

October 11, 2013  
Municipal Building  
121 Evergreen Road  
New Egypt, NJ 08533

The Special Meeting of the Township of Plumsted Committee was called to order by Mayor Leutwyler.

**STATEMENT:** "This meeting is being held in compliance with the Open Public Meetings Act. It was presented for publication to the Asbury Park and The Times and posted on the Bulletin Board."

**THOSE OFFICIALS PRESENT:**

COMMITTEEMAN WYSONG	COMMITTEEMAN MARINARI	MAYOR LEUTWYLER
DEPUTY MAYOR SORCHIK	ADMINISTRATOR DANCER	CLERK HENDRICKSON

Committeeman Trotta was absent; he was at work.

The purpose of this meeting was to approve resolutions regarding the new playground and equipment and to approve a resolution for a fireworks display at Laurita Winery.

ON MOTION OF DEPUTY MAYOR SORCHIK, SECONDED BY COMMITTEEMAN MARINARI, RESOLUTION NO. 2013-281 – AMENDING RESOLUTION NO. 2013-279 AWARDED A CONTRACT FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT, WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

ON MOTION OF COMMITTEEMAN WYSONG, SECONDED BY DEPUTY MAYOR SORCHIK, RESOLUTION NO. 2013-282 – APPROVING THE PUBLIC DISPLAY OF FIREWORKS AT LAURITA WINERY, WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

ON MOTION OF COMMITTEEMAN MARINARI, SECONDED BY DEPUTY MAYOR SORCHIK, RESOLUTION NO. 2013-283 - AMENDING RESOLUTION NO. 2013-278 AWARDED THE PURCHASE OF PLAYGROUND EQUIPMENT THROUGH STATE CONTRACT #A81424, WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

Business Administrator, Ron Dancer, said the Tax Collector had brought to the Committees attention that the owner of Block 66, Lot 7, 1 Stoyk Road would like to deed this property to the Township in lieu of payment of taxes. The municipal lien is approximately \$4,700 and has been in lien since 2008. The Tax Collector said if the deed is accepted, the lien would be removed and the property would become exempt. Dancer continued by saying whenever the Township is interested in acquiring property there is some due diligence and procedural requirements. Dancer explained the requirements, under the public lands law in the State of New Jersey this must be done by Ordinance. Any property that the Township owns, there is an insurance coverage issue that must be brought to the attention of risk management.

One of the provisions is now in order to have the full benefit of insurance on any land; it is the EJIF coverage (Environmental Joint Insurance Fund). Dancer has spoken to Mike Avalone of Conner Strong and the EJIF engineer, TM Associates, who is retained by the JIF. When the Township is considering acquiring any property, the main concern is if there is any potential or is the Township inheriting a piece of property that may have contaminants or pollution either on it, in it, or under it. The requirements to have the insurance coverage on public lands now is: #1 the JIF will send out their EJIF engineer to do a visual inspection; #2 qualify the Township for the Innocent Purchasers Defense Act Law which qualifies the Township for defense as long as they follow due diligence in making sure they didn't knowingly accept something that had contamination on the property that is being acquired. The insurance then provides the Township with names of approved Certified Engineers that do environmental site assessment Phase 1. Phase 1 estimates are anywhere from \$2,500 to \$5,000. Dancer said this parcel of property is probably less than 1 acre. The site is a wooded, undeveloped lot with wetlands.

Committeeman Trotta had mentioned the possibility of a park. Dancer said the Committee should take into consideration a historical perspective. Previous committees have, from time to time in all neighborhoods been asked to have a park in a particular area. That is a decision this committee has to make. Historically speaking, previous committees have answered there are limited resources and they had to prioritize. Dancer continued by saying that right now the committee's priority is the parks they currently have and their improvements. Dancer spoke on pocket parks. There is nothing wrong with pocket parks, but you have to consider the cost of maintenance, personnel etc. Because of the wetlands, there would be very little land that could be used for a park.

Dancer continued by giving additional costs to accepting this parcel. You would have to have a title company conduct a title search to make sure there were no liens, easements, judgments, etc. A title company estimate would be anywhere from \$300 to \$500 and they would require a metes and bounds description, a survey. A survey would cost in the range of \$500. Phase 1 does not include soil samples or water monitoring. Phase 1 determines if there is a potential risk and reasonable assumption that there may have been historical evidence or something to lead one to believe there is contamination either in the soil or possibly from the surrounding areas a plume of underground water, but not yet in the aquifer. Once the Township acquires the title and owns the property, they are in the ownership chain and you didn't do due diligence.

Phase 2 would be drilling for the soil samples to make sure there are no oils, anti-freeze or other surface contaminants and then monitoring. Dancer said initially you are looking at approximately, to be conservative, \$5,000 for phase 1, \$700 for the title, \$500 for the survey, approximately \$6,200 before you know if you should proceed with an ordinance to acquire the property. Dancer said the other thing he wanted the committee to be aware of that the States position on this is if you are not going to use the property as a park or public purpose when there is a municipal lien, they like to see the property get back on the tax rolls. Auditors feel that if it isn't going to be used for a public purpose, you need to proceed with an In Rem Foreclosure process. This means the Township forecloses on a piece of property. Before you foreclose on a piece of property and you become the owner, you want to know what you are inheriting. Dancer explained that the municipal parking lot located at 6 Main Street was an example of property being offered to the Township for a dollar and had contamination issues. Luckily for the Township they did their homework and were able to acquire a remediation grant and the property was remediated. This took many years.

Dancer said the Township will continue to pursue this piece of property but dollars would need to be worked into the budget. Dancer informed the Township Committee that during the next regularly scheduled Township Committee meeting, open space dollars would need to be discussed in Executive Session.

Mayor Leutwyler thanked Business Administrator Dancer for his information in regard to the Stoyk Road property. Committeeman Marinari asked if the committee should move forward without looking at soil samples. Dancer said to be careful even if someone wants to give you something, be careful what you receive. Committeeman Wysong asked if the Township doesn't accept this parcel how does this benefit or not benefit the Township. Dancer explained when the Township holds a municipal lien, they are taxes the Township didn't collect. The tax sale will be December 18<sup>th</sup>. He said he anticipates that almost all of the properties on the tax sale list will be sold and they will pay the taxes in order to get the Tax Sale Certificate. The Stoyk Road property has been on the tax sale list for a number of years but has not been sold. The professionals in the field are not buying this property. Dancer said this raises a red flag to him that this property is one that no one wants to touch. This property has been in lien since 2008.

Mayor Leutwyler asked for anything else from the Township Committee. There was nothing. Leutwyler opened it up for public comment; there was no public in attendance.

There was no further discussion for the meeting.

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

Respectfully submitted,

Dorothy J. Hendrickson, RMC  
Municipal Clerk