

**ELK TOWNSHIP  
COMMITTEE MEETING AGENDA  
DECEMBER 1, 2011**

**MEETING CALLED TO ORDER**

**OPEN PUBLIC MEETING ACT STATEMENT**

**SALUTE TO THE FLAG AND INVOCATION**

**ROLL CALL**

**APPROVAL OF MINUTES**

**JIF - SAFETY REPORT:** Dave Strout, Risk Management Consultant, Cettei & Connell

**NEW WEBSITE UPDATE:** Anna Thomas

**COMMITTEE REPORTS:**

**POLICE CHIEF REPORT:**

**TOWNSHIP ENGINEER REPORT:**

**FIRE DEPARTMENT REPORT:**

**SOLICITOR REPORT:** Block 162 Lot 1 – Sale of Property to Peter Seher

**ORDINANCE O – 14 – 2011**

**ORDINANCE ESTABLISHING A JOINT MUNICIPAL COURT FOR THE TOWNSHIP OF ELK, THE  
BOROUGH OF NEWFIELD AND THE BOROUGH OF CLAYTON AND APPROVING A JOINT  
MUNICIPAL COURT AGREEMENT FOR THE OPERATION OF  
THE ELK JOINT MUNICIPAL COURT  
PUBLIC HEARING**

**ORDINANCE O – 15 – 2011**

**ORDINANCE REPEALING CHAPTER 30 ENTITLED "PUBLIC DEFENDER" OF THE CODE OF THE  
TOWNSHIP OF ELK  
PUBLIC HEARING**

**RESOLUTION R-128-2011**

**RESOLUTION TO REFUND MONEY DUE TO AN OVERPAYMENT FOR JAMES A. GATTER AND  
ABBE S. GATTER, BLOCK 21 LOT 1.42**

**RESOLUTION R-129-2011**

**RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE CASH BOND AND REQUIRING A  
MAINTENANCE GUARANTEE FOR THE COMMUNICATIONS FACILITY, AFFECTING A PARCEL  
KNOWN AS BLOCK 9, LOT 9 ON THE OFFICIAL TAX MAP OF THE  
TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

**RESOLUTION R-130-2011**

**RESOLUTION TO GO INTO CLOSED EXECUTIVE SESSION TO DISCUSS  
CONTRACT NEGOTIATIONS IN REGARDS TO ELK TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY, NEW JERSEY AMERICAN WATER COMPANY  
AND PERSONNEL**

**RESOLUTION R-131-2011**

**RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE AND ESCROW FUNDS, AND REQUIRING A MAINTENANCE GUARANTEE BY CVS 75139 NJ, L.L.C. AFFECTING THE PARCEL KNOWN AS BLOCK 62, LOT 1 ON THE OFFICIAL TAX MAP OF ELK TOWNSHIP, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY  
PLANNING/ZONING BOARD RESOLUTION NO. 2006-31**

**RESOLUTION R-132-2011**

**RESOLUTION APPROVING FORM OF MAINTENANCE GUARANTEE SUBMITTED BY CVS 75139 NJ, L.L.C. AFFECTING A PARCEL KNOWN AS BLOCK 62, LOT 1 ON THE OFFICIAL TAX MAP OF ELK TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY**

**RESOLUTION R-133-2011**

**RESOLUTION AWARDED QUOTE TO JPC GROUP, INC. FOR THE EMERGENCY WASHOUT REPAIR TO ELEPHANT SWAMP NATURE TRAIL**

**RESOLUTION R-134-2011**

**RESOLUTION AUTHORIZING 2011 BUDGET TRANSFERS**

**RESOLUTION R-135-2011**

**RESOLUTION ABATING A PORTION OF DELINQUENT TAXES AND PENALTIES RELATING TO CERTAIN REAL PROPERTY (BLOCK 23, LOT 35) ASSESSED TO LAKE GILMAN CORP. PURSUANT TO N.J.S.A. 54:4-99 AND -100**

**GLOUCESTER COUNTY REPRESENTATIVE – David Lubelski or William Bain**

**PUBLIC PORTION**

**PAY BILLS**

**RECESS**

Summary of Closed Session

**ADJOURNMENT**

**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.

**ELK TOWNSHIP COMMITTEE  
MINUTES  
DECEMBER 1, 2011**

The meeting of the Elk Township Committee was held on the above date in the Municipal Building. The meeting was called to order by Mayor Barbaro at 7:33PM.

The Open Public Meeting Notice was read. The Salute to the Flag and the Lord's Prayer were recited in unison.

Present were: Mr. Pantaleo, Mr. Rainey, Mrs. Sammons, Mr. Swanson, Mayor Barbaro, Mr. Duffield, Solicitor, Mr. Considine, CFO, Mrs. Pine, Township Clerk and Police Chief DeFalco.

**APPROVAL OF MINUTES** November 3, 2011 Closed Session and November 14, 2011 Work Session Motion by Mrs. Sammons, seconded by Mr. Swanson to approve the minutes listed above, all were in favor, motion carried.

**JIF - SAFETY REPORT:** Dave Strout, Risk Management Consultant, Cetti & Connell was present for the second time this year to update committee on the state of the safety of the township. The township will receive a dividend of \$12,139.00 which will be applied directly to the 2012 insurance premium. This is up from \$10,857.00 last year. The amount is based on the amount of losses in the township. Mr. Strout congratulated committee on the great job the staff does. The total dividend the township has received since joining the JIF is \$153,514.00. Mr. Strout reviewed the most recent Loss Control Report. The report has some valid concerns; some are time issues. The work involved with the reporting takes time to complete. There was a safety meeting in November and the staff discussed the issues and every attempt is going to be made to correct them. There will be another safety meeting this month. Mr. Strout will keep committee updated on the progress.

**NEW WEBSITE UPDATE:** Anna Thomas, a member of the economic development, has volunteered her time to create a new website for the township. The service provider will be Network Solutions. They are a very good and secure server. The current site is very complex and difficult to update. With the 3 year agreement we purchased the domain names of: elktownshipnj.org and elktownshipnj.com. When the time comes Mrs. Thomas will make arrangements with the state to transfer the elktownshipnj.gov. The cost for the 3 year package was \$387.96. We are currently paying the state \$150 per year. The new site has been designed and she has transferred a lot of items to the new site. Mrs. Thomas would like to launch the site with all 2011 information and add the rest of the past content over the next few months. There are several committees that need to be updated. She has added a calendar with all meetings. Mrs. Thomas is willing to maintain the site for the next year and is willing to train someone on the updating of the site. It is very easy to make an error and throw the site off. She would like to launch the site for 2012.

Mr. Pantaleo thanked Mrs. Thomas for all the work she has done on the website.

Mayor Barbaro also thanked Mrs. Thomas for the work on the website. He has seen a sneak peak at the site and stated it is beautiful.

**COMMITTEE REPORTS**

Mr. Pantaleo updated committee on the Ag Committee meeting. There is some interest in farmland preservation. A representative from the State, Stephanie Miller and a county representative will attend the December 20<sup>th</sup> committee work session meeting.

One of the investors has backed out of the solar project, putting the project on hold until spring.

Mr. Pantaleo has been working with Mr. Schomber of 457 Ewan Road, and the township engineer. Mr. Gaskill stated the design is working correctly. Mr. Pantaleo has attempted to contact the developer of Valle del Sol project, Nate Russo, and has not received a response to date.

Mr. Pantaleo attended budget meetings in Franklin Township, where department heads present their budgets to committee. He would like to hold similar meetings in Elk Township for 2012 budget.

Mayor Barbaro asked if there is any violation of the contract, with the solar project investor backing out. Mr. Duffield explained we need to wait at this point to see if something can be worked out. We can revisit the subject in the next few months.

Mr. Pantaleo followed up on the issue with Waste Management spill clean up. They have not corrected the spill to the satisfaction of the homeowners. He would like to send a letter of displeasure to Waste Management. Committee will discuss further at the December work session.

Mr. Rainey stated there was another incident this week. Chief DeFalco stated there were 2 incidents with on 2 different days with the same truck, on Harrisonville Way.

Mr. Rainey reported the seniors held their luncheon in November. They also took a trip to Lucas's Greenhouse to see the poinsettias. There will be a holiday dinner on December 3<sup>rd</sup>.

Mr. Rainey attended a DVRPC meeting that was very informative. He asked about the traffic light at CR 538 and SR 77. He was told funding has been approved. They did not know when installation would begin.

Mr. Swanson reported the construction office issued 14 permits and 5 certificates.

The planning/zoning board spoke with a developer concerning a cul-de-sac. There is a state standard of 40 foot radius. If the township would like to increase the radius a letter would need to be sent to the state requesting a larger radius.

Mr. Swanson attended a seminar at the League of Municipalities conference on "Complete Streets". A complete street is a program that has bike paths on the road ways. It was an informative seminar.

Mrs. Sammons clarified the senior lunch held by recreation will be held on December 3<sup>rd</sup> from 12 to 2pm at Ferrell Methodist Social Hall.

Recreation will not be meeting in December. The meeting will be January 10<sup>th</sup>. The next social for the seniors will be for Valentine's Day on February 11<sup>th</sup>, 2012, also at the Social Hall.

The JIF has a special safety recognition award application that is due on December 12<sup>th</sup>.

Mayor Barbaro reported the Environmental Commission met and they continue to review the plans before the planning board. They also cleaned up Elephant Swamp Park Trail preparing it for planting in the spring.

Mayor Barbaro was contacted by Kevin Keen, Aura Volunteer Fire Company. They are completing the construction work and have a lot of concrete they would like to take to Winzinger. They would like to borrow a township dump truck. Committee is okay with the fire department using the truck as long as the driver has a CDL.

#### **POLICE CHIEF REPORT**

Chief DeFalco reported the police department responded to 685 calls for service, responded to 22 motor vehicle crashes with 8 injuries, 241 motor vehicle summons were issued and 28 arrests were made.

Chief DeFalco, Lt. Hughes and Lt. Garrison attended annual recertification training.

There will be a benefit for Cpl. Ken Sweeten on December 6<sup>th</sup> at PB Tavern in Glassboro, from 7 to 10pm.

The Chief requested a new special class II officer to help with the manpower for the new joint court venture. There will need to be 4 officers during the court sessions. He will work 15 to 20 hours month.

Mr. Considine explained while preparing the joint court venture he budgeted additional funds to protect the Township for this purpose. He built into our savings the need for 4 special officers for court function.

Chief DeFalco stated the Office of Administrative Court, explained to him, the traffic activity in Elk is heavier than Clayton and Newfield, a lot of the cases are dealt with by the prosecutor. Clayton has a lot

more criminal cases, which means there are victims, witnesses, accused, defendants and prisoners will be in the building. We will still need to provide a service to the residents during court.

Mr. Considine explained we are moving toward using a video court, where prisoners will be projected in from the county jail, eliminating the need for prisoners to be present, unless they are on trial.

Mr. Pantaleo asked if there is an opt out clause in the agreement.

Mr. Considine stated the agreement is for 1 year, after the 1 year Newfield and Clayton can opt out with 6 months notice, Elk can opt out with 1 year notice.

There is also a concern for the safety of the employees in the building. It will be recommended to require the employees to wear their ID badges on the days there is court.

### **TOWNSHIP ENGINEER REPORT**

Mayor Barbaro summarized the engineers report. The grant applications have been filed for 2012 for the reconstruction of Willow Grove Road and Railroad Avenue. Hampton Hills still has some site issues before their performance bond can be released. CVS basin pump is working and they have requested their bond to be release which has been approved. Country Woods performance bond release request has been denied pending completion of several punch list items.

The Moods Road emergency repair is currently in progress.

Elephant Swamp Nature Trail emergency repair was sent out for quotes and there was only one response from JPC Group.

### **FIRE DEPARTMENT REPORT**

There was no report.

### **SOLICITOR REPORT**

Mr. Duffield updated committee on Block 162 Lot 1; this was a tax sale certificate that was sold in error. The person who had purchased the tax certificate was Peter Seher. After determining the township owned the land his money was refunded. Mr. Seher is an adjacent land owner and would like to purchase the property from the township. Mr. Duffield contacted the tax assessor and the assessed value is \$9,600. Mr. Duffield explained the property can not be sold for less than the assessed value, but can be sold for more. Committee will discuss further at work session on December 20<sup>th</sup>.

### **ORDINANCE O – 14 – 2011**

#### **ORDINANCE ESTABLISHING A JOINT MUNICIPAL COURT FOR THE TOWNSHIP OF ELK, THE BOROUGH OF NEWFIELD AND THE BOROUGH OF CLAYTON AND APPROVING A JOINT MUNICIPAL COURT AGREEMENT FOR THE OPERATION OF THE ELK JOINT MUNICIPAL COURT PUBLIC HEARING**

Motion by Mr. Swanson, seconded by Mr. Pantaleo to open to the public concerning Ordinance O-14-2011 all were in favor, motion carried.

Mayor Barbaro invited the public to come forward if they have any questions concerning the ordinance.

No one came forward.

Motion by Mr. Rainey, seconded by Mr. Swanson to close the public portion, all were in favor, motion carried.

Motion by Mr. Pantaleo, seconded by Mrs. Sammons to adopt Ordinance O-14-2011, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**ORDINANCE O – 15 – 2011**

**ORDINANCE REPEALING CHAPTER 30 ENTITLED "PUBLIC DEFENDER" OF THE CODE OF THE TOWNSHIP OF ELK  
PUBLIC HEARING**

Motion by Mr. Rainey, seconded by Mr. Pantaleo to open to the public concerning Ordinance O-15-2011 all were in favor, motion carried.

Mayor Barbaro invited the public to come forward if they have any questions concerning the ordinance.

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Motion by Mr. Swanson, seconded by Mr. Rainey to close the public portion, all were in favor, motion carried.

Motion by Mr. Swanson, seconded by Mrs. Sammons to adopt Ordinance O-15-2011, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RESOLUTION R-128-2011**

**RESOLUTION TO REFUND MONEY DUE TO AN OVERPAYMENT FOR JAMES A. GATTER AND  
ABBE S. GATTER, BLOCK 21 LOT 1.42**

Motion by Mrs. Sammons, seconded by Mr. Swanson to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RESOLUTION R-129-2011**

**RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE CASH BOND AND REQUIRING  
A MAINTENANCE GUARANTEE FOR THE COMMUNICATIONS FACILITY, AFFECTING A PARCEL  
KNOWN AS BLOCK 9, LOT 9 ON THE OFFICIAL TAX MAP OF THE  
TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

Motion by Mr. Rainey, seconded by Mrs. Sammons to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RESOLUTION R-130-2011**

**RESOLUTION TO GO INTO CLOSED EXECUTIVE SESSION TO DISCUSS  
CONTRACT NEGOTIATIONS IN REGARDS TO ELK TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY, NEW JERSEY AMERICAN WATER COMPANY  
AND PERSONNEL-Post Retirement Health Benefits**

Motion by Mr. Swanson, seconded by Mr. Rainey to adopt and approve said resolution, all were in favor, motion carried.

Mr. Duffield explained action may be taken after the closed session is adjourned.

**RESOLUTION R-131-2011**

**RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE AND ESCROW FUNDS, AND REQUIRING A MAINTENANCE GUARANTEE BY CVS 75139 NJ, L.L.C. AFFECTING THE PARCEL KNOWN AS BLOCK 62, LOT 1 ON THE OFFICIAL TAX MAP OF ELK TOWNSHIP, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY  
PLANNING/ZONING BOARD RESOLUTION NO. 2006-31**

Motion by Mr. Swanson, seconded by Mr. Pantaleo to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RESOLUTION R-132-2011**

**RESOLUTION APPROVING FORM OF MAINTENANCE GUARANTEE SUBMITTED BY CVS 75139 NJ, L.L.C. AFFECTING A PARCEL KNOWN AS BLOCK 62, LOT 1 ON THE OFFICIAL TAX MAP OF ELK TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY**

Motion by Mr. Pantaleo, seconded by Mrs. Sammons to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RESOLUTION R-133-2011**

**RESOLUTION AWARDED QUOTE TO JPC GROUP, INC. FOR THE EMERGENCY WASHOUT REPAIR TO ELEPHANT SWAMP NATURE TRAIL**

Motion by Mr. Rainey, seconded by Mrs. Sammons to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RESOLUTION R-134-2011**

**RESOLUTION AUTHORIZING 2011 BUDGET TRANSFERS**

Motion by Mr. Rainey, seconded by Mrs. Sammons to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RESOLUTION R-135-2011**

**RESOLUTION ABATING A PORTION OF DELINQUENT TAXES AND PENALTIES RELATING TO CERTAIN REAL PROPERTY (BLOCK 23, LOT 35) ASSESSED TO LAKE GILMAN CORP. PURSUANT TO N.J.S.A. 54:4-99 AND -100**

Motion by Mrs. Sammons, seconded by Mr. Swanson to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RESOLUTION R-136-2011**  
**RESOLUTION APPOINTING CLASS II SPECIAL OFFICER FOR THE ELK TOWNSHIP POLICE**  
**DEPARTMENT – WILLIAM SCHNARR**

Motion by Mr. Rainey, seconded by Mayor Barbaro to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**PUBLIC PORTION**

Motion by Mr. Swanson to open the meeting to the public, seconded by Mrs. Sammons, all were in favor, motion carried.

Mayor Barbaro asked if anyone had any issues they would like to bring to the township committees attention to come forward at this time.

Robert Tate, 602 N. Douglass, would like to meet with Mayor Barbaro, Chief DeFalco and Mr. Rainey on December 22<sup>nd</sup> at 7:30pm, to discuss Crime Watch. Mr. Tate will be moving out of state in January.

Michael Canuso, 30 Washington Ave., Haddonfield, represents Canuso Communities. He wanted to give some in site to committee regarding his project, Camelot at Elk. The project was originally approved for 318 active adult homes and was converted with the planning board's approval to a market rate project with affordable housing. They are working through a utility issue trying to get the project started. They have the project known as Richwood Crossing, being built by Beazer Homes, that is the #1 project in Gloucester County and #8 in the Philadelphia metro area for sales. There is an opportunity to get the project off the ground however, there is a water issue. There is an Interlocal Service agreement between, Elk, Elk MUA and Glassboro to service the project with sewer. They have met with the MUA and discussed the opportunity to amend the agreement to allow Glassboro to service the project with water as well. They were directed to meet, on a fact finding mission, with Glassboro and NJAW. They were hoping to meet with the MUA at their next meeting but are not sure if there is going to be another MUA meeting. He is asking for the opportunity to meet with committee at their next work session, to talk about solving the problem at hand and get their project off the ground.

Barbara Pearson, 1448 Ferrell Road, commended Fred Boeckle and Mr. Rainey on the removal of the bushes around the veteran monument. She is happy that is can now be seen and it looks good.

Edward Mick, 239 Unionville Road, purchased the property 6 years ago. His septic was inspected when he purchased the house and there was no sign of any flooding. Mr. Mick spoke with the zoning officer and was told there was nothing the township could do. He is concerned with the amount of soil his neighbor is bringing in and causing his yard to flood. Mr. Mick sited from an ordinance from the state dated 1975 and also the rules of the county soil conservation.

Mr. Duffield explained the county is responsible for the soil conservation and erosion. Mr. Duffield stated the permits predate the grading ordinance, but will look to see if there are any zoning issues on the property. If there no zoning violations, the cause would be private and the township cannot do anything to assist.

Motion by Mr. Rainey to close the public portion, seconded by Mr. Pantaleo all were in favor, motion carried.

**PAY BILLS**

Motion by Mr. Swanson to Pay the Bills, seconded by Mr. Pantaleo, upon roll call motion was carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

**RECESS**

Motion by Mr. Rainey to recess from the regular meeting, seconded by Mr. Swanson, all were in favor motion carried. The meeting recessed at 9:06pm.

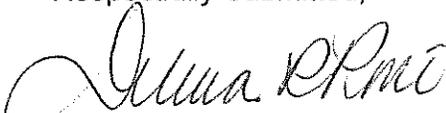
Motion by Mr. Swanson to return to the meeting, seconded by Mr. Pantaleo, all were in favor motion carried. The meeting was called back to order at 9:57pm.

Mr. Duffield summarized the committee discussed contractual issues relating to Elk Township MUA and NJAW as well as the status of the various developers involved in the agreement. No action was taken. Mr. Duffield would like to request committee authorization to pursue with the MUA solicitor, discussions regarding the potential dissolution of the MUA as well as negotiations with NJAW acquiring the Elk Twp. franchise. Also discussed in the session was personnel relating to post retirement health benefits.

**ADJOURNMENT**

Motion by Mr. Swanson to adjourn, seconded by Mr. Rainey all were in favor, the meeting was adjourned at 9:59 PM.

Respectfully Submitted,

  
 Debora R. Pine, RMC, CMC  
 Township Clerk

## ORDINANCE O – 14 – 2011

### AN ORDINANCE OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY ESTABLISHING A JOINT MUNICIPAL COURT FOR THE TOWNSHIP OF ELK, THE BOROUGH OF NEWFIELD AND THE BOROUGH OF CLAYTON AND APPROVING A JOINT MUNICIPAL COURT AGREEMENT FOR THE OPERATION OF THE ELK JOINT MUNICIPAL COURT

**WHEREAS**, the Mayor and Committee of the Township of Elk have determined that it is in the best interests of the residents of the Township of Elk to establish a Joint Municipal Court with the Borough of Newfield and the Borough of Clayton; and

**WHEREAS**, the Township of Elk, the Borough of Newfield and the Borough of Clayton, Gloucester County, New Jersey (hereinafter referred to as the "Participating Municipalities") wish to establish a Joint Municipal Court pursuant to N.J.S.A. 2B:12-1 et seq to be known as the "Elk Joint Municipal Court"; and

**WHEREAS**, the Participating Municipalities find that it is in their best interest to establish a Joint Municipal Court upon the terms and conditions established by and memorialized in the Joint Municipal Court Agreement approved by this Ordinance and incorporated herein by reference.

**WHEREAS**, the Mayor and Committee of the Township of Elk deem it in the best interest of the Township to abolish the Municipal Court for the Township of Elk and establish a Joint Municipal Court for the Township of Elk, the Borough of Newfield and the Borough of Clayton to be known as the "Elk Joint Municipal Court".

**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 as follows:

#### **Section 1.**

Effective December 23, 2011, the Municipal Court of the Township of Elk is hereby abolished.

#### **Section 2.**

The Elk Township Municipal Court shall be abolished and this Ordinance shall be effective December 23, 2011 at 12:00 a.m., and after due notice is given as set forth in Section 3. All summonses and other appropriate matters issuing or arising from the Township of Elk, the Borough of Newfield and the Borough of Clayton shall be processed in the Elk Joint Municipal Court on and after January 1, 2012, including those matters arising prior to January 1, 2012 which remain pending.

#### **Section 3.**

Notice of repeal and abolishment of the Municipal Courts of the Township of Elk, the Borough of Newfield and the Borough of Clayton, and establishment of the Elk Joint Municipal Court shall be provided, in writing, to the Administrative Offices of the Courts and the Assignment Judge of the Vicinage, and posted in the municipal buildings of the Participating Municipalities in a location where public notices are normally posted.

**Section 4.**

The Mayor and Governing Bodies of the Participating Municipalities desire to establish a single Joint Municipal Court to be located in the Township of Elk located at 667 Whig Lane Road, Monroeville, New Jersey 08343.

**Section 5.**

The Township of Elk Committee hereby approves and agrees to the terms of the "Agreement for the Operation of a Joint Municipal Court Between the Township of Elk, Borough of Newfield and Borough of Clayton" attached hereto and incorporated herein by reference and expressly authorize the Mayor and Clerk of the Township of Elk to execute the Agreement on behalf of the Township.

**Section 6.**

Pursuant to the provisions of N.J.S.A. 2B:12-1 et seq., the Elk Joint Municipal Court is hereby established.

**Section 7.**

The Elk Joint Municipal Court shall have an official seal which shall bear the impression of the name of the Court.

**Section 8.**

The territorial jurisdiction of the Elk Joint Municipal Court shall be coextensive with the territory of the Township of Elk, the Borough of Newfield and the Borough of Clayton, Gloucester County, New Jersey.

**Section 9.**

**Municipal Judge, Appointment and Jurisdiction**

In accordance with N.J.S.A. 2B:12-4, as amended, the Judge of the Elk Joint Municipal Court shall be appointed by the Governor with the advice and consent of the Senate and shall have the qualifications required by law and shall serve for a term of three years from the date of his/her appointment and until his/her successor has been appointed and has qualified. The compensation of the judge shall be an annual salary as is now or hereinafter may be provided by ordinance and in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the Township of Elk, Borough of Newfield and Borough of Clayton.

**Section 10.**

**Joint Municipal Court Administrator**

There shall be a Joint Municipal Court Administrator and at least one (1) Deputy Court Administrator who shall be appointed as provided by this Ordinance and in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the Township of Elk, Borough of Newfield and Borough of Clayton.

**Section 11.**

**Support Staff**

The Elk Joint Municipal Court support staff shall be appointed in the manner provided by this Ordinance and in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the Township of Elk, Borough of Newfield and Borough of Clayton.

**Section 12.**

**Joint Municipal Court Prosecutor**

The Joint Municipal Court Prosecutor shall be appointed in the manner provided by this Ordinance and in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the Township of Elk, Borough of Newfield and Borough of Clayton. The Joint Municipal Court Prosecutor shall have the jurisdiction, powers and duties prescribed by N.J.S.A. 2B:25-1 et seq.

**Section 13.**

**Joint Municipal Court Public Defender**

a. Appointment. The Joint Municipal Court Public Defender shall be appointed in the manner provided by this ordinance and in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the Township of Elk, Borough of Newfield and Borough of Clayton. The Joint Municipal Court Public Defender shall have the jurisdiction, powers and duties prescribed by N.J.S.A. 2B:24.1, et seq.

b. Representation. Any person applying to the Elk Joint Municipal Court for representation by a Municipal Public Defender shall, in accordance with the provisions of N.J.S.A. 2B:24-17, pay an application fee of not more than Two Hundred Dollars (\$200.00), but only in an amount determined by the Joint Municipal Court Judge, necessary to pay the costs of municipal public defender services. The Joint Municipal Court Judge may waive said application fee in whole or in part if the court determines, in its discretion, that the application fee represents an unreasonable burden on the person seeking representation. Said determination shall be made in accordance with the applicable provisions under law.

c. Alternate Method of Collection. If the payment of the fee is deferred by the Joint Municipal Court Judge or the fee is otherwise unpaid, then the Participating Municipalities may endeavor to collect the fee in the manner provided in N.J.S.A. 40:6A-1 and N.J.S.A. 2A:158A-19.

**Section 14.**

**Repealer.**

All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 15.**

**Severability.**

If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

**Section 16.**

**When effective.**

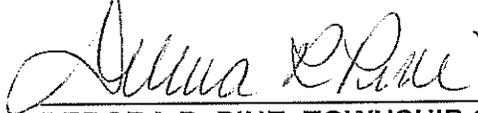
This Ordinance shall be effective upon the last to occur of the following:

- 1) its adoption and publication in accordance with law; and
- 2) approval of the Joint Municipal Court by the Administrative Office of the Courts; and
- 3) an Ordinance duly authorized and passed by the governing bodies of the Borough of Newfield and the Borough of Clayton authorizing the establishment of the Joint Municipal Court.

**TOWNSHIP OF ELK**

  
\_\_\_\_\_  
**PHILIP A. BARBARO, JR., MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**DEBORA R. PINE, TOWNSHIP CLERK**

**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 November 3, 2011. 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 December 1, 2011, at 7:30 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, 667 Whig Lane Road, Monroeville, New Jersey, to the members of the general public who shall request the same.

  
\_\_\_\_\_  
**DEBORA R. PINE, TOWNSHIP CLERK**

ORDINANCE O – 15 – 2011

AN ORDINANCE OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER,  
STATE OF NEW JERSEY REPEALING CHAPTER 30 ENTITLED “PUBLIC DEFENDER”  
OF THE CODE OF THE TOWNSHIP OF ELK

WHEREAS, the Mayor and Committee of the Township of Elk have established a Joint Municipal Court with the Borough of Newfield and the Borough of Clayton pursuant to N.J.S.A. 2B:12-1 et seq.; and

WHEREAS, the establishment of the Elk Joint Municipal Court and the corresponding Agreement for the operation of a Joint Municipal Court between the Township of Elk, the Borough of Newfield and the Borough of Clayton establishes procedures for the appointment and payment of a Joint Municipal Public Defender; and

WHEREAS, Chapter 30 entitled “Public Defender” of the Code of the Township of Elk shall be repealed.

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 as follows:

**Section 1.**

Chapter 30 entitled “Public Defender” of the Code of the Township of Elk is hereby repealed and deleted in its entirety.

**Section 2.**

**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 3.**

**Severability.**

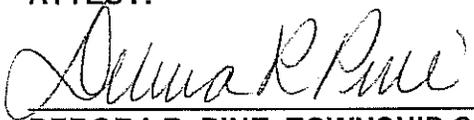
Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**Section 4.**

**When effective.**

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

ATTEST:

  
DEBORA R. PINE, TOWNSHIP CLERK

TOWNSHIP OF ELK  
  
PHILIP A. BARBARO, JR., MAYOR

## 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 November 3, 2011. 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 December 1, 2011, at 7:30 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, 667 Whig Lane Road, Monroeville, New Jersey, to the members of the general public who shall request the same.



DEBORA R. PINE, TOWNSHIP CLERK

O-15-2011

R-128-2011

RESOLUTION TO REFUND MONEY DUE TO AN OVERPAYMENT FOR JAMES A. GATTER AND ABBE S. GATTER, BLOCK 21 LOT 1.42

**WHEREAS**, on October 20, 2011 the tax office received a payment from Associates Land Transfer Company, LLC for the above mentioned block and lot in the amount of \$2,054.20. On October 25, 2011 a check was received by Corelogics in the same amount.

**WHEREAS**, the double payment created an overpayment,

**WHEREAS**, the homeowner refinanced with another mortgage company,

**WHEREAS**, it is the intent of this resolution to refund the overpayment to James A. Gatter and Abbe S. Gatter, per request Associates Land Transfer Company.

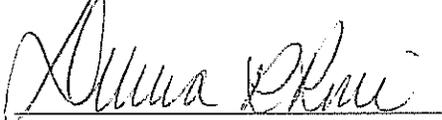
**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector refund money in the amount of \$2,054.20 (two thousand fifty four and twenty cents) to James A. Gatter and Abbe S. Gatter, 141 Millstone Way, Monroeville, NJ 08343 due to an overpayment.

**APOPTED**, at the meeting of the Township Committee for the Township of Elk held on **December 1, 2011**

TOWNSHIP OF ELK

  
Philip A. Barbaro Jr., Mayor

ATTEST:

  
Debora R. Pine, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

**RESOLUTION R-129-2011**

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK AUTHORIZING  
RELEASE OF THE PERFORMANCE CASH BOND AND REQUIRING A MAINTENANCE  
GUARANTEE FOR THE COMMUNICATIONS FACILITY, AFFECTING A PARCEL KNOWN AS  
BLOCK 9, LOT 9 ON THE OFFICIAL TAX MAP OF THE  
TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

**WHEREAS**, the Applicant, Valore, L.L.C., has caused certain work to be performed relating to improvements affecting a parcel known as Block 9, Lot 9 on the official Tax Map of Elk; and

**WHEREAS**, the Applicant had previously received authorization approving the form and amount of Performance Cash Bond by Mayor and Committee; and

**WHEREAS**, the Elk Township Engineer has inspected all improvements secured by said Performance Cash Bond, and has recommended the release of the Performance Cash Bond originally posted with the Clerk; and

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

Maintenance Guarantee Amount (15% of Performance Guarantee)	\$ 3,555.00
---	-------------

**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 9, Lot 9 are hereby accepted, and the Applicant is hereby released from all liability under the existing Performance Guarantee (Cash Bond in the amount of \$23,700.00), however, subject to the conditions set forth below.

2. The Applicant shall post a Maintenance Guarantee in the sum of \$3,555.00 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, or a Cash Bond.

3. The Applicant is hereby directed to forward the above-described Maintenance Guarantee to the Township Clerk to satisfy the contingency set forth herein. The Performance Cash portion of the Bond will be reduced to the Maintenance Cash Bond requirement, and the difference refunded to Applicant. In addition, all funds currently held by the Treasurer for inspection escrows shall be refunded to the Applicant, after said inspection fees are paid in full.

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 Zoning Board approving the project.

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

**ADOPTED** at a regular meeting of the Elk Township Committee held on December 1, 2011.

**TOWNSHIP OF ELK**

BY:   
PHILIP A. BARBARO, JR., Mayor

**ATTEST:**

  
DEBORA R. PINE, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

**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 December 1, 2011 in the Elk Township Municipal Building, 667 Whig Lane Road, Monroeville, New Jersey.

\_\_\_\_\_  
DEBORA R. PINE  
Township Clerk

RESOLUTION R-130-2011

RESOLUTION OF THE TOWNSHIP OF ELK  
TO GO INTO CLOSED EXECUTIVE SESSION TO DISCUSS  
CONTRACT NEGOTIATIONS IN REGARDS TO  
ELK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,  
NEW JERSEY AMERICAN WATER COMPANY AND PERSONNEL

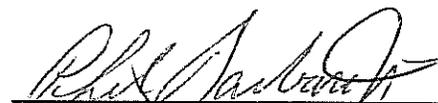
**WHEREAS** N.J.S.A. 10:4-12B. (7) permits the Township Committee to enter into Closed Executive Session and exclude the public from portions of the meeting to discuss personnel, litigation and/or contract negotiations in which the public body is, or may be a party or which involves any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

**WHEREAS** pursuant to N.J.S.A. 10:4-13, the Township Committee must first adopt a Resolution at a meeting which the public is admitted stating the general nature of the subject to be discussed and as precisely as possible at time when the circumstances under which the discussion conducted in Closed Executive Session can be disclosed to the public; and

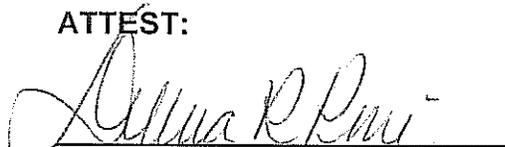
**NOW, THEREFORE, BE IT RESOLVED**, that the time when and circumstances under which the discussion conducted in Closed Executive Session of the public body can be disclosed to the public will be at the conclusion of the beforementioned contract negotiation.

**THIS RESOLUTION WAS DULY ADOPTED** at the Regular Meeting of the Township Committee of the Township of Elk held on the 1<sup>st</sup> day of December 2011 and is duly certified by the Clerk to embody the determination made by the Committee at that hearing date.

TOWNSHIP OF ELK

  
Philip A. Barbaro, Jr., Mayor

ATTEST:

  
DEBORA R. PINE, TOWNSHIP CLERK

**RESOLUTION R-131- 2011**

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK AUTHORIZING  
RELEASE OF THE PERFORMANCE GUARANTEE AND ESCROW  
FUNDS, AND REQUIRING A MAINTENANCE GUARANTEE BY CVS 75139 NJ, L.L.C. AFFECTING  
THE PARCEL KNOWN AS BLOCK 62, LOT 1 ON THE OFFICIAL TAX MAP  
OF ELK TOWNSHIP, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY  
PLANNING/ZONING BOARD RESOLUTION NO. 2006-31**

**WHEREAS**, the Applicant, CVS, 75139 NJ, L.L.C., has caused certain work to be performed relating to improvements affecting a parcel known as Block 62, Lot 1 on the official Tax Map of Elk; and

**WHEREAS**, the Applicant had previously received authorization approving the form and amount of a Performance Guarantee pursuant to Resolution No. R-62-2007 adopted by Mayor and Committee.

**WHEREAS**, after adoption of Resolution R-62-2007, the required Performance Guarantee (Performance Bond No. 6449336 dated April 5, 2007 issued by Safeco Insurance Company in the amount of \$833,716.20) was received by the Township Clerk and remains in effect; and

**WHEREAS**, pursuant to Resolution No. R-91-2008, the Mayor and Committee of the Township of Elk authorized the reduction (request #1) of the aforesaid Performance Bond from \$833,716.20 to \$250,114.86; and

**WHEREAS**, the Elk Township Engineer has inspected all improvements secured by said Performance Bond, and has filed a written report with the Township Clerk dated November 2, 2011 (consisting of 1 page), attached hereto as Schedule "A", recommending the release of the Performance Guarantee originally posted pursuant to Resolution No. R-62-2007; and

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

Maintenance Bond Amount	\$104,214.53
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**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 62, Lot 1 are hereby accepted, and the Applicant is hereby released from all liability under the existing Performance Guarantee (Performance Bond No. 6449336 dated April 5, 2007 issued by Safeco Insurance Company in the amount of \$833,716.20, however, subject to the conditions set forth below.
2. The Applicant shall post a Maintenance Guarantee in the sum of \$104,214.53 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.

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/Zoning Board approving the project.

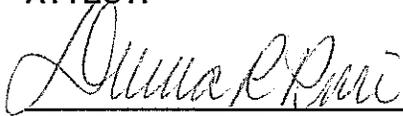
5. The Township Clerk is hereby directed to forward a certified copy of this Resolution to the Applicant and the Elk Township Engineer.

**ADOPTED** at a regular meeting of the Elk Township Committee held on December 1, 2011.

**TOWNSHIP OF ELK**

BY:   
PHILIP A. BARBARO, JR., Mayor

**ATTEST:**

  
DEBORA R. PINE, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

**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 December 1, 2011 in the Elk Township Municipal Building, 667 Whig Lane Road, Monroeville, New Jersey.

\_\_\_\_\_  
DEBORA R. PINE  
Township Clerk



CONSULTING ENGINEERS • PLANNERS  
LAND SURVEYORS • ENVIRONMENTAL SERVICES

Corporate Office:  
629 Shiloh Pike • Bridgeton • New Jersey • 08302  
Phone: 856- 451-2990 • Fax: 856-455-9702  
www.fralinger.com

Reply to:  Bridgeton  Salem or  Mays Landing

Albert A. Fralinger, Jr., PE, PLS & PP  
J. Michael Fralinger, Sr. (1957-2009)  
Charles M. Fralinger, PLS  
Carl R. Gaskill, PE, PLS, PP & CME  
Stephen J. Nardelli, PE, PP & CME  
Barry S. Jones, PLS & PP  
Guy M. DeFabrites, PLS & PP  
Stephen P. McKeich, PLS  
Scott A. Adams, PLS  
William J. Olbrich, PLS  
Matthew Baldino, PE, CME  
Robert A. Mulford, III, PE, CME  
Corey R. Gaskill, PE  
J. Michael Fralinger, Jr., PE

Civil Engineering  
Land Use Planning & Design  
Site Engineering  
Traffic Engineering  
Land Surveying  
Municipal Engineering  
Soils Investigation  
Traffic Impact Studies  
NJDOT Permitting  
Phase I Environmental Studies  
Permeability Testing  
Septic System Design  
Wetlands Delineation  
Global Positioning Surveying (GPS)  
Geographic Information Systems (GIS)  
Planning/Zoning Board Representation

November 2, 2011

Elk Township  
Attn: Debbie Pine, Clerk  
667 Whig Lane Road  
Monroeville, NJ 08343

RECEIVED

NOV 03 2011

TOWNSHIP OF ELK  
MUNICIPAL CLERK'S OFFICE

Re: CVS Pharmacy Store No. 1782  
Elk Township, Gloucester County, NJ  
Our Comm. No. 25535.00 – Performance Bond Release

Dear Debbie:

We completed an inspection of the site improvements for purposes of releasing the performance bond now posted for the above referenced project.

As a result of our inspection, all improvements required by the performance bond have been completed and are in satisfactory condition. It is recommended that the reduced bond in the amount of \$250,114.86 be released.

Release of the bond amount should be conditioned upon confirmation that a 2-year, 15% maintenance bond in the amount of \$104,214.53, as approved by Township Solicitor, is on file with the Township and payment of any outstanding inspection escrows or fees.

Should you have any questions, please feel free to give me a call.

Very truly yours,

Fralinger Engineering PA

Carl R. Gaskill, PE, PLS, PP & CME

CRG/kmm

Cc: Brian Duffield, Esq.  
Feinberg & McBurney Realty/Development LLC  
Sue Miller, Cashin, Spinelli & Ferretti, LLC

## RESOLUTION R-132-2011

### RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK APPROVING FORM OF MAINTENANCE GUARANTEE SUBMITTED BY CVS 75139 NJ, L.L.C. AFFECTING A PARCEL KNOWN AS BLOCK 62, LOT 1 ON THE OFFICIAL TAX MAP OF ELK TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY

**WHEREAS**, via Resolution No. R-131-2011, the Elk Township Committee authorized release of the Applicant's Performance Guarantee, and required a Maintenance Guarantee be posted upon the Township's Engineer recommendation for CVS 75139 NJ, L.L.C. affecting the parcel known as Block 62, Lot 1 on the official Tax Map of the Township of Elk; and

**WHEREAS**, the Applicant has submitted a Maintenance Bond No. 015034492 dated November 17, 2011 in the amount of \$104,214.53 issued by Liberty Mutual Insurance Company, as surety; and

**WHEREAS**, the aforesaid Maintenance Bond was issued by a surety listed on the New Jersey list of approved Financial Institutions maintained by the New Jersey Department of Banking and Insurance; and

**WHEREAS**, the Elk Township Solicitor has reviewed the Maintenance Bond which has been submitted by the Applicant, and has approved the amount and form of the Maintenance Bond; and

**WHEREAS**, the Elk Township Committee has reviewed the aforesaid opinion of the Township Solicitor and, based upon the opinion of the Township Solicitor, has determined that the submitted Maintenance Bond is acceptable.

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

1. The Maintenance Bond No. 015034492 dated November 17, 2011 issued by Liberty Mutual Insurance Company is hereby approved, and the Township Clerk may accept said Maintenance Bond.
2. The approval granted herein is given in reliance upon all representations made by the Applicant, including drawings, plans and other materials filed in connection with this application, and those items specifically referred to and/or incorporated in all Resolution(s) adopted by the Elk Township Committee relating to the Applicant's project.
3. That no Performance Guarantee shall be released until 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/Zoning Board approving the project.
4. The Township Clerk is directed to forward a certified copy of this Resolution to the Applicant, the Elk Township Engineer and the Elk Township Construction Official.

ADOPTED at a regular meeting of the Elk Township Committee held on December 1, 2011.

TOWNSHIP OF ELK

BY:   
Philip A. Barbaro, Jr., Mayor

ATTEST:

  
DEBORA R. PINE, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

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 December 1, 2011 in the Elk Township Municipal Building, 667 Whig Lane Road, Monroeville, New Jersey.

\_\_\_\_\_  
DEBORA R. PINE  
Township Clerk

RESOLUTION R-133-2011

RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AWARDING QUOTE TO JPC GROUP, INC. TO PERFORM EMERGENCY REPAIRS TO THE ELEPHANT SWAMP NATURE TRAIL AND INFRASTRUCTURE

WHEREAS, the existing Elephant Swamp Nature Trail and infrastructure was damaged due to recent rainstorms; and

WHEREAS, the damage to the existing stormwater infrastructure presents an immediate health, safety and public welfare concern to the residents of the Township of Elk as determined by the Township Engineer, Carl R. Gaskill, via correspondence dated September 19, 2011 attached hereto; and

WHEREAS, the Mayor and Committee of the Township of Elk, upon the recommendation of the Township Engineer, agree that immediate and emergency repairs to the Elephant Swamp Nature Trail and infrastructure are necessary; and

WHEREAS, four (4) quotes were requested by the Township's Engineer; and

WHEREAS, the Township Committee has reviewed the recommendations made by the Township's Engineer on said quotes; and

WHEREAS, JPC Group, Inc. submitted the lowest responsive quote in the sum of \$84,500.00; and

WHEREAS, the quote for the required emergency repairs and services is awarded to JPC Group Inc. without competitive bids or quotes as permitted by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

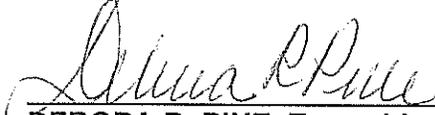
WHEREAS, the Township of Elk's Chief Financial Officer has determined that sufficient funds will be available for the aforementioned emergency repairs after the adoption and passage of a bond ordinance.

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

- 1) payment is hereby authorized to JPC Group, Inc. for the immediate and emergent repairs to the Elephant Swamp Nature Trail and infrastructure; and
- 2) the quote provided by JPC Group, Inc. is awarded without competitive bidding pursuant to the provisions of N.J.S.A. 40A:11-6.

ADOPTED at a Special Meeting of the Elk Township Committee held December 1, 2011.

ATTEST:

  
DEBORA R. PINE, Township Clerk

TOWNSHIP OF ELK

  
PHILIP A. BARBARO, JR., Mayor

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

**RESOLUTION R- 134 - 2011  
RESOLUTION AUTHORIZING 2011 BUDGET TRANSFERS**

**WHEREAS**, the need exists for certain budget transfers within the appropriations of the Municipal Budget for the year 2011 and

**NOW, THEREFORE, BE IT RESOLVED BY THE** Township Committee of the Township of Elk that the Chief Financial Officer of the Township of Elk is hereby authorized to transfer the following funds:

**Transfer From:**

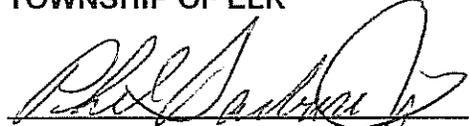
Streets and Roads SW	\$2,000.00
Planning Board OE	\$3,000.00
Administration SW	\$2,000.00

**Transfer To:**

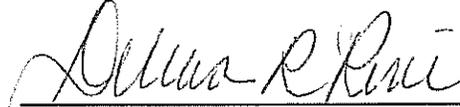
Public Buildings and Grounds OE	\$5,000.00
Gas/Diesel OE	\$2,000.00

**THIS RESOLUTION IS DULY ADOPTED** by the Township Committee of the Township of Elk at its regular meeting held on the 1st day of December 2011 at the Municipal Building, 667 Whig Lane Road, Monroeville, NJ 08343.

TOWNSHIP OF ELK

  
\_\_\_\_\_  
PHILIP BARBARO JR., MAYOR

ATTEST:

  
\_\_\_\_\_  
DEBORA R. PINE, TOWNSHIP CLERK

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

**RESOLUTION R-135-2011**

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, ABATING A PORTION OF DELINQUENT TAXES AND PENALTIES RELATING TO CERTAIN REAL PROPERTY (BLOCK 23, LOT 35) ASSESSED TO LAKE GILMAN CORP. PURSUANT TO N.J.S.A. 54:4-99 AND -100**

**WHEREAS**, certain real property in the Township identified on the Municipal Tax Map as Block 23, Lot 35, is owned by Lake Gilman Corp., and commonly known as 34 Valley Road ("the Property"); and

**WHEREAS**, there currently exists uncollected taxes and penalties in the approximate sum of \$29,300.00 against the Property; and

**WHEREAS**, the 2011-2012 tax assessment for the Property is \$5,800.00; and

**WHEREAS**, N.J.S.A. 54:4-99 and 54:4-100 provide authority to a the governing body of a municipality to make such abatements, revision, alteration, adjustment and settlement of the principal sum of the any past due taxes or assessments, both of principal and interest and penalties thereon, as it shall deem equitable and just, and in the best interest of the municipality; and

**WHEREAS**, the New Jersey Supreme Court in In re Wellhofer held N.J.S.A. 54:4-99 and 54:4-100 and related case law provide a municipality with authority to abate "uncollectible" taxes where such taxes and penalties are greater than the value of the land; and

**WHEREAS**, N.J.S.A. 54:4-100 specifically provides that no abatement of a principal sum or any such taxes, assessment or other municipal charges shall be made unless the governing body shall, among other reasons, be satisfied that the imposition of the subject taxes, assessments or other municipal charges result in the market value of the subject property being less than the taxes or assessment in question; and

**WHEREAS**, the Mayor and Committee of the Township of Elk have determined that it is in the best interests of the municipality to abate a portion of the delinquent taxes and penalties which exceed the Property's assessed value.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Elk, County of Gloucester and State of New Jersey that the tax records of the municipality may be amended, and the Elk Township Tax Collector is hereby authorized to adjust and abate the delinquent taxes and penalties which exceed the sum of \$12,500.00 after the Property owner pays, in full, the sum of \$12,500.00 in the time and manner set forth in N.J.S.A. 54:4-101.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to the Township Tax Collector, County Tax Assessor and Property Owner.

ADOPTED at a Regular Meeting of the Elk Township Committee held December 1, 2011.

TOWNSHIP OF ELK  
BY:   
PHILIP A. BARBARO, JR., Mayor

ATTEST:  
  
DEBORA R. PINE, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

R-135-2011

**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 December 1, 2011 in the Elk Township Municipal Building, 667 Whig Lane Road, Monroeville, New Jersey.

\_\_\_\_\_  
DEBORA R. PINE  
Clerk

R-136-2011

RESOLUTION OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF ELK

RE: APPOINTING CLASS II SPECIAL OFFICER  
FOR THE ELK TOWNSHIP POLICE DEPARTMENT- William Schnarr

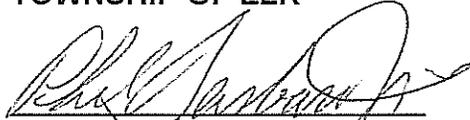
WHEREAS the Township of Elk has an opening for the appointment of a Class II Special Officer for the Elk Township Police Department; and

WHEREAS William Schnarr has the necessary qualifications to serve in this position; and

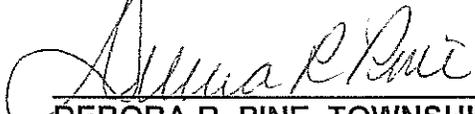
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Elk, that William Schnarr be appointed to the position of Class II Special Officer to the Elk Township Police, as of December 3, 2011, subject to the existing salary schedule and the completion of any necessary eligibility requirements.

ADOPTED at a meeting of the Township Committee of the Township of Elk held on December 1, 2011.

TOWNSHIP OF ELK

  
Philip A. Barbaro, Jr., Mayor

ATTEST:

  
DEBORA R. PINE, TOWNSHIP CLERK

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			



**BILL APPROVAL**  
**December 1, 2011**  
**Bank Wires and Manual Checks**

**GENERAL ACCOUNT:**

1) Elk Township	11-01045	\$64,980.62
2) State of NJ Division of Pensions	11-01064	\$33,058.57

**GENERAL CAPITAL:**

1) Treasurer-State of NJ	11-01027	\$1,450.00
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**PUBLIC DEFENDER TRUST:**

1) Elk Township		\$3,000.00
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11/30/11  
20:45:47

TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

Page No: 1

-----  
Batch Id: SC      Batch Type: C      Batch Date: 11/30/11      Checking Account: CURRENT      G/L Credit: Budget G/L Credit  
Generate Direct Deposit: N  
=====

Check No. PO #	Check Date Enc Date	Vendor # Item	Name Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
11-01054	11/26/11	1	11/30/11 A0133 STEVEN ALEXANDER TRAVEL-LEAGUE	104.04	1-01- -034-253 MILEAGE & EXPENSES	Budget	Aprv	30
11-01054	11/26/11	2	TRAVEL-LEAGUE-PARKING	20.00	1-01- -034-253 MILEAGE & EXPENSES	Budget	Aprv	31
11-01069	11/30/11	1	REIMBURSE SAFETY MEETING	21.59	1-01- -034-225 MISCELLANEOUS	Budget	Aprv	43
				----- 145.63				
11-01033	11/17/11	1	11/30/11 A0158 AMERIGAS 11/5-PROPANE DELIVERY	458.66	1-01- -037-225 PROPANE/NATURAL GAS	Budget	Aprv	13
11-01033	11/17/11	2	11/5-PROPANE DELIVERY	791.86	1-01- -037-225 PROPANE/NATURAL GAS	Budget	Aprv	14
				----- 1,250.52				
11-00954	10/22/11	1	11/30/11 B0200 VERIZON TELEPHONE 856-881-0342	37.26	1-01- -037-224 TELEPHONE	Budget	Aprv	4
				----- 37.26				
11-01021	11/11/11	1	11/30/11 B0202 VERIZON WIRELESS 6650726567-MONTHLY	80.02	1-01- -037-224 TELEPHONE	Budget	Aprv	8
				----- 80.02				
11-01061	11/26/11	1	11/30/11 B0230 BELLIA & SONS, INC MAILERS	12.84	1-01- -029-223 OFFICE SUPPLIES	Budget	Aprv	38
				----- 12.84				
11-01053	11/26/11	1	11/30/11 B0262 JACK BRANAGAN 3/15/12-ASSEMBLY AURA SCHOOL	1,125.00	G-01- -120-101 CLEAN COMMUNITIES	Budget	Aprv	29
				----- 1,125.00				
11-01040	11/20/11	1	11/30/11 C0033 CAPITOL CLEANERS OCTOBER UNIFORM CLEANING	747.00	1-01- -029-234 UNIFORM CLEANING	Budget	Aprv	21
				----- 747.00				
			11/30/11 C0149 STEPHEN CONSIDINE					

Check No. PO #	Check Date Enc Date	Vendor # Item Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
11-01044	11/20/11	1 TRAVEL NOVEMBER	73.46	1-01- -013-253 MILEAGE & EXPENSES	Budget	Aprv	24
			----- 73.46				
11-01020	11/11/11	1 09508-444918-01-2 MONTHLY	60.07	1-01- -037-224 TELEPHONE	Budget	Aprv	7
			----- 60.07				
11-01034	11/17/11	1 WATER	66.96	1-01- -020-225 MISCELLANEOUS	Budget	Aprv	15
			----- 66.96				
11-00566	06/12/11	6 12/07/2011	199,307.57	1-01- -905-002 REGIONAL SCHOOL TAXES	Budget	Aprv	2
			----- 199,307.57				
11-01063	11/27/11	1 DECEMBER DENTAL	1,537.57	1-01- -026-222 GROUP INSURANCE PLAN	Budget	Aprv	39
			----- 1,537.57				
11-01038	11/19/11	1 SPECIAL LEGAL COUNSEL	3,271.75	1-01- -017-222 LEGAL OPERATING EXPENSES	Budget	Aprv	19
			----- 3,271.75				
11-01072	11/30/11	1 PROSECUTOR 3RD QTR	2,000.00	1-01- -018-225 PROSECUTOR OE	Budget	Aprv	46
			----- 2,000.00				
11-01075	11/30/11	1 2011 BUDGET-CAPITAL IMP. FUND	1,000.00	1-01- -054-221 CAPITAL IMPROVEMENT FUND	Budget	Aprv	48
			----- 1,000.00				
11-01076	11/30/11	1 2011 BUDGET DEFERRED COMP	1,000.00	1-01- -056-224 DEFERRED COMP FUND	Budget	Aprv	49
			----- 1,000.00				

Check No. PO #	Check Date Enc Date	Vendor # Item	Name Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
11-01074	11/30/11	E0244 1	ELK TOWNSHIP M.U.A. 2011 BUDGET ALLOCATION	1,000.00	1-01- -051-223 MUA SERVICE CONTRACT	Budget	Aprv	47
				----- 1,000.00				
11-01037	11/17/11	E0256 1	ELK TOWNSHIP SCHOOL DISTRICT OCTOBER CLEANING	503.49	1-01- -020-242 CLEANING SERVICES	Budget	Aprv	18
				----- 503.49				
11-01066	11/27/11	E0301 1	EQUICROSS, INC. CROWD CONTROL STANCHIONS	585.71	1-01- -050-225 MISCELLANEOUS	Budget	Aprv	40
				----- 585.71				
11-01071	11/30/11	G0911 1	JAMES A. OR ABBE S. GATTER REFUND TAX OVERPAY R-128-2011	2,054.20	1-01- -920-001 REFUND OVERPAYMENT OF TAXES	Budget	Aprv	45
				----- 2,054.20				
11-01032	11/17/11	H0176 1	HERITAGE BUSINESS SYSTEMS, INC. COPIER	77.19	1-01- -011-333 GENERAL ADMIN - EQUIP. MAINT.	Budget	Aprv	12
				----- 77.19				
11-01028	11/17/11	H0350 1	STEVEN HUGHES PARTS-02 DURANGO	32.90	1-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	9
				----- 32.90				
11-01036	11/17/11	K0225 1	MARGARET KOTARSKI COURT NOVEMBER	135.00	1-01- -050-225 MISCELLANEOUS	Budget	Aprv	17
				----- 135.00				
11-01056	11/26/11	L0060 1	LAWNS VOLUNTEER FIRE COMPANY PEOSHA FUNDS 2011	507.00	1-01- -052-222 OSHA FIRE CONTRIBUTIONS	Budget	Aprv	33
				----- 507.00				
11-01070	11/30/11	L0355 1	LITTLE BEEF'S SAFETY LUNCHEON	108.00	1-01- -034-225 MISCELLANEOUS	Budget	Aprv	44

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TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

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Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
			----- 108.00				
11-01057	11/26/11	11/30/11 L0440 GARY H. LOMANNO ESQ. 1 4TH QTR 2011	1,250.00	1-01- -051-221 PUBLIC DEFENDER OE	Budget	Aprv	34
			----- 1,250.00				
11-01051	11/26/11	11/30/11 M0018 MAJESTIC OIL COMPANY, INC. 1 11/18-REGULAR	1,447.45	1-01- -037-226 GASOLINE/DIESEL	Budget	Aprv	27
			----- 1,447.45				
11-01058	11/26/11	11/30/11 M0145 MOBILE VISION-L3 COMM MOBILE 1 MICROPHONE/MONITOR	566.00	1-01- -029-236 EQUIPMENT & SUPPLIES	Budget	Aprv	35
			----- 566.00				
11-01052	11/26/11	11/30/11 N0025 NEXTEL/SPRINT COMMUNICATION 1 944312212-CELL PHONE/TWO WAY	331.38	1-01- -037-224 TELEPHONE	Budget	Aprv	28
			----- 331.38				
11-01055	11/26/11	11/30/11 N0185 NJAPZA 1 11/16/2011 LUNCHEON-FOLEY	50.00	1-01- -023-226 EDUCATIONS	Budget	Aprv	32
			----- 50.00				
11-01050	11/26/11	11/30/11 P0347 PIONEER TRUCK SALES, INC. 1 88 F800-WIPER MOTOR, TEST,	2,231.12	1-01- -061-238 PUB WORKS VEHICLE MAINT-MAJOR	Budget	Aprv	26
			----- 2,231.12				
11-01043	11/20/11	11/30/11 P0348 DEBORA PINE 1 LEAGUE TRAVEL	63.00	1-01- -043-253 MILEAGE & EXPENSE	Budget	Aprv	23
			----- 63.00				
11-01048	11/26/11	11/30/11 P0355 POGUE INC. 1 TESTING	133.00	1-01- -034-225 MISCELLANEOUS	Budget	Aprv	25
			----- 133.00				
		11/30/11 Q0401 QUILL CORPORATION					

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TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

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Check No. PO #	Check Date Enc Date	Vendor # Item Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
11-01001	11/06/11	1 SUPPLIES-BOXES,PRINTER CARTS	234.36	1-01- -043-223 OFFICE SUPPLIES	Budget	Aprv	6
			----- 234.36				
11-00068	11/30/11 01/08/11	S0100 MILTON SAHMS 12 2011 TELEPHONE - DEC	15.00	1-01- -037-224 TELEPHONE	Budget	Aprv	1
			----- 15.00				
11-01067	11/30/11 11/27/11	S0231 SECURITY MIRRORS 1 SAFETY MIRRORS	201.93	1-01- -050-225 MISCELLANEOUS	Budget	Aprv	41
11-01067	11/30/11	2 shipping	88.98	1-01- -050-225 MISCELLANEOUS	Budget	Aprv	42
			----- 290.91				
11-01039	11/30/11 11/19/11	S0400 SICKELS & ASSOCIATES, INC. 1 SPECIAL ENGINEERING	256.85	1-01- -019-222 ENGINEERING OPERATING EXPENSES	Budget	Aprv	20
			----- 256.85				
11-01035	11/30/11 11/17/11	S0455 LUZ S. SMITH 1 COURT NOVEMBER	300.00	1-01- -050-225 MISCELLANEOUS	Budget	Aprv	16
			----- 300.00				
11-01030	11/30/11 11/17/11	S0500 SOUTH STATE INCORPORATED 1 COLD PATCH	254.00	1-01- -034-252 COLD PATCH	Budget	Aprv	10
			----- 254.00				
11-01031	11/30/11 11/17/11	S0564 STATE WASTE REMOVAL 1 30 YARD DUMPSTERS-CLEAN UP	1,078.95	G-01- -120-101 CLEAN COMMUNITIES	Budget	Aprv	11
			----- 1,078.95				
11-01041	11/30/11 11/20/11	S0600 SOUTHERN PEST CONTROL 1 NOVEMBER SERVICE	48.00	1-01- -020-225 MISCELLANEOUS	Budget	Aprv	22
			----- 48.00				
11-01060	11/30/11 11/26/11	T0390 THIS & THAT UNIFORMS 1 UNIFORM, BADGES	280.00	1-01- -029-233 UNIFORM ALLOWANCE	Budget	Aprv	36

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TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

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Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
11-01060	11/26/11	2 UNIFORM, BADGES	591.00	1-01- -029-225 MISCELLANEOUS	Budget	Aprv	37
			----- 871.00				
11-00567	06/12/11	6 12/07/2011	194,402.50	1-01- -905-001 LOCAL SCHOOL TAXES	Budget	Aprv	3
			----- 194,402.50				
11-00991	11/05/11	1 PANTS	77.40	1-01- -029-233 UNIFORM ALLOWANCE	Budget	Aprv	5
			----- 77.40				

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	Count	Line Items	Amount
Checks:	44	49	420,620.06

There are NO errors or warnings in this listing.

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