

July 6, 2023
121 Evergreen Rd
New Egypt, NJ 08533

The Plumsted Township Committee meeting of July 6, 2023 was called to order by Mayor Bowen.

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

THOSE OFFICIALS PRESENT:

COMMITTEEMAN CUOZZO COMMITTEEMAN GRILLETTO COMMITTEEMAN HAMMERSTONE DEPUTY
MAYOR MARINARI MAYOR BOWEN ATTORNEY CIPRIANI CLERK WITHAM

RESOLUTION NO. 2023-221 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 from Executive Session. A second roll call vote was taken. Mayor Bowen spoke about community member Wendy Taylor, volunteer for the Juvenile Conference Committee and the Municipal Drug and Alcohol Alliance since 2010 passed away. Also Reverend Zoon is in the hospital and we wish her well. Bowen asked everyone to rise for the flag salute. The invocation followed, led by Pastor Vinsen.

Bowen asked David Leutwyler to come forward. Leutwyler was presented with a plaque for 16 years of service to the township on the Township Committee, an employee and also various roles in the community like coaching various sports, etc.

Bowen thanked the Speedway for their community night. Two weeks ago we heard about a new state tax rebate program called StayNJ. It will be a tax reduction up to 50% and \$6500 beginning in the year 2026. Included in this bill will be the PILOT program in the Lennar development. Bowen thanked Sauckie, Cofflin and their staffs for introducing this legislation and including the PILOT program.

Fireworks are the next community event sponsored by Animals and Gardens Unlimited, New Egypt Marketplace and Big Woods Nursery. Donny's Potty's is donating the porta-potties and Laurita is donating their field lights for the event as well. This free event is Saturday, July 8th beginning at 5 pm.

Monday at 6 pm, there will be a PILOT workshop meeting; a follow up to our promise at the June meeting.

Bowen asked for committee comments. Deputy Mayor Marinari hoped to see everyone at the fireworks. We are watching the weather but hope to move ahead. Marinari spoke about Dr. Gerald Woehr who passed away. He took a small country town educational system to ranking in the first five in the state with an elementary school. He was one of the most kind, educated professional men you could ever know. A wonderful person. Marinari spent a lot of time together with him when he was on the Board of Education. Marinari said Dr. Woehr added a middle and high school to this town. School staff had the honor of working with him. We had a

country setting, low taxes and wonderful school system – thanks to Dr. Woehr. We named a school after him. Prayers are with his family.

Grilletto asked everyone to come out to the fireworks. He said that he and Cuzzo will be having a phone conversation with Sauickie tomorrow regarding the new tax program. He thanked everyone for coming out to the election. He then spoke about July 4th. Said he went to see a movie called the Sound of Freedom; it was very moving regarding human trafficking. He encouraged everyone to see it.

Cuzzo congratulated Hammerstone and Grilletto. He restated that benefits that would have been given to taxpayers and did not include PILOT programs. But now, the legislation was changed to include PILOT programs. It doesn't relinquish our duties, we want to continue with our commitments and be sure it is fair. He is looking forward to Monday's meeting, bringing in professionals.

Cuzzo loves the fireworks and encourages everyone to join them. Please share the link to get the word out about them. He mentioned Ocean County Tourism promoting our town. Emery's Blueberry Farm is featured in the latest edition. Regarding the MUA, progress is being made. We will be working with them on their numbers. The former chair, Nancy, retired so they are looking for new volunteers.

Hammerstone offered prayers for Dr. Woehr. He also encouraged everyone to come out and enjoy the fireworks. He thanked everyone for their votes.

Bowen said that Assemblyman Sauickie plans on attending the fireworks event. There are three resolutions on the agenda tonight accepting grants.

MINUTES TO BE CONSIDERED FOR APPROVAL:

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN CUOZZO, THE EXECUTIVE/WORKSHOP/REGULAR SESSION MINUTES OF THE 3/20/23 SPECIAL PILOT MEETING WERE APPROVED. ROLL CALL VOTE: ALL AYES WITH DEPUTY MAYOR MARINARI ABSTAINING.

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN GRILLETTO, THE EXECUTIVE/WORKSHOP/REGULAR SESSION MINUTES OF THE 5/4/23 MEETING WERE APPROVED. ROLL CALL VOTE: ALL AYES.

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN GRILLETTO, THE EXECUTIVE/WORKSHOP/REGULAR SESSION MINUTES OF THE 6/1/23 MEETING WERE APPROVED. ROLL CALL VOTE: ALL AYES.

Township Engineer Joe Hirsh was in attendance and reviewed his report.

There was a discussion about his report.

ORDINANCE: Second Reading/Public Hearing

Bowen said Ordinance 2023-06 was recommended to the committee by the Construction Official and the Fire Marshall. Bowen asked Construction Official Kevin Schmalz to speak about the ordinance. Committeeman Grilletto said he made changes to the ordinance. Attorney

Cipriani said that Grilletto's version would be a substantial change to the ordinance. The ordinance can be amended but it would change this to first reading of the ordinance and the second reading would be next month. Schmalz said he requests that the ordinance be put through as is. He cannot agree to some of the changes made by Grilletto. He feels they are too severe and gutted the intent of the ordinance.

A question was asked about how to adopt the original ordinance versus adoption of the amended ordinance. Cipriani said there are two ways to do it. The simplest way is if the committee wants to adopt the ordinance in its present form then introduce a new ordinance, either right away, or at any time in the future, modifying the adopted ordinance. The other way to do it is to substitute a new version at this point and essentially that becomes first reading. For simplicity's sake, the committee can act on this one and amend it immediately or anytime in the future should standards prove to be unworkable or onerous.

There was a discussion about making changes to the original ordinance. There was also a discussion about introducing an ordinance establishing a mercantile license.

Bowen then opened up public hearing for Ordinance No. 2023-06.

A question was asked by Rogers Ramirez about the phrase "search warrant" in the ordinance. Cipriani said the inclusion of this language in the ordinance puts people on notice of what is the already existing state of the law. The construction official/code enforcement officer has the right now to go to municipal court and seek what is called an "administrative search warrant," which is the kind of search warrant that is referenced in the ordinance. The township's ability to request that the municipal court judge issue an administrative search warrant in response to an egregious circumstance exists now, independent of the ordinance. The inclusion of the language in the ordinance puts property owners on notice of the availability of that remedy. But that remedy exists whether or not that language is in the ordinance.

Sabate Russo, 148 Brynmore Road, New Egypt, NJ said that he keeps hearing Schmalz refer to "we." Who is the "we" that enforces this? Schmalz said it is the construction department. Russo said he has been through this many times. Usually, the way it goes is if the homeowner is going to sell the home, the construction official has to inspect the premises before the new residents are in. The construction official has to be licensed. He asked Schmalz if he is licensed. Schmalz replied yes. Russo spoke about all the inspection requirements that have to be met before the new tenant can get a certificate of occupancy. Many of the old homes have to be upgraded and that is what is done by the construction department. He does not know what else needs to be done. Russo was advised that the ordinance is for commercial buildings, not residential.

Kiyomi Locker, 6 Inman Road, New Egypt, NJ, said she has been thinking about issues at past committee meetings. She would like to see the committee pass the ordinance in its current form and make amendments to not only protect the people of New Egypt, but to protect people who want to come to businesses in downtown...to also protect themselves as committeemen, the construction office, and law enforcement to make sure that everything is covered. And also at the end of the day, if something happens, the committee does not get fingers pointed at them because there is no protection. That's just a thought.

Rogers Ramirez spoke again...he said his understanding is that this is redundancy because when someone comes in as a new renter, it triggers the CO. What is being talked about is a specific

situation on Main Street with a school that opened up illegally. What has come out of this is the township as a whole became aware of it. They understood that the new owner was doing something without a CO. It looks to him as if the town and the residents as a whole are looking out for each other and notifying the township and that something is being done at the township level. This is redundancy and CO's are already mandated for new renters and there are township residents who are also looking out and trying to make sure that there is a safe commercial district. What exactly is this ordinance for?

Schmalz said that right now there are residential inspections for C/O's and renters. The township does not currently have anything for commercial occupancies for new tenants, change of ownership, change in businesses...as he mentioned before, businesses can come and go and the township does not know who is occupying these spaces. The township does not know what type of businesses are in there.

The school that was mentioned was occupying the space for roughly six months before the construction office was made aware of it. The fire department was getting multiple false fire alarms because the alarm system was faulty. In addition, the alarm system did not comply with that occupancy. Conditions for that type of occupancy as a girls' school...it was missing so many requirements under code, because it would have been a change of use from what was previously there, whether it was a business or mercantile to a school use/education use.

They had one bathroom that was 40 or 50 years old serving around 20 people. There were open permits for that building that had failed and had never been re-inspected because the owner had never called. They failed for gas piping, etc. that he personally failed. If they had come in and told the construction department what they were doing, we would have told them that the other things have to be brought up to standards. The gas piping had to be corrected. Because it was a change of use they were required by State law to have architectural plans drawn out by an architect/design professional indicating the appropriate use, the age group that is in there, how many people are in there, and then at that point the Uniform Construction Code would have been applied to make sure that that occupancy was safe for those children and the adults who were occupying that building. The construction office had no idea that this was going on at that point.

There was a discussion about what could have been done about the open permits.

Stacy Reed, 791 Monmouth Road, Cream Ridge, NJ, said she owns two buildings on Main Street; 5 North Main Street and 7 North Main Street. One of her buildings is completely shut down right now and is being used for storage. She called the fire marshal to look at the other building when she started back up. She asked if she needed an inspection and he said "no" because she has no public coming into the building. It is just manufacturing.

For twenty years she has been saying that every business in this town needs to register, whether paying for it or not. The township needs to know what businesses are in our town.

She does not know if anyone has driven down Main Street lately, but it looks terrible. There are abandoned buildings, broken windows...the sidewalks look horrible. She does not want anyone to tell her how to run her business or how her property is supposed to look. But, obviously, something needs to be done because driving through the downtown is a disgrace. It is sad. No one cares anymore. No one even stops on Main Street. There is a beautiful new laundromat that has opened and now that is for sale because they want out.

The committee needs to figure out a way to come up and make this work for everybody. She is a tenant and she is also a landlord and a property owner. She pays taxes on multiple properties in this town. Keep it fair, keep it right. At this point, everybody needs to be kept honest. Like Schmalz stated, the only reason he found out about the illegal school on Main Street is because the residents in this town were calling Joe Paolo. She was one of them. She told him that her brother was the last person to occupy that building and then it sat empty. They knew what condition the building was in when they moved out of it. Now there are 25 little girls in this building and we know it is not up to code. When if something happens, who is going to take the hit? The township...the taxpayers are going to take the hit for all of this.

She has a hard time being in everybody's business, but we are at the point where we absolutely have to have rules and regulations. We have to be accountable for what we do. Have every business register. The construction department has to be paid for inspections...we have to pay the fire department for the fire inspections...that is where she thinks the township needs to come together. Business owners are still coming out of the pandemic. Getting new businesses to come downtown with fees and fines, etc., is something that needs to be reasonable. She does not have a problem with making every business...new...old...changeovers...make everybody accountable for what they are doing.

(inaudible) at Lennar spoke about the false alarms. As soon as they got the first fire alarm and they went in there and saw it was a school, could they go ahead and notify the authorities about what is going on in there?

Schmalz said they did. We found out it was a school and contacted the owners and asked them to come in and let us know what they were doing, what it was being occupied as. The construction department initially did not issue an order to vacate. They tried to work with them for almost six months to get plans. The last thing he wants to do is kick a business out. We want to be pro-business. It got to the point that he had to issue an order to vacate because the building was not safe. He did everything within his power to try and work with the owners of the school and they kept delaying. After multiple fire alarms, he had to order them to vacate. They tried at the last minute to comply. Their plans did not comply. They were rejected. We asked them to go back to their architect to revise the plans so that they complied with the code and they chose to vacate the premises. He does not know where they went.

Marinari asked Schmalz if the primary source and reason for this ordinance is because of that school. Schmalz said yes, partly, that is an example of why. Marinari said that it is the wrong answer and he cannot vote for it. There was a discussion about addressing the situation at the school and the need for inspections of commercial properties by the construction department.

Bowen asked if there were any other comments from the public.

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN HAMMERSTONE, THE PUBLIC HEARING FOR ORDINANCE NO. 2023-06 - AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, THE PUBLIC HEARING FOR AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED "ZONING" SO AS TO CREATE A NEW SECTION 15-16, ENTITLED "BUILDING STANDARDS, COMMERCIAL" WAS CLOSED. ROLL CALL VOTE: ALL AYES.

Bowen said that Committeeman Grilletto has an amendment by substitution that he would like to introduce. It was distributed a month or so ago. Bowen asked Grilletto to make a motion to introduce it, it was seconded by Deputy Mayor Marinari. Bowen asked for discussion.

Grilletto said he went over it with the attorney and they changed the language. He is in favor of it, but with the new language. Committeeman Cuzzo said he appreciates that Grilletto took the time to go over it. Cuzzo said he agrees that we need to have something like this on the commercial level. He is in favor of not having it be as oppressive. He is for the amendments as long as it triggers the inspections.

Bowen had some questions about Grilletto's changes. Under "Certificate of Continued Occupancy" it looks like the inspections would be limited to the exterior only. Grilletto said yes, the exterior of the building would be inspected. Bowen had a question about "Infestations" would be in violation of the Ocean County health codes. Grilletto said yes. Cuzzo asked if there is a schedule of fees. Schmalz said it is the intent of the construction department to do minimal fees to cover costs. Schmalz described how the inspections would be conducted. Bowen read and confirmed with Grilletto all of the changes that Grilletto made to strike parts of the ordinance. Bowen asked if there were any other questions for Grilletto.

Marinari said he is going to vote "no" on the original ordinance because it would not have been generated by Grilletto if it had not been presented. He thinks Grilletto's points are valid. He just wants the committee to know why he is voting no.

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN HAMMERSTONE, ORDINANCE NO. 2023-06 – TO AMEND BY SUBSTITUTION THE ORIGINAL ORDINANCE WITH ORDINANCE PRESENTED BY COMMITTEEMAN GRILLETTO AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED "ZONING" SO AS TO CREATE A NEW SECTION 15-16, ENTITLED "BUILDING STANDARDS, COMMERCIAL" WAS APPROVED. ROLL CALL VOTE: ALL AYES, EXCEPT MARINARI AND BOWEN VOTED NO.

Cipriani said the amendment passes and that now converts it to a first reading. The revised ordinance will be on for second reading in the August meeting.

The committee thanked Schmalz for his input.

Bowen opened up the public hearing for Ordinance No. 2023-08; there was none.

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN GRILLETTO, THE PUBLIC HEARING FOR ORDINANCE NO. 2023-08 - AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 15, ARTICLE OF THE TOWNSHIP CODE, PREVIOUSLY ENTITLED "IMPROPER DISPOSAL OF WASTE." WAS CLOSED. ROLL CALL VOTE: ALL AYES.

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN GRILLETTO, ORDINANCE NO. 2023-08 - AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 15, ARTICLE OF THE TOWNSHIP CODE, PREVIOUSLY ENTITLED "IMPROPER DISPOSAL OF WASTE." WAS APPROVED. ROLL CALL VOTE: ALL AYES.

Bowen opened up the public hearing for Ordinance No. 2023-09. There was none.

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN GRILLETTO, THE PUBLIC HEARING ON ORDINANCE NO. 2023-09 - AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 45, ARTICLE OF THE TOWNSHIP CODE, ENTITLED "CANVASSING AND 'NO KNOCK' REGISTRY." WAS CLOSED. ROLL CALL VOTE: ALL AYES.

Bowen questioned the times of the ordinance being 24/7 for religious and political groups. Cipriani confirmed under the Constitution, it was 24/7 for those groups. Bowen is hesitant to allow anyone 24/7. Cipriani said there is language encouraging everyone, including religious organizations and politicians to be respectful of No Knock stickers and the time, manner and place restrictions.

Cuozzo asked about vague language. Cipriani said that the definitions in the ordinance remain. The only change is in 45-3 Exceptions and 45-15, 16 & 21. Cuozzo thought the definitions were vague; he wants them to be specific. Cipriani strongly suggested we adopt the ordinance as drafted so we cure any Constitutional infirmity and work on definitional changes in August. If we make substantial changes, then we are back at a first reading scenario.

Grilletto asked about the definition of canvassing. It includes questions and surveying per Cipriani.

Grilletto has a problem with it. When it was passed before, he was in the audience and expressed his views. To him, he always knew about religious organizations and politicians. He would have been out of business if he couldn't knock. If there is a No Knock sticker, we should acknowledge that. Grilletto believes you should be able to get a No Knock sticker or No Trespassing from the police department.

Cipriani said that we have a No Knock ordinance. If this is not passed, the original version remains. The time, place and manner stands, except for religious and political organizations.

ON MOTION OF DEPUTY MAYOR MARINARI, WITH NO SECOND, THE MOTION DIES AND ORDINANCE 2023-09 - AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 45, ARTICLE OF THE TOWNSHIP CODE, ENTITLED "CANVASSING AND 'NO KNOCK' REGISTRY." DOES NOT PASS.

Cipriani said the ordinance dies and the existing ordinance stays in place.

Bowen opened up the public hearing for Ordinance No. 2023-10. There was none.

ON MOTION OF COMMITTEEMAN GRILLETTO, SECONDED BY COMMITTEEMAN CUOZZO, THE PUBLIC HEARING FOR ORDINANCE NO. 2023-10 - AMENDING AND SUPPLEMENTING CHAPTER 39 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF PLUMSTED ENTITLED "NUISANCES" SO AS TO CREATE ARTICLE III ENTITLED, "NOISE" WAS CLOSED. ROLL CALL VOTE: ALL AYES.

Bowen asked if the ordinance has any impact or connection to the military base and their activities. Cipriani said no, the township would lack the ability to enforce against the base. It would not be effective against any military operations. Cipriani explained the legal effect of the ordinance within the township.

ON MOTION OF COMMITTEEMAN GRILLETTO, SECONDED BY DEPUTY MAYOR MARINARI, ORDINANCE NO. 2023-10 - AMENDING AND SUPPLEMENTING CHAPTER 39 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF PLUMSTED ENTITLED "NUISANCES" SO AS TO CREATE ARTICLE III ENTITLED, "NOISE" WAS APPROVED. ROLL CALL VOTE: ALL AYES, EXCEPT COMMITTEEMAN CUOZZO AND COMMITTEEMAN HAMMERSTONE VOTED NO.

RESOLUTION CONSENT AGENDA

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. 2023-222 – AUTHORIZING PAYMENT OF SEWER LOANS

RESOLUTION NO. 2023-223 – AWARDING A CONTRACT FOR THE INLET RECONSTRUCTION PROJECT TO EARLE ASPHALT COMPANY

RESOLUTION NO. 2023-224 – REQUESTING APPROVAL FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A.40A:4-87 (CLEAN COMMUNITIES GRANT PROGRAM \$21,105.86)

RESOLUTION NO. 2023-225 – REQUESTING APPROVAL FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A.40A:4-87 (STORMWATER ASSISTANCE GRANT \$25,000.00)

RESOLUTION NO. 2023-226 – REQUESTING APPROVAL FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A.40A:4-87 (MUNICIPAL COURT ALCOHOL EDUCATION, REHABILITATION AND ENFORCEMENT FUND GRANT \$1,297.95)

RESOLUTION NO. 2023-227 – AUTHORIZING PAYMENT OF ELECTION DAY FLEX TIME FOR THE MUNICIPAL CLERK'S OFFICE

RESOLUTION NO. 2023-228 – AUTHORIZING PAYMENT OF UNUSED LEAVE TIME FOR TARA OLIVER

RESOLUTION NO. 2023-229 – APPOINTING MATTHEW RACK AS ALTERNATE CONSTRUCTION OFFICIAL IN THE ABSENCE OF KEVIN SCHMALZ

RESOLUTION NO. 2023-230 – REQUESTING THE OCEAN COUNTY ENGINEER APPLY TO THE DEPARTMENT OF TRANSPORTATION TO OBTAIN NECESSARY APPROVALS FOR 4 TON LIMIT SIGNS ON HORNERSTOWN ROAD

RESOLUTION NO. 2023-231 – AUTHORIZING THE REFUND OF UNUSED ESCROWS TO YUEN KIN CHEUNG

RESOLUTION NO. 2023-232 – REAFFIRMING AND REVISING THE POLICY UNDER RESOLUTION NO. 2020-255 TO AFFIRM THE TOWNSHIP OF PLUMSTED'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

RESOLUTION NO. 2023-233 – APPROVING AN AGREEMENT WITH JCP&L FOR THE USE OF UTILITY POLES WITHIN THE TOWNSHIP OF PLUMSTED FOR THE PURPOSE OF DISPLAYING HOLIDAY DECORATIONS

RESOLUTION NO. 2023-234 – AUTHORIZING A REPAIR TO THE SCHOOL FLASHER ON NORTH MAIN STREET BY OCEAN COUNTY ENGINEERING

RESOLUTION NO. 2023-235 – AUTHORIZING AN AGREEMENT WITH ARCHIVESOCIAL FOR SOCIAL MEDIA ARCHIVING

RESOLUTION NO. 2023-236 – AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED BY CREAM RIDGE DG, LLC FOR THE CONSTRUCTION OF A DOLLAR GENERAL STORE AT 308 EAST MILLSTREAM ROAD/539 PINEHURST ROAD ALSO KNOWN AS BLOCK 58, LOT 2, ON THE TAX MAP OF THE TOWNSHIP OF PLUMSTED UPON THE POSTING OF A TWO YEAR MAINTENANCE GUARANTEE

RESOLUTION NO. 2023-237 – AUTHORIZING A TEMPORARY INCREASE IN HOURS FOR ANTHONY CREEN AS GENERAL MAINTENANCE LABORER

RESOLUTION NO. 2023-238 – AUTHORIZING PAYMENT TO PAMELA LEE FOR RECYCLING COORDINATOR DUTIES

RESOLUTION NO. 2023-239 – AMENDING RESOLUTION NO. 2023-134 SO THAT ALL REFERENCES TO “CHANGE ORDER #2” IN THE RESOLUTION BE CORRECTED TO READ “CHANGE ORDER #1”

RESOLUTION NO. 2023-240 – AUTHORIZING THE EXECUTION OF CHANGE ORDER #2 TO THE CONTRACT WITH EARLE ASPHALT COMPANY FOR THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FY2021 MUNICIPAL AID PROGRAM FOR IMPROVEMENTS TO HOPKINS ROAD PROJECT

Cuozzo asked if Hornerstown Road in Resolution 2023-230 is a county road or a township road. Witham said it is a county road. Cuozzo asked if a similar sign can be posted on other county roads. Hirsh answered there should be an enforcement mechanism at the county level and if it is the same situation the township could go through the same process.

Cuozzo asked about the changes in Resolution 2023-232, Schedule A and reaffirmation of the resolution every year. He asked that the resolution be voted on separately.

Bowen said that for Resolution 2023-235, the township is required to reproduce for an OPRA request any social media posting on the township’s website. Archivesocial captures it in real time. Cuozzo asked about a shared services agreement.

Marinari commented on Resolution 2023-237. He said Anthony Creen is a one-person maintenance crew right now and the job he is doing is excellent.

ON MOTION OF COMMITTEEMAN GRILLETTO, SECONDED BY COMMITTEEMAN HAMMERSTONE, RESOLUTIONS NO. 2023-222 THROUGH 2023-240, EXCEPT FOR RESOLUTION 2023-232, WERE APPROVED. ROLL CALL VOTE: ALL AYES.

Cuozzo asked Cipriani to explain the reasoning for Resolution 2023-232. She said is it required by the township’s Municipal Excess Liability carrier to update this policy so they will provide coverage to the township.

ON MOTION OF COMMITTEEMAN CUOZZO, SECONDED BY COMMITTEEMAN GRILLETTO, RESOLUTION 2023-232 REAFFIRMING AND REVISING THE POLICY UNDER

RESOLUTION NO. 2020-255 TO AFFIRM THE TOWNSHIP OF PLUMSTED'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS WAS APPROVED. ROLL CALL VOTE: ALL AYES.

MOTION TO CONSIDER: none

Bowen asked for any comments on the bill list. There were none.

ON MOTION OF COMMITTEEMAN GRILLETTO, SECONDED BY COMMITTEEMAN HAMMERSTONE, THE BILL LIST OF JULY 6, 2023 WAS APPROVED. ROLL CALL VOTE: ALL AYES.

The engineer's report of July 6, 2023 was submitted for review.

Bowen asked for any old business.

Bowen spoke about Ordinance 2023-11 from the June meeting regarding all-terrain vehicles and dirt bikes. What is the next step? Grilletto said he would like to combine Ordinance 2023-11 with the ordinance the township already has. Cipriani said they could be combined.

Grilletto spoke about the sale of 31 Main Street. He asked if a request for a broker's professional opinion letter is done by resolution or requests for proposals. Cipriani said the safest thing to do would be to get three quotes.

Marinari said the weeds and the sidewalks downtown are atrocious. Businesses and residents who own a portion of the sidewalk should be taking care of those weeds. There was a comment about it being the responsibility of the code enforcement officer to enforce the ordinances and for him to send a letter to all of the businesses.

Grilletto spoke about trees being taken down at 34 Jacobstown Road. Witham said the code enforcement officer has been notified. The DEP and Ocean County Soils are involved. She asked the code enforcement officer to follow up to see if there is a cease and desist order.

Bowen asked for new business; there was no new business. Bowen asked for public comment.

Richard Sech, 22 Twin Drive, New Egypt, NJ, said he does not understand why two committee members did not want to vote yes on Ordinance 2023-10. He said he has neighbors who do not care about noise. He knows Mr. Ramirez has probably heard the music from our neighborhood. That does not conform to any standards. It is whenever they want to play it. However loud they want to play it. Patrols have been stymied by the old ordinance. Sech said he was in discussions with the clerk. He wants everybody to understand there are no time constraints based on the meaning of the ordinance. The guy must be deaf. The sound is overboard and it is any and all hours. Mostly on the weekends. It has also been weeknights. This has been going on since March. He wants to ask the committee if they understand that quality of life is 24/7. He does not care what time it is. If it is 2 o'clock in the afternoon...so what? He is blasting this music. Why does he have to listen to his music? Why can't he keep it quiet so it stays on his property lines? Sech has worked with the police. Their hands are tied as of a few minutes ago. Based on the new ordinance, any and all quality of life matters should be issued summonses.

Sech wants to confirm with the committee that the ordinance is valid 24/7. That there are no time constraints on quality of life. Is that true? Cuozzo said yes. Sech said if he goes home and this guy is playing his music at 2:30 in the afternoon tomorrow, I can expect that officers of the town can give them their first and only warning of the new ordinance and after that they can start putting pen to paper, correct. Witham said the ordinance will be in effect 20 days after it is advertised. He asked if officers have free reign after the first warning to go to town...give some quality of life back to our neighborhood. He has never had the cops called on him. These people have the cops called on them almost a dozen times since they have moved in. Guess what? It gets louder. He would like to get it on record that this new ordinance is enforceable 24/7 and there is no time constraint. Cipriani said that is correct. If it is out of control and unreasonable at whatever time it is occurring.

Keith Hayslett, 347 Saratoga Road, New Egypt, NJ, at Lennar. He is on the homeowner's association board. He knows there was a question about snow removal. The association has a private contractor that comes and does that. He has dealt with Mr. Hirsh before on an issue. He would like to have Provinceline Road added to one of those roads that is really bad...when you drive from Provinceline Road to 537. He would like to have that road paved. It would really help the community. The last issue that he has dealt with Mr. Hirsh. He has done an OPRA request about some sprawling sidewalks in the community. This is on Chepstow Road. Right now, between the homeowner's association, which he is a member of, and Lennar, there are some residents that need help. He believes that Mr. Hirsh gave them a letter that said that a contractor applied salt to the sidewalk and it is sprawling. These houses are not even a year old. He needs some help from Mr. Hirsch or the committee to get some kind of resolution for sprawling sidewalks that are not covered on Lennar bonds. They are not the common sidewalks and driveways. He would like to get some help for these residents. When you come out of the door...the service sidewalks...he needs some help to get those fixed. Grilletto asked where the sidewalks are located. Hayslett said it is about three residences on Chepstow Road. They are the sidewalks that come out of your house and lead to the common sidewalk. Grilletto asked if that would be the responsibility of Lennar development. Hayslett said Lennar is turning their nose up at the residents. No one wants to take responsibility. Hirsh said the maintenance is partially the responsibility of the developer.

Hayslett said that these residents found out there was a problem within one year...everything is warranted within that development for one year. They have contacted Lennar, the homeowner's association and nobody wants to do anything. Hirsh asked who applied the treatment. Hayslett said Down to Earth Landscaping. Hirsh said on whose behalf. Hayslett said they are the people who are contracted by the HOA...between Lennar and the management company Integra. He is a resident on the board, but right now we do not have much say in terms of the overall things that are going on.

Cuozzo asked for clarification. Even though those sidewalks are the responsibility of the homeowner they were damaged within the first year by someone contracted by Lennar, not the homeowner, and they are refusing to warranty the sidewalk. Hayslett said that is exactly right. Some of them are really bad and they are not covered by the bonds. Hirsh said that the sidewalks in the right-of-way are covered in the performance bond. When they ask for release of the performance bond, the engineer will walk every foot of that sidewalk and if there is any evidence of spawning there, they will replace it as part of their punch list for the bond release. The service walks are different because they are not part of the bond.

Hayslett said he has walked the service walks, he has seen it and has visited with Hirsh. Grillette asked if the homeowner's association Integra been in touch with Lennar. Hayslett said that all of these residents have contacted customer care at Lennar. One of the residents was not even in town and came back and noticed that his sidewalk was damaged. Lennar and the board are stuck. These are homes that are only a year and a half old. It is embarrassing when you have your relatives and friends come over.

Cipriani said time is up but there may be something you can do if they were damaged by the contractor hired by Lennar. Lennar has responsibility for their contractor. They may have a claim against the contractor. Lennar would not have done that if it were not in their sphere of responsibility to provide that clearance of the snow at that time. The responsibility may have shifted to the HOA, but it sounds like that at the time that it was undertaken, Lennar still had the responsibility for that clearing of the snow. She thinks that is the place to focus on and the township will talk about maybe some ways to assist you.

If Lennar undertook the responsibility to do snow clearing at that point in time, then they have the responsibility for the actions of their contractor. They may or may not have a claim against the contractor for doing incorrect work but the township can talk about some ways the township can assist in make that contact. But it is Lennar that should be addressing this issue. They hired the contractor and they would not have done that if they did not have an acknowledged responsibility to provide the clearing at that point in time. Witham said that Provinceline Road has to be maintained and paved by Lennar when a certain percentage of houses are completed.

Dominic Griffo, 18 Emerald, New Egypt, NJ, said he would like to continue to address challenges of the PILOT program. He is cautiously optimistic about what we have heard here this evening. That is all well and good. But, this committee needs to recognize something. We are a ways off. We just heard the township engineer comment about not knowing where the responsibilities lie for the infrastructure of the Lennar community. What segments or what portions of those infrastructure elements rely on the homeowner's association versus this township. This is stuff that should have been ironed out when the collusion between the builder and this township came together to create this PILOT program.

Griffo read off ten names. He said one of the residents in Lennar benefited from senior freeze and veterans benefits before she moved from Plumsted into Lennar. She paid traditional property taxes and in those property taxes, along with all those benefits, the township covered the repairs and maintained the responsibility for the roads in front of her house. There were no such things as common elements. The township took care of the responsibility of those infrastructure elements. Now, she moves in along with all these other veterans that he just mentioned, to the Lennar community and the responsibility shifts. Yet, the payment in lieu of tax rate that is assessed on the Lennar community is equal to the current tax rate that is assessed on every taxpayer in Plumsted Township.

What you have successfully done is you have created two buckets. You have the bucket on the left that is the traditional tax program and from that bucket residents are benefiting from infrastructure improvements whatever the township needs. You have this bucket on the right which is the PILOT bucket. There are a ton of dollars flowing into this PILOT bucket and we do not know where the money is going other than to fund a wastewater treatment plant, which we still cannot get our arms around that piece of infrastructure costs. Now, we are having to fund roads in our community. We are potentially having to fund sewer lines, common area sidewalks that under a normal traditional tax program, would not come into play.

Call it what you want, it is a tax. You are taxing us at the same rate that you are taxing everyone else in this town. You are generating more money from the residents in our community because the rate at which we are assessed on property values is probably higher than what is assessed across the rest of the town based on when the prior assessment may have happened some ten or thirteen years ago. We are paying a higher rate and we are getting considerably less. And to think that we are going to be fist pumping each other, where this is really great.

When we come to this workshop Monday people had better understand who is responsible for what and who is going to be paying for those infrastructures. If it is from the PILOT and the homeowners are responsible, then there better be provisions coming out of that PILOT money to support those infrastructure improvements it needs as time goes on. So let's not lose sight of that because we have already lost sight of what this PILOT program was intended to do.

John Lombardo, 6 Gulfstream, New Egypt, NJ, said there is no fire hydrant on his street. He does not know what the codes are as far as having a hydrant. Could someone look into the specific code about having a hydrant on your street? They are having issues with the water backing up on their street. Could someone take care of it every other week? He has been complaining quite a long time about the Provinceline Road situation. The road needs to be repaved. It is really dangerous on the corner. There have been several accidents there. It really needs to have a light there. Not a traffic light. Just a lamppost light. Who is going to put it in? The County? The Township? It is very dangerous and it is very dark. You cannot see when you are making a turn in or out at nighttime when there is no lights. There was a discussion about getting a lamppost light and signs saying Provinceline Road.

Lombardo said getting back to the concrete situation, he is finding holes in the concrete on the sidewalk walkway and the house. It is common. A lot of people are experiencing it. One little twist he wants to talk about. The last PMUA meeting he attended...he knows the township is separate from them but we need some help here because something is not right. They stated at the last meeting that there is \$600,000 that they cannot account for in their budget. They did say it was set by Mr. Ruppel one of the Committee Chairmen. He said that they are more than likely going to be raising our sewer rates next year because they cannot meet the budget, that they cannot seem to find this money, and it looks like it is being pushed onto the residents at Lennar, and even the town people are going to be raised.

Lombardo said he has had some great experience in working with setting sewer rates and water rates in the state in the private sector. There was statements also said about how much sewerage on a daily basis is put in the system. The main number said...I recall the fellow from Veolia said that there was 91,000 gallons average a day going through the sewer system. So if you take the number of customers that we have hooked up to Lennar presently, along with the township number, it comes somewhere in the range of 1150. He did the numbers.

Basically, the results show that the average customer from inside and outside only puts about 2000 gallons of water through the sanitary system. Now, 2000 gallons of water, we pay like \$7.77 for American so if you times that twice, that's like \$14 plus the fixed charge, you are talking...my water bill is \$27 every month...I think in my residence...I have asked most of the people...no one really pays more than \$50-60 tops...most people pay between \$30 and \$60...and you times it by 3 the most it can come to is \$150-160. We are being charged \$210.

They refuse to charge us based on our usage which we are set up with meters...they can do it very easily...and I believe and I keep saying this over and over...we need some help with this. It needs to be straightened out. We are overpaying for sewerage that we are not putting into the system. They have this big sewer plant put up and if you look at the statistics over the last six months or so, very little sewerage goes into the treatment system. But yet we are being charged a flat rate...they refuse to change it...I come and I complain all the time about it. Fairness. We are seniors. We do not put much into it. We are being overcharged. It needs to be corrected and now they are talking about raising us next year for a mistake that they cannot find...which is a lot of money...\$600,000...they do not know where it is...why should we be responsible and pay for something that was created in the past.

He would appreciate if maybe we could have a special meeting with you guys and them and us and talk about this. Can we do that? Can we propose or put a motion for...I know my time is up and I will be gone in a minute...is there a way we can fix this?

Cuozzo asked Marinari if they need to have a meeting with them. He also has a point of clarification. The way that Mr. Lombardo described it is "they have money they cannot account for." Cuozzo said he understood that it was money they are in a deficit for because of what they brought in. That is a big distinction. Cuozzo asked if Marinari's understanding was the same as his or is Mr. Lombardo right. Marinari said it is very confusing, but he believes that that number is an arbitrary number to begin with. It is a number they are trying to resolve where it is and how to pay it all. He does not think that it is going to be a straight out requirement of the public to pay off that money. Marinari said a meeting is probably a good idea.

Lombardo said do it right and charge us for what we use...because we are overpaying...and he looked up every single sewer system in Ocean County...this is the highest by far and they cannot substantiate how they got the rate...they just tell us to pay \$210 per quarter...give us the little coupons...and there is no justification how they got to that number...and he has been talking about this for eleven months now and nothing has been done.

Cuozzo said he will bring it up to the board and find out if it is money they cannot account for or if it is a deficit, because that is a big distinction. He understood that they have a deficit; not that they have lost it. We will find out.

Rogers Ramirez said he has two things he wants to say; the first one, the gentleman Rich earlier spoke about a situation he was not aware of. He spoke to him privately. He was not aware of that situation. Speaking to the point that he was saying about the loud noise, the loud music...his house is on Main Street.

There is a recovery home next to him and he has issues with that. He is very proud to say that Plumsted Police Department on every occasion he has had to call in has responded quickly, professionally...it has been no issue. The issue is the recurring nature of it. Personally, he reached out to the owner and had a conversation with them. The owner was able to realize his investment property is going to be hurt in the long term in this kind of situation. He took care of the situation with the troubled tenants and he was able to remove the troubled tenants. Apparently there were a couple of other things going on inside the home.

Again, going back to his point, in a community it takes eyes. People have to report these things and we have channels already available. There is a real challenge in civic responsibility. It takes personal courage. He was scared to pick up the phone and report his neighbors. We have the

channels and as he sees it our public representatives are doing a good job. Also, it is not easy being an appointed or an elected official. He thanked the committee.

The second thing is not as serious. A recurring theme is about Main Street and the weeds and the cracks, etc. He has had the fight house in New Egypt for over 10 years and he has been on Main Street for over 5 years, on the north side and the south side. He has his building now on the south side, facing the north. It is a narrow building. There is a shadow that is cast from the north side to the south side and he does have weeds in some places. His dad and his father were both businessmen and they told him to take care of his place. So he goes outside and picks the weeds.

He did notice that he has moss. He spoke to the head botanist at Deep Cut Gardens a few weeks ago about the moss. The botanist told him that while we are trying to sterilize everything, natural things are going to happen, things are going to break, etc. In places like Europe and the Caribbean, it is called Irish moss. It is beautiful. You have been to many towns that have it naturally, like Princeton, and it is there and it is very, very pretty.

In speaking to the botanist, this particular moss is peat moss. It multiplies on its own. All you have to do is put a little bit of it down...it holds up to twenty times its own weight in water and it survives on the north side and the south side. It is a very simple solution. We have a lot of ways to make something like this happen in the mid-Atlantic. His two cents...he is putting moss down...it is super strong...it can take a pounding...you can walk on it...you have been in the forest...he thinks it is a very simple solution and it is a lot easier than ripping up all of the cement and spending thousands of dollars...that is a burden that residents and business owners alike do not want to deal with.

Bill Fox, Archertown Road, New Egypt, NJ, said he comes here as an alarmist tonight. It is interesting to hear the talk about the MUA and the financial situation that they are in. We are starting to see a couple of applications in the Land Use Board based on anticipation of the sewer line and being able to hook up to it.

Fox said that behind his house, not in the sewer service area, but on the end of Story Street, which is where the sewer line ends...the 17 acre piece of property, it is probably 12 acres of wetlands...it is in the FA-5 zone and he thinks they propose approximately 40 houses and development with sewer lines.

Potentially, we are going to be getting requests for houses, residential development on lots on a quarter to a third of an acre. The dilemma is the MUA needs hookups. The bigger dilemma is if the township does not take a hard look at our Master Plan and see where this sewer line can be used, primarily giving preference to commercial and industrial ratables...even additional retirement communities like Lennar, and environmentally sensitive areas that are already existing, or a home where a faulty septic system as an example could benefit from a sewer hookup.

He said he raised the issue with the MUA at the last meeting. He raised the issue at the Land Use Board meeting and he is raising the issue again tonight. He thinks that the Master Plan *has* to be looked at. This town's population right now is less than 10,000 people. Under our current zoning ordinance, as he understands it, we are about 95% built out. We have a lot of natural lands. We have a lot of farmland preserved space, but the population of this town with uncontrolled expansion of the sewer system, he does not know how big it could get.

He was in Jackson Township for twenty years...when he first went there, it was less than 15,000 people...there could be 100,000 or better now and it is driven by the sewer line. We need to get a handle on it. He understands that the Master Plan budget was not approved this year for review.

He really hopes between the Land Use Board, the MUA and the township committee, some money can be found to address the potential concerns that will be raised and the impact on our town with this sewer line when it comes to detached single family dwellings. It will change the nature of this town in a matter of less than ten years. That is his thought on it. It scares him.

The sewer line saved Main Street. He understands the concerns of the folks from Lennar, but we have to go forward very carefully. He thinks that the Master Plan has to be looked at for priorities on how the sewer system was going to be used and expanded. That is his concern.

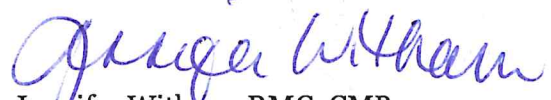
There were no other public comments. Bowen said the committee is going back into Executive Session. No official action will be taken.

ON MOTION OF COMMITTEEMAN GRILLETTO, THE COMMITTEE WENT INTO EXECUTIVE SESSION. VOICE VOTE: ALL AYES.

The committee returned from Executive Session. There was further discussion about Lennar. No official action was taken.

ON MOTION OF COMMITTEEMAN CUOZZO, THE JULY 6, 2023 MEETING WAS ADJOURNED. VOICE VOTE: ALL AYES.

Respectfully Submitted,



Jennifer Witham, RMC, CMR
Municipal Clerk

****Please be advised that these minutes are adopted pursuant to the Open Public Meetings Act N.J.S.A. 10:4-14. They are not intended to be a verbatim record of the meeting. There is a verbatim recording of the meeting a copy of which may be requested through the Plumsted Township Clerk's Office.***