

The following are notes, not official minutes. For an official transcript, go to the Delanco Municipal Building at 770 Coopertown Rd.

Township Committee May 7, 2007

Devinney\_\_\_Fitzpatrick\_\_\_Hinkle\_\_\_Templeton\_\_\_Ouellette\_\_\_

Also Present: Steven Corcoran, Twp. Administrator; David Denton, Twp. Engineer;

Liz Garcia for Mr. Heinold, Twp. Solicitor; Janice Lohr, Municipal Clerk; Karen Zimmermann, Deputy Municipal Clerk; John Fenimore, Supt. of Public Works; Edmund Parson, Chief of Police (left for a meeting); Phil Goffredo, Code Enforcement Officer

RESOLUTION 2007-68 AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE UPON CONDITIONS FOR THE POINT AT NEWTONS LANDING SITE IMPROVEMENTS, BLOCK 2100, LOT 15 (ALLIANCE) (TABLED FROM APRIL 2, 2007 MEETING)

Ouelette asked for representative or attorney from The Pointe to speak if they wanted dto. President of Homeowners Assoc. and resident: Drainage issues – brought pictures from April 27

Hinkle: Drove by, engineer went by and took pictures.

Resident: Issues with grading itself

Hinkle: Got letter from Birdsall's office on April 20<sup>th</sup>.

Corcoran: Best handled in maintenance bond. Doesn't matter which phase is being taken care of. Maintenance bond can address

Hinkle: Will that satisfy you?

Resident: As long as it's taken care of.

President: Grading as well

Corcoran: Release these bonds and approve that they go on maintenance under stated conditions.

Passed unanimously with items noted by residents placed on maintenance bond.

RESOLUTION 2007-71 AUTHORIZING EXECUTION OF SETTLEMENT DOCUMENTS IN MALIK V.STATE LITIGATION (TABLED FROM APRIL 16, 2007 MEETING)

Passed unanimously

RESOLUTION 2007-74 APPROVING REQUEST FOR FINAL RELEASE OF PERFORMANCE GUARANTEE TRADITIONS AT NEWTONS LANDING SECTIONS 1, 2 AND 3, UPON CONDITIONS AND DENYING REQUEST AS TO ACTIVITY COMPLEX

Mangini (Pulte Attorney): Met with Corcoran, Heinold, and Corcoran. Read Elliot's letters – latest April 21st. Agree and ask that they be required to complete conditions. Requested some be placed in maintenance bond.

Apell (Attorney of Homeowners' Association): concerned about punch list items. Had productive meeting (Devinney was present). Many items need to be resolved on the farm house as part of the activity center. I'm working on punch lists as is Mr. Mangini.

Hoping that outstanding issues will be resolved as part of the transition process. Looking for cosmetic repair on farm house – went through from basement through attic inside and out. Pulte came in good faith. Asked that general public understand that sections 1,2, and 3 would be released with \$172,000 held back for activity center (farm house).

Fitzpatrick: Some of the homeowners have come in to our meetings regarding sidewalk items that were on punch list and removed. I want to make sure that those homeowners are covered under the maintenance bond.

Michiels (Rep of Pulte): All public sidewalks will be covered by maintenance bond.

Fitzpatrick: Resident was told by Pulte rep that that wasn't covered.

Michiels: Sidewalk would be covered. Would depend on when the people settled.

Fitzpatrick: needs to be covered.

Michiels: Just happened this winter?

Fitzpatrick: yes

Michiels and attorney compared addresses on punch list

Resident of Russ Farm Way: Explain procedure of performance bond and maintenance bond.

Garcia: Performance bond is normally put in place during construction. When basically completed, request to release performance bond and maintenance bond is in place for two or three years and encompasses sidewalk and grading.

Resident: Public areas as well as private property?

Corcoran: Areas by performance bond initially done by township engineer – wouldn't have anything to do with someone's home – specifically roads, sidewalk, drainage, etc. specifically itemized and valued by township engineer. Fine line between performance and maintenance. Performance says improvements meet criteria of original specifications. Newton's Landing is unusual – construction over several. You're in maintenance and probably have been for years.

Devinney: Attended April 20<sup>th</sup> meeting. Township has expended considerable efforts to bring this to a resolution. Thanks to all.

Resident of Pennington: Question raised about street marking and monuments – crews placing stakes – don't know why.

Michiels: Crew to complete by Thursday. Eight are missing.

Resident of Pennington Court: House backs on basin and mound – that's for later period.

Ouelette: I want to answer the question, but it falls in maintenance and I'd like to save it for later.

Resident of McCay: Tree trimming on maintenance?

Hinkle: Township doesn't have the trees yet.

Resident: When you do, does it belong to the township or the developer? It's a safety issue when going down the sidewalk.

Hinkle: We did get the letter.

Resident: Tree Commission sent a letter.

Hinkle: We got a letter from your organization. Mr. Corcoran did respond. We don't have the trees.

Resident: Are they on the bond list or is it the responsibility of the township?

Hinkle: We are responsible for street trees. When we do accept the streets, residents should call Mr. Fenimore

Fenimore: No, you call the Shade Tree Commission

Devinney: If they are a hazard, they should be taken care of now.  
Resident: Are we going to be pointing fingers back and forth?  
Hinkle: If we are dealing with the present, they aren't ours.  
Fitzpatrick: They will be our streets. You will need to apply to the Shade Tree Commission. They will come out and filter that information. There is a process.  
Resident: When you pass the resolution this evening, we contact Fenimore Township Committee: No, contact Shade Tree  
Resident of Pennington Court: After tonight, we will be in a two year process with maintenance bond. Once this begins, we're dealing with township, county, and homeowner property. Who does what and who has the ball for the next two years? Who initiates action?  
Corcoran: Resident or association will report it to the contacts you will have.  
Devinney: We will supply a contact person.  
Resident of McCay: Dying tree curbside. Couldn't hear everything. What insurance exists in the bond to be sure deficiencies are taken care of in a timely manner – two years?  
Michiels: Covers street trees for two years. We have a list of seven items contingencies for being released for performance bond. These will be addressed in the next 30 days. If you raise an issue over the next two years, we will address it. Will we come out tree by tree? I'm not going to promise you that. For example, for sidewalks, we come in in one big shot to do the whole thing.  
Devinney: Contingency for releasing the maintenance bond.  
Michiels: Work with engineer six months prior. Only time we can't do that is in the winter.  
Apell: Shipps Way is on the list?  
Michiels: Yes, basin will take longer because it involved engineering.  
Resident: 97 Shipps, 99 Shipps  
Michiels: Sidewalks not on there now, but we will look at it.  
Ouelette to Garcia: Trees become our responsibility?  
Garcia: That depends. It sounds like there are a number of them.  
Made one correction – correction to letter date.  
Resident: Expense of maintaining trees – from what budget?  
Fitzpatrick: Township. Why would we be taking this on now? If they need to be pruned, why aren't they done? It's something that needs to be done.  
Pulte Attorney: Pruning is maintenance bond. Shade tree needs to be maintained.  
Ouelette: Safety issue  
Attorney: Applies to everything  
Ouelette: When you plant a tree, there is care and maintenance.  
Attorney: Care has to be done by association.  
Michiels: Who is mulching? Our obligation is to provide the tree. Maybe some of the trees are bigger than would happen during the one year period. Homeowners' Association responsibility.  
Resident: Tree grows from its top up. Branches from the side at eye level are going to be there five ...twenty-five years from now. Pulte's responsibility is to replace a tree that dies. They don't have responsibility to prune. Mulching...Pulte still has contract with Riverton and that's how it gets taken care of. Does the municipality accept the trees?

There must be a thousand of them? New trees which should be in a safe condition before they are accepted.

Resident: From a safety standpoint, these have never been trimmed. When you initially plant a tree, the original landscaper had the responsibility to trim to six feet. Obligation is theirs, not the towns.

Resident of Pennington Court: First contract hasn't been fulfilled. Resident for three years – received lip service. Why release when items haven't been taken care of?

\$172,000 withheld

Michiels: That's just for the farm house – maintenance bond is substantially larger.

Fitzpatrick: over a million

Resident: House sits on walkway. Drain was installed. Downspout was destroyed. I removed it. Walkway is washing away.

Resident: That's the area where the county has issue with a drainage problem. That's the area.

Resident of McCay Way: When we first moved in, trees were above our head. Trees are getting shorter. Is there a standard height? Smaller trees save money over bigger trees.

Michiels: Don't have plans in front of me. Standard is based on trunk and standards were met.

Devinney: Concerned about accepting an unsafe condition. I have some reservations. I walked at Newton's Landing, branches could be pruned quickly with a lopper.

Fitzpatrick: Are you recommending that each member of the committee go out and trim a few?

Devinney: I'm concerned about the legality

Michiels: Pulte is willing to walk with township engineer only.

Attorney for Pulte: If you are willing to remove #2 – redesign of the basin to maintenance because it involves substantial amount of design.

Michiels: We may need to get county approval. Will post separate performance bond for basin.

Fitzpatrick: Would you be in agreement with separate bond?

Elliot: Yes, I will work with their engineer. It will take some time.

Corcoran: Work on estimate too?

Elliot: Yes

Templeton: Branch question.

Michiels: Yes

Templeton: Township shouldn't accept a safety issue. I don't want Mr. Fenimore's phone to light up about 1000 trees. That needs to be done by you.

Apell: Mosquitoes

Corcoran: call county

Fitzpatrick: Having Pulte walk with engineer to trim trees, I'm satisfied. Other items have gone to maintenance bond. Hopes Pulte will restore that farm building. I was there when it was restored and now it's a disgrace. It's part of our history.

Michiels: When were you there?

Fitzpatrick: October

Michiels: I would welcome you to go there. I was there last week. You would be pleasantly surprised.

Fitzpatrick: Township has the responsibility to release these bonds.  
Templeton to Fenimore: This is going to be yours. Any comment?  
Fenimore: Trees have to be done now or they won't grow right. When Township votes to take responsibility, it would take two days with someone who knows what they are doing. I'm concerned about the way they were mulched. They should be done like a well, not like a volcano. The roots will grow out into the mulch.  
Templeton: Would you like to be part of the walk through with Pulte?  
Fenimore: If you would like  
Ouelette: is that Ok (to Michiels)  
Michiels: Yes  
Hinkle: Shade Tree representative OK to go  
Michiels: Yes  
Ouelette: Hearing comments from both sides and knowing that tree issues will be resolved, I would be in favor of releasing the bond.  
Garcia: Whoever makes the motion, it should be under conditions of the separate performance bond and the walk-through regarding the trees.  
Passed unanimously

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CONSENT AGENDA ITEMS:  
ORDINANCE 2007-7 AN ORDINANCE AMENDING "AN ORDINANCE PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES" \*1ST READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR MAY 21,2007

PAYMENT OF BILLS  
ACCOUNT AMOUNT  
GENERAL \$980,014.73  
PAYROLL 101,554.44  
TRUST 18,861.64  
PUBLIC DEFENDER 150.00  
HOUSING TRUST 1,680.90  
APPROVAL OF BUSINESS LICENSES  
2007-21 thru 2007-29; 2007-32 thru 2007-38; 2007-40 thru 2007-59  
APPROVAL OF MINUTES – 4/9/07, 4/12/07, 4/16/07 & 4/23/07 APPROVAL OF  
CONSENT AGENDA  
Passed unanimously  
4/9/07, 4/12/07, & 4/23/07 minutes approved with Ouelette abstaining

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Discussion:  
2007 MUNICIPAL BUDGET ITEMS:  
RESOLUTION 2007-75 RESOLUTION MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A 40A:4-45.3 ET SEQ.  
Fitzpatrick: Amount

Corcoran: \$200,000 + (I missed the exact amount)

Fitzpatrick: Exactly what we need?

Corcoran: Yes

Passed unanimously

RESOLUTION INTRODUCING 2007-76 MUNICIPAL BUDGET AND SETTING THE PUBLIC HEARING DATE FOR June 4, 2007

Passed unanimously

Correspondence: Lohr:

1. Letter from Fenimore to Township Committee – resignation from Joint Land Use Board

Ouelette: Thanks for serving. Your talents and input were valuable

Fenimore: Will keep an eye out. I'm a phone call away if you have a problem.

MEETING OPEN TO THE PUBLIC FOR COMMENT ON DISCUSSION ITEMS

Resident of Pennington: Earlier discussion re basin referred to that on Newton's Landing Blvd. Two other basins will become part of the county. Letter from county indicating what they wanted from Pulte. Grass to be cut – was. Any indication that they will do what is required.

Corcoran: Pulte has agreed to all conditions including cutting and seeding.

Resident of McCay: Re Basin... How often will the rim of the basin be mowed? Rim is not in property line of Newton's Landing.

Corcoran: Basins twice a year. Rim is county responsibility.

Resident: Do we know when this will take place?

Corcoran: No

Resident: How do we go through this process?

Corcoran: I know you will let me know and I will take it from there. We defined the county's property as that not under the Homeowners' Association.

Resident: What would you consider as far as code enforcement on grass height?

Corcoran: Our code specifies 10 inches.

Goffredo: 10 inches

Devinney: Homeowners' Association may have a more stringent requirement.

Resident: We mow every week. County isn't going to do that. We're trying to be reasonable.

Resident of Spruce St: Broken sewer pipe – leaking sewage in front of the vent.

Neighbor called in. Neighbor was given 10 days to fix it. Little kids in the neighborhood.

Ouelette: Health department issue

Fenimore: Call Sewer Authority

Hinkle: You know that now. I called Freddy and I told him about a neighbor covering the vent. He could see where it went into the other man's driveway. The backyard was (missed the word)

Resident: Lots of yards in area not mowed.

Ouelette: We are members of the board of health.

Resident: Code enforcement

Fitzpatrick: Phil may not have known that

Goffredo: Called county. I went by 10 day order according to code. County would issue a one day, but they have more authority than I do. Problem should have been stopped.

Resident: We're not a third world country and we shouldn't have to live with that in the U.S.

Resident of Buttonwood: Has the Township accepted the streets over at Newton's Landing?

Ouelette: yes

Resident: no signage for emergency road.

Fitzpatrick: Signage is part of conditions. They have to complete that.

Resident: Very serious. If a tractor trailer blocks that road, they won't be able to get out.

Garcia: Performance bond won't be released until those conditions are met and the signs are one.

Resident: God forbid someone burns up in there.

Resident of Pennington approached the microphone, but didn't speak and sat down.

Devinney: Sign should be given the first priority.

Fenimore: Should be a square sign so the firemen understand what's it's for.

Devinney: We'll talk about what the right thing is to put up and we will do it.

## MEETING CLOSED TO THE PUBLIC

### COMMENTS – PROFESSIONALS

Garcia – nothing to report

Denton: (He's very hard to hear)

-Grants for road way improvement Transportation Trust Fund – applications in the fall

-Grant money for bike trails. Applications by June 29th

-Delanco designated as Center of Place – transportation related projects, parking, etc.

Fitzpatrick: third phase – Coopertown Rd to Newton's Landing. Grant is already prepared. That's what Economic Development worked on. Thought we had a good chance due to Riverline. Township should have a copy of that grant.

Devinney: Tie downtown to the park via bike trail.

### COMMENTS – TOWNSHIP ADMINISTRATOR

1. Winzinger – DEP requested information deemed insufficient and they have been asked for additional information. Site is unacceptable. We have served them a warning letter to remove equipment and the mound. Summonses were issued to remove since they didn't go before Joint Land Use Board.

2. Task force to look at fee structures and services provided in surrounding areas – next 60 days. Looking for places to save and generate money.

3. Mansion – applicant advised that they need a DEP permit. Our lawyers don't agree that they need a waterfront permit. It would delay the project 6-9 months. All the attorneys feel that it is a misapplication of the rules.

4. Inventory of missing street signs

5. Identifying intersections that need stop signs – police are reviewing.
6. Tax maps are done and digital. Everyone in township can view a street. Can do full-size prints of the tax maps – will work on some nominal cost to residents if they need it for some legal reason;
7. Nor'easter storm – lots of problems – water in basements – met with county engineers. Federal authorities identified that as a 500+ year storm – most rain in the shortest period of time in county history.

## COMMENTS - DEPARTMENT HEADS

### Public Works:

- leaf pick-up done
- haven't done mulch – short a man – tight
- boat ramp – three truckloads of logs and two truckloads of debris. Couple of big trees stuck and holding all the debris together. Ready for emergency use again.
- reminder not to put brush out after we have been by.
- storm – everywhere I turned there was a fireman helping someone – pumping out. They should be thanked personally or donated to. I needed them to help me on Perkins Lane. Keith sent a couple of guys, then there were more. People in town are fortunate that when there is an emergency the fire and ambulance squad is ready to respond. They did a really good job for days after the storm.

### Zoning and Code Enforcement:

1. April – 28 complaints – confiscated 1 advertising sign – posted 11 warnings- 14 registered letters – no summons – 2 rental inspections – 10 cases reinspected in compliance – 15 non-compliant pending
    - 6 pending from 2006 that were given extensions
  - Zoning Applications – approved 6 applications – approved 3 fences – none denied
  2. Winzinger – Court June 6 – summonses for accumulated debris and for failure to go to Joint Land Use Board for site plan change.
  3. Deitz and Watson – lights off at dusk pending installation of shields – will reinspect at that time.
  4. Old Municipal Building – grass and weeds
  5. Rancocas – received complaints – will inspect
  6. Federal Express – fence being installed due to problems they have had problems
  7. Property on Union Ave – deplorable
  8. Building at 600 Perkins – down
  9. Everyone should have a street number displayed for emergency – part of JIF requirement
  10. Working on article for *Beverly Bee*
- Hinkle: House on Burlington with boats/trailers – over the limit  
 Fitzpatrick: Washington Street – lawn overgrown. Also neighbors coming to my door regarding trash out....  
 Corcoran: No requirement to re-notice them.  
 Goffredo: Get them to me.

Municipal Clerk:

1. Boy Scouts – adopt a highway – filled 15 30 gallon bags with trash from along main roads into the township.

2. Yard sale – success

Fitzpatrick: Approached about having two a year.

Devinney: Community day

Hinkle: We used to have a fun day – softball..

Fitzpatrick: Firehouse picnic – they invite everyone

Resident of Buttonwood: Pennington Farm – If grass and weeds aren't cut, we'll have mosquitoes

Township Committee: County

Hinkle: Last time they cut it, it was because the chief called. It was a safety issue.

Fitzpatrick: Maybe you should be Delanco's spokesperson for that property.

Resident: I went to three meetings.

#### COMMENTS - TOWNSHIP COMMITTEE

Fitzpatrick:

1. Streetscape on Burlington Ave – at punch list stage- Then we'll know what money we have left to do the other side of Burlington Avenue. Kathy is going to let us know.

2. Taman's (spelling?) Garage – Sent on to Historic Preservation Board. Mr. Taman wants township to purchase. Originally a post office – doors are original. Township Committee may want to consider. Price was reasonable.

3.. Board of Ed meeting – awarding student of the month. PTO made over \$13,000 for their wish list. Women's Club presented framed copy of Declaration of Independence for their participation in election process. Spring concert May 17<sup>th</sup> at Walnut Street School \$2.

4. Opening of Madison Café – open on May 16 for dinner.

5. VFW awards banquet – Officer Desanto honored – He said I'm a man of few words,... this is a calling, this is something I really enjoy."

6. Memorial Day in Delanco May 17 – parade starts at 1:30 – same route as last year.

7. Senior trip to King Tut exhibit.

Marlene Jass for Riverroute Advisory Board: 3 realtors presented data on where people come from and to. Two most desirable towns – Rivertown and Delanco – clean, safe, and character. Drawing from New York, north and central Jersey.

Templeton:

1. Fire and EMS meeting planning for carnival we got late notice on – amazing to watch those folks roll up their sleeves without any complaint. They saved that event.

2. FEMA office in Lumberton – picked up information – it's on the bookshelf in the lobby. If you have flood or storm damage, call FEMA. 800 621-FEMA

3. Joint Land Use Board – meeting for May 23<sup>rd</sup> Zurbrugg Redevelopment Plan June 13<sup>th</sup> Savanna Mews hearing.

4. Talked with Green Acres – apparently we need to have some paperwork sent by the end of this month to retain the money we received last year. The other is field of dreams at Pennington.

Fitzpatrick: I thought we had two years.

Templeton: Deadline is coming up.

Hinkle:

1. Budget and Zurbrugg meetings; shade tree
2. Should do a plaque for our fire and EMT
3. Dinner honoring Sergeant Desanto and Emerson Lucas

Devinney:

1. Thanks to fire for help after storm
2. Attended meetings for carnival – seemed to be well-run.
3. Thanks to those who bought hoagies to support fire/EMS. These volunteers deserve our support.

Ouelette:

1. Carnival meeting – safety of the people attending
2. None of us is as good as all of us – continues to be proven here in Delanco. Thanks to all for coming out to the meeting.

*Submitted by Maureen Barrett*