

April 4, 2012
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 Leutwyler.

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 MARINARI	MAYOR LEUTWYLER
DEPUTY MAYOR SORCHIK	COMMITTEEMAN WYSONG	ATTORNEY FORAN
CLERK HENDRICKSON		

Deputy Mayor Sorchik was in attendance via telephone.

Mayor Leutwyler reviewed the amended agenda. There will be a second reading and public hearing on Ordinance No. 2012-02 and Ordinance No. 2012-03 and a presentation and public hearing on the 2012 Municipal Budget. There are several presentations. Leutwyler asked for any discussion on the prepared agenda. Municipal Clerk said there was one additional ordinance, Ordinance No. 2012-04, which is the Pineland's Clustering Ordinance. This ordinance was recommended by the Land Use Board. Business Administrator Dancer stated he emailed, as a result of the Land Use Board Meeting, to let the Committee members know this was discussed at the Land Use Board Meeting last night and stated that this ordinance is a requirement of the Pinelands Commission. Every municipality who has Pinelands in their land area is required to conform with the Pinelands Comprehensive Development Management Plan. This has been discussed at the Land Use Board for a number of months. The Township is eligible for a \$5,000 grant. An extension was applied for because the Land Use Board had some questions for the Professional Planner Dave Roberts. Between the dialogue of the Pinelands Commission, Mr. Roberts and the Land Use Board, there were concessions made by the Pinelands Commission on some minor points, but is more tailored and unique to Plumsted Township. The Pinelands require all of their municipal jurisdictions to adopt a Cluster Development, a Wetlands Management and Forestry Zoning Amendments in Plumsted Township's Chapter 15. This only applies to the Pinelands and will only apply to new applications coming before the Land Use Board. There is a timeline for the reimbursement for the professional planner review costs, advertisement of the ordinance which is up to \$5,000. This ordinance would have second reading and public hearing on May 2nd.

Committeeman Wysong wanted to brief the Committee that he attended the Elks Military Appreciation Dinner with the return of active duty military personnel and their families. He represented the Township and welcomed them to New Egypt and thanked them for their service. He also attended the contractor's meeting with Jack Mallon for the Helen Street and Locust Lane project and was informed that the milling would start the next day. The Arts Council in coordination with the New Egypt Middle School had their Art Reception on March 29th. This was a huge success. They also had musicians from the Middle School who played the piano, flute, violin and harp. There is another event scheduled at the school in May. Wysong said the he and the Mayor met with the School Board Administrator to discuss courtesy busing and how the cost was computed by the school, this is a shared service.

The landscaping contract was executed with Felso after they were given a tour and told what their responsibilities were. Wysong received a call from a resident who lives across the street from the leaf and branch site regarding leaves blowing from the site into her front yard. He asked Joe Bruno of Maintenance to purchase wire fencing and attach it to the wood fencing to alleviate the problem.

In regard to the termite issue at the Police Department, he reviewed Superior's updated contract and recommended them for the job. Everything is on hold in the Police Station until this issue is resolved.

The Boy Scout who is doing his Eagle Scout Project to redo the well house on Lakeview Drive was invited to the meeting but was unable to attend. Wysong spoke to Marty Mains of the Historical Society and Jacob Taylor's father who would be overseeing the project once it gets started in late spring, early summer. Wysong wanted to make sure this was coordinated with the Police Department for traffic control when work is being done. Administrator Dancer stated one of his concerns regarding this project is that an Eagle Scout Project at the Gazebo was vandalized shortly after the project was completed. Dancer felt this should be mentioned to the

Historical Society and the Scout because past experience, no matter how well intended, unfortunately there is a small element that is capable of doing vandalism, mischief and property destruction. It appears if the Township could come up with a better system than the camera system and suggested that the Committee be thinking about a better way to secure that area. With experience and 20/20 hindsight, unfortunately the improvements in those areas, they do fall into having undesirable vandalism.

Wysong mentioned that he and the Mayor had a discussion with Christine Ward, Court Administrator that the Court revenue is down. She informed them that as far back as 1992, there are traffic fines that are due to the Township in the amount of \$85,000 and \$40,000 in criminal fines. The Court Administrator is going to start from the most recent and work back and try to recoup some of that money. Dancer said this has been done each year by the former Court Administrators and Judge Sahin but some of them are very hard to collect.

Wysong went on to say that a Trust Fund cannot be set up for the Police Department and asked if the monies from the towing would go into MRNA. Dancer said that in the Budget Law under Title 40A, there is a specific statute that lists the items that are approved statutorily for a dedicated trust fund. The storage of vehicles is not listed. Dancer as Assemblyman said he would be introducing legislation to amend this so that other police departments in municipalities will be able to set up a dedicated trust fund. Dancer said money coming in will be able to come in to MRNA (Miscellaneous Revenue Not Anticipated). When the money comes in this year's MRNA Account, next year the Township will be able to set a specific line item of the amount not to exceed the amount that came in this year in next year's budget. It is better to have a dedicated trust fund because it is a revolving fund.

Deputy Mayor Sorchik said the Emergency Operations Plan is up to date. He spoke to Emergency Management Coordinator Linda Salcfas and the Fire Department. They need to review their annexes for Hazmat, Fire and EMS; Chief Morgan said he would stop and pick them up to review.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN TROTTA, RESOLUTION NO. 2012-149, 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. ROLL CALL VOTE: ALL AYES.

The Committee returned to open session.

Mayor Leutwyler called the regular session of the Township Committee meeting to order with the flag salute. Leutwyler introduced the professionals at the dais; he informed the public the workshop had been completed as well as the Executive Session.

PRESENTATIONS:

Mayor Leutwyler asked Melissa Ernst, Librarian of the Plumsted Branch of the Ocean County Library, to come to the dais to accept a Proclamation for National Library Week – April 8-14, 2012. Committeeman Wysong read and presented the Proclamation from the Township Committee. Ms. Ernst said the Library had a lot of really great programs for all ages. The next event is the Earth Day Celebration scheduled for Saturday, April 28th. She wanted everyone to know that the Library has been redone and will be receiving new teen furniture and will be having a grand reopening.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY DEPUTY MAYOR SORCHIK, THE PROCLAMATION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROCLAIMING NATIONAL LIBRARY WEEK – APRIL 8-14, 2012 WAS ADOPTED. ROLL CALL VOTE: ALL AYES

Mayor Leutwyler asked Barbara Diblin and Cathie Cliver to come forward to accept the Proclamation for National Day of Prayer – May 3, 2012, this is scheduled for the first Thursday in May of each year. Committeeman Marinari read and presented the Proclamation from the Township Committee.

ON MOTION OF COMMITTEEMAN WYSONG, SECONDED BY MARINARI, THE PROCLAMATION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROCLAIMING NATIONAL DAY OF PRAYER – MAY 3, 2012 WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

Ms. Diblin stated National Day of Prayer is scheduled for May 3rd from 7PM to 8PM at the Municipal Building and all are welcome. She stated the ministers of the various churches come

with members of their congregation, each take part in the prayer service. Ms. Cliver said she was grateful that we live in a town and nation where we are able to do this. Ms. Diblin presented a video presentation. Ms. Diblin thanked the Committee for the Proclamation.

Mayor Leutwyler asked Rosemary Ritter, Chairman of the SOS, and Sandra Chesler to come forward for the presentation of a Certificate of Appointment to the newly appointed SOS member.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR SORCHIK, RESOLUTION NO. 2012-154, A RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING MEMBERS TO THE SENIOR OUTREACH SERVICES (SOS) PROGRAM WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

Committeeman Wysong read and presented a Certificate of Appointment to Sandra Chesler for her appointment to the Senior Outreach Services (SOS) Program. Ms. Chesler said she joined the SOS so she could provide rides to seniors of the Township, she felt this is a great service. Ms. Ritter invited anyone who was interested to join the SOS whether or not they are a senior. She said this is a very effective program there are a lot of programs and services available. This is all volunteers and they need all the help they can get. The Committee thanked Ms. Chesler for volunteering her time.

Mayor Leutwyler asked Mary Dancer and Anthony Tucker to come to the dais. Committeeman Trotta read and presented Certificates of Appointment to Mary Dancer as Alternate #1 and Anthony Tucker for Alternate #2 to the Environmental Commission. Tucker is a senior in High School and plans on attending college in the fall. He said he was excited for the opportunity to be on the Environmental Commission. Ms Dancer said she was excited about getting kids involved in the town to appreciate nature and said they have a lot of things planned. The Township Committee thanked them for volunteering their time.

Mayor Leutwyler said there is a Proclamation for National Awareness Month – April, 2012. He accepted the Proclamation on behalf of Linda Leutwyler who is the Chairman of Municipal Alliance Committee. Mayor Leutwyler said Plumsted has a very important and active Municipal Alliance in awareness, education and helping people with addictions.

ON MOTION OF COMMITTEEMAN WYSONG AND SECONDED BY COMMITTEEMAN MARINARI, THE PROCLAMATION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROCLAIMING NATIONAL AWARENESS MONTH – APRIL, 2012 WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

MINUTES:

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN TROTTA, THE SPECIAL MEETING OF MAY 25, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI AND COMMITTEEMAN WYSONG ABSTAINING.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN MARINARI, THE WORKSHOP/REGULAR/EXECUTIVE SESSION MINUTES OF JUNE 13, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI AND COMMITTEEMAN WYSONG ABSTAINING.

ON MOTION OF COMMITTEEMAN WYSONG, SECONDED BY DEPUTY MAYOR SORCHIK, THE SPECIAL MEETING OF JUNE 18, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI AND COMMITTEEMAN WYSONG ABSTAINING.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN TROTTA, THE SPECIAL MEETING OF JUNE 21, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN TROTTA, COMMITTEEMAN MARINARI AND COMMITTEEMAN WYSONG ABSTAINING.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN WYSONG, THE WORKSHOP/REGULAR/EXECUTIVE SESSION MINUTES OF JULY 6, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI AND COMMITTEEMAN WYSONG ABSTAINING.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN WYSONG, THE SPECIAL MEETING OF JULY 12, 2011 WAS APPROVED AS SUBMITTED.

ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI AND COMMITTEEMAN WYSONG ABSTAINING.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN MARINARI, THE SPECIAL MEETING OF JULY 20, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI, COMMITTEEMAN WYSONG AND DEPUTY MAYOR SORCHIK ABSTAINING.

ON MOTION OF COMMITTEEMAN WYSONG, SECONDED BY COMMITTEEMAN MARINARI, THE WORKSHOP/REGULAR/EXECUTIVE SESSION MINUTES OF AUGUST 3, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI, COMMITTEEMAN WYSONG AND DEPUTY MAYOR SORCHIK ABSTAINING.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN WYSONG, THE SPECIAL MEETING OF AUGUST 31, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI AND COMMITTEEMAN WYSONG ABSTAINING.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN MARINARI, THE WORKSHOP/REGULAR/EXECUTIVE SESSION MINUTES OF SEPTEMBER 7, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI AND COMMITTEEMAN WYSONG ABSTAINING.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN WYSONG, THE SPECIAL MEETING OF SEPTEMBER 22, 2011 WAS APPROVED AS SUBMITTED. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN MARINARI, COMMITTEEMAN WYSONG AND DEPUTY MAYOR SORCHIK ABSTAINING.

Attorney Foran wanted to clarify for the record that on the above mentioned votes where there does not seem to be a majority to adopt the minutes, when there is a vote procedural issue such as adoption of the minutes, the abstentions count with the majority actual affirmative votes, so two positive votes is enough to pass the minutes.

ORDINANCES: Second Reading and Public Hearing

Mayor Leutwyler said Ordinance No. 2012-02 is an ordinance of the Township amending and supplementing Chapter 15, Section 15-4.10 and Section 15-6 of the General Ordinances entitled “Light Industrial Zone LI-1 and Conditional Uses.

Mayor Leutwyler opened the public hearing on Ordinance No. 2012-02 and asked for public comment. Resident Glenn Jacobus asked if the Township intended to acquire any of the Light Industrial properties now or in the future through eminent domain or just compensation or through community process which Mayor Leutwyler said he was not aware of any. He asked if the Township was aware this piece of property is protected. Mayor Leutwyler said he was not aware of that, it is not that the Township is looking to use these properties for that use. The Township is just trying to set an ordinance for zoning in the event someone did make an application. The Township is no going out seeking or planning to use those locations for compassionate medical marijuana. With the recommendation of the Land Use Board, this would be the best location. Jacobus asked if the property owners would be notified of this intention, Mayor Leutwyler said this was not the Township’s intention, they only wanted to be prepared in the event an application came before the Township. Attorney Foran said if something like this did occur, notification would be sent to the neighbors informing them of the application. Mr. Jacobus was concerned about the change in property values. Business Administrator Dancer said that this is not changing any zone, what it does is set forth what is known as a “conditional use” in the Light Industrial Zone. A “conditional use” is not a permitted use. Conditional Use requires a site plan application to come before the Land Use Board. In the future, if there was an applicant that was looking to locate a medical marijuana site in the Township, there would be a conditional use in the Light Industrial Zone meaning that they would have to come and file an application as a conditional use that requires a public hearing. The public hearing requires a 200’ notice as well as newspaper advertisements. The Land Use Board on reviewing a site plan, in the event anyone came before the Board, the Land Use Board would then do all of its due diligence with respect to an Environmental Impact Statement which is required. At that time, there would be a threatened or endangered species study done. Like any other site plan application that comes before the Board, there is public hearing, total review by the Land Use Board and total input by the public at that time. Procedurally the public is aware that this is a conditional use not a permitted use. The conditional use means you have to come before a Land Use Board and have a public hearing for total review before any approvals are given.

Sandra Chesler said she appreciated the open mindedness that the Township was putting forth regarding this issue. She said with so many medications made out of the country, this alternative medication could bring a better quality of life for those individuals who chose to go that route.

There were no further public comments.

ON MOTION OF COMMITTEEMAN WYSONG, SECONDED BY COMMITTEEMAN MARINARI, THE SECOND READING AND PUBLIC HEARING ORDINANCE NO. 2012-02, AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15, SECTION 15-4.10 AND SECTION 15-6 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED ENTITLED "LIGHT INDUSTRIAL ZONE LI-1 AND CONDITIONAL USES" WAS CLOSED. ROLL CALL VOTE: ALL AYES.

Committeeman Trotta said he wanted to thank the Land Use Board members who worked on this with Committeeman Marinari, Assemblyman Dancer and him. He also wanted to thank Assemblyman Dancer for his open mindedness, he did introduce the legislation to try and stop medicinal marijuana and then started reading the State regulations for compassionate use of marijuana. When Dancer read this, he realized that it was very strict as it claimed to be and very little needed to be added to it. Dancer helped shape this ordinance. He thought he would have a different view through the whole process and was very glad for his cooperation. The only thing Trotta wanted to mention was he was still on the fence about the restoration bond. He understood that people want the land restored to what it was if for some reason it did not go through. He said understanding of the process is they do hydroponics to grow the marijuana. Hydroponics is used on everything these days. He understood the want for restoration, but the building would not have to be torn down, it could be used for other things. The other part is there is no timeline on this. This bond is going to have to be in force forever and said this had not put this on any other business in this municipality. He asked about the WAWA with gas pumps what if they had to close, should they have a restoration bond.

Committeeman Wysong said he thought if an application comes before the Land Use Board, wouldn't they put the details of the bond in place with respect to how long the bond would be for. Attorney Foran said it stated that it is an amount to be determined by the Board and the Board would make some kind of determination as to the nature of the bond.

Business Administrator Dancer said it was the intent of the Land Use Board that there would be dialogue between the applicant and the Land Use Board, there would be discussion as to a length of time. The only suggestion was if the ordinance were to be adopted in the current form that it could go forward, if there were going to be a substantive change it would need to be reintroduction through that process. You can fine tune or amend sometime in the future. Committeeman Trotta said he planned on voting for this and hopefully having that resolved.

Committeeman Marinari said he had been a resident since 1980 and was very proud of the town. He said this is the dialogue needed for this issue. You can go through all of the police reports and see where someone has been arrested for marijuana and nowhere in that litigation where it is said it was for compassionate marijuana. This is totally different than marijuana and somewhere along the line, whether it is two years, five years or ten years, there will be a discussion that compassionate medical marijuana use is in one state and illegal use of marijuana is in another one. He said it would take a long time, but eventually it will take place. It should have never been put into this Committee's place to have any kind of ordinance. This is a fight between the Federal Government and State and unfortunately, Plumsted was put into this position. Assemblyman Dancer was a key person in this. Somewhere along the line this find its place and in his personal opinion as a clinical chemist, this belongs in a hospital if it is going to be dispensed. There are many good hospitals in this State where it could be done. As far as growing it, the specifications and restrictions on these sights are very strict. Somewhere along the line, whether it is in Plumsted or somewhere else in this State or another State, it will be done the right way. At this time, this is not being done the right way between the Federal Government and State both competing against each other. One should wake up and decide if this is something that would help over forty different types of diseases. Marinari said it is even being used for our military who are coming back with disorders and this is helping them. This is not specifically for cancer it is for a lot of things. Sooner or later it will be looked at and people will decide either yes or no. His hope it is sooner than later. He said he was very proud of this town for at least going this far this is something Plumsted should be proud of no matter if you are in favor of it or not, Plumsted has at least moved forward.

Committeeman Wysong said when this issue first came to light, his biggest question was the security of the facility and what burden it may or may not put on the Township's police force.

Committeeman Trotta showed the State Regulations, which was an inch thick outlining the security for this type of facility, he studied this in depth and is satisfied. His concern about security and if the police department would be over tasked for break-ins, etc. and take away from other important police issues in the town. He was satisfied with it and wanted to echo the comments of his colleagues in thanking the Land Use Board, the Committee members and Assemblyman for the work they did in crafting this issue for the ordinance. He said he would be voting in favor of it.

Deputy Mayor Sorchik said he wanted to address Committeeman Trotta's concern. He suggested that the Township add the performance bond because of the fact that the State was still in opposition to Federal Law. Regarding the time limit, his concern is if the Federal Government decided to enforce it and the State is in opposition of Federal Law, the Township would end up in the middle. That is why Sorchik suggested the Township had some sort of bond to hold the Township financially not liable to deal with a white elephant at that point if this should occur. It is still a State Law and his opposition is simply that the State Law is not interested in Federal Law. Sorchik did not think it is a good position at this point for the Township to go ahead to give and pass approval to allow a facility to exist that is in violation of Federal Law.

Mayor Leutwyler said he still had a problem as the rest of the Committee. He respected all of the Committees opinions but if it did come to Plumsted, the Township is proactive and has a plan put forward to know where it would be located.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN MARINARI, ORDINANCE NO. 2012-02 WAS ADOPTED ON SECOND AND FINAL READING. ROLL CALL VOTE: ALL AYES WITH DEPUTY MAYOR SORCHIK VOTING NO.

Business Administrator Dancer wanted to add for the record that the recommendation received from the Land Use Board, in compliance with the N.J.S.A.40:55D-64, that the adjoining municipalities and the Ocean County Planning Board did receive the ordinance as required by law by certified mail from the Township Clerk. Also, in compliance with 40:55D-63, Dancer asked the Township Clerk if there were any written objections or protest, which she said no.

Regarding the second reading and public hearing on Ordinance No. 2012-03, repealing Chapter 41, Section 5, Article 2, entitled Certain Approvals Prohibited, Federal Law Compliance. This ordinance was regarding the introduction of the Ordinance passed in December, which required that all applicants coming before the Land Use Board would have to meet all State and Federal Requirements. Mayor Leutwyler opened the Public Hearing. There were no public comments.

ON MOTION OF COMMITTEEMAN WYSONG, SECONDED BY DEPUTY MAYOR SORCHIK, ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, THE SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 2012-03, REPEALING CHAPTER 41, SECTION 5 – ARTICLE II OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED ENTITLED “CERTAIN APPROVALS PROHIBITED – FEDERAL LAW COMPLIANCE” WAS CLOSED. ROLL CALL VOTE: ALL AYES.

The adoption of this ordinance is on hold and will be voted on at a future meeting in the event any appeals come in. There is a 45-day window for the appeal process.

ORDINANCES: Introduction

Mayor Leutwyler said Ordinance No. 2012-04 is an ordinance for introduction regarding the Pinelands Cluster Ordinance. This would make Plumsted Township in compliance with Pinelands Commission. Business Administrator Dancer stated at the Land Use Board Meeting last night, Professional Planner Dave Roberts who has met with the Pinelands Commission with respect to this ordinance and gave a report, which the Land Use Board reviewed. The Pinelands Commission is requiring that those municipalities that have land area under their jurisdiction, specifically the amendments to the Pinelands Comprehensive Management Plan that relates specifically to cluster development, wetlands management, forestry would adopt model ordinances that the Pinelands has sent forth to those municipalities. The Land Use Board was successful in having some minor revisions to the model ordinance and therefore recommended to the Township Committee to proceed with an introduction. At the end of April, there is a grant that the Township is eligible for reimbursement, which would be for the cost of the professional planner and the advertising costs for this ordinance.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN TROTTA, ORDINANCE NO. 2012-04, AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 15, ZONING, OF THE

REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY WAS INTRODUCED. ROLL CALL VOTE ALL AYES. There will be a second reading and public hearing at the next regularly scheduled meeting on May 2, 2012. Committeeman Trotta said a special meeting might be required in the event the State does not give the Township an extension.

Regarding the Municipal Budget, there was a presentation by Business Administrator Dancer and Committeeman Trotta. A resolution will be done at a future meeting.

Committeeman Trotta said this was the public hearing for the Municipal Budget the information would be posted on the Township website with a copy posted on the Municipal Building bulletin board and at the Library. Trotta gave an overview stating that in 2010 the budget was almost \$3.3 million, 2011 it was \$3.1 million and for 2012 is \$3,147,486.00. There would have been a reduction but the bulk of the increase of \$51,421.00 was an increase in the Police Department. He said the Township is within the 2% Tax Cap Levy Law so there would be no question on the ballot. He said that the Township is seeking State Transitional Aid. The maximum tax within 2% Tax Cap Levy Law is \$1,599,833.00, this is a \$197,399 tax dollar increase a 2-cent tax rate increase. The Municipal portion will increase from 13 cents to 15 cents. Of the 2% percent increase, approximately one cent goes towards debt service and one cent goes towards fund balance. Dancer said there is a little less than one-half cent that was related to the drop in the ratable base as a result of the tax appeals. Trotta said the average home is valued at \$371,800 that is adjusted for the tax appeals. In 2011 at 13 cents for municipal taxes, it was \$483.00, this helped run the town; in 2012 at 15 cents, it is \$558.00, which is an increase of \$75.00. Dancer said this could change to \$65 because the Township is in the influx of tax appeals. Trotta said compared to Ocean County Municipal Tax, which is \$1,700, Plumsted is \$558.00, Plumsted Township is the lowest in the County. The total property tax, which includes the school, county, township, fire, and open space a total tax bill, the average for the State of New Jersey is \$7,758.00 as of 2011. Trotta reviewed the salaries for the past four years. In 2009 there was \$1.3 million in salaries; 2010 was \$2 million; 2011 was \$1.1 million and this year 2012 is \$1,165,890.00. This is \$7,773.00 more than last year which is .67% and this is down \$195,000 which is 14.3%. Dancer said with respect to less than 1% increase in salaries for this year, he pointed out that outside of police salaries, which are contractual, all other employees salaries are non contractual is that the slight increase is the Township is restoring our employees back to the 2009 salary level. This is due to the furloughs in 2011 and 2010.

Regarding the operating expenses at \$1.5 million in 2010, \$1.2 million in 2011, and \$1,178,746.00 in 2012, in comparison to 2010, this is almost a 25% reduction in operating expenses and from 2011 it is a 7.1% reduction. Regarding surplus, in 2011 there was \$754,000 and in 2012 \$299,664.00 and the balance as of December 31, 2011 was \$307,064. Regarding factors for additional State Aid and Reduced Surplus Balance there is \$675,000 cumulative State Aid loss since 2007. The loss in the Tax Rate Base since 2008 of \$35 million and if the tax base is going down the rate has to go up. There is cumulative less in taxes from property assessment appeals of \$535,000.00 and in 2010 and 2011, the blizzards caused a lot of snow removal and road repair. He then reported on the highs and lows of the budget. In 1998, the budget was \$3.6 million total and in 2012 it is down to \$3.1 million, which is almost 14%. Plumsted has implemented 40-shared services, have 10 fewer full time employees, excluding the Police; in 1998 there were 15 full time employees and are now down to 5 full time employees, excluding the police. There are six more full time police during the same time period going from 6 to 12. Regarding budget sustainability and tax stability, in 2013 there will be a reassessment of all properties so the tax revenue can be maintained and have fewer appeals. Dancer said this will not show on tax bills until 2013. In 2014 there will be debt service come to a close because \$316,000.00 which is 3 cents on the tax rate. The average home value in 2011 was \$378,400.00 and this year it is \$371,600.00, this has decreased \$6,800.00 since last year. The estimated total property tax bill of which the school receives 64%, County receives 18%, Township used 9%, Fire is 8% and Open Space is 1%. There was an increase in the school of \$118.00, which is a 3.2% increase the Township was \$65, which is a 1.2% increase, and the Fire is \$56.00, which is a 1% increase. This was a total of \$239.00 or 5.4%.

Mayor Leutwyler asked for any questions from the public. Resident Tony O'Donnell questioned the increase in the school tax. O'Donnell said going back to a previous slide where the tax rate was going from 13 cents to 15 cents and stated this is 15.4%. Dancer stated when looking at just the Township Tax Rate going from 13 cents to 15 cents is a 15% increase. However, when looking at the tax bill, taxes will not increase 15%. Taxes on the total tax bill will increase 1.2% with respect to the 2% increase. Total taxes will go up 5.4% of which 3.2% for school, 1.2% for municipal and 1% for fire. For the Township, the increase is 15%. He asked for an explanation of the Governor's 2% Tax Cap, Dancer explained. The total property tax in Plumsted Township no matter what your tax assessment, the increase including school, county, township, and open space is 5.4%. O'Donnell asked about spending that has gone down 14% and how the municipal taxes were going up 15%, which he did not understand. Dancer said the rate is going from 13

cents to 15 cents, which is the increase. One cent on the rate is \$105,000.00, 2 cents, which was rounded up from 1.97 cents, is \$210,000.00, and that is a little less than the \$210,000.00. The total increase for municipal is \$1,597,000.00 from \$1,402,000.00. O'Donnell also questioned the 2-cent Open Space Tax and asked why there was no call for an adjustment for a reval and said it did not seem fair that the reval caused that to more than double and what are the residents getting for that. He asked Dancer, as Assemblyman, would he be interested in sponsoring legislation to render the reval to adjust the tax rate for the Open Space taxes with the way the economy and real estate is. Dancer said as Assemblyman, when voters pass the referendum, voters could vote on reducing the amount of money for Open Space. There could be another question on the ballot to lower or raise it. The legislature gave the authority to each local municipality to either lower it or raise it. He said it was the position of this governing body since the reval they were going to continue to be advocates and proponents of not just open space, but natural lands, recreation, farmland and historic preservation. Dancer said the \$74 for this provides acquisition, the development and maintenance of those lands.

Mayor Leutwyler thanked Business Administrator Dancer and Committeeman Trotta for the presentation and said that since there was no further comments he asked for a motion to close the public hearing.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN WYSONG, THE PUBLIC HEARING ON THE 2012 MUNICIPAL BUDGET OF PLUMSTED TOWNSHIP WAS CLOSED. ROLL CALL VOTE: ALL AYES.

Committeeman Wysong wanted the public to know that the Township will be having challenges down the road as the year goes by after the budget is adopted. He said in speaking with the Tax Assessor that there were over 260 appeals this year, this is up from last year and wanted the public to know the Committee will do what they can. Committeeman Marinari said that a Township such as this has five full-time employees who are running the Township they have his complete appreciation and gratitude for what they do. Mayor Leutwyler said it needs to be noted that these five employees who run the Township always go the extra mile and do whatever it takes to get the job done. Business Administrator Dancer also wanted to bring to the public's attention that there are five members of the Township Committee that serve with no salary, no benefits and that is not the trend in a lot of municipalities across the State. Mayor Leutwyler said that everyone on the Committee has the best interest of Plumsted at heart.

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. 2012-150 – CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES

RESOLUTION NO. 2012-151 – AUTHORIZING CANCELLATION OF CERTAIN PURCHASE ORDERS AND CONTRACTS, AS RECOMMENDED BY THE CHIEF FINANCIAL OFFICER

RESOLUTION NO. 2012-152 – AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES (BLOCK 84, LOT 4)

RESOLUTION NO. 2012-153 – APPROVING THE UTILIZATION OF UNUSED VACATION TIME FOR NANCY P. HENDRICKSON

RESOLUTION NO. 2012-155 – APPOINTING OFFICERS FOR THE PLUMSTED TOWNSHIP COUNCIL FOR THE ARTS

RESOLUTION NO. 2012-156 – AUTHORIZING THE ISSUANCE OF CHECKS FOR THE REDEMPTION OF TAX SALE CERTIFICATES

RESOLUTION NO. 2012-157 – SUPPORTING ASSEMBLY BILL 2655 AUTHORIZING THE COURTS TO ASSESS COSTS OF PROSECUTION AGAINST CERTAIN DRUG DEFENDANTS (Sponsored by Assemblyman Ronald S. Dancer, District 12)

RESOLUTION NO. 2012-158 – AUTHORIZING CHANGE ORDER #1 TO AN AWARDED CONTRACT TO CURB CON, INC. FOR THE MAIN STREET STREETScape PROJECT

RESOLUTION NO. 2012-159 – AMENDING THE TEMPORARY BUDGET FOR THE YEAR 2012

RESOLUTION NO. 20120-160 – ACKNOWLEDGING THE NAME CHANGE OF VERNON DANCER FARMS TO VERNON E. DANCER

Mayor Leutwyler asked for any comments. Deputy Mayor Sorchik wanted to make a comment on Resolution No. 2012-157 recognizing Assemblyman Dancer. He said it was noteworthy that the Assemblyman is advancing this Assembly Bill because certain drug offenders, the drug kingpins, receive a high financial award for their illegal trade and this will make them pay for the expense of their prosecution, this will save the taxpayers a lot of money. He commends Assemblyman Dancer for advancing this legislation.

Committeeman Wysong wanted to mention that on Resolution No. 2012-150 regarding the calling for the restoration of energy taxes to municipalities, being new on the Committee he is learning a lot and it was his understanding that years ago, the Township received energy taxes from the energy company, then the State took over and were supposed to give it back to the Townships, which they do not get it all back. The League of Municipalities along with many municipalities are passing resolutions to get this money back where it belongs to the taxpayer and the municipalities should be using it to get more revenue back into municipality funding stream.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR SORCHIK, THE AFOREMENTIONED RESOLUTIONS READ BY TITLE ON THE CONSENT AGENDA WERE ADOPTED. ROLL CALL VOTE: ALL AYES

MOTION TO CONSIDER:

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY COMMITTEEMAN WYSONG, THE FOLLOWING RAFFLES LICENSES WERE APPROVED: RAFFLES LICENSE NO. 2012-10, AN ON PREMISE MERCHANDISE FOR NEW EGYPT GIRLS SOFTBALL; AND RAFFLES LICENSE NO. 2012-11, AN OFF PREMISE 50/50 FOR NEW EGYPT ELKS NO. 2457 BPOE. ROLL CALL VOTE: ALL AYES.

REPORTS OF DEPARTMENTS AND PROFESSIONALS:

Committeeman Marinari said there was a \$50 for membership for the Plumsted Business and Merchants Association. He felt the Township should not have to pay, as President of the PBMA, he would like it removed from the bill list.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR SORCHIK, THE APRIL 4, 2012 BILL LIST WAS APPROVED AS AMENDED. ROLL CALL VOTE: ALL AYES.

REPORTS SUBMITTED FOR COMMITTEE REVIEW:

FINANCE REPORTS – Abbreviated Summary Budget Account Status – February 2012; and Revenue Summary by Month – February, 2012

OTHER BUSINESS:

Mayor Leutwyler asked for any old or new business from the Committee. There was none.

Mayor Leutwyler asked for any comments from the public. Sandy Chesler asked about turning right on red at Main Street and Jacobstown Road. She also had an issue with EME and keeping the road clean. She said she would be reaching out to the Soil Conservation to see if they could do something so there could be prevention measures so the dirt does not come out onto the road causing a safety hazard. Attorney Foran said each issue of enforcement has to be looked at depending on the nature of that enforcement. The Township enforces its own ordinances to the extent if EME was violating a local ordinance. There may be different agencies with other issues. Chesler would like them to be proactive and not wait until someone complains to do something. Business Administrator Dancer said the Land Use Board made a recommendation for their license renewal, this included the placement of rock area in addition to their paved driveway to help take mud off the tires and if EME had not placed the rocks in accordance with the Township resolution as recommended by the Land Use Board, that would have been a violation which could be enforced for violating conditions that were set by the Township on that property. When the soil leaves that property and is not contained and goes onto a roadway or an adjoining property owner that would be under the jurisdiction of Ocean County Soils and Sedimentation Control. It was noted that at the Land Use Board Meeting the trucks are not

exclusively EME trucks, there are other truck owners that come into the facility. They took short cuts off of the paved and rocked area that is an enforcement issue that EME has to do. Committeeman Marinari said the problem of that area it is a blind sight coming up that hill and you don't see if there is anything on ground until you are up on top of that hill. If it is during bad weather, it could be a safety problem.

Tony O'Donnell said he was disappointed about the marijuana issue but understood the Committee's reasons. He said he was not at the March 8th Township Committee Meeting when the ordinance was introduced. He wanted to thank Committeeman Marinari, Committeeman Wysong and Committeeman Trotta for voting yes. O'Donnell felt it was acourageous thing to do for a Republican Township Committee to put aside politics and do what he felt was right. Committeeman Marinari said it was a pleasure working with Mr. O'Donnell on the School Board. He said as a School Board Member and now a Township Committeeman; he tried his best not to influence any of his votes on personally doing something. This was one instance that partially went that way, because he saw people who were in need of this. He hoped that one day this would be resolved.

There was no further business for the meeting.

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

Respectfully submitted,

Dorothy J. Hendrickson, RMC
Municipal Clerk