

**ELK TOWNSHIP
COMMITTEE WORK SESSION AGENDA
February 18, 2020**

MEETING CALLED TO ORDER

Open Public Meeting Act Statement

FLAG SALUTE

ROLL CALL: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____ Mr. Rambo _____
Mayor Sammons _____ Mr. Considine _____ Mrs. Pine _____ Mr. Bitgood _____

Approval of minutes of February 6, 2020 Regular Meeting

Motion _____ Second _____

PUBLIC PORTION on Agenda Items only.

Open meeting to public - Motion _____ Second _____

Close Public Portion - Motion _____ Second _____

ORDINANCE:

O –1– 2019 – Amending Chapter 79 Entitled “Property Maintenance” of the Code of the Township of Elk-
TITLE ONLY

Motion _____ Second _____

Roll Call: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____

Mr. Rambo _____ Mayor Sammons _____

RESOLUTION:

R-37-2020 – Authorizing the Sale of Block 30, Lot 4 (830 Jacob Harris Lane) and Block 26, Lot 1 (699
Clems Run) No Longer Needed for Municipal or Public Purposes

Motion _____ Second _____

Roll Call: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____

Mr. Rambo _____ Mayor Sammons _____

R-38-2020 – Release of the Performance Guarantee and Requiring a Maintenance Guarantee by Kevin
Eaise Landscaping for Phase 1 Site Work and Other Improvements Affecting the Parcel Known as Block
175, Lots 8 And 9

Motion _____ Second _____

Roll Call: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____

Mr. Rambo _____ Mayor Sammons _____

GLOUCESTER COUNTY REPRESENTATIVE – Leona Mather or James Schmidt

PURSUANT TO RESOLUTION R-26-2020

THERE IS A TIME LIMIT OF 3 MINUTES PER PERSON DURING THE PUBLIC PORTION

PUBLIC PORTION:

Open meeting to public - Motion _____ Second _____

Close Public Portion - Motion _____ Second _____

PAY BILLS:

Motion _____ Second _____
Roll Call: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____
Mr. Rambo _____ Mayor Sammons _____

ADJOURNMENT:

Motion _____ Second _____
Time: _____

NOTICE PURSUANT TO N.J.S.A. 10:4-8(d)

The items listed on this tentative agenda of the Mayor and Committee of the Township of Elk constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

ORDINANCE O – 1 – 2020

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 79 ENTITLED “PROPERTY MAINTENANCE” OF THE CODE OF THE TOWNSHIP OF ELK

WHEREAS, the Mayor and Committee of the Township of Elk have determined that certain amendments to Chapter 79 entitled “Property Maintenance” are necessary; and

WHEREAS, in all other respects Chapter 79 entitled “Property Maintenance” shall remain in full force and effect.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same to create a new Article III entitled “Abandoned Vehicles”, as follows:

Section 1.

Article III. Abandoned Vehicles.

§ 79-18 Purpose.

It is hereby determined that outdoor storage or keeping or abandoning or leaving any junked or discarded or abandoned motor vehicle outdoors creates an unsightly condition depreciating the value of neighboring property, creates an attractive nuisance to children, creates a shelter for rodents, creates a fire hazard and is harmful to the health, safety and welfare of the inhabitants of the Township of Elk, in the County of Gloucester, and this Article is, therefore, enacted for the preservation of the health, safety and welfare of the inhabitants of the Township of Elk, in the County of Gloucester.

§ 79-19 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article:

JUNKED

Has the same meaning as "discarded," and "discarded" shall have the same meaning as "junked," and either or both words shall be taken to mean and include any motor vehicle which:

- A. Is not in current use for transportation of persons or property and has been discarded for use as a motor vehicle; and
- B. Is not currently licensed or has no registration or identification marker for the current year; and
- C. Is mechanically inoperative or not fit for transportation of persons or property on the public streets, roads or highways; and
- D. Has been continually parked for fourteen (14) consecutive calendar days, or longer, outdoors on any lot of land, public or private, or for any length of time whatever on any street, road or highway in the Township of Elk, in the County of Gloucester.

MOTOR VEHICLE

Includes all vehicles propelled otherwise than by muscular power and designed to be driven or operated on the public streets, roads or highways; and the words "motor vehicle" shall be taken to mean and include all of the following as named and defined in the Revised Statutes of the State of New Jersey, Title 39, Article 1, Section 1: "automobile," "commercial motor vehicle," "motorcycle," "omnibus," "passenger automobile," "road tractor," "semi-trailer," "trailer," "truck" and "truck tractor" when designed to be driven or operated on the public streets, roads or highways; except that the words "motor vehicle" shall not be taken to mean or include semi-trailers or trailers kept and used for office space, shop space, construction use, storage, refrigeration and other such like business, commercial, agricultural and industrial uses, and shall not include motor vehicles used as farm machinery and kept on farms operated by farmers keeping them. "Motor vehicle" shall mean one or more motor vehicles, and the singular shall include the plural.

OUTDOORS

Outside of any building having at least three walls and a roof; so as to be enclosed on top and three sides.

PERSON

Includes any individual, firm, partnership, member of any firm or partnership, corporation or association, any officer, director, manager, trustee or other member of the governing body of any corporation or association, and the word shall include masculine, feminine and neuter genders, and the singular shall include the plural.

§ 79-20 Prohibition.

- A. No person shall store, keep, discard, abandon or leave any junked or discarded motor vehicle outdoors on any lot of land owned or controlled by any other person in the Township of Elk, in the County of Gloucester, for more than fourteen (14) consecutive calendar days.
- B. No person shall store, keep, discard, abandon or leave any junked or discarded motor vehicle outdoors on any lot of land of which he is the owner or lessee or otherwise controls in the Township of Elk, in the County of Gloucester, for more than fourteen (14) consecutive calendar days.
- C. No person who owns any lot of land or who is in possession or control of any lot of land in the Township of Elk, in the County of Gloucester, shall allow any junked or discarded motor vehicle to remain outdoors on such lot of land for more than fourteen (14) consecutive calendar days, and no such person shall suffer or permit any other person to store, keep, discard, abandon or leave any junked or discarded motor vehicle outdoors on such lot of land for more than fourteen (14) consecutive calendar days. It shall be presumed that the owner or person in possession or control of any lot of land on which any junked or discarded motor vehicle is kept or left or found suffered or permitted said motor vehicle to be kept, discarded, abandoned or left on said lot of land.
- D. No person shall store, keep, discard, abandon or leave any junked or discarded motor vehicle on any publicly owned lot of land or on any public street, road, highway or right-of-way in the Township of Elk, in the County of Gloucester, except that the Township of Elk may store junked or discarded motor vehicles on a lot of land maintained by the Township for that purpose.

- E. No person shall keep or permit the keeping on any street, vacant lot, residential lawn, public or private right-of-way except in a fully enclosed structure, any motor vehicle, trailer or semi-trailer which:
 - a. Is missing tires, wheels, engine or any essential parts;
 - b. Displays extensive body damage or deterioration;
 - c. Does not display a current and valid registration or inspection sticker; or
 - d. Is wrecked, disassembled or partially disassembled.

§ 79-21 Removal of motor vehicle; sale or destruction of unclaimed motor vehicles.

- A. Whenever it shall appear to a Code Official or to any special officer or police officer of the Township of Elk, in the County of Gloucester, that there is a violation as provided in § 79-20 of this Article, the Code Officer or such special officer or police officer shall notify the person who appears to have violated or be in violation of any part of § 79-20. Said notice shall be in writing and shall either be served on such person as appears to have violated or be in violation personally or by leaving it at his usual place of abode with some member of his household over the age of 14 years, or by certified mail with return receipt requested, addressed to him at his usual place of residence, if ascertainable. If such place of residence cannot be ascertained, then service shall be made by notice published in the newspaper in which legal notices of the Township are usually published, which notice shall notify the person who appears to have violated or be in violation of this Article to remove the motor vehicle within ten (10) calendar days' time after the date of service if served by personal service or left at his usual place of abode, or within fifteen (15) calendar days' time if served by mail or publication.
- B. Whenever it shall appear to the Code Official or to any special officer or police officer of the Township of Elk, in the County of Gloucester, that there is a violation of this Article as provided in § 79-20 D or E, said Code Official or special officer or police officer shall determine whether the violation constitutes a traffic hazard, and if he shall determine it does constitute a traffic hazard, he shall move or cause the motor vehicle to be moved to a nonhazardous location or into a storage place provided or maintained by the Township of Elk and shall then ascertain the name and address of the owner of the motor vehicle and serve the owner with written notice to remove the motor vehicle within ten (10) calendar days' time after the date of service if served by personal service or left at his usual place of abode, or within fifteen (15) calendar days' time if served by mail or publication. If the name or address of the owner cannot be ascertained, then service shall be made by notice published in the newspaper in which legal notices of the Township are usually published describing the motor vehicle and the place where it was found.
- C. Whenever the person on whom said notice is served fails to remove the motor vehicle within the time allowed after the date of service as set forth in Subsections A or B of this Section, the Code Official or special officer or police officer shall be authorized to cause the motor vehicle to be removed and impounded and shall immediately report the taking of possession thereof to the Director of the Division of Motor Vehicles as provided by the N.J.S.A. 39:10A-1 and shall also notify the owner of the motor vehicle and the person holding any security interest on the motor vehicle and the person in possession or control of the lot of land on which the motor vehicle was found, if the names and addresses of such person can be ascertained, by certified mail with return receipt requested, that the person or persons receiving such notice may within 30 calendar days or within any time prior to sale thereof reclaim possession of the motor vehicle upon payment of the reasonable cost of removal and storage and any fine or penalty and court costs for the violation which gave rise to the seizure or taking possession of the motor vehicle. If the names or addresses of such persons cannot be ascertained, then notice shall be given by publication, describing the motor vehicle and the place where it was found, in the newspaper in which legal notices of the Township are usually published.

D. If neither the owner of the motor vehicle nor the person holding the security interest on the motor vehicle nor the person in possession or control of the lot of land on which the motor vehicle was found reclaims the motor vehicle and pays said costs, fines and penalties and removes said motor vehicle within said 30 days of the aforesaid notice, the motor vehicle shall be sold as provided for by the N.J.S.A. 39:10A-1, and the money received from such sale shall be applied to payment of the reasonable cost of removal and storage of the motor vehicle, but if a buyer cannot be found, the motor vehicle shall be destroyed or otherwise disposed of in such manner as the Township Committee of the Township of Elk shall deem most practicable.

§ 79-22 Violations and penalties.

- A. Any person convicted of a violation of any of the provisions of this Article shall be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, and such person shall be deemed guilty of a separate violation thereof for each and every day during which such violation shall continue after notice to remove the motor vehicle is given as provided for in this Article.
- B. The penalties set forth in Subsection A above are separate and apart from the remedy of removal and sale or destruction provided for in § 79-21 C and D of this Article.

Section 2.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion	Second	AYE	NAY	ABSTAIN	ABSENT
Hollywood						
Nicholson						
Poisker						
Rambo						
Sammons						

TOWNSHIP OF ELK

ATTEST:

Carolyn D. K. Sammons, Mayor

DEBORA R. PINE, Township Clerk

FINAL ADOPTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion to Adopt	Second	AYE	NAY	ABSTAIN	ABSENT
Hollywood						
Nicholson						
Poisker						
Rambo						
Sammons						

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on February 18, 2020. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on March 17, 2020 at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.

DEBORA R. PINE, TOWNSHIP CLERK

RESOLUTION R-37-2020

RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK AUTHORIZING THE SALE OF BLOCK 30, LOT 4 (830 JACOB HARRIS LANE) AND BLOCK 26, LOT 1 (699 CLEMS RUN) NO LONGER NEEDED FOR MUNICIPAL OR PUBLIC PURPOSES

WHEREAS, the Elk Township Committee determined that municipally owned real property identified as Block 30, Lot 4 (830 Jacob Harris Lane) and Block 26, Lot 1 (699 Clems Run), were surplus and no longer needed for municipal or public purposes; and

WHEREAS, via Ordinance No. O-7-2018, adopted on September 5, 2019, the Mayor and Committee of the Township of Elk authorized the sale of Block 30, Lot 4 (830 Jacob Harris Lane) pursuant to N.J.S.A. 40A:12-13; and

WHEREAS, via Ordinance No. O-10-2019, adopted on December 5, 2019, the Mayor and Committee of the Township of Elk authorized the sale of Block 26, Lot 1 (699 Clems Run) pursuant to N.J.S.A. 40A:12-13; and

WHEREAS, on February 11, 2020, at 4:00 p.m., a Public Auction was held, and bids were received as follows:

<u>Property</u>	<u>Name of Bidder</u>	<u>High Bid Amount</u>
Block 30, Lot 4	Richard Fazzio	\$138,300.00
Block 26, Lot 1	David Gaffney (Cove III Properties, LLC)	\$72,800.00

WHEREAS, the high bidders executed a Purchase Offer Agreement on February 11, 2020, and submitted the required ten percent (10%) deposit.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Elk, County of Gloucester, State of New Jersey, that the Mayor and Clerk of the Township of Elk hereby authorize the conveyance of Block 30, Lot 4 (830 Jacob Harris Lane) and Block 26, Lot 1 (699 Clems Run), pursuant to the terms and conditions of the Purchase Offer Agreements, and are further authorized to execute a Quitclaim Deed and other conveyance documents.

ADOPTED at a Regular Meeting of the Elk Township Committee held February 18, 2020.
TOWNSHIP OF ELK

BY: _____
CAROLYN D. K. SAMMONS, Mayor

ATTEST:

DEBORA R. PINE, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
Hollywood				
Nicholson				
Poisker				
Rambo				
Sammons				

CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Elk, County of Gloucester, State of New Jersey, at a meeting held by the same on February 18, 2020, in the Elk Township Municipal Building, 680 Whig Lane, Monroeville, New Jersey.

DEBORA R. PINE, Township Clerk

RESOLUTION R-38-2020

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK AUTHORIZING
RELEASE OF THE PERFORMANCE GUARANTEE AND REQUIRING A MAINTENANCE
GUARANTEE BY KEVIN EASE LANDSCAPING FOR PHASE 1 SITE WORK AND OTHER
IMPROVEMENTS AFFECTING THE PARCEL KNOWN AS BLOCK 175, LOTS 8 AND 9 ON THE
OFFICIAL TAX MAP OF ELK TOWNSHIP,
GLOUCESTER COUNTY, NEW JERSEY**

WHEREAS, the Applicant, Kevin Eaise Landscaping, has caused certain work to be performed relating to improvements affecting a parcel known as Block 175, Lots 8 and 9 on the official Tax Map of Elk Township; and

WHEREAS, the Applicant had previously received authorization approving the form and amount of a Performance Guarantee pursuant to Resolution R-88-2017 adopted by Mayor and Committee on November 8, 2017; and

WHEREAS, after adoption of Resolution R-88-2017, the required Performance Surety Bond No. E251936 dated October 31, 2017 in the amount of \$39,105.72 issued by Great American Insurance Company was received by the Township Clerk; and remains in effect; and

WHEREAS, the Elk Township Engineer has inspected all improvements secured by said Performance Guarantee, and has filed a written report with the Township Clerk dated December 4, 2019 (consisting of 1 page), attached hereto, recommending the release of the Performance Guarantees originally posted pursuant to Resolution R-88-2017; and

WHEREAS, the Elk Township Engineer further recommends posting and issuance of a Maintenance Guarantee and Cash Bond as follows:

Maintenance Bond Amount	\$ 5,595.90
Total	\$ 5,595.90

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, Township of Elk, County of Gloucester, and State of New Jersey as follows:

1. The improvements performed by the Applicant for Block 175, Lots 8 and 9 are hereby accepted, and the Applicant is hereby released from all liability under the existing Performance Surety Bond No. E251936 dated October 31, 2017 in the amount of \$39,105.72 issued by Great American Insurance Company, however, subject to the conditions set forth below.

2. The Applicant shall post a Maintenance Guarantee in the sum of \$5,595.90 for a period of two (2) years and in the manner set forth in N.J.A.C. 5:36-4.4 and/or N.J.A.C. 5:36-4.2.

3. The Applicant is hereby directed to forward the above-described Maintenance Guarantee to the Township Clerk to satisfy the contingency set forth herein. In addition, all funds currently held by the Treasurer for inspection escrows shall be refunded to the Applicant after all outstanding invoices are satisfied.

4. That no above-mentioned Performance Guarantee shall be released until receipt by the Township of an approved Maintenance Guarantee in a form and manner satisfactory to the Township's Solicitor (if not previously submitted and approved); and payment by the Applicant of any outstanding fees or costs from inspections, escrows and/or items more particularly set forth in the Application and Resolution of the Township Planning Board approving the project.

5. The Township Clerk is hereby directed to forward a certified copy of this Resolution to the Applicant, the Elk Township Engineer and the Elk Township Treasurer.

ADOPTED at a Regular Meeting of the Elk Township Committee held February 18, 2020.

TOWNSHIP OF ELK

BY: _____
CAROLYN D. K. SAMMONS, Mayor

ATTEST:

DEBORA R. PINE, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
Hollywood				
Nicholson				
Poisker				
Rambo				
Sammons				

CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Elk, County of Gloucester, State of New Jersey, at a meeting held by the same on February 18, 2020, in the Elk Township Municipal Building, 680 Whig Lane, Monroeville, New Jersey.

DEBORA R. PINE, Township Clerk