missing. When Mr. Naples completes his next job and has some sheet rock left over he will throw some insulation in there and put up the sheet rock.

Reny Wolski thanked the Board for West Road improvement. Ms. Wolski commented on the intersection of Route 542 and West Road at the Stikour property the bushes are blocking the line of site. Commissioner Smith replied that even though it is a County Road that he believes that we may be able to cut these bushes back due to the line of site problem. Commissioner Smith asked if there was still a problem with stones being all over the street on the one corner. Ms. Wolski stated that no there is no problem. Someone drove through the stones but the stones were not in the road. Mr. Lou

Bourguignon said that he had a similar problem with brush on route 9 and Amasa Landing Road and the State DOT came down and trimmed the brush back and he didn't feel the county would have a problem doing the same thing.

Rita Bourguignon commented the line of site is an issue on West Road and North Maple. Ms. Bourguignon also questioned the burglaries in the town and asked if there was anything that we should be concerned about. Mayor replied to lock your doors and keep your eyes open and if you see anything call the State Police. Ms. Bourguignon asked if we are under attack. Mayor Cope said that everyone is under attack because of the economy and the times. Gold has been up so they've been stealing gold. Silver is up so they have been stealing peoples silver. Mayor and Deputy Mayor confirmed there have been a few break-ins in town. A couple in Offshore Manor in the last two weeks where they came in through the woods and they knew when the people where gone they took lap tops and whatever else they could grab real quick and get out. Deputy Mayor Bethea commented that he didn't think it was the usual ones. That it must be a new group. Commissioner Smith added that it is not just New Gretna that it's everywhere. Commissioner Smith said that anyone that has a house that backs up to the woods seem to be targeted. The individuals will watch and see your activity and they will come in through the back from the wood by breaking a window. Most of the break-ins seem to be during the daytime.

Barbara Woolley Dillon commented that she received the flyer that everyone else got. The flyer came from a not for profit and it had an address but was anonymous and we don't know who to contact. Mayor confirmed that was correct. The Township received several letters and most of them signed but this was not. Ms. Dillon asked if there was any way we could find out where this flyer came from? She looked to see if there was someone to contact because she had questions. Solicitor said that if this letter had no identification by name and no non-profit name, then there is nothing to look up. If the non-profit was available by name then that information would be available through the secretary of state as directors of those corporations. The bulk mail permit would be file with the post office.

Barbara Wolley Dillon further commented that she feels that it is deplorable that it would be suggested that there is a connection between the planning board and the board of commissioners with regard to the generation of these ordinances. The Planning Board operates separately from the governing body.

Chris Naples commented that he is the individual that brought up the comments about the Planning Board and Governing Body. Mr. Naples stated that he was not making allegations and that he was asking a question. Next week we can pursue it more.

Mr. Leo Assur stated for the record that he lives at 106 North Maple Avenue—the address that was on the envelope. Mr. Assur stated that nobody was here tonight to incite anybody...it is the public right to come to a public meeting to hear what is going on. To have the violations of our 4th amendment right is a big issue. If Ms. Dillon feels that it is not a big issue, then we really need to evaluate what kind of people we have in town that

may be on the Planning Board. Mr. Assur commented that he does have special issues with the Planning Board that Ms. Dillon is on. He knows that there are people in town that not following the rules. To say that everybody is above board is not the truth. To incite people, NO. This is our public right to come to a meeting to make our grievances known to our public officials. He appreciates the fact that people in town are allowed this type of stuff to happen which they are supposed to do by constitution alone. Solicitor asked Mr. Assur what should the Township do about the people that aren't following the rules? Mr. Assur asked if the rules are the will of the people or the will of the few? Solicitor asked if there was a productive suggestion how the township may address those people. Mr. Assur feels that when we have the meeting on Monday that other people will show up and you will probably get some suggestions. Solicitor asked if Mr. Assur had any suggestions. Mr. Assur has a lot of suggestions but thinks that this is not the proper forum to address them. He is here to address the 4th amendment rights that he felt are being violated. But he will bring those issues up at perhaps improve some of the conditions now. First he would request the Mr. Floyd West the Environmental Commissioner follow of the rules like the Sunshine Rules and the Open Records Rules. He had requested information from Floyd West of letters and correspondence that were going back and forth. Solicitor asked Mr. Assur about the ability to deal with those people that use their property improperly. Mr. Assur said that first of all you have to have honest people in government and most of you people are. There is a few that need to change. Mayor Cope informed Mr. Assur that there has been a change in the Environmental Commission with the Chairman at reorganization that was back in August. Mr. West is still on the Environmental Commission but we do have a different Chairman and we have more members on the Environmental Commission. Mr. Assur feels that there should be more people sitting up where the Commissioners are so that we are not relying on 3 people and would get a more diverse input from the Town. Here we have special interests here, we have people that own horses; we have people that own different businesses. We need a wider spread of what actually goes on in town so people can be actually represented by somebody sitting on this Board. Perhaps a change of government would not be a bad idea. Perhaps 7 Commissioners or 5 or something similar would allow for a more diverse view of the town that we have. Mr. Assur commented that he kind of takes it personally as far as saying that he is inciting people to come to meetings. People need to know what's going on and the people have spoken today. Mayor agreed and glad that they came out; think that it's great that they came out. She was sorry that we didn't have a bigger room for all the people that did come out, but we can go next week to the school and at least they know how we voted on these three ordinances. We do listen to the people. Next week we will listen and hear what people have to say. We will give them a couple of minutes each. Mr. Assur stated that he hopes that we didn't lose the momentum that we had today. Commissioner Bethea asked what sort of momentum are you talking about? Mr. Assur said the couple of hundred people outside. Commissioner Bethea said that if the momentum is the people have spoken as the Mayor said and rather than call us and talk to us, we heard it though. We had some calls and we heard. We revisited what we were looking at and decides that yes there were some valid concerns there. Maybe it's not a good fit. I think the process worked. The ordinances are done in the trash. They don't fit the town. 500 People could show up and that would be fine. Mr. Assur feels that some people might have some other issues

that were not vented today and that is why we are having the meeting next week and that's fine. It's not inciting anything it's just the governing body needs to know how the people feel about certain things. When an ordinance is made it should reflect what the people in the town think not just what the environmental commissioner wants who has a certain agenda or other people that have certain agendas. Mayor was in agreement.

Mr. Assur asked Mr. Lange if the town demolishes an unfit building in town and the land is cleared and the house has been removed. Do the people still retain the right to rebuild on that property or does that go away and people lose the value on the property? Mr. Lange said that a demolish would be the last resort of any community to deal with an unfit or unsafe structure. Across the state the townships have that right to deal with health hazards. The health code is what is being referenced. The town that has a problem structure that usually there is vermin associated with it; the spreading of disease. It would be a worst case scenario where the house is actually a hazard to the other people that live around it. Under certain circumstances they can go in under the state's health code and ask a Judge for the authority to demolish that structure. Deferent variations of ordinances allows you to site it and deal with differently before it gets to the point of demolition. Under the statute demolition can be supported. That is only in the very worst situations. Commissioner Smith clarified Mr. Assur's question by stating the Pinelands has regulations and sometimes you have to leave a wall up to rebuild. If the Town demolishes the building and the wall is gone could that impact somebody rebuilding? Solicitor Lange asked for further clarification... in a residential district for a residential home? Mr. Assur answered anywhere in town. Solicitor stated that if it is a conforming structure in town, which almost all of them would be, than that property own has the right to rebuild on the same footprint, the same structure. There is no loss of property right or zoning right to that property. Mr. Assur stated that in some cases there would be a lose the of right to rebuilding. He referred to the structure on Amasa Landing Road where there was the concrete building where the roof was missing. Can that person rebuild? Mr. Lange stated that all he can say is, if he understands all the facts, that if it is a conforming structure like someone's home you would always have the right to rebuild that structure. There may be some question if you can rebuild a structure if it is a non-conforming structure in a commercial or a non-residential zone. Mr. Lange stated that he was not really sure and that he would have to take more time to research that to be absolutely able to answer Mr. Assur question with certainty. If the building is demolished under the health code the right to rebuild that building exists. With respect to the zoning code the issue of abandonment arises and there are certain regulations at the state level including the Pinelands Commission where if they find the use has been abandoned by virtue of that demolition then there may not be a right to rebuild. But if the house was demolished against the property owners will because of health considerations that they had any intent to abandon the use. So with those qualifications he would say yes they would always have the right to rebuild.

Mr. Assur states the reason he is asking because New Gretna is a special place and a lot of the properties along route 9 are not conforming as far a lot size and setbacks and things like that. Mr. Lange added that you would think that it is pretty uncommon situation that a house gets demolished because of the health codes. In over 20 years he can only think

of 1 circumstance that he is aware of that that has actually happened. Where the property owner has allowed the property to become so distressed that it becomes a public health hazard and it requires demolition. It extremely rare but it happens.

Mr. Assur added a comment to Mr. Smith that he heard that he wasn't running for Commissioner. Mr. Smith commented that he has not totally washed that out. Mr. Assur would support him in running again. We need somebody like him that has his input and his insight about the town. His concern is that someone with less than an open mind would get that position.

Mel Robertson of 124 North Maple Avenue questioned Mr. Lange about the issues in the Township that brought about these new ordinances. Mr. Lange responded that it would be more appropriate if the Commissioners responded to this question. Commissioner Smith stated that over the course of the past year he received telephone calls from several people with questions about different houses that were either in foreclosure or people living in them and the people would go to court and the court would allow them to stay there but they were not taking care of the property. Aboveground swimming pools had gone green and smelled and they weren't taking their garbage and they were asking the township why can't you do something about this. His answer would be that it is private property and we can contact the Board of Health and certain things. If you are impacting your neighbor where you are hurting their lifestyle there should be something that could be done. Unfortunately, the court kept allowing it to continue. We were interested in finding something that we could get so that we could remedy these things faster. That people were not forced to live next to a house or a situation where their health might be in jeopardy or their life might be in jeopardy because we can't do anything about it. It's a fine line you have to walk. It certainly was never anybody's intent to go squirming into people houses. But when you start to write an ordinance like that it might not be his intent and what he said that the last meeting was we don't have that intention but we're going to leave this ordinance for somebody else and that intention could change. Mr. Smith added at the last meeting he wasn't thrilled with the ordinance. Mr. Robertson added that it is a slippery sloop and it could come around and bite anybody. Mr. Smith agreed that you certainly don't want someone to become real sick or have to suffer by having a neighbor that wasn't taking care of their property. But when it's only one or two to blanket the whole township with an ordinance to try to rectify a couple of problems is also not good practice. Mr. Robertson asked if the Board of Health had any authority. Mr. Lange stated that the Board of Health only has authority if you adopt and pass an ordinance like what was withdrawn tonight in 2012-03. Which would give the Board of Health that authority. Absence of such an ordinance the town has to go to the expense of having to go to the superior court. Commissioner Smith stated that it is costly but it is the method that is set up and that is what you have to do. Mr. Robertson said that when you get this information that he is sure that it was put out with the best the intentions. When you start talking about serving notice to someone and your forced to let them in your residence you've crossed the line. He asked if Mr. Lange's township had that ordinance to which Mr. Lange said yes. Mr. Robertson asked if he agreed with that. Mr. Lange stated that he was a policy Implementer not a policy maker and his opinion is really irrelevant as it applies to Bass River. Mr. Lange agreed that he suggested it as a

vehicle to be used to remedy this problem. The alternative is to go to superior court. That right always exists. There is nothing these Commissioners can do to eliminate any municipality's right to get a warrant from an administrative judge. That is what has to be done in Bass River if that is the will of its people and he respects that and has no disagreement with that. It is the commissioner's opinion that matter. Whatever they tell him to implement he will do his best to implement. Mr. Robertson said he thought Mr. Lange was the legal voice of the Board to advise them and make sure they weren't this kind of stuff. Mr. Lange replied that he doesn't think the ordinance as proposed stepped over the bounds and he is not sure what Mr. Robertson means. Mr. Lange feels it's the town the spoke tonight very loudly that they don't want that right to be in the hand of the local officer. Mr. Robertson replied that what citizen would. He asked Mr. Lange that in the town he lives in where Mr. Lange said this ordinance is in place, would Mr. Lange allow them to come into his house? If they notice Mr. Lange would he allow them to come into his house? If they thought that somebody had said there is a violation there? Mr. Lange replied that he didn't think it said in the house, actually. It says on the property. It talks about inspecting the dwellings. Mr. Lange read the portion of the ordinance in question. It states properties not dwellings. Mr. Lange added properties is not defined in the ordinance specifically. Commissioner Smith added that the term reasonable notice what is reasonable to one is not reasonable to another. Mr. Lange said that it is not a high bar to go to superior court and say we want a warrant to enter on and to inspect this property and in fact these warrants are granted all the time. This was simply a vehicle to try to deal with what is perceived as a recurring problem in town economically and expeditiously. It hasn't expended the municipality's right to inspect at all. It simply makes it a zoning violation to refuse. The alternative is to authorize the solicitor to go to superior court. If the zoning officer says that there is a reasonable suspicion that there is an illegal use of the property is being conducted and you have the ability to determine what leads to that reasonable suspicion. They will grant the warrant. They don't have proof that it's going on. That type of inspection is reasonable in a civilized society where peoples use of their property can negatively affect the people that surround them. So do we have a paramount interest in our country personal property rights, personal rights, privacy, the fourth amendment? Absolutely! It's a found tenant of our democracy and it should be protected with vigor. Is that to say that someone's individual private use of their property has no affect on anyone else; and they should be able to use for whatever purpose because this is America and it is their property? No, it doesn't say that and that is not what the fourth amendment stands for; and in fact the power of our country really flows from our ability to balance those rights in several of those documents and one of them is the United States Constitution the second is the Bill of Rights and the amendments to the Constitution. So we have to have that balancing test. So what we tried to do here was to tip the scales a little bit in the favor of the municipality to say we not going to require the municipality; as long as they have a reasonable belief, to go and spend thousands of dollars to go get a superior court order to see if someone has a pig living in their house because their neighbor say they are and its starting to smell. Commissioner Bethea said it was a double-edged sword to which Mr. Robertson agreed. Mr. Robertson added that he is sure that the State Police would like to not have to go get a search warrant every time they wanted to do something but they are required by law to do that. And basically what you are asking them to do is to

circumvent that. And to say we know what's right and what's wrong and we are going to order our code official to inspect the inside of that house. We need to define what property is. Is the house considered the property and they can say we have this notice and we're coming inside your house? Commissioner Bethea said that he didn't think it was the intent of the ordinance. Commissioner Bethea added that is why it's gone. Solicitor stated that the Board is looking for a remedy to deal with the recurring property issues in town. He saw this a potential remedy. The town doesn't believe that it is appropriate for your town and he totally respects that. Mr. Robertson asked if was basically delinquent properties that are in foreclosure. Not necessarily. It could be any number of issues. Mr. Robertson asked if there was an ordinance that dealt with the number of animals on a piece of property. Mr. Lange said how are you going to enforce it if you can't get on the property? Mr. Robertson said that on a personal note that he has heard so much about what people say when they talk about what the founder fathers meant when they wrote all these laws and all about your constitutional rights and I always bring up the thing that back when they found the country didn't they hang horse thieves? We had a president that had a dual; he pulled a gun out and shot at another person. These are the people that formed the country. You look at car theft today and what do we do about it. The car is an iron horse and we do nothing about it. So when we talk about what we've evolved to in relationship to what our founding fathers, I think we are off the mark a good bit. If you tried to push some this stuff down our founding fathers throats, I don't think it would have worked. I believe that they believed in your individual rights. As far as impacting neighbors and stuff. I can see if it's a health hazard but the best of my knowledge that's a board of health issue.

Ken Rose asked...what he hears is that we have a Code Enforcement Officer that isn't allowed to enforce any of the codes? Solicitor stated that he can observe the conditions of the property. Mr. Rose, if he gets a call for 6 junk cars on the property, he can come to property line but he can't write a summons? Solicitor Lange said yes that is correct. If he can see them he can write a summons. Mr. Rose said that we share services with Little Egg and what scared him is that he personally knew the zoning officer from Little Egg that did the job there for over 30 years and did an excellent job (Mr. Esposito?). He had more power than the Little Egg Police had. He rode up and down the lagoons on a Saturday and Sunday and watched people put in illegal bulkheads. He watched yard sales from the lagoons. Mr. Rose stated that he knew him personally and he fished on the boat next to him next to the Commissioners that got charged with corruption and went away. It scares me that this little town has a chance to turn into a Little Egg Harbor Township. Nobody understands that that is what it's about. Whether this town grows to 5 or 7 people up here or we keep 3 it doesn't matter I think it deplorable that we have to use Little Egg Harbor Township for our building inspections because Burlington County can't support us down here. But we can't send my child to Atlantic County College because we can't get a waiver signed. We're supposed to send our kids to Mount Holly who doesn't even want to support us. So why do we need to use Little Egg? I was looking at 2011 wages and we have Mr. Fred Hample we also have Jay Haines who is the zoning officer who I think is also the building inspector. The permits are issued in Little Egg Harbor Township if I want to put a garage on my house. Now it's down to one day a week, Thursday's 2 hours that Jay has sitting in the office here. So what I don't

understand is where is this township really going? For not using any services from Mount Holly or you're not trying to support us, where was this whole idea going? Do we want to become Little Egg Harbor Township? Why don't Ocean County just grab us? I called the Board of Chosen Freeholders today to ask why are we forgotten down here? I was told we don't have any jurisdiction down here. They said they just take care of their government there. Our municipality elects officials and you are enforced and guided by NJ DCA. Commissioner asked Mr. Rose what he asked them to do. He asked them if an ordinance like this is accepted in all the other Burlington County municipalities like Shamong and Tabernacle. I was on all the sites looking to see if they had ordinances like this. A lot of them aren't friendly. You can't find any ordinances on them. They got pretty little websites Shamong and all those little townships out there. Why aren't we being compared to what they have? Instead we are being forced to Little Egg Harbor Township which is Ocean County for services. We have to get our electrical inspections through this area. I just don't understand that. We don't want to become Little Egg Harbor Township. Scotty Esposito was a friend for life to me, but he had more power in Little Egg Harbor Township and I didn't know if any of you knew that. 12 of 15 years ago we had a zoning officer that rode a motorcycle. We don't need a code enforcement officer stopping me on Route 9 and giving me a ticket for illegal parking that I had to pay. The court held up. He gave me a parking violation in front of the stop and shop. The same day he got Moe Mulligan which I thought Moe Mulligan was going to lay him out in front of Belks. I had to go down and stop him. There's a thing of power. You gave somebody like that full run in a township like this it would be a ruin. Commissioner Bethea said that he wasn't given that power. He was fired after that.

Tom Williams said that it is very deceptive for you to say that we need this type of ordinance for the County Health rules, regulations and guidelines to be implemented here or affective here. That is very deceptive because there is all kinds of State health guidelines whether or not you have this type of ordinance. I congratulate the rest of you this evening for getting rid of this so we can move on as a community. Hopefully if there are some things that need to be addressed, they're addressed; but when you have health issues, that is totally separate then these types of ordinances.

Barbara Woolley asked Peter Lange where he lived? Since the question came up and seriously since we are being compared to. Since you said these types of ordinances, where to you live. Mr. Lange stated Medford, Mount Laurel, Evesham. They all have them. They all have that right of inspection. Ms. Dillon asked you live in a very similar area that is similar to Bass River Township? Mr. Lange said that no, I wouldn't say it is. I don't really know the makeup of Bass River Township. I learned more about that tonight then all the years I've been here before. My opinion really doesn't matter. I take my professional responsibilities very seriously. The three people up here are you elected officials so whether I believe or my opinion this is appropriate or would you want this for your town really isn't relevant. This is your town. This is their town. If they decide that it's not right for their town, it's not right for your town. My opinion is of little value. My legal opinion what is legal or not; that is a different issue. My opinion of what is correct policy for Bass River and its residents. I hesitate to give that because it is of little or no value. It only matters what you all believe and what your elected officials believe. They

were very apprehensive. Mr. Smith especially, then Ms. Cope and Mr. Bethea didn't that I was coming up with a remedy that was going to work. They were will to float it out there and see what would happen. I appreciate their confidence in that regard. I think their suspicions where over run with confirmation and so I'm happy to come up with another method to give them other alternatives to deal with these problem properties. Again my opinion as to what's right or wrong for Bass River is irrelevant.

Rita Bourguignon asked our Health Department here is Bass River are you three guys? Commissioner Bethea replied yes and that Burlington County is our agent. Ms. Bourguignon asked if anyone had a complaint in the town regarding a house problem they have to come to you three, am I correct? Commissioner Bethea said that we can direct them to go directly to the County. Mayor Cope said that was what the third ordinance was. They wanted to could come in and take that responsibility from us so we didn't have to pay anybody to do that job. But people where upset about that so we withdrew it. Commissioner Bethea said that we will drag them down here when we need them.

Nancy McCarten asked Mayor Cope you picked up these wads of paper that are the ordinance. Mayor Cope said that these are the existing ordinances and this ordinance has been around since 1989. 22 years ago I was taking my boards and studying for those at the time. I had nothing to do with that. That is why I was a little perplexed about the second one. This is something that has been here for 22 years. That is why when everyone came to me. I know they were upset. That is why I said to them to please read the ordinance. What we were proposing was changing the 10-day rule in this second ordinance and adding fines to the end of it. What was the misinformation was in a 1989 ordinance that is already existing. We're not changing that. Mrs. McCarten asked if the ordinances were town generated. Board said yes 22 years ago. Mayor Cope said I went back to the 60's. I went through all the ordinances and resolutions back to the 60's. Mrs. McCarten asked if was time to actually look through that old one. Are they appropriate for today's town? Mayor Cope said that for the most part. We've made little changes here and there. We depend on the Solicitor to help us out with that. This time it didn't go too well. It just didn't work for this town. As you can see. People were calling me upset. Understandably so. Mrs. McCarten said that 10 years ago we had an invasion of our property. 4 vans pulled up in front of the house. 13 men got out of the vans. Some of them were in police uniforms, with guns. They invaded the property. They had to put dye down our toilet. I said my husband isn't here. Wait a minute. They went up and down 542. They stopped at Marigold Creek. They went to Chandlers across the street. Mayor asked who it was. Mrs. McCarten said I guess it was DEP. But they did not identify themselves. All they said was that if you don't let us in your house and around your property, we'll come back with a warrant and it will make you really in trouble. I mean, this would really scare you. So when I read this, I thought oh for heaven's sake. This is not the way we want to run the town. Solicitor Lange added that one of the circulars that he saw that was being passed around the town quoted what they thought was the most offensive language with the respect to the ability of 5 people to sign a complaint...that is the existing ordinance that has been in place for 29 years. The circular never mentions the language that's actually proposed to be added or changed. It only

quotes the language that existed for 29 years. With respect to the 10-day provision in 2012-01, you have a circular provision. It's really poorly worded right now in your code. Because it says that in event of a code violation for a nuisance that the code enforcement office has to notify the property owner and give them 10 days notice before they can issue a complaint. The reason why we tried to amend that ordinance was because what had happened perennially and what has been constantly complained about by the code enforcement official was that he would recognize these conditions. Someone would be performing an illegal activity—selling cars from the house. He would give them the 10-day notice and they would move the cars away. Then they couldn't issue the complaint. Then next week the cars would be back out there. He would issue the complaint anyway and the judge would so no you have to give them the 10 days notice. He would give them the 10-day notice and they would move the cars out. They would go away for a little while then they would come back. It was a circular thing. We were just trying to say there were no more 10-day notice. You have a notice. You have an opportunity to fix it. After that if it happens again you can get violated. Mrs. McCarten said that all made sense but I think the wording has to be corrected. I don't think that anybody knew that these ordinances were being enforced anyhow. Commissioner Bethea said that the remedy has been there but obviously the comments that were made and circulated where like we're going to run out the door with these ordinances and start kicking peoples doors down. In 22 years at least in my 39 years we've never had the occasion to do that. I would like to think that maybe somebody has better trust of the people that are sitting up here that it wouldn't get abused. It's always in the hands of the people enforcing it or directing it. That could change as Gary brought up earlier. The existing stuff you could have new people look at it differently and wield it the wrong way. Mrs. McCarten asked if someone does have a complaint it's addressed so that you know that you have to do this and if you don't there will be consequences. Whoever is doing the invasion there should be checks and balances. I hope there are and I assume there are. Commissioner Smith said that we've always been reactive not proactive. He talked about somebody who was proactive in Scotty Esposito He went hunting. We've never been a township to go hunting but when you have people who come to you complaining then you try. I was at Barbara's when she was having problems across the street with the outfit that was running weddings at all hours of the night. We finally did get something done with that. I would not want someone who is running around town looking for things. Then again if people were being affected by somebody else, who else do they have to turn to? If they can't 'work it out with their neighbor, who else do they have to turn to but us. We have to try to work something out. Growing up here I don't ever remember; I've been here almost 60 years. I never remembered the township getting involved with anything neighborly. The neighbors worked it out themselves. Your neighbors watched your kids. It's a very different time now. Mayor Cope said that seems to be the biggest complaint we have is people and their neighbors. Sometimes people let loose on me and I ask them are they making too much noise in the middle of the night? No. Is their yard looking bad? No. I'll go through this whole thing of trying to figure out what's wrong. I just don't like them is the response. What do you think I should do? Move them is the response. I said I can't just move people. That comes to me more frequently then you think. They just don't like their neighbor. You guys voted us all in to try to do the best that we can with what we have to work with but we don't have the authority to go tell the

neighbor they have to leave. Solicitor Lange said that the big modification of these ordinances was the cost to go to superior court. Mrs. McCarten asked how much it would cost? Solicitor Lange replied that it depends. So they come to me and say we want to fix this problem; we've got to get on this property. We've got to go to court. How much is it going to cost? We don't want to do that. We've got to come up with something else. This was an attempt to come up with something else. If it doesn't work for you guys, it doesn't work. We still have to try to have a remedy so that everybody can live harmoniously in Bass River and people can respect each other's property rights. There was a lot of fear in the room here tonight. I don't know who is responsible for that. When there's a lot of fear people lose their ability to discuss these issues in a productive way. Mayor Code said that it turned into mass hysteria and the some of the people that were involved in that mass hysteria are not even here tonight.

Chris Naples said that you should not be expected to go to every meeting. The ones that do go to the meetings. If there is something you see, you bring it forward to the Township. For whatever the reason is that you can't attend meetings. People should be able to comment. Ordinances 2012-01, 02 and 03. The health care thing...thumbs up; the noise...thumbs up but the main body of it--the intrusion, that's where somebody alerted it and that's the one where most people are going to be upset about. It's not that necessarily that if someone had read the whole thing, would you be against the health part? Probably not. Would you be against the noise ordinance? Probably not. But to get there, unfortunately, you have to get rid of that to get rid of the main body of it which is the addition to the original ordinance which now allows them, with notice, to come your property with fines and stuff like that. Mrs. Rita Bourguignon added that all that is true but when an individual sits here and maybe there is 5 of us; if one of us don't like something, we stress that. There are 3 people up there that may like the idea. One person in the township meeting may say hey I don't like that. That doesn't go. Mr. Naples said that's where you're assuming that I heard about this from this mailing or that I heard about this from a citizen. What if I learned about it from the agenda? Or what if one of the Commissioners told me about it? Somebody told me about it. I think the majority of the people here did hear about it from a mailing, which I take my hat off. When I used to come to the meetings years ago you were always spot on. You would get to the point. You would ask your question. You would get your answer, and that would be it. If there was an issue, like when we were having the horse issue. That was when I was coming to the meetings. You're telling me that when you left here you didn't tell somebody that wasn't here what happened. Mrs. Bourguignon said that horse people I did because they had to know about it. Mr. Naples said this is a person that came here and felt that the majority of the town needed to hear. So it's the same. Mrs. Bourguignon agreed and said if there were more people that came out when something was brought up in a township meeting and if they didn't approve or didn't like it that could speak up and not only be one individual that's saying Hey I don't like this. You need more voices at a township meeting.

Mel Robertson asked about the States Clean Community Act, as it would pertain to regulations on junk cars on the property. Solicitor said that, no, that is a different regulation. That would be handled by the code that we are dealing with now. Mr.

Robertson said I believe I've heard in other townships this issue about abandoned cars and people having junk cars and unregistered cars. I can tell you that I have actually experienced that first hand. That's a police issue. Solicitor Lange said, no, it's not. Mr. Robertson asked if it was across the board or everywhere in the state? Commissioner Smith said that if they are sitting out in the street cities have had cars abandoned in the streets Philadelphia took a bunch of them. Mr. Robertson asked that's nowhere in the state? I'll see if I can bring a letter from where I used to live from the Chief of Police about unregistered vehicles. Solicitor said that he was probably quoting your towns code. Mr. Robertson said that is what I'm saying. Commissioner Smith said that if they are behind a fence screened and you can't go on the property. Mr. Robertson said if you can't see them, how can the neighbor see them? If the neighbor is the one complaining about abandoned cars and if the person won't let them on the property can't you walk on the neighbor's property and count the cars and site them? Solicitor said that if you can observe the conditions, yes. Solicitor added what if the neighbor is reacting to a plasma cutter being used all throughout the night and toxic chemicals leaking all over the property line onto their back yard? Commissioner Smith said that most neighbors don't want their neighbor to know that they are the one that complained. Mr. Robertson said that in Ocean City where I work there is a time limit where you can work and they can site you for that. Mayor Cope said that we have a noise ordinance. Mr. Robertson said I know that if you have a noise ordinance you have to have an enforcement officer that is trained on a decimeter. I'm just wondering what ordinances are place. Commissioner Smith said that Ocean City has a lot of that because they have a lot of tourist trade. They don't want people coming down enjoying their weekends and having a lot of noise. That is different situation. Mayor Cope instructed Mr. Robertson to the website that has all our current ordinances.

Mr. Leo Assur I think the ordinances in town all need to be looked through and they should be adjusted to how people actually live. We all have our sacred cow or sacred horses that we have. Some people might have horses, some people might have pigs, some people might have cars or trucks or whatever else they have. We all have our interests to protect. We all want to have what we have and that's all part of being tolerant of your neighbor. If you have neighbor that has a horse that maybe smells a little bit you said well maybe their allowing their daughter to ride a horse. It's better to have kid involved with a horse than get involved in drugs or other issues. It's better for somebody perhaps to work on a car then get involved with drugs and maybe breaking into houses or bars or something else. But the point I wanted to make was about the 4th Amendment Right and about the ordinances and the changes in the ordinances. The fact the ordinance has penalty for exercising or instilling your 4th Amendment Right...that's the problem because you have right to exercise your 4th Amendment Right without being penalized. The fact that it's being penalized is in itself a violation of federal law. I think if it ever went to court the town would probably get sued for violating our constitutional rights and maybe be conspiring against our rights. That's where the issue becomes. If some idiot got on somebody's property, is should be hard to do... it shouldn't be easy. There should be checks and balances. Now the town has to think do we really want to do this? To spend their share of money makes you stop and think. Otherwise it's easy...push and button and we're there. That makes it too easy. Commissioners replied Good Point. Mr.

Assur said I think the ordinances need to be revamped to reflect how people actually live. I think what we need to do is protect people's property rights as far when the Pinelands comes in and a house gets demolished. The people's value on that property should stay. It shouldn't be that now that person can't use that property. Because in certain instances that will happen.

Ms. Barbara Schmutz asked how often in a year's time...didn't let you on the property. Commissioner Bethea said that 99% of the time the people are very cooperative. They look at what the violation is and you talk about the Code Enforcement Officer or Zoning Officer and they said yes we'll take care of it and they do. That is much appreciated because that's real easy. It's that 1% and they're repeat. Commissioner Smith said and they are the ones that end up costing us a lot of money in attorney fees.

Being no further comments the motion to close the public portion was made by Commissioner Smith, seconded by Commissioner Bethea. All in favor and public comment was closed at 9:36 p.m.

Being no further business to come before the Board the motion to adjourn was made by Commissioner Smith, seconded by Commissioner Bethea. All in favor and meeting was adjourned at 9:37 p.m.

Respectfully Submitted
Amanda S. Somes, RMC
Township Clerk

Deborah Buzby-Cope, Mayor