

**MOUNT LAUREL TOWNSHIP COUNCIL
SPECIAL MEETING
MAY 27, 2009**

A Special Meeting of the Mount Laurel Township Council was held on Wednesday, May 27, 2009 in the Courtroom of the Mount Laurel Municipal Building. The meeting was called to order by Mayor Keenan at 7:00 p.m.

ROLL CALL

The members of Council present were Mayor Keenan, Deputy Mayor McCaffrey, Councilwoman Bobo and Councilman Smith. Also present were Patricia Halbe, Municipal Clerk and Christopher Norman, Esq., Township Solicitor. Alan Schmoll, Labor Council was also present. Councilwoman Riley was absent.

PUBLIC ANNOUNCEMENT

The Public Announcement, which is required by the "Open Public Meetings Act" of the State of New Jersey and read at every meeting of the Township Council was read by the Municipal Clerk.

Public Comment

None

Closed Session

The Clerk read resolution 09-R-145, Authorizing Mount Laurel Township Council to go into closed session for discussion of personnel matters and potential litigation matters. A motion was made by Deputy Mayor McCaffrey and seconded by Councilman Smith to adopt the resolution. All were in favor and Council went into Closed Session at 7:05 p.m.

Return to Open Session

A motion was made by Deputy Mayor McCaffrey and seconded by Councilwoman Bobo to return to Open Session. All were in favor and Council returned to Open Session at 7:23 p.m.

Motion to Accept Resignation of Township Manager, Debra Fourre

A motion was made by Councilwoman Bobo and seconded by Councilman Smith to accept the resignation of Township Manager, Debra Fourre and the Agreement discussed in Closed Session. All were in favor and the motion was adopted.

Alan Schmoll, Esq. requested and received permission to be excused.

Resolution 09-R-147

The Clerk read Resolution 09-R-147, Authorizing the Building Inspector of the Township of Mount Laurel to take Emergency action to remediate and abate a hazardous and unsafe condition within residential dwelling, located at 417 Jamestown Court, pursuant to Mount Laurel Code Section 89-4 and to impose Municipal Lien for Reimbursement of Costs, Pursuant to Mount Laurel Code Section 89-6.

Mayor Keenan requested that prior to asking for a motion on this resolution he would like to have discussion on this matter.

417 Jamestown Court

Mr. Norman stated that this is concerning a procedural matter being brought on an emergent basis. The Open Public Meetings Act requires that if there is no notice on such a matter, first you have to determine that it is on an emergent basis and then three out of four of the Council members must reach agreement that it is an emergency situation in order to take action.

Mr. Holshue, Director of Community Development, was present to discuss the situation. Mr. Holshue indicated that he had received a call from dispatch on May 1st to respond to an unsafe structure. He found the property was inundated with debris with 6 1/2-foot

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high piles all over the interior. There was no heat or water in the structure. He did not enter into the property but the police officers who entered indicated that the entire house was being used for bathroom facilities. Mr. Holshue had the gas and electric meter pulled so there would be no explosion. The next day he returned to the site and declared it unsafe for human habitation. The Burlington County Health Department also came to the same conclusion, that it is unsafe based on the contents. He spent the next two weeks trying to notify mortgage companies to see if they would assist. The owner had tried to refinance and when they came out to inspect the property, they called the police and called the current mortgage holder, Mr. Holshue has tried to get the mortgage companies to take action but they have refused. The home owner is current on taxes and current on the mortgage.

Under the uniform construction code does mandate that it falls on his office to take affirmative action. His concern is strictly health. If it is allowed to remain as is, it will cause problems to the adjacent townhouses. Once the authorization is approved, he will contact the finance office to encumber funds. He has asked for prices to have the structure cleaned. He will notify the low bidder and they will clean it only to make it safe, not habitable. The owner will not be allowed back in. It will be cleaned and sanitized and all the debris removed and the fire hazard eliminated.

Mr. Holshue indicated that the refrigerator has had food in it for seven years and that both the heater and water heater did not work. You must have bathroom facilities, heat, water and cooking facilities in order to occupy the property. It is step one of a very long process. It is a tragic and difficult situation and he is here strictly for safety and health, not for occupancy. He can find no insurance that covers someone hoarding.

Deputy Mayor McCaffrey questioned if the mortgage company has been notified that the property will not be habitable. Mr. Holshue responded that their position is that they will foreclose and take the loss. We will become the first lien holder if we move forward with this.

Mayor Keenan questioned if RFP's are needed or can this be done under emergency bidding. Mr. Holshue indicated that since it is under the bidding threshold, Ms. Lewis and Mr. Norman have indicated that it should be okay. He has never seen a property so bad. From the outside of the structure, it looks like a normal structure. Once they have been authorized to move forward, the company will need a minimum of 5-7 30-yard trash containers to remove all the debris. He will do everything he can to minimize the impact on the neighbors. The garage also has about 150 containers of "stuff". He also needs to protect the rights of the owner and she will be notified when they are to remove the items so she can be present and she can take any personal belongs.

Councilwoman Bobo felt that there might be a problem when the resident sees things being removed and he may need police reinforcement. Mr. Holshue responded that the police have been involved in the matter. The owner is a 64- year old divorced former police officer from New York with no known family.

Mayor Keenan stated that the resolution has an "act by" date of June 1st and asked for the reason for that. Mr. Norman stated that under the Open Public Meetings Act standpoint, that if it is not determined that it is an emergency, it could be acted on at Monday's public meeting.

Mr. Norman stated he does not know the resident's future plans are for the property but it may be suitable for an affordable housing unit if the owner is willing to sell. Mr. Holshue stated that Wells Fargo told them that the average foreclosure time is 2-3 years but if she does not sell the property we cannot collect on our lien until such time as she becomes deceased. Mr. Holshue stated that the property is not delinquent in any payments and will only become payable if foreclosed on or upon her death. Mr. Holshue indicated that he had spent 9 hours there in the past two days Mr. Norman responded that the Township could recoup all fees including attorney fees and interest and he requested that all time involved be documented, itemized and placed in the file. Mr. Holshue will

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also get costs from the police and fire departments. He is concerned that it will jeopardize the neighbors on both sides if immediate action is not taken.

Mr. Norman agreed that it seemed to qualify as an emergency. He indicated that two steps need to be taken. The first is a vote to agreed to take action and the second is the resolution itself approved by $\frac{3}{4}$ of Council members present since there was no prior notice of the meeting to discuss this matter since it is an emergency.

Mayor Keenan stated that, with the comments made by Mr. Norman and Mr. Holshue and the concern for the safety of the residents, he is asking for a motion by Council to deem it an emergency situation and to give notice after the meeting. A motion was made by Deputy Mayor McCaffrey and seconded by Councilwoman Bobo to deem it an emergency situation and to take action. All were in favor and the motion was approve.

A motion to adopt resolution 09-R-147 was made by Councilwoman Bobo and seconded by Councilman Smith. All were in favor and the resolution was adopted.

Public Comment

Mayor Keenan reopened the session to the public. There were no public comments.

Adjournment

A motion was made by Deputy Mayor McCaffrey and seconded by Councilman Smith. All were in favor and the meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Patricia Halbe, RMC
Municipal Clerk

Transcribed by
Patricia Halbe

The minutes of this meeting are summary minutes. A copy of the tape-recording will be available in the office of the Municipal Clerk for four years.