

Egg Harbor Township Committee Meeting  
Municipal Building, Bargaintown Road  
Egg Harbor Township NJ 08234

Wednesday, April 14, 2010 – 5:00 p.m.

Agenda

- I. Call to Order
- II. Opening Statement Pursuant to the Open Public Meetings Act
- III. Roll Call:                    John Carman, Jr.  
   Stanley Glassey  
   Paul Hodson  
   John Risley  
   James J. McCullough
- IV. Meeting with Township Engineer Mott
  - A. Size of parking spaces
- V. Old Business
  - A. Rotary Towing Amendments
- VI. New Business
  - A. Buffer Standards
  - B. Labor Relations Attorney
- VII. Other Business (not listed on the Agenda)
- VIII. Closed Session

Number	Title
166A	Authorizing the Township Committee to convene into a Closed Executive Session to discuss matters which may involve litigation and/or personnel
Roll Call Vote	Carman   Glassey   Hodson   Risley   McCullough
- IX. Video Broadcast/Television Statement

X. Pledge of Allegiance

XI. Presentations

Presentation by Catawba Club of Historical Society Heritage Garden

XII. Public Hearings

Number	Title
6	An Ordinance declaring certain currently owned public property to be no longer necessary for public purposes and authorizing and <u>setting private sale</u> of said properties; which offers for said property will be received on Thursday, April 29, 2010, at 10:00 a.m. in the Township of Egg Harbor Municipal Building, Courtroom
Purpose	To authorize private sale of township-owned property no longer necessary for public purposes
Public Comment	
Motion	To close the public hearing
Roll Call Vote	Carman Glassey Hodson Risley McCullough
Motion	To adopt Ordinance 6 of 2010
Roll Call Vote	Carman Glassey Hodson Risley McCullough
7	An Ordinance declaring certain currently owned public property to be no longer necessary for public purposes and authorizing and <u>setting public sale</u> of said properties; which offers for said property will be received on Thursday, April 29, 2010, at 10:00 a.m. in the Township of Egg Harbor Municipal Building, Courtroom
Purpose	To auction township-owned property no longer necessary for public purposes
Public Comment	
Motion	To close the public hearing
Roll Call Vote	Carman Glassey Hodson Risley McCullough
Motion	To adopt Ordinance 7 of 2010

Roll Call Vote	Carman   Glassey   Hodson   Risley   McCullough
8	An Ordinance to Amend the Code of the Township of Egg Harbor, Chapter 94 thereof, entitled <u>Design, Performance and Improvement Standards</u>
Purpose	To amend Sections 94-11, Curbs and Gutters and 94-38, Sidewalks, to require installation or contribute payment in lieu of installation as a condition of the land development approval.
Public Comment	
Motion	To close the public hearing
Roll Call Vote	Carman   Glassey   Hodson   Risley   McCullough
Motion	To adopt Ordinance 8 of 2010

XIII. Ordinance Introductions

Number	Title
12	An Ordinance to amend Chapter 190 of the Township Code entitled "Rotary Towing and Storage."
	Ordinance 12-2010 to be published in The Mainland Journal on April 21, 2010, for further consideration at a Public Hearing to be held on May 12, 2010. Copies of this Ordinance are available without cost to any member of the general public from the Township Clerk's Office during regular business hours through to the public hearing date.
Purpose	
Roll Call Vote	Carman   Glassey   Hodson   Risley   McCullough
13	An Ordinance to rescind Ordinance 46 of 2000
	Ordinance 13-2010 to be published in The Mainland Journal on April 21, 2010, for further consideration at a Public Hearing to be held on May 12, 2010. Copies of this Ordinance are available without cost to any member of the general public from the Township Clerk's Office during regular business hours through to the public hearing date.
Purpose	

XIV. General Public Discussion

XV. Engineer’s Report

XVI. Resolutions (Consent Calendar)

Number	Title
167	Resolution to award a contract for Labor Relations Counsel for 2010 (Gruccio, Pepper, DeSanto & Ruth, PA)
168	Resolution appointing Tax Collector to serve the Department of Administration and Finance, Office of Tax Collector
169	Resolution approving use of Vendors listed on approved state contract list
170	Resolution authorizing the filing of the 2009 Recycling Tonnage Grant
171	Resolution authorizing execution of agreement with Atlantic Coast Alarm Inc for burglar/fire alarm monitoring for the Department of Public Works
172	Resolution authorizing maintenance agreement with Verizon New Jersey for 9-1-1 System
173	Resolution authorizing execution of maintenance agreement with Mossman’s Business Machines
174	Resolution granting Egg Harbor Township Police Explorer Post 94 Charitable Roadway Solicitation Application (May 22-23, 2010 - Mill & Fire Roads)
175	Resolution authorizing refund of canceled building permit fee 2009-1046 (226 Sea Pine Drive)
176	Resolution authorizing refunds from developers escrow accounts (various)
177	Resolution authorizing refund of overpaid taxes (First American R/E Tax Service - 5406/26 and 2107/1)
178	Resolution authorizing payment under Early Retirement Agreement with Kevin Gandy
179	Resolution granting FMLA leave without pay to Krista Libertore (April 22 - May 15, 2010)
180	Resolution appointing Sandra Lescure and Thomas McFadden as ambulance service members

Motion | To adopt Consent Calendar Resolutions 167 through 180  
Roll Call Vote | Carman Glassey Hodson Risley McCullough

XVII. Resolution

181 | Authorizing payment of all bills pursuant to Exhibit A  
Roll Call Vote | Carman Glassey Hodson Risley McCullough

XVIII. Reports

Township Committee:

Administrator:

XIX. Approvals

Motion to approve the Regular Minutes of the March 24, 2010, Township Committee Meeting  
Roll Call Vote: Carman Glassey Hodson Risley McCullough

Motion to approve the Closed Session Minutes of the March 24, 2010, Township Committee Meeting  
per Resolution No. 141  
Roll Call Vote: Carman Glassey Hodson Risley McCullough

Motion to approve the Payroll for the month of March 2010, in the amount of \$1,400,566.96  
Vote:

Motion to approve the Departmental Reports  
Vote:

XX. Adjournment

# Egg Harbor Township

Ordinance No. 12

2010

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**AN ORDINANCE TO AMEND CHAPTER 190 OF THE TOWNSHIP CODE ENTITLED "ROTARY TOWING AND STORAGE"**

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**BE IT ORDAINED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey, as follows:

**SECTION 1:** Chapter 190 of the Code of the Township of Egg Harbor, Section 190-7 A ( 3) is hereby amended by deleting it in it's entirety and replacing it as follows:

**§190-7 A (3) Towing and Storage Fee Schedule**

(3) Daily storage fee:

(a) Township storage facility: \$20

**SECTION 2:** Chapter 190 of the Township of Egg Harbor, Section 190-7 C is hereby amended by deleting it in it's entirety and replacing it as follows:

If a rotary tower is called by the Police Department, the above towing charges shall apply even when the operator of a vehicle elects to drive the vehicle away after services have been rendered but payment will be required immediately prior to the release of the vehicle.

If the vehicle is not drivable, and the destination requested is not the designated licensed storage facility, then a mileage charge of six (6) dollars per mile from point of tow to destination will apply in addition to the tow fees. Payment will be required immediately prior to the release of the vehicle.

**SECTION 3:** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD APRIL 14, 2010, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A

REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN TOWNSHIP HALL IN SAID TOWNSHIP ON MAY 12,  
2010 AT 6:00 P.M.

Dated: April 14, 2010

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Eileen M. Tedesco, RMC  
Township Clerk

# Egg Harbor Township

Ordinance No. 13

2010

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**AN ORDINANCE TO RESCIND ORDINANCE 46 OF 2000**

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**BE IT ORDAINED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey, as follows:

**SECTION 1:** Ordinance No. 46 of 2000 adopted November 15, 2010 is hereby rescinded in its entirety.

**SECTION 2:** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD APRIL 14, 2010, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN TOWNSHIP HALL IN SAID TOWNSHIP ON MAY 12, 2010 AT 6:00 P.M.

Dated: April 14, 2010

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Eileen M. Tedesco, RMC  
Township Clerk

# Egg Harbor Township

Resolution No. 167

2010

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## RESOLUTION TO AWARD A CONTRACT FOR LABOR RELATIONS COUNSEL FOR 2010

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**WHEREAS**, there exists a need to appoint a Labor Relations Counsel for the balance of the year 2010;  
and

**WHEREAS** N.J.S.A. 19:44A-20.4 provides for an Open and Fair Process through Requests for Proposals,  
and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey, as follows:

1. That the Mayor and Township Clerk be and they are hereby authorized and directed to execute a contract with **GRUCCIO, PEPPER, DESANTO & RUTH, PA**, an amount not to exceed \$20,000, for the aforesaid services, for balance of year 2010.
2. That this contract is awarded as a "Professional Service," under the provisions of the Local Public Contracts Laws.
3. That the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein in verbatim.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

# Egg Harbor Township

Resolution No. 168

2010

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**RESOLUTION APPOINTING TAX COLLECTOR TO SERVE THE  
DEPARTMENT OF ADMINISTRATION AND FINANCE, OFFICE OF TAX COLLECTOR**

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that Sharon D. Riley is hereby appointed to a full four-year term as Tax Collector commencing January 1, 2009, in accordance with N.J.S.A 40A:9-142; and

**BE IT FURTHER RESOLVED**, that Sharon D. Riley shall also be appointed as Tax Search Officer for the corresponding term.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

# Egg Harbor Township

Resolution No. 169

2010

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**RESOLUTION APPROVING USE OF VENDORS LISTED ON APPROVED STATE CONTRACT LIST**

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that authorization is hereby provided for use of vendors as listed on the attached listing of approved state contract vendors.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
James J. McCullough, Mayor

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

Attachment

# Egg Harbor Township

Resolution No. 170

2010

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## RESOLUTION AUTHORIZING THE FILING OF THE 2009 RECYCLING TONNAGE GRANT

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**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the 2009 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township of Egg Harbor to the efforts undertaken by the municipality and the requirements contained in the recycling act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Township Committee hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates (Donna Burger) to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Dated: April 14, 2010

Attest:

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Eileen M. Tedesco, RMC  
Township Clerk

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James J. McCullough, Mayor

# Egg Harbor Township

Resolution No. 171

2010

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**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH ATLANTIC COAST ALARM, INC. FOR  
BURGLAR/FIRE ALARM MONITORING FOR THE DEPARTMENT OF PUBLIC WORKS**

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Mayor is hereby authorized to execute an agreement as follows:

<b>Vendor</b>	<b>Amount</b>	<b>Agreement Period</b>	<b>Purpose</b>
Atlantic Coast Alarm, Inc. 5100 Harding Highway Suite 203 Mays Landing, NJ 08330	\$720.00	December 1, 2009 - November 30, 2010	Burglar/Fire Alarm Monitoring for the Public Works Building

**BE IT FURTHER RESOLVED**, that the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein at length.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

# Egg Harbor Township

Resolution No. 172

2010

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**RESOLUTION AUTHORIZING MAINTENANCE AGREEMENT WITH VERIZON NEW JERSEY FOR 9-1-1 SYSTEM**

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Mayor is hereby authorized to enter into a maintenance agreement as follows:

<b>Term of Agreement</b>	<b>Company</b>	<b>Purpose</b>	<b>Cost</b>	<b>Department</b>
April 1, 2010 through March 31, 2011	Verizon Business 201 Centennial Avenue Floor 3, Room 3S050 Piscataway, NJ 08854	Renewal of 9-1-1 Maintenance Service Agreement	\$22,133.59	Police

**BE IT FURTHER RESOLVED**, that the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein at length.

Dated: April 14, 2010

\_\_\_\_\_  
James J. McCullough, Mayor

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

# Egg Harbor Township

Resolution No. 173

2010

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**RESOLUTION AUTHORIZING EXECUTION OF MAINTENANCE AGREEMENT WITH MOSSMAN'S BUSINESS MACHINES**

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Mayor is hereby authorized to execute a maintenance agreement as follows:

<b>Agreement Start Date</b>	<b>Company</b>	<b>Purpose</b>	<b>Cost</b>	<b>Location of Copier</b>
April 15, 2010 through April 14, 2011	Mossman's Business Machines P O Box 727 Absecon, NJ 08201	Sharp Copier Model: AR-M208N Serial: 26506928	\$390.60	Ambulance Squad Building

**BE IT FURTHER RESOLVED**, that the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein at length.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

# Egg Harbor Township

Resolution No. 174

2010

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RESOLUTION GRANTING EGG HARBOR TOWNSHIP POLICE EXPLORER POST #94  
CHARITABLE ROADWAY SOLICITATION APPLICATION

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**WHEREAS**, the Egg Harbor Township Police Explorer Post #94 has filed a Charitable Roadway Solicitation application with the Township Clerk pursuant to Section 195-15A of the Code of the Township of Egg Harbor for the purpose of soliciting contributions at the intersection of Mill Road and Fire Road on the following days:

Dates	Time
May 22 <sup>nd</sup> and 23 <sup>rd</sup> , 2010	9 a.m. to 4 p.m.

**WHEREAS**, said application has been reviewed and approved for granting by the Chief of Police of the Township of Egg Harbor; and

**WHEREAS**, said application has received approval from the Atlantic County Board of Chosen Freeholders;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey hereby grants the Egg Harbor Township Police Explorer Post # 94 its requested Charitable Roadway Solicitation application in order to solicit contributions at the intersection of Mill Road and Fire Road.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

# Egg Harbor Township

Resolution No. 175

2010

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**RESOLUTION AUTHORIZING REFUND OF CANCELED BUILDING PERMIT FEE (226 SEA PINE DRIVE)**

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**WHEREAS**, Ryan Homes received permit 2009-1046 for a single family dwelling at 226 Sea Pine Drive, Block 5401, Lot 99.21, which fee was \$4,237.00; and

**WHEREAS**, Ryan Homes is not building this house and are requesting a refund of the fee paid;

**NOW, THEREFORE, BE IT RESOLVED** that a refund is authorized to be issued to Ryan Homes of 1100 Liberty Place, Sicklerville, NJ 08081 in the amount of \$3,222.00, which amount is 80% of the fee paid inasmuch as 20% is being retained by the Township for plan review; and

**BE IT FURTHER RESOLVED**, that the Township Treasurer and other appropriate officials be and they are herewith authorized to sign the check to accomplish the refund authorized.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

# Egg Harbor Township

Resolution No. 176

2010

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**RESOLUTION AUTHORIZING REFUNDS FROM DEVELOPERS ESCROW ACCOUNTS (VARIOUS)**

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that refunds for developers, whose projects have been completed, are hereby authorized to be issued to those developers listed on the annexed Exhibit A; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer and other appropriate Township officials be and they are herewith authorized to sign the checks to accomplish the refunds.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

*attachment: Exhibit A*

# Egg Harbor Township

Resolution No. 177

2010

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## RESOLUTION AUTHORIZING REFUND OF OVERPAID TAXES

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that refunds for overpaid taxes pursuant to the attached **Exhibit A** are hereby authorized; and

**BE IT FURTHER RESOLVED**, that the Township Treasurer and other appropriate officials be and they are herewith authorized to sign the checks to accomplish the refunds authorized.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

*Attachment: Exhibit A*

# Egg Harbor Township

Resolution No. 178

2010

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**RESOLUTION AUTHORIZING PAYMENT UNDER EARLY RETIREMENT AGREEMENT WITH KEVIN GANDY**

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**WHEREAS**, the Township of Egg Harbor has offered its employees an early retirement option; and

**WHEREAS**, Kevin Gandy has executed an agreement to accept the Township's offer (Exhibit A);

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Township agrees to pay Kevin Gandy \$4,512 as an incentive for early retirement; and

**BE IT FURTHER RESOLVED**, that this amount shall be paid to Kevin Gandy on April 30, 2010.

Dated: April 14, 2010

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James J. McCullough, Mayor

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Eileen M. Tedesco, RMC  
Township Clerk

*Attachment: Exhibit A*

# Egg Harbor Township

Resolution No. 179

2010

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**RESOLUTION GRANTING FMLA LEAVE WITHOUT PAY TO KRISTA LIBERTORE**

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that **Krista Libertore**, Department of Police, is hereby granted leave of absence in accordance with the Family Medical Leave Act (FMLA), commencing April 22, 2010 through to May 15, 2010.

Dated: April 14, 2010

\_\_\_\_\_  
James J. McCullough, Mayor

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

# Egg Harbor Township

Resolution No. 180

2010

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**RESOLUTION APPOINTING SANDRA LESCURE AND THOMAS MCFADDEN AS AMBULANCE SERVICE MEMBERS**

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**BE IT RESOLVED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that **Sandra Lescure and Thomas McFadden** are hereby appointed as hourly part-time employees in the Township to serve the Egg Harbor Township Ambulance Service as members at an hourly rate of \$13, effective April 18, 2010.

Dated: April 14, 2010

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk

\_\_\_\_\_  
James J. McCullough, Mayor

# Egg Harbor Township

Resolution No. 181

2010

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RESOLUTION AUTHORIZING PAYMENT OF ALL BILLS

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**BE IT RESOLVED** by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that all bills as enumerated on the annexed Exhibit A are hereby authorized to be paid.

Dated: April 14, 2010

\_\_\_\_\_  
James J. McCullough, Mayor

Attest:

\_\_\_\_\_  
Eileen M. Tedesco, RMC  
Township Clerk