

ELSINBORO TOWNSHIP

October 3, 2022

The regular meeting was called to order at 7:00pm by Mayor Elwell as advertised. The requirements of the Sunshine Law were met by notifying the South Jersey Times and Elmer Times within the time prescribed by law. Notice was also posted on the bulletin board at the Elsinboro Municipal Building and posted on the Township website.

Present were: Mayor Elwell, Deputy Mayor McAllister, Committeeman Hogate, CFO Willadsen, Clerk Uzdanic, Solicitor Arbittier

Mayor Elwell called this October 3, 2022 township committee meeting to order.

Motion to dispense with the reading of the minutes from the previous meeting and to approve as submitted

Motion McAllister Second Hogate 3 Ayes

CFO gave Committee treasurer's report and list of bills

Motion to pay bills **Motion McAllister Second Hogate 3 RCV yes**

ORDINANCES TO BE ADOPTED

ORDINANCE 2022-04

AN ORDINANCE AMENDING ORDINANCE 1977-9 OF THE TOWNSHIP OF ELSINBORO PROVIDING FOR THE ISSUANCE OF CERTIFICATES OF OCCUPANCY PRIOR TO THE CHANGE IN OCCUPANCY FOLLOWING LEASE OR SALE OF ANY DWELLING UNIT BY ANY PERSON, FIRM, OR CORPORATION MANAGING, CONDUCTING OR OPERATING THE SAME, AND PROVIDING FOR PENALTIES FOR ITS VIOLATION

WHEREAS, the New Jersey State Legislature passed the Lead-Paint Inspection Law (P.L. 2021, c 182) to address potential lead-based paint hazards in residential rental properties;

WHEREAS, the law imposes an obligation on municipalities to perform or hire a certified lead evaluation contractor to perform inspections of certain single-family, two-family, and multiple rental dwellings for lead-based paint hazards, at times specified in the above referenced Act;

WHEREAS, the law requires that all municipalities assess an additional fee of \$20.00 per rental unit inspected which shall be deposited into the Lead Hazard Control Assistance Fund;

WHEREAS, the law also imposes additional inspection and documentation retention policies that require additional resources by both construction officials and the municipality; therefore, the Township Committee of the Township of Elsinboro feels it is in the best financial interest of the Township, and by extension its residents, to increase certain inspection fees.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Elsinboro, that Ordinance No. 1977-09 be amended such that the current Section 4 be renumbered as Section 5.

BE IT FURTHER BE IT ORDANIED, by the Township Committee of the Township of Elsinboro, that Ordinance No. 1977-09 Section 4 shall now be:

Section 4. Pursuant to the passage of the New Jersey Lead-Paint Inspection Law (P.L. 2021, c.182), all single-family, duplex, or multi-family rental dwelling units built before 1979 must be inspected for lead-based paint hazards during a turnover, or within two years of July 22, 2022, whichever is first. After the initial inspection, the rental unit is required to be inspected every three years or upon subsequent tenant turnover, whichever is earlier, but not sooner than two years. The landlord is responsible for the cost of inspection to obtain the certificate. The Landlord is further responsible for all costs to remediate any hazards identified within 30 days of inspection. Failure to do so will result in a fine of up to \$1,000 per week until the required inspection has been conducted or the remediation efforts have been initiated. If the landlord has already obtained a lead-free certificate from a State of New Jersey approved and licensed lead inspector, the property is exempt upon providing a lead-based certified to the Township Housing Officer. No Certificate of Occupancy for a home built before 1979 can be issued without an inspection certificate (lead safe or lead free) from a State of New Jersey approved and licensed lead inspector. Failure to obtain a lead safe or lead free certificate within the time frames listed in the Lead Based Paint Inspection Law, P.L. 2021, c. 182 will result in previous issued CO to be revoked. As per the Lead Based Paint Inspection Law, P.L. 2021, c.182 the Township is required to hire a DCA approved Lad Inspector to perform inspections if the Landlord does not wish to hire their own DCA approved Lead Inspector. All fees associated with

inspection are the full responsibility of the landlord and must be paid in full with proof of payment before any CO will be issued.

Motion to open to public	Motion McAllister	Second Hogate	3 RCV yes
Motion to close public	Motion McAllister	Second Hogate	3 RCV yes
Motion to adopt	Motion McAllister	Second Hogate	3 RCV yes

ORDINANCE 2022-05

AN ORDINAANCE AMENDING ORDINANCE 2010-8 OF THE TOWNSHIP OF ELSINBORO AMENDING THE CONSTRUCTION CODE FEE SCHEDULE

WHEREAS, the New Jersey State Legislature passed the Lead-Paint Inspection Law (P.L. 2021, c 182) to address potential lead-based paint hazards in residential rental properties;

WHEREAS, the law imposes an obligation on municipalities to perform or hire a certified lead evaluation contractor to perform inspections of certain single-family, two-family, and multiple rental dwellings for lead-based paint hazards, at times specified in the above referenced Act;

WHEREAS, the law requires that all municipalities assess an additional fee of \$20.00 per rental unit inspected which shall be deposited into the Lead Hazard Control Assistance Fund;

WHEREAS, the law also imposes additional inspection and documentation retention policies that require additional resources by both construction officials and the municipality; therefore, the Township Committee of the Township of Elsinboro feels it is in the best financial interest of the Township, and by extension its residents, to increase certain inspection fees.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Elsinboro, that Ordinance No. 2010-08 Section 2, Subparagraph C. entitled "Certificate of Occupancy Fees" be amended to add paragraph 5 which shall now read:

5. Single-family, duplex, and multiple-family rental dwelling units built before 1979.

a. The fee for a certificate of re-occupancy shall be \$60.00, which shall include a mandatory fee of \$20 which shall be deposited

into the Lead Hazard Control Assistance Fund pursuant to the passage of the New Jersey Lead-Paint Inspection Law (P.L. 2021, c.182).

Motion to open to public Motion McAllister Second Hogate 3 RCV yes
Motion to close public Motion McAllister Second Hogate 3 RCV yes
Motion to adopt Motion McAllister Second Hogate 3 RCV yes

TOWNSHIP OF ELSINBORO
COUNTY OF SALEM
ORDINANCE 2022-06 AMENDING ORDINANCE
2021-05 REGULATIONS FOR AREAS OPEN TO THE PUBLIC

Purpose of Act. The purpose of this Ordinance is to assure the safe, orderly use of properties which are open to the public, including, but not limited to: (a) property that is owned by private entities such as Francis Corporation, including, but not limited to, what is referred to as “Elsinboro Point” which was built by a subsidiary of PSEG pursuant to a certain NJDEP permit requiring same to be open to the public, but maintained by PSEG and/or its subsidiary, referred to on the Township of Elsinboro tax maps as Block 23, Lot 1 (Salem-Fort Elfsborg Rd), Block 36, Lot 1, Block 40, Lot 2, Block 42, Lot 6, and Block 39, Lots 5 and 6; and (b) the replenished beach front along the Delaware and Salem Rivers completed pursuant to a joint agreement between the State of New Jersey and Elsinboro Township (Properties).

Prohibited Acts. A person’s entry onto the Properties is a privilege, subject to compliance with the following regulations, which privilege shall automatically be revoked if violated:

Hours of Use:

A. Block 23 Lot 1, Block 39 Lots 5 and 6, Block 38 Lot 1 (Adjacent to Salem-Fort Elfsborg Rd)

March 1 – April 30	6 AM to 7 PM
May 1 – September 30	6 AM to 8 PM
October 1 - February 29	7 AM to 5 PM

Block 40 Lot 2, Block 42 Lot 6, (Adjacent to Money Island Road)
5 AM to 9 PM

Hours of use for all other public areas will be as follows:

March 1 – April 30	6 AM to 7 PM
May 1 – September 30	6 AM to 8 PM
October 1 - February 29	7 AM to 5 PM

B. No one shall damage, deface, injure, destroy, displace or remove any buildings, benches, tables, paving, signs, notices, monuments, trees, shrubs, plants, stakes, boundary markers, utilities of other structures or equipment, facilities or appurtenances whatsoever;

C. No one shall construct any building or other structure of whatever kind, whether permanent or temporary, or run or string lines, wires or other lines upon or across the Properties, except upon written permission by the Township Committee, or its designee;

D. Off road vehicles of any type (unless directed by the Township for official business) are prohibited to be operated upon the Properties;

E. Bring in or dump upon, deposit or leave upon the Properties any bottles, broken glass, trash, garbage or other refuse. Any refuse generated in connection with the proper use of the Properties must be placed in the proper receptacles where provided for such matters, and where receptacles are not provided, such materials shall be carried away by the person responsible for its presence and properly disposed of elsewhere. Illegal dumping is expressly prohibited;

F. No one shall drive or park any vehicle on any area except the roadways or provided parking spaces;

G. Parking is prohibited other than in the following established parking areas during the following specified times:

- Elsinboro Point Parking Areas (Block 23 Lot 1, Block 39 Lots 5 and 6, Block 38 Lot 1) adjacent to Salem-Ft. Elfsborg Road). Designated parking area capacity is 7 vehicles with one additional handicap parking space and one space for a bus or emergency equipment.
 - Hours of Use:
 - March 1 – April 30 6AM to 7PM
 - May 1 – September 30 6AM to 8PM
 - October 1 – February 29 7AM to 5PM
- Terminus Money Island Road Parking Area (Block 42 Lot 6). Designated parking area capacity is seven vehicles, one additional handicap parking space and one space for a bus or emergency equipment.
 - Hours of Use:
 - 5AM to 9PM
- Money Island Road Nature Trail Parking Area (Block 40, Lot 2). Designated parking area capacity is nine vehicles with one additional space for a bus or emergency equipment.
 - Hours of Use:
 - 5AM to 9PM

H. All entering of the areas open to the public are tacitly acknowledging the Township is not responsible for dangers associated with entering the river(s) and doing so is at the individual(s) own risk;

I. Entering the areas open to the public during storms and/or other dangerous conditions;

J. Fires of any kind or type are prohibited;

K. Alcoholic beverages and/or illegal substances are strictly prohibited;

- L. Nudity is not permitted;
- M. Urinating in public is not permitted.
- N. No person(s) shall interfere in any way with law enforcement in performance of their duties;
- O. Soliciting, begging, and/or panhandling is prohibited; and
- P. Sound devices such as radios, boom boxes, etc. shall be permitted to be operated in accordance with local sound ordinances.
- Q. Loud or offensive language is prohibited.
- R. Pets must be in compliance with local pet ordinances.
- T. Activities which are deemed to cause a hazardous condition are prohibited.

Penalties: Any person found violating any of the conditions precedent to being entitled to enter the property shall be deemed a defiant trespasser, a petty disorderly person, as the privilege to remain on the Properties shall automatically be revoked and the violator shall be subject to a fine of up to \$1000 and/or 30 days of imprisonment. Any person found causing damage or destruction to property will be required to pay for cost of repair to original state. Any person found to be leaving items on the properties which need to be discarded will be responsible for all costs associated with said work.

In the alternative, the prosecuting attorney may seek to have the violator prosecuted under one of the subsections of this Ordinance which if found guilty shall be fined \$100 to \$750.

This Ordinance shall take effect following final passage and publication as provided by law.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

All Ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Motion to open to public	Motion McAllister	Second Hogate	3 RCV yes
Motion to close public	Motion McAllister	Second Hogate	3 RCV yes
Motion to adopt	Motion McAllister	Second Hogate	3 RCV yes

RESOLUTIONS TO BE APPROVED

RESOLUTION NO. 2022-42

**RESOLUTION APPROVING THE AGREEMENT WITH SALEM COUNTY IN REGARDS TO THE
BALLOT BOXES AND THE SURVEILLANCE SYSTEM**

WHEREAS, The Township of Elsinboro and Salem County have agreed that the Ballot Box and Surveillance system are the responsibility of Salem County; and

WHEREAS, see attached agreement; and

BE IT RESOLVED that the Township Committee of the Township of Elsinboro has directed the Township clerk to proceed as necessary.

Motion McAllister Second Hogate 3 RCV yes

Township Solicitor – Solicitor Arbittier shared that the tax court case had been rescheduled.

COMMITTEE REPORTS

Emergency Management - Deputy Mayor McAllister said everything is quiet at this time.

Community Development - Mayor Elwell said the meeting for Oakwood Beach and the Abbotts Farm project went well. Mayor Elwell shared that Sandy Wentzell turned 100 and the Township Honored him. He also reported that Clean Communities Day had to be changed and the groups will do the cleanups as soon as they can due to the rain.

Township Roads - Committeeman Hogate is getting the truck ready for winter. He also had the county trim up Mason Point intersection.

Insurance – Committeeman Hogate did not attend the regular meeting for September but will attend the next one.

OPEN TO PUBLIC COMMENT

Mrs. ? asked to have the sign changed at Elsinboro Point to call police when the gate locks at 8:00pm and you get locked in.

Cheryl Leonard asked about her issue with the fence. Mayor Elwell said it will be discussed with the planning board attorney and he will get back to her as soon as possible due to the deadline she has with her case. She also asked about the drain on Sinnickson Landing Road and Mayor Elwell said he has not heard of any current issues with the drain.

Mr. Grant wanted to know where the money for the beach project will come from and why would anyone signoff on something that costly. Mayor Elwell said nothing has been signed off.

Mr. Hart wanted to know about the Salem Ft. Elfsborg Road Project. Mayor Elwell explained the county had to apply for a wet lands permit before they could move forward and that has been completed.

Lorretta Elwell asked the committee not to give up on the Abbotts Farm Road Project. There is a need for something to be done in that area.

Date of Next Meeting: November 7, 2022 7:00pm

Motion for Adjournment made at 7:55pm
by McAllister, Second Hogate, RCV 3 Ayes