

December 7, 2011  
Municipal Building  
121 Evergreen Road  
New Egypt, NJ 08533

The Workshop Session of the meeting of the Plumsted Township Committee was called to order by Mayor Dancer.

**STATEMENT:** "This meeting is being held in compliance with the Open Public Meetings Act. It was published in the Tri-Town News and posted on the bulletin board."

**THOSE OFFICIALS PRESENT WERE:**

COMMITTEEMAN TROTTA	COMMITTEEMAN SORCHIK	MAYOR DANCER
DEPUTY MAYOR LEUTWYLER	CLERK HENDRICKSON	ATTORNEY FORAN

Committeeman Sorchik was in attendance via telephone.

Mayor Dancer reviewed the agenda. Mayor Dancer asked Republican Club Committee Chairman Eric Sorchik to comment on a letter dated November 22, 2011 to the Municipal Clerk with a copy to the County Election Board. Committeeman Sorchik, via telephone, said the Republican Club County Committee met on November 21<sup>st</sup> and in accordance with the Municipal Vacancy Law, interviewed seven candidates, which three were selected. The candidates were Joan Cuba-Richardson, Herb Marinari and Vincent Lotito. He said it was his desire to consider all seven individuals that expressed an interest in serving the community to various Boards and Committees, Authority and Commission. Since Dancer and Committeeman Trotta were not in the review process, he asked the candidates to come forward for the interview process. He asked the candidates to express their desire to serve on the Township Committee.

Candidate Herb Marinari said he had been on the Board of Education for many years and had the great privilege of 800 people writing in his name, which he was very proud of. He believed that getting back on the Board at that time would help them as it was a young Board. They were in the process of many changes that his experience on the Board would help them. He said this was a difficult decision, but he now wanted to help the Township Committee. He said he came to Plumsted Township in 1980 with terminal cancer with six months to live and this community and the people in this community allowed him to be where he is right now. He has always tried to give back to this community. He said if he could help in any way and was selected, he would do his very best for the community and taxpayers. He went on to say he hoped he could continue as a liaison to the school with his knowledge as a former school board member.

Candidate Joan Cuba-Richardson said she has lived in Plumsted Township for about one year. She said she wanted to get involved with the community. She worked in the corporate environment for about 20 years presently has worked at the Ocean County Board of Social Services for 8 years. Tying her business skills and the empathy with her current job, she felt she could give a lot to the community.

Candidate Vince Lotito wanted to thank the Committee for considering him for this position. He has been a resident for 16 years, he owns and operates a business, which caters to companies in the area of technology and business consulting. His strong suit is analysis and design. Since coming to Plumsted, he said he tried to lend his time, effort and resources to the town. They came up with the concept of plumsted.org. For many years, his business provided the infrastructure of the web services of programming for the Township Website and has always been available to help the Township in any way. He is working with the PMUA informally to provide technology and services in the area of GIS mapping and providing zoning and other information that relates to trash pickup and recycling. He said he was appointed to Economic Development Authority, which was to take care of the downtown business and economic development; and in that time, the Main Street bid was awarded. He also served on the Municipal Alcohol and Drug Alliance and worked with ADACO working with people with addictions and at risk children. He also has The Loving Kindness Foundation, which caters to the homeless. He is an ordained elder in his church. He personally has mixed emotions because the Township has endured an abandonment of a seat on the Township Committee. He said he would relish the opportunity to bring his skills and perspectives. He said the Township has a history of doing things fiscally responsible and fiscally sound and did not want to see this changed. He wanted to be a part of this and contribute to that process.

Mayor Dancer said, before the Committee had any questions, it was his desire tonight to make appointments, one to the Township Committee and the other two to alternates to the Plumsted Township Land Use Board, which each nominee said yes. Committeeman Trotta said there is a lot of time required with Township Committee Meetings as well as being a liaison to appointed

committees and wanted to know how it would fit into their schedules. Each nominee understood and said yes. Deputy Mayor Leutwyler wanted to say for the record that seven candidates, which is the most they ever had, all had the best interest of Plumsted Township at heart. Committeeman Sorchik wanted it noted that the law stated the nominating committee could only submit three names but the other candidates were also interesting and qualified people who had unique skill sets. Mayor Dancer said the Committee would be reaching out to the other four individuals asking them to consider serving on a various Board, Committee, or Authority. Mayor Dancer asked if any nominee had any questions for the Committee there was none.

Mayor Dancer said because of this vacancy there are two years remaining on the term of Steven Reed. He explained the law and asked if selected would he or she be ready to fulfill that commitment. Mayor Dancer then asked the Committee for nominations.

On motion of Committeeman Trotta, who said his nomination for one person, which is not against anybody else is for Herb Marinari to fill the vacancy. Committeeman Sorchik seconded the nomination. Roll Call Vote: All Ayes.

ON MOTION OF DEPUTY MAYOR LEUTWYLER, SECONDED BY COMMITTEEMAN TROTТА, RESOLUTION NO. 2011-294, A RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY APPOINTING HERBERT MARINARI TO THE VACANCY ON THE TOWNSHIP COMMITTEE DUE TO THE VACANCY CREATED BY STEVEN R. REED AND APPOINTING HERBERT MARINARI TO VARIOUS MUNICIPAL APPOINTMENTS AND ASSIGNMENTS FOR THE YEAR 2011. Add to Schedule "B" - Board of Education Liaison and Business Merchants Association. ROLL CALL VOTE: ALL AYES.

Mayor Dancer officially swore in Mr. Marinari as Township Committeeman with his wife, Janet, holding the bible. Committeeman Marinari wanted to thank everyone for their support. He said he was very proud of the community and would do his very best.

Mayor Dancer said he wanted to take appointments for the vacancies on the Land Use Board. He said all alternates on all boards are encouraged to fully participate in every application. If any regular member is absent, the alternate becomes the voting member. He said there is also a State Law that every appointee to a Land Use Board must take within one year of appointment a Municipal Land Use course and there is a \$50 application fee that goes into an education fund this provides for the initial course, as well as continuing education.

ON MOTION OF DEPUTY MAYOR LEUTWYLER, SECONDED BY COMMITTEEMAN TROTТА, RESOLUTION NO. 2011-295, A RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING ALTERNATE NUMBER 3 TO THE PLUMSTED TOWNSHIP PLANNING/LAND USE BOARD. ROLL CALL VOTE: ALL AYES. Vince Lotito was sworn in as Alternate #3 to the Land Use Board with his wife, Sherri, holding the bible.

Mr. Lotito wanted to say that Mr. Marinari was a well-suited nominee for the Township Committee. With respect to serving on the Land Use Board, he has a lot of GIS (geographical information systems) that they work with that would lend a lot to the Board.

ON MOTION OF COMMITTEEMAN TROTТА, SECONDED BY COMMITTEEMAN SORCHIK, RESOLUTION NO. 2011-296, A RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING ALTERNATE NUMBER 4 TO THE PLUMSTED TOWNSHIP PLANNING/LAND USE BOARD. ROLL CALL VOTE: ALL AYES. Joan Cuba-Richardson was sworn in as Alternate #4 to the Land Use Board.

Ms. Cuba-Richardson thanked the Committee and said she was honored and would do her best.

Mayor Dancer said he received a letter in his Assembly Office shortly after the General Election and wanted to share it with everyone. Cuba-Richardson had written this letter regarding her late brother, Paul Cuba, who worked tirelessly for the Republican Party starting in college as a staff member and speechwriter to Press Secretary for Bergen County Executive Pat Schubert. While campaigning with him, he also begged her to work the phone banks, which she never said no. Sadly her brother's career was cut short due to his sudden passing at the age of 34 of a heart attack in 1996. She said it was her honor to contribute her time and help the Republican Party which he so loved. Mayor Dancer commended Joan for stepping forward and volunteering her time and service to Plumsted Township.

Mayor Dancer congratulated and thanked all of the nominees.

Before the start of the regular portion of the meeting, William Lewis, Chairman of the Environmental Commission, wanted to address the Township Committee. He said he was speaking on behalf of people who have come to him as Chairman talking about the need and necessity for youth in the Township. He wanted to be able to take advantage of what the Mayor and Township Committee has been doing in preservation, preserving 3000+ acres in Open Space, and being aware of Oakford Lake that there are two different watersheds in the Township also Plumsted is the only Township in the State that has declared the Bluebird as the Township Bird. Also within the socio-economic times, being able to provide something extra to the school, whereas with budgets and taxes this is not able to be done. He introduced New Egypt School Teacher Mary Dancer to give an idea of what the Environmental Commission for the Township could provide.

Mrs. Dancer thanked the Committee for meeting with the Environmental Commission and introduced her daughter Elizabeth who graduated with a degree in Wildlife Conservation and Biotechnology. They share a love of nature and worked together on a lot of things. She said it would be wonderful to have a nature center downtown for the children as there are no more class trips due to budget constraints. She said that last year she received a grant "Going Coastal" which paid for the 4<sup>th</sup> grade class to go two days in the fall and two days in the spring to Island Beach State Park. She said she has no room for everything she received from the grant, which is all from nature around us. She said if we had a nature center in town, all grade levels could benefit and said there is something that could be done every week if desired. She said she was working on another grant integrating the arts with science, which is looked at in a different way. She had a lot of information, ideas and energy and that so many people could benefit from this. Mr. Lewis said with No Child Left Behind, it is going to be federally mandated that children be tested on green initiatives. He said he would like to put something in place so Plumsted can be ahead of the game when that time comes.

Mr. Lewis introduced Al Hutchins, a local businessperson and a treasure hunter within the Township. He said that a lot of the treasures are below the ground. Among them is archive simony, which is known as the Hornerstown strata, a level of stratigraphy deep in the earth that has been driven up close to the surface and as a result, has brought specimens that are up to 350 million years old to the surface. He and his neighbor have over a ten year period, taken the various things they found from school to school, and throughout that process found there was a limited amount of text available to young people to give them the insights into the obvious native American cultures. He said that before the Lenape were here, there were two previous cultures of Native Americans as well. Due to the agricultural activity, erosion and other factors, there are a lot of cultural remains, both historic and prehistoric that are readily available. He said he would be willing to donate a display if there was a cultural or nature center.

Mr. Lewis introduced Environmental Commission member Larry Witham. He said two of his children had Mrs. Dancer and liked the way she taught, like taking them into town to experience things. He also said that Mrs. Dancer collected the same things he did and when visiting her classroom saw the bug display and told her he had a library of items. If she was interested, she could borrow them to display in her classroom. His parents live in Maine and his mother gave him a box she won at an auction. It was developed by a paper company and is filled with all kinds of samples of forestry, from pinecones to the different kinds and stages of pulp, and wood samples. He said he would be willing to donate this like this to a nature center for children to learn.

Mr. Lewis said this would be a great opportunity for the Mayor and Township Committee to bring the organizations together, like working with the SOS for a Community Garden behind the Welcome Center. He believed it was the responsibility of Township Officials to protect the environment for future generations.

Mr. Lewis introduced Bev Vienckowski, who has lamas and walk them in Colliers Mills Fish & Wildlife Area. She said she often walks her lamas in Colliers Mill and puts backpacks on them, picks up trash and takes it home to put it in her trash. She said she felt blessed living so close to such wonderful outdoor space yet sad when people visit the area and leave their trash behind. She met Bill at the expo in Colliers Mills and he recruited her to do other things with the Environmental Commission.

Mr. Lewis said he did not come to the Township Committee Meeting asking for the Welcome Center to be solely for the Environmental Commission. He would like to revitalize the Welcome Center by giving it a new name and unite the different organizations and commissions who work out of it.

Mayor Dancer called the regular session of the Township Committee meeting to order at 8:30 PM with the flag salute. Mayor Dancer explained the format of Township Committee meetings and how they are conducted.

## **PRESENTATIONS:**

Mayor Dancer asked Patrolman Gary Schaal, who was officially appointed at the last Township Committee Meeting, to come forward to be sworn in as a full-time police officer. Mayor Dancer asked Sgt. Petrecca to come forward to explain the process for filling the vacancy in the Police Department. Sgt. Petrecca said Patrolman Schaal has been a part-time police officer in Plumsted for two years. He was one of the candidates that went through the process just like every other candidate and scored number one. He said Patrolman Schaal has done a great service in the community, was number two on motor vehicle stops and enforcement, and currently was number one and has countless drug arrests and DWI arrests. This was due to his training and enthusiasm in wanting to be a police officer and his father being a police officer. Patrolman Schaal along with his daughter and his father who held the bible was officially sworn in by Mayor Dancer as a full-time Patrolman in the Township of Plumsted. His parents stated they were very proud of his accomplishment and his father was happy he followed in his footsteps. The Township Committee congratulated and welcomed him aboard. Sgt. Petrecca thanked the Committee for their support. Mayor Dancer thanked Sgt. Petrecca, members of the police department and congratulated Patrolman Schaal on his appointment.

Mayor Dancer said he wanted to bring members of the public up to date regarding an advertisement for part-time clerk typist on an as needed basis. There have been reductions in force and are now in a situation where there are only four full-time administrative employees at the Township Offices, except for the Police Department. The Township is in a position now where if someone is out, the Township cannot provide the public services that it should. We now have to rely on part time on an as needed basis. Deputy Mayor Leutwyler said there were quite a few applications, which were narrowed down to six. The interview committee recommended two candidates, Tammi Lee Halpin and Jennifer Witham for the Clerk Typist position.

Mayor Dancer asked Tammi Lee Halpin to come forward for a Certificate of Appointment as a Clerk Typist on an as needed basis.

ON MOTION OF COMMITTEEMAN SORCHIK, SECONDED BY COMMITTEEMAN TROTTA, RESOLUTION NO. 2011-297, A RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING TAMMI LEE HALPIN AS PART-TIME CLERK TYPIST FOR THE TOWNSHIP OF PLUMSTED WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

Mayor Dancer presented her with a Certificate of Appointment. She said she was looking forward to working for the Township. She said they just moved to Plumsted in August. She has been employed by the State Police for eight years and previously worked for Little Silver Police Department in Monmouth County for five years. She also stated they are starting an alpaca farm. The Committee welcomed her aboard.

Mayor Dancer asked Jennifer Witham to come forward for a Certificate of Appointment as a Clerk Typist on an as needed basis.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY DEPUTY MAYOR LEUTWYLER, RESOLUTION NO. 2011-298, A RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING JENNIFER WITHAM AS PART-TIME CLERK TYPIST FOR THE TOWNSHIP OF PLUMSTED WAS ADOPTED. ROLL CALL VOTE: ALL AYES

Mayor Dancer presented her with a Certificate of Appointment. Mrs. Witham said she has been a resident of Plumsted for the past fourteen years and was very happy here. She was excited about being more a part of Plumsted. She thanked the Committee and the Committee welcomed her aboard.

Mayor Dancer asked Dulce Hurley and Shirley Stahley to come forward to accept an appointment to the Senior Outreach Services (S.O.S.). Chairman Rosemary Ritter introduced the members who were in attendance. Mayor Dancer gave an overview of what services and programs the S.O.S. provided and said it was one of the best organizations that Plumsted has where people are meeting the needs of people.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN SORCHIK, RESOLUTION NO. 2011-282, A RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING MEMBERS TO THE SENIOR OUTREACH SERVICES PROGRAM WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

Shirley Stahley said she lives in Browns Mills and first came to play bingo. The Committee was asking for volunteers, as they needed someone to answer the phone and this was what she did before she retired. She believed that when a phone rings it should be answered and not by an answering machine.

Dulce Hurley said she wanted to give back to the community and help serve whenever she could. She said she would probably be learning from the SOS. Chairman Rosemary Ritter thanked the two new appointees for volunteering. She said that through November 2011, they traveled 5,685 miles, 453 hours and provided 208 rides to seniors who needed rides to doctors, dentist, therapy, dialysis, etc. She also stated that the S.O.S. was happy to be able to help seniors, by not only providing transportation, but to provide socialization and information for services. She also stated that next month, two more volunteers would be appointed. The Committee thanked the two new appointees for volunteering their time to the S.O.S., which is one of the most valuable community services the town provides.

**MINUTES PRESENTED FOR APPROVAL:**

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR LEUTWYLER, THE WORKSHOP/REGULAR/EXECUTIVE SESSION MINUTES OF APRIL 6, 2011, WERE APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI ABSTAINING.

ON MOTION OF DEPUTY MAYOR LEUTWYLER, SECONDED BY COMMITTEEMAN TROTTA, THE MINUTES OF THE SPECIAL MEETING OF APRIL 15, 2011, WERE APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI ABSTAINING.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN SORCHIK THE WORKSHOP/REGULAR/EXECUTIVE SESSION MINUTES OF MAY 4, 2011, WERE APPROVED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI ABSTAINING.

ON MOTION OF DEPUTY MAYOR LEUTWYLER, SECONDED BY COMMITTEEMAN SORCHIK, THE SPECIAL EMERGENCY MEETING OF MAY 13, 2011 WAS APPROVED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN TROTTA AND COMMITTEEMAN MARINARI ABSTAINING.

**ORDINANCES: Second Reading and Public Hearing**

Mayor Dancer said that Ordinance No. 2011-07 amends Chapter 11, Article I, Section a entitled "Certificates of Inspections". Attorney Foran stated that when a previous was adopted, there was a phrase that had inadvertently been deleted in a subsequent ordinance, which needed to be straightened out. There was no change other than technical legal housekeeping.

Mayor Dancer opened the public hearing on Ordinance No. 2011-07. There was no public comment.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR LEUTWYLER, THE SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 2011-07, AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 11, ARTICLE I, SECTION 1 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED "CERTIFICATES OF INSPECTION" WAS CLOSED. ROLL CALL VOTE: ALL AYES.

ON MOTION OF DEPUTY MAYOR LEUTWYLER, SECONDED BY COMMITTEEMAN TROTTA, ORDINANCE NO. 2011-07 WAS ADOPTED ON SECOND AND FINAL READING. ROLL CALL VOTE: ALL AYES. Committeeman Sorchik's phone connection was lost and was unable to vote.

**ORDINANCES: Introduction**

Mayor Dancer said Ordinance 2011-09 is regarding the recently approved medical marijuana act that was approved for the State of New Jersey. Current law and regulations have now been adopted regarding the alternative treatment centers for medical marijuana, which provides for licenses in different parts of the State, potentially 6. He said he attended a public hearing in Upper Freehold Township. This was not for the dispensing center of the alternative treatment but for the alternative treatment center's cultivating farm. The application pending in Upper Freehold has not been considered by their Zoning/Land Use Board. Upper Freehold brought to

his attention that they would like to have a State Law that would address the situation. While the legislation of the Medical Marijuana Act and regulations that were promulgated to effectuate the purposes of that act, it did not, in their opinion, adequately address the security issues of a cultivating farm in Upper Freehold Township that has no local police department and rely solely on the State Police. This area that they are looking at for the cultivating farm alternative treatment centers poses greater security risks for municipalities with limited or no local police protection.

Dancer as Assemblyman of these farming communities, which is in his Legislative District, he went to the Office of Legislative Services to inform them that he was interested in sponsoring legislation that would make it permissive for each community in the State of New Jersey. If a local governing body deems it would be appropriate in the best interest of their citizenry to have local ordinances, it would require an application to conform to a higher degree of security measures than what the minimum standards that are promulgated by law, the local community should the statutory right to have greater security measures.

The second part of the legislation is when an application comes before a Land Use Board and a site plan approval is required to construct greenhouses, any application before the appropriate Board must comply with local, county, state and federal laws and regulations. He would like to have the Township Committee introduce what is basically identical in form and content to what Upper Freehold has introduced. The reason that the Township accentuate that applications would need to be compliant with federal law is because the federal government under the 1970 Controlled Substance Abuse Act does not provide for the legalization of marijuana whether it be for medicinal purposes or otherwise. It is a controlled dangerous substance that is prohibited. The supreme laws of the land are federal laws, which pre-empt local or state laws.

The concern of local farming communities, such as, Chesterfield, Millstone, Plumsted, Upper Freehold, North Hanover, New Hanover, areas which he, as Assemblyman, represent. In order for these ordinances to get the full umbrella of being legally tenable upon challenge in the judiciary branch and to the courts, there would need to be State Legislation that authorizes those municipalities that determine it is in their best interest as permissive legislation. Local municipalities would determine what is best in their community.

Pending Assembly Bill No. 4411 which amends the Medical Marijuana Act to provide that a local municipality would have the statutory right if deemed by its governing body to require that applications before its applicable Land Use Board, must be in compliance with Federal Law. Secondly, the local municipality, if it deemed appropriate for its purposes, could require greater security standards in areas that have limited police protection or no local police protection what so ever. They could require greater security measures than is what set forth into the Medical Marijuana Act and its regulations. Mayor Dancer said this was first targeted in Plumsted Township Town Center at the Good Tree Farm on Jacobstown Road for a UPick Pot Farm. It was represented in the application at Upper Freehold Township that Plumsted Township or it's Mayor was supportive in their application in Plumsted Township. He said for the record that after his conversations with representatives of Breakwater Alternative Treatment Solutions that this was a blatant misrepresentation. He said he takes this very seriously that the company makes misrepresentation in its application to Upper Freehold Township. He wanted the Committee to be aware that this is a situation that many of these local farming communities are being faced with and felt that it was important to get ahead of the curve and try to get the ordinances in place and work in tandem with the Legislative process with the Bill he just introduced.

Mayor Dancer asked for any further discussion on introduction of Ordinance No. 2011-10. Committeeman Trotta stated he was 48 years old and was very proud to say that in those years has never used any illegal substances. He said his mother suffered and died from cancer and this is one of the diseases they said would help in the pain they suffer. At that time, he was very much against her having this at that point and time. He said since it has been approved by the State at this point, he would have to do a lot more research before voting one way or another on this matter.

Mayor Dancer said Governor Christie asked the Federal Government to provide in writing that our law enforcement officials be indemnified from any Federal prosecution of handling of the medical marijuana, which never came into the State of New Jersey in writing. Mayor Dancer said there is a compassionate need and use for it. The essence of the State Legislation is that this is not being mandated or obligatory by all municipalities. It is simply each municipality making its own decisions as to what is best for it's community.

Deputy Mayor Leutwyler said he has done some soul searching on this and understood Committeeman Trotta, that here in Plumsted with the limited resources that at this point it would be very difficult.

Committeeman Marinari said he would abstain from this ordinance introduction because he had not reviewed any of the information. He did not want the Committee or public to think he was shirking his job. He also said he fully appreciated Committeeman Trotta's input regarding this matter.

Committeeman Sorchik said, as he understood it, this is just to introduce the ordinance and in that regard, the ordinance doesn't say the Committee's opinion, just that we don't have a review to make sure the Township has proper security measures. It gives the option of public review before something like this would be allowed. Mayor Dancer said the other part of the ordinance is that if the ordinance was adopted after the second reading and public hearing, the Land Use Board would not be able to approve an application. The ordinance does not address marijuana, it just says that an applicant must be in compliance with whatever their use is with State, Local and Federal Law. The Land Use Board would be voting on something they would consider if it were not a violation of Federal Law. Mayor Dancer wanted to make it clear that nowhere in the ordinance of Plumsted Township or Upper Freehold Township is any type of a controlled substance or marijuana is mentioned at all.

Federal Legislation specifically addresses an amendment to the Marijuana Act. Local Ordinances do not mention marijuana. Whatever the Land Use Boards approve, they have to abide by the Constitution of the United States that is not in violation of Federal Law.

ON MOTION OF DEPUTY MAYOR LEUTWYLER SECONDED BY COMMITTEEMAN SORCHIK, ORDINANCE NO. 2011-10, AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 41 ENTITLED PLANNING AND ZONING BOARD, GENERAL ADMINISTRATION ARTICLE II, SECTION 5 TO PROHIBIT APPROVAL OF APPLICATIONS WITHIN THE TOWNSHIP OF PLUMSTED THAT REQUIRE TOWNSHIP GOVERNMENT APPROVAL WHICH ARE VIOLATIVE OF FEDERAL LAW WAS INTRODUCED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN TROTТА AND COMMITTEEMAN MARINARI ABSTAINING. A scheduled second reading and public hearing will be held upon advertisement and publication.

Mayor Dancer said that with the introduction of Ordinance No. 2011-09, there have been a lot of store front businesses popping up, Cash for Gold. A number of municipalities are introducing and adopting ordinances not prohibiting but regulating. When these types of businesses come into a community, they will have to apply for a license. The operators of this type of business would have a police background check and they would maintain necessary records of the purchase and subsequent sales for the jewelry or gold. It would then have to be held for a minimum of seven days. Ocean County Department of Consumer Affairs, Division of Weights and Measures, does enforcement on these types of stores by doing inspections and required certifications. There are some unscrupulous individuals that are taking stolen jewelry and cashing it in without the proper record keeping, the permitting process and necessary background checks. This is another tool for the local law enforcement to make sure there isn't going to be the unscrupulous trying to take advantage of someone that may have stolen goods of that nature.

Committeeman Trotta wanted to know how this would affect the Holiday Extravaganza because there was a table there where people were buying gold. They are just there for the day. There are also parties people have at their house and how would that affect that. Mayor Dancer checked the ordinance and said if they have that type of business, they would require a permit, and a background check by the Police Department. Attorney Foran stated that most of the legitimate businesses know that almost every town has this ordinance. Mayor Dancer mentioned that according to Ocean County Division of Weights and Measures, Plumsted was one of the few municipalities that did not have an ordinance.

ON MOTION OF COMMITTEEMAN TROTТА, SECONDED BY DEPUTY MAYOR LEUTWYLER, ORDINANCE NO. 2011-09, AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, CREATING AND ESTABLISHING CHAPTER 47AA OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED ENTITLED "PRECIOUS METALS, GEMS AND JEWELRY DEALERS" WAS INTRODUCED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI ABSTAINING.

Mayor Dancer asked the Committee if they wanted to vote on any of the following resolutions separately. There were none.

**RESOLUTIONS:**

THE FOLLOWING RESOLUTIONS ON A CONSENT AGENDA ARE CONSIDERED ROUTINE AND SHALL BE ENACTED BY ONE MOTION. SHOULD ANY MEMBER OF THE TOWNSHIP COMMITTEE SEEK SEPARATE DISCUSSION OF ANY ITEM, THAT ITEM SHALL BE REMOVED AND DISCUSSED SEPARATELY. THE FOLLOWING RESOLUTIONS WILL BE VOTED ON IN ONE VOTE.

RESOLUTION NO. 2011-277 – AUTHORIZING THE CHIEF FINANCIAL OFFICER FOR THE TOWNSHIP OF PLUMSTED TO OPEN A BANK ACCOUNT FOR THE FLEXIBLE SPENDING PLAN IF NECESSARY

RESOLUTION NO. 2011-278 – AUTHORIZING A TRANSFER OF APPROPRIATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.40A:4-58

RESOLUTION NO. 2011-279 – AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DESTROY OR RECYCLE OBSOLETE ITEMS NO LONGER NEEDED FOR PUBLIC USE AND NOT SOLD AT AUCTION

RESOLUTION NO. 2011-280 – AUTHORIZING THE ISSUANCE OF CHECKS FOR THE REDEMPTION OF TAX SALE CERTIFICATES

RESOLUTION NO. 2011-281 – AUTHORIZING CANCELLATION OF BLANKET PURCHASE ORDERS, CAPITAL RESERVE, GRANT RECEIVABLES AND APPROPRIATED GRANT RESERVE BALANCES AS RECOMMENDED BY THE CHIEF FINANCIAL OFFICER

RESOLUTION NO. 2011-283 – AUTHORIZING THE REFUND OF 2011 VETERANS DEDUCTION OF TAXES

RESOLUTION NO. 2011-284 – AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES DUE TO TAX APPEAL

RESOLUTION NO. 2011-286 – AUTHORIZING PAYMENT OF ELECTION DAY FLEX TIME FOR THE MUNICIPAL CLERK'S OFFICE

RESOLUTION NO. 2011-287 – AUTHORIZING THE PLUMSTED TOWNSHIP CONSTRUCTION OFFICIAL TO WAIVE THE COLLECTION OF FEES FOR THE PROJECT KNOWN AS THE CHRISTIAN FELLOWSHIP CHURCH AUCTION HOUSE

RESOLUTION NO. 2011-288 – AUTHORIZING CHANGE ORDER #1 TO AN AWARDED CONTRACT TO EARLE ASPHALT COMPANY FOR THE NEW JERSEY DOT MUNICIPAL AID FY2010 GRANT – ROAD IMPROVEMENTS TO APPLGATE LANE

RESOLUTION NO. 2011-289 – AMENDING RESOLUTION NO. 2011-188 AUTHORIZING JOHN J. MALLON, P.E. TOWNSHIP ENGINEER OF ERNST, ERNST, AND LISSENDEN AS PROJECT ENGINEER FOR THE NEW JERSEY DOT FY2010 MUNICIPAL AID PROJECT FOR APPLGATE LANE

RESOLUTION NO. 2011-290 – AUTHORIZING THE TOWNSHIP CLERK TO ADVERTISE FOR RECEIPT OF BIDS FOR A PRIVATE GROUNDS MAINTENANCE COMPANY TO PROVIDE GROUNDS MAINTENANCE SERVICES TO PUBLIC LANDS WITHIN TOWNSHIP OF PLUMSTED

RESOLUTION NO. 2011-291 – AUTHORIZING THE RETURN OF A MAINTENANCE BOND FOR BLOCK 59, LOT 1.01, ROMA BANK

RESOLUTION NO. 2011-292 – TO EXTEND A LEAVE OF ABSENCE WITHOUT PAY FOR CYNTHIA MAC REYNOLDS

RESOLUTION NO. 2011-293 – AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S FEDERAL AID SAFE ROUTES TO SCHOOL PROGRAM GRANT

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN SORCHIK, THE AFOREMENTIONED RESOLUTIONS READ BY TITLE ON THE CONSENT AGENDA WERE ADOPTED WITH EXCEPTION OF RESOLUTION NO. 2011-285 WHICH WILL BE VOTED ON SEPARATELY. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI ABSTAINING.

ON MOTION OF COMMITTEEMAN SORCHIK, SECONDED BY COMMITTEEMAN TROTTA, RESOLUTION NO. 2011-285 – IN SUPPORT OF ASSEMBLY BILL A-4364 PERMITTING TAXING DISTRICTS TO CREDIT AMOUNT OF EXCESS TAXES PAID TO THE FIRST TWO QUARTERLY PAYMENTS OF THE LOCAL BUDGET YEAR (Assemblyman Ronald S. Dancer – 30<sup>th</sup> District) WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

**MOTION TO CONSIDER:**

ON MOTION OF DEPUTY MAYOR LEUTWYLER, SECONDED BY COMMITTEEMAN TROTTA, THE FOLLOWING BINGO AND RAFFLES LICENSES WERE APPROVED: RAFFLES LICENSE NO. 2011-45 FOR AN ON PREMISE 50/50 FOR MCKAIG-TEST-MULLEN AMERICAN LEGION AUXILIARY UNIT 455 AND BINGO LICENSE NO. BA 2011-46 FOR AN ANNUAL BINGO FOR MCKAIG-TEST-MULLEN AMERICAN LEGION UNIT 455. ROLL CALL VOTE: ALL AYES.

**REPORTS OF DEPARTMENTS AND PROFESSIONALS:**

ON MOTION OF DEPUTY COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR LEUTWYLER, THE DECEMBER 7, 2011 BILL LIST WAS APPROVED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI ABSTAINING.

**REPORTS SUBMITTED FOR COMMITTEE REVIEW:**

CONSTRUCTION REPORT – OCTOBER, 2011; COURT REPORT – OCTOBER, 2011; TAX COLLECTOR REPORTS – SEPTEMBER, 2011; OCTOBER, 2011; AND NOVEMBER, 2011; FINANCE REPORTS – REVENUE SUMMARY BY MONTH – OCTOBER, 2011 and ABBREVIATED SUMMARY BUDGET ACCOUNT STATUS – OCTOBER, 2011.

Mayor Dancer asked for any old or new business from the Committee. Deputy Mayor Leutwyler said he wanted to thank all of the candidates that were in attendance. He also said that this was the last scheduled Township Committee Meeting for 2011 and wanted to thank Mayor Dancer for leading the Committee for the last 22 years.

Committeeman Marinari said once he was sworn in as a Township Committeeman, he would automatically be removed from the School Board. He said he would be sending in a letter of resignation and wanted to address the School Board and the public at their meeting scheduled for the 14<sup>th</sup> and thank them for allowing him to be on the Board of Education.

Mayor Dancer said after public comment, the Township Committee will recess to go into Executive Session then return to Open Session. He said the Committee is not expecting any official action after returning from Executive Session.

Mayor Dancer asked for any public comments.

Luisa Erich Carr asked if the Bill List is published 48 hours before the meeting. Mayor Dancer explained it is posted on the bulletin board in the foyer.

Frank Hurley said they have been doing three events in the community and advertise them with a banner on the Welcome Center. He said he was denied to hang the banner for their Christmas Concert at the High School. The event is scheduled for December 16, 2011 and wanted to hang the banner from the December 11<sup>th</sup> to the 16<sup>th</sup>. At all of their events, they try to help anyone with needs. He said they had been allowed previously with no problems and followed all the rules and regulations and did not understand this denial. Mayor Dancer said this situation would be checked into and to call the Clerk's Office in the afternoon.

Bill Lewis said it has taken him two years to get within the school system for the Ken Francis Memorial Kayak Race, which generates scholarships for the school. Now that there is momentum with teachers involved with the idea of an Environmental Art Center, he did not want to lose sight of the fact that we have to energize the community for this idea. The Environmental Commission has done a lot of things on a shoestring budget. He said they could do a lot more if each one of the commissions and councils has a fair budget to who they serve.

Before going into Executive Session, Mayor Dancer asked Attorney Foran to amend the Executive Session agenda to add under Personnel the Municipal Court due to the Court Administrator resigning for a full-time position in another municipality.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR LEUTWYLER, RESOLUTION NO. 2011-276, A RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CONVENING OF AN EXECUTIVE SESSION IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT WAS ADOPTED AS AMENDED. ROLL CALL VOTE: ALL AYES.

The Committee returned from Executive Session. There was no official action to be taken by the Township Committee.

Mayor Dancer asked for any comments from the public.

Luisa Erich Carr asked about Cyndi MacReynolds, Administrative Assistant to the Police Department, who was out on medical leave and the new temporary appointment on an as needed basis. Mayor Dancer explained that Tammi Lee Halpin has police experience and would be the person helping in the absence of Ms. MacReynolds at a rate of \$10 per hour.

There was no further business for the meeting.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR LEUTWYLER, THE MEETING WAS ADJOURNED. ROLL CALL VOTE: ALL AYES.

Respectfully submitted,

Dorothy J. Hendrickson, RMC  
Municipal Clerk