

**MINUTES BASS RIVER TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING OF MONDAY, APRIL 2, 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 Peter Lange. Members of the public were present at this meeting.

FLAG SALUTE

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

APPROVAL OF BILLS LIST:

The motion was made by Commissioner Smith to approve payment of the bills in the amount of \$161,835.81. The motion was seconded by Commissioner Bethea to approve bills for payment. Votes: Cope –Yes, Bethea-Yes, Smith-Yes. All present in favor and bills were ordered paid.

| VENDOR | AMOUNT | DESCRIPTION | CHECK # |
|------------------------|---------------|--------------------------------|----------------|
| Municipal Code | -1337.00 | Supplement#9 | 14558 |
| Municipal Code | 777.67 | Supplement #9 | 14629 |
| Bass River | 90.00 | 2012 Yearbook Ad | 14630 |
| AT & T | 46.88 | ISDN Line—February 2012 | 14631 |
| Bass River Board of Ed | 101223.33 | March 21, 2012 | 14632 |
| AT & T | 158.28 | Long Distance All in One | 14633 |
| Fleet Fueling | 308.86 | Fuel Charges 2/8/12-3/6/12 | 14634 |
| Verizon | 536.55 | February 2012 | 14635 |
| Verizon | 331.22 | Court Phones | 14636 |
| AT & T | 79.55 | February 2012 Fall in One | 14637 |
| ACUA | 608.00 | February 2012 Water Testing | 14638 |
| Allus | 95.00 | Repairs to Admin. Computer | 14639 |
| Amanda Somes | 75.00 | Mileage & Parking Clerk's | 14640 |
| Atlantic City | 2343.14 | March 2012 Electricity | 14641 |
| Atlantic Co. Fire | 280.00 | Flashover Awareness Class | 14642 |
| Beacons | 124.92 | Mail Notice 3/8/12 | 14643 |
| Burl. Co. Treasurer | 3850.70 | Tipping Fee – March 2012 | 14644 |
| Casa Payroll | 225.60 | Payroll 3/5-3/16/12 | 14645 |
| Christopher Norman | 420.50 | Prep. Assur v. Bass River | 14646 |
| Comcast | 102.20 | Service 3/19-4/48/12 | 14647 |
| Courier Times, Inc. | 93.80 | Notice Resurfacing Jericho Rd. | 14648 |
| Deer Park—Nestle | 13.01 | Billing Period 2/15-3/14/12 | 14649 |
| ESI Equipment, Inc. | 374.00 | Emergency Call Repairs Honda | 14650 |
| Financial Management | 882.00 | Review Courses for J. Gross | 14651 |
| Gramco Business | 99.50 | Recorder CD's | 14652 |
| Gross & Co. LLC | 11500.00 | 2011 Dept & Financial Statem | 14653 |
| IPM Integrated Pest | 85.00 | Quarterly Service | 14654 |
| John Deere | 247.84 | Supplies for Park | 14655 |
| Leslie Lustbader | 1364.18 | 2012 Lease Payment & Taxes | 14656 |
| Mailfinance | 585.00 | Lease Payment 4/12-7/11/12 | 14657 |
| Mary Langford, DVM | 225.00 | Rabies Clinic 3/17/12 | 14658 |
| MGL Printing | 12.00 | Shipping on PO #3677 | 14659 |

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|---------------------|-----------|------------------------------|-------|
| MGS Propane | 362.00 | Propane Delivery 3/5/12 | 14660 |
| Office Basics, Inc. | 82.23 | Office Supplies | 14661 |
| Peggy Beck | 24.48 | Mileage & 6 Bank Trips | 14662 |
| Peter C. Lange | 2268.50 | January 2012 Legal Services | 14663 |
| QC Labs | 88.50 | Water Test Twp. Building | 14664 |
| Russell P. Cherkos | 1500.00 | Prosecutor 3/12 & 26/12 | 14665 |
| Staples | 494.00 | 2012 BRT Calendars | 14666 |
| Trish Home Center | 10.98 | Green Marking Spray | 14667 |
| Verizon Wireless | 206.69 | Wireless Phones 2/13-3/12/12 | 14668 |
| W.B. Mason | 125.43 | Supplies and Paper | 14669 |
| Bass River Payroll | 13880.86 | Payroll 3/8/12 | 30812 |
| Bass River Payroll | 16970.08 | Payroll 3/22/12 | 32212 |
| TOTAL BILL LIST: | 161835.81 | | |

ORDINANCES & RESOLUTIONS:

RESOLUTION 2012-39

RESOLUTION REQUESTING GOVERNOR CHRIS CHRISTIE AND MEMBERS OF THE NEW JERSEY LEGISLATURE TO IMMEDIATELY RESTORE IN FULL ALL ENERGY TAX RECEIPT FUNDING TO MUNICIPALITIES

The motion was made by Mayor Cope, seconded by Commissioner Smith to approve Resolution 2012-39. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All in favor and Resolution 2012-39 was hereby approved.

RESOLUTION 2012-39

RESOLUTION REQUESTING GOVERNOR CHRIS CHRISTIE AND MEMBERS OF THE NEW JERSEY LEGISLATURE TO IMMEDIATELY RESTORE IN FULL ALL ENERGY TAX RECEIPT FUNDING TO MUNICIPALITIES

WHEREAS, the Energy Tax Receipts Property Tax Relief program is the direct descendant of the Public Utility Gross Receipts and Franchise Tax (PU-GRAFT), which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980's, when at the request and for the convenience of the taxpaying utilities, the State of New Jersey became the collection agent for this assessment, the law that effected this change promised that the proceeds would be distributed back to the municipalities which provide services to utility facilities and are the source of the utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major State "reform" of utility taxes in the mid-1990's, which legislation validated and, supposedly capped the State's annual skim, and which included a "poison pill", requiring the State to annually increase the municipal distribution of Energy Tax proceeds or to risk the forfeiture of the State's authority to collect the tax; and

WHEREAS, in the late 1990's, a State law was passed requiring the Energy Tax distributions to be annually increased by the rate of inflation; and

WHEREAS, as State budget-makers viewed this situation, the problem was not how to comply with this requirement, but rather how State officials might evade compliance; and

WHEREAS, in order for the State to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, State officials reduced the CMPTRA distribution by the same amount that it increased the Energy Tax distribution.

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 Governor, State Legislative leadership and all members of the State Senate and Assembly should immediately restore in full all Energy Tax Receipt funding; thereby, respecting and affirming the historic and fiduciary obligation as collector of former municipal revenues.*
- 2. The Municipal Clerk is hereby authorized and directed to provide a certified copy of this Resolution to the following: Governor Chris Christie, New Jersey Senate President Stephen Sweeney, New Jersey Senate Minority Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Minority Leader, New Jersey State Legislators of the 9th District, Mayors located in the surrounding communities, the New Jersey Conference of Mayors and the New Jersey State League of Municipalities.*

RESOLUTION 2012-40

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR SOLID WASTE/RECYCLING CONTRACTS FOR THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2016

The motion was made by Commissioner Smith, seconded by Commissioner Bethea to approve Resolution 2012-40. Votes: Cope–Yes, Bethea -Yes, Smith-Yes. All in favor and Resolution 2012-40 was hereby approved.

RESOLUTION 2012-40

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR SOLID WASTE/RECYCLING CONTRACTS FOR THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2016

BE IT RESOLVED AND ENACTED by the Board of Commissioners of the Township of Bass River, County of Burlington and State of New Jersey to authorize an agreement with Burlington County Board of Chosen Freeholders for Solid Waste/Recycling Contracts for the Period January 1, 2012 to December 31, 2016.

BE IT FURTHER RESOLVED that it is in the best interest of the Township of Bass River that the Agreement entitled “Municipal Solid Waste Service Contract”, a copy of which is on file at the Municipal Clerk’s Office.

BE IT FURTHER RESOLVED the Township of Bass River shall enter into the Agreement with the County of Burlington mentioned with all supplements and agreements thereto. The Mayor and Clerk are

hereby authorized and directed to execute the agreement on behalf of the Township of Bass River and affix thereunto the Official Township Seal.

CORRESPONDENCE:

List of Correspondence was provided to the board with copies available for the public.
List included the following:

1. Construction Activity Notice received from the NJ Turnpike Authority for detour during construction over the Bass River Bridget. All closures are 9 p.m. Friday – 5 a.m. Monday. April 13-16 and April 20-23.
2. Receipt of \$4545.45 from the State of NJ for Volunteer Fire Assistance Reimbursement submitted in 2011 by Clerk.

OLD BUSINESS:

Tax Assessor, James Renwick, provided a brief explanation on the Farmland Assessment process. Mr. Renwick asked if the public had any questions regarding farmland assessment. No questions were asked.

NEW BUSINESS:

REPORTS:

The following reports were noted.

Report of Solicitor
Report of Municipal Court
Dog Report
Report of Safety Coordinator
Report of State Police—Tuckerton Station for March 2012
Report of the Governing Body Members

PUBLIC COMMENT:

The meeting was open for public comment at 7:56 p.m. upon a motion by Commissioner Smith, seconded by Commissioner Bethea. All in favor.

Mr. Leo Assur commented on the meeting of February 6th and felt the Board of Commissioners were attempting to sneak an ordinance through. Mr. Assur would like to see at least 25-30 people at a meeting before any ordinance can go forward. How do you go about proposing it? Solicitor Peter Lange said the Ordinance would have to be proposed and placed on the agenda at first reading. He was not aware of any such ordinance and it may conflict with the statute in Title 40 as it applies to ordinances and

resolutions. The legality would have to be researched to make sure it doesn't conflict with the State Statute or the State Constitution. Mr. Assur requested a copy of the minutes of the past meeting since there were no copies on the table. Clerk Somes said that the approved minutes would be available on the website by the end of the day tomorrow. 5 copies were printed; however, the minutes were 27 pages long. Therefore, a limited number available. Mr. Assur said he believes the Zoning Officer should also be at the meetings to provide a report and the public can direct questions to him as well.

Mrs. Rita Bourguignon said she agrees with Mr. Assur and any paid person that works for the Township should be made to come to these meetings and should be part of their job description.

Mr. Andrew Anderson asked about his neighbors addressing the Board about the construction of his house. He also asked for clarification from the Solicitor on comments at the June 7th 2010 meeting which Mr. Healy questions the continued development of his property on Goldecker Road. Mr. Anderson read from the minutes of that date and noted a section in the minutes that stated the solicitor commented that at the very least a variance should have been sought. Mr. Anderson asked Solicitor Peter Lange what variance he was referring to. Mr. Lange said the point he was trying to make was that Mr. Ewert as the Zoning Officer would be tasked to, at time of the issuance of the permit, from a zoning standpoint looking at issues of wetlands setbacks, bulk criteria and those kinds of things. Mr. Anderson asked for further clarification of what type of variance Mr. Lange was referring to. Mr. Lange said that it could have been facts that were talked about with regard to height or otherwise that he would have led him to say that if the height exceeded that of which permitted that a variance would have been needed. Mr. Lange said he was trying to make Mr. Healy recognize that as the Zoning Officer, Mr. Ewert would make those administrative determinations. If there were issues with wetlands. That is outside our jurisdiction. Mr. Lange noted the bulkhead may have been the issue and that may have required some accommodation...perhaps not a variance in a zoning context. Mr. Lange confirmed with Mr. Anderson that this issue with the bulkhead was corrected by him.

Mr. Bill Aaronson asked for the estimate of the utility money's that the township is loosing. Commissioner Bethea said no and further explained the formulation the State is utilizing. Mr. Aaronson asked if the taxing authority was the State of the Towns. Commissioner Bethea said it is the State but the Towns used to collect the money...years ago they did. Now the State collects all the money and they decide to disperse it to the towns. Mr. Aaronson also commented on comments made earlier about being mandated to come to a meeting. Not sure he would agree with that. He stated the Township needs to do a better job communicating to the public. Mr. Aaronson feels an appointment of a communication roll should be done.

Mrs. Marion Assur responded to Mr. Aaronson's question about communication. She tried to get AC Press to come to a meeting and she was told they don't have a reporter to cover.

Mrs. Helen Adams thanked the Mayor for the Calendars.

Commissioner Gary Smith thanked Mr. Assur for posting meeting and fire company fund raiser on a sign in front of his establishment on Route 9.

Mrs. Rita Bourguignon asked if the 3rd Monday of each month was still the work meeting. Mayor said we no longer have them. Will have meetings as needed.

Mr. Leo Assur asked what will be at the April 16th meeting. Budget only? Commissioner Bethea said that it was the budget hearing.

Mrs. Helen Hazard asked about unpaid taxes and how does that affect the taxes? Commissioner Bethea said we have a reserve for uncollected taxes because we have to account for 100% of the taxes.

Mr. Aaronson asked if it is legal in the State of New Jersey for a municipality to put on a referendum for a single purpose tax question. Commissioner Bethea said the town can only increase the tax levy to 2%. If you wanted to go above that for a purpose you would need to go to referendum. You would have to have a specific purpose for doing so. Solicitor Lange said that if you wanted to fund something through a bond you could make it a referendum question for a bond. Mr. Aaronson also said that when Viking wasn't doing so well, we unilaterally approached them and lowered their assessment. Viking is doing better these days so he is asking if there is any movement to reapproach them and readdress that lowering of their assessment. Commissioner Bethea said he would ask the Tax Assessor if he has revisited the issue based on the values out there today, could he make a case to raise them. Is there a case to raise them? Does it make sense to raise them? Mr. Aaronson said the year we lowered their assessment they manufactured and sold 25 boats. Last year they manufactured and sold 50 boats. At the height of their success they manufactured and sold 100 boats. They are back up to 50% of what they where and are doing better. He feels we wouldn't have to raise the local purpose tax rate 1.5 cents if Viking paid more taxes. Mrs. Rita Bourguignon asked Mr. Aaronson how he obtained his information because she was under the impression that Viking did not sell that many boats. Mr. Aaronson said this information was confidential. Commissioner Smith noted that comments made where made without providing any proof. Commissioner Smith said that he could not look at the massive operation and say that they where doing better today.

Mrs. Helen Hazard said that she feels that we all need to be a little kinder to each other.

Mrs. Rita Bourguignon commented that a pot hole is forming on County Route 679 and 655.

Commissioner T. Richard Bethea said he takes exception to Mr. Assur's comment regarding attempting to slide things by. This has never been the intention of this governing body as long as he has been on it...for 36 years. That is why we have public hearings. We have never tried to slide something by on somebody. It's on the internet.

It's published. It's on the agenda. Its there for a public hearing for a reason. It's for the public to come out and talk about it. Read it and if you find something you don't like, bring it to our attention. It is not the intention of the Board to hide something or try to slide something by. Mr. Assur said his intention was to single that issue out and perhaps could have picked a different word. The nature of that ordinance was against everything that America stands for. Mr. Assur said he was sorry if Commissioner Bethea felt it was addressed to him in that particular way.

Mr. Henry Bourguignon asked if there was an ordinance saying the same thing from 1982? The board agreed and said that is correct.

Mrs. Helen Hazard asked for some clarification on minutes from the February meeting at the school.

Mrs. Anderson said she was offended that Mr. Lange would treat people in this room like they don't understand what is being said.

Being no further comments the motion to close the public portion was made by Mayor Cope, seconded by Commissioner Smith. All in favor and public comment was closed at 9:11 p.m.

Being no further business to come before the Board the motion to adjourn was made by Commissioner Smith, seconded by Mayor Cope. All in favor and meeting was adjourned at 9:11 p.m.

Respectfully Submitted
Amanda S. Somes, RMC
Township Clerk

Deborah Buzby-Cope, Mayor