

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

Township Committee June 18, 2007

Devinney, Hinkle, Templeton, Ouellette Fitzpatrick

Also Present: Steve Corcoran, Twp. Administrator; Janice Lohr, Municipal Clerk; Karen Zimmermann, Deputy Municipal Clerk

\*\*\* SPECIAL PRESENTATION\*\*\*

RESOLUTION 2007-87 HONORING WINSTON CHAFIN for his work on the Joint Land Use Board, Emergency Management Coordinator, and Economic Advisory Board

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CONSENT AGENDA ITEMS:

ORDINANCE 2007-8 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 JULY 2, 2007

RESOLUTION 2007-88 REFUND TAX OVERPAYMENT

RESOLUTION 2007-89 AUTHORIZING CHANGE ORDER FOR THE IMPROVEMENTS FOR BURLINGTON AVENUE STREETScape – PHASE II BEND TO COOPER PROJECT

RESOLUTION 2007-90 APPOINTING MUNICIPAL TAX ASSESSOR (Devinney asked for this to be removed and tabled due to technical issue on advice of counsel. It was.)

PAYMENT OF BILLS

ACCOUNT AMOUNT

GENERAL \$ 57,475.37

PAYROLL \$28,260.21

RECREATION TRUST \$30.00

Three requisitions totaling \$5000 for postage were questioned by Fitzpatrick as excessive. Corcoran will look into, but thinks that they had put off getting stamped envelopes due to pending postage change.

Ouelette: Is there an amount of postage stamps and envelopes that we should be keeping on hand?

Corcoran: Not particularly. I was trying to avoid having to add stamps to the pre-stamped envelopes. It doesn't surprise me that we purchased a larger quantity than usual.

APPROVAL OF DEPARTMENT REPORTS

Approval of business license 2007-60

## APPROVAL OF CONSENT AGENDA

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### UPDATE FOR REDEVELOPMENT PLAN FOR ZURBRUGG MANSION - J2 ASSOCIATES

Henry Kent Smith: Good news to report – have received today written confirmation from DEP that they will not require waterfront development permit for the project. (Any development within 100 ft. of mean high tide would require one.) DEP will require Township to keep property within 100 ft of mean high tide. The small part that is affected would be part of right-of-way. Rapid progress is now possible. A market analyst (Real Estate Solutions Group) will determine the viability of the bed and breakfast by itself. Due to the change in the real estate market, we are going to do the B&B first. Then we will do Phase 2 which will be the townhouses when the market recovers..

Market Analyst: 24 rooms bed and breakfast is proposed. Possibility of meeting space. Will look at similar properties, sources of demand, operating costs and what people will pay. Will keep in view what the construction costs will be. Analysis should be complete in the next 4-5 weeks.

Ouelette: What other facilities have worked for?

Analyst: Hotels, hospitality ... a facility like this in Chester, NJ. This type of facility – small, uncommon, hard to find data – done by interview. We’ve done work for hotels. We’ve done work in NY – for Marriott, in Lancaster, in Philadelphia, Camden and currently in Newark, NJ. This isn’t something we do every day, but we have people on our staff to do that.

Templeton: We’ve been told that the townhouses would be needed to finance the B&B. How long are you going to try to make a go of it with just the B&B?

Smith: That’s the point of the analysis. We hope that it will be self-sustaining within 5 years. Hope that at that point the townhomes will come on line. We hope that the B&B will be successful enough so that the price point of the townhouses isn’t that critical. The analysis will be given to our lender. Townhomes will be factored into that commitment. With the market analysis in place and lower, more reasonable pricing on the townhouses, we should be able to secure financing. The holdup was the DEP. Confident that they will be in a position by the end of the summer

Fitzpatrick: If the market changes prior to the end of the 5 years, you would be in a position to begin the units.

Smith: Yes

Templeton: Another question we discussed previously in the back is the sliver that is Affected by the DEP letter. Will the Township will retain the waterfront portion?

Smith: We can acquire the waterfront since there is no construction proposed unless they require it to restore or replace the gazebo. Otherwise, it will be public. (Smith sketched by hand a sliver at Delaware and Willow on the mansion block that will be part of the public road.) This keeps us out of DEP jurisdiction.

Templeton: Proposed settlement date?

Smith: November would allow for all the paperwork.

Open to public

Resident of Delaware (I'm the resident and am providing a summary here): Questioned outdoor amplified music.

Smith: Working with Committee now

Barrett: That's what you said the last time you were here. I'm suggesting that any amplified music will change the nature of the residential neighborhood and I would expect the residents to express those concerns to the Committee.

## 2007 MUNICIPAL BUDGET AMENDMENT – STATE MANDATE FOR AID TO LIBRARY

Ouelette: State statute said that we needed to budget \$123,000 for library as opposed to the \$50,000 in the current budget. If we don't give anything to the library, we are OK. If we give anything, we have to put out \$123,000.

Hinkle: This has been on the books for a while from what we understand. Corzine appointed a new person who is bound and determined to enforce it.

Fitzpatrick: Talked with county librarian – Gail Sweet (spelling?). County has been known for taking over libraries – In Riverton, it has been very successful. Cinnaminson is another community. The municipalities don't have to fund. The county isn't offering that program now. In 2008, they would anticipate more funds in their budget for the library. I wasn't sure what that means. We are a member and pay to be one. I thought they could come in, but it doesn't look like that can happen.

Templeton: I started out trying to find the source of the statute. I went to the state library website and point of contact – Victoria Rauch. I called her at 9:00 this morning. I explained that we close or doors or have an extraordinary funding obligation. She looked at Delanco's library. It's classified as an Associate library. According to her, the state statute doesn't apply to our library. Our funding situation doesn't change.

Corcoran: The state library association isn't the Department of Community Affairs that approves our budget. Multiple departments within the state – library people say it doesn't apply, but it applies to public and private libraries. Several conversations later, they are willing to offer a third possibility. You can fund zero; you can fund it \$126,000 outside of cap which meets state requirements, or they will allow the \$53,000 to stay in the budget, but go under cap. Then we would need to resubmit to state for review –will take state until July or August to hear and then we will have to do estimated taxes and the tax bills will be late. My recommendation – grant the \$126,000 with the understanding that you are funding for two years.

Hinkle: Would the \$126,000 be under cap?

Corcoran: No,

Hinkle: That would be another 1 or 1 ½ cents on taxes.

Corcoran: We're looking to reduce between 5 and 600,000 dollars by December.

Ouelette: The \$53,000 we have in the budget now is outside of cap

Corcoran: Yes, and it is funded.

Ouelette: They are giving us permission to fund the \$53,000 under cap

Corcoran: Yes, but you have to go back for another waiver

Templeton: If we don't fund at all, then the school district would have to take over and fund that library completely.

Corcoran: Yes, it wouldn't be public. We could specify library aid as 0, but perhaps we could cut money to the Board of Education to go to the library. I'm not sure if they could take an item of miscellaneous income at this time.

Ouelette: Met with school board. They are willing to meet or form a subcommittee.

Fitzpatrick: I think we should cut the budget. We should contact the county. We're going to pay the county \$120,000 to the county. They should kick back the \$53,000 to us.

Corcoran: Residents are getting hit twice.

Templeton: If we fund it, you're ensuring that the residents have a library here. You're not at the county's whim where they can close it.

Fitzpatrick: That's why the county isn't offering the program any more. That's their fear. They don't want to close libraries.

Corcoran: (missed this)

Fitzpatrick: Cut budget to fund the budget

Ouelette: To keep it under cap

Templeton: So the budget is back open?

Fitzpatrick: I didn't know it was closed. It hasn't been voted on yet.

Corcoran: It's been introduced.

Lohr: It would be an amendment to bring that line item inside cap. I'm not sure if that requires advertising and public hearing. Steve, would that require an amended cap waiver application?

Corcoran: Yes, it covered police and public works, not the library.

Templeton: If that's the requirement, why don't we reopen it and start doing some scrubbing and whittling on it.

Corcoran: If you don't do that tonight or next meeting, the tax bills will be late.

Devinney: (Missed the question)

Corcoran: Let's say we can get the \$53,000, how do we get it to the library.

Fitzpatrick: You can give it to me, and ...

Corcoran: You might be able to give it to Recreation on behalf of the library.

Devinney: I'm thinking we need to do something like that.

Corcoran: Get it through DCA. We'll consider library as part of recreation. If Bob Stewart doesn't like it, he will write a memo and we won't do it next year.

Hinkle: The \$17,000 we pay the school for rent. Is that included?

Corcoran: Yes,

Hinkle: Why can't we go back and renegotiate that whole thing?

Corcoran: The Board of Education can't accept discretionary income. Their books close.

Fitzpatrick: They can accept items. They accepted the track.

Hinkle: I think we could negotiate that contract and pay more money.

Corcoran: You can in 2008. You can adopt an amendment to zero it out with the assurance that your administrative staff can find that money.

Templeton: I would rather lock DCA and the state library people in a room and have them work it out. We're just a whipsaw back and forth on this. We're trying to keep the doors open on an important institution. Let them fight it out in Trenton.

Corcoran: You'll end up having to take it to the Attorney General's office.

Devinney: I would go with the zero option and then the library will benefit from us.

Corcoran: We've already paid the first and second quarter. The DCA goes through a checklist and then they will sign off on it. That's what we want so we can get the tax bills out. So often we have to find a way to make it work to the benefit of the residents.

Devinney: It's unfortunate that these banded things work their way down to Delacno. It seems like the only way to do this.

Corcoran: We can't hold the show for that. You can continue to take the fight forward. The information Mike got is from January 2007.

Devinney: We're trying to be compliant.

Corcoran: We're trying to save the residents' money and keep the library open. If it turns out that the scenario I've described, then we will have to schedule some additional meetings.

Fitzpatrick: What did we pay to the Township library so far?

Corcoran: I don't know why.

Fitzpatrick: It's not on there.

Corcoran: It was last Monday for about \$2900. I have both amendments prepared – one for 0 and one for \$126,836.

Devinney: I think 0 is a better number.

Corcoran: We have no intention of closing the library.

Templeton: I think the \$53,000 and get it under cap. I'm leery of zeroing them out and what legal no man's land that puts them in down the road.

Fitzpatrick: That's what I suggested. Cut the budget.

Hinkle: I'm still thinking.

Ouelette: Work session next Monday night?

Fitzpatrick: Yes

Lohr: That would be a public hearing for what you do tonight. If you don't do an amendment tonight, there is no hearing on June 25<sup>th</sup>.

Hinkle: Table and have more discussion...meet with the school.

Lohr: We will probably have to send out estimated tax bills.

Hinkle: That sound like where we are headed anyway.

Corcoran: No

Devinney: We need to table it.

Fitzpatrick: We need to cut some other areas.

Lohr: You can have another meeting for a workshop. It would be advertised that any amendment could be acted on. It would need publication and public hearing at least seven days away. If the Committee moves the \$53,000 under cap, I need to see if that type of amendment requires publication. The other two – 0 or adding the \$72,000 require public hearing.

Fitzpatrick: We have to do what is necessary to keep our library functional. We can make more cuts.

Hinkle: Motion to table

Passed unanimously

Lohr: Workshop for June 25<sup>th</sup> at 7:00. I will publish so you will be able to hold an executive session and do any business that comes before the Committee

MEETING OPEN TO THE PUBLIC

Resident of McCay: After work session and budget, what is the process next? Republish for first hearing? Please clarify.

Ouelette: My understanding is that after the work session, we have to go back to local finance board and then publications and we'll be looking at estimated tax bills to go out in August.

Lohr: We try to get them out in July. Only have to go back to move the \$53,000 under cap.

Resident: Then you would have another hearing.

Lohr: Only requirement would be hearing on the amendment they choose.

Resident: Question – estimated taxes. Who determines estimation? How is this done?

Ouelette: I don't have an answer.

Corcoran: County handles the estimate and the correction. You have to base it on the budget as it stands.

Resident: Can't get a correct ratio.

Corcoran: No

Resident: In reference to the budget, if there is a problem with the mansion, is the maintenance included in the budget.

Devinney: Yes

Fitzpatrick: Just the utilities and upkeep. Not the bonding.

Resident: How is that handled after the budget is passed?

Corcoran: It would go in the 2008 budget. It's a year following. Assuming the closing would take place in November, we won't have to go to any funding.

Resident of Buttonwood: B&B- they are going to take five years before they do anything else. What if it doesn't make good, what happens to the Township then?

Ouelette: We still have control of anything else that goes in there due to redevelopment.

Resident: What would happen if the business fails after two years?

Devinney: They would be the owners and it would be their property. The bank could foreclose but is still limited by the redevelopment requirements.

Resident: Sit vacant

Hinkle: Still have to pay their taxes.

Fitzpatrick: The state can't take it. Still under redevelopment zone – proposal would come back before the Committee for approval.

Resident: Glad to see the B&B before the development. Municipal building sitting there.

Fitzpatrick: They are working on the inside. It will be offices.

Resident of Burlington Ave: Is there a signed redevelopment agreement?

Fitzpatrick: Yes

Resident: Piece of land going back to the Township and not building the townhouses right away. Does that need to be approved since it's different from what was proposed?

Does it need to be amended?

Ouelette: Redevelopment is a partnership to some degree so there is some give and take. Currently we still own the property. As we work through these issues, the solution they came back with is that if we keep the easement on Willow and Delaware, they are able to move forward without a 6-8 month delay.

Fitzpatrick: When we deed the property, we will deed out that piece. The next step is to appear before the Joint Land Use Board for the full plan. They will need that to go with their financing.

Templeton: Next significant gate for them is the marketing report.

Fitzpatrick: and the DCA – two more hurdles

Resident: Library – feeling that everyone on the board wants the library. I've never been to that library. How well used it is? Has anyone looked into who it is used?

Fitzpatrick: I can get that information.

Resident: Is it in the town's best interest to support the library? If it's only a small number of people, you might want to look at it.

Fitzpatrick: You would be surprised at how many people use it.

Templeton: It affects people who have no other access to a library.

Fitzpatrick: School joined with the town to provide greater access to the county system. If the county wanted our library as a county branch, that would be the way to go. It's a benefit to the students as well as the residents. It's a shame more people don't participate.

Resident: I think we should go after the county to get some of that money back. Steve mentioned that school can't accept revenue, but can school send revenue out?

Fitzpatrick: I would have to talk to Mike Livengood.

Resident: I looked at the shade tree ordinance. I see that the residents would have to pay and I agree with that. I see there is an appeal process. If you are going to have residents pay the bill or the Township takes a tree in an emergency situation, there should be something in the ordinance.

Hinkle: Attend Shade Tree meeting

Resident: I'm bringing it up now.

Hinkle: Shade Tree hasn't gone over it yet.

Fitzpatrick: Appeal process is a good idea.

Resident: Recently attended Joint Land Use Board meeting regarding Savannah Mews. I see basins coming back. Residents of Newtons Landing spoke about learning from experience. Parking will be atrocious at the COAH units.

Fitzpatrick: Parking is atrocious at the COAH units in my neighborhood. It's not true that they will only have one car. They have four. I have pictures.

Resident: Do the rental COAH units fall under the rental ordinance?

Fitzpatrick: Yes, the only difference is taxes.

Resident: Houses on Washington aren't looking very nice.

Hinkle: Look better than other houses back there.

Resident: Yes, but they are brand new.

Jass for Board of Newton's Landing : Speaker last meeting implied that she was speaking for the board. She was not.

Shade Tree question – if Shade Tree arborist comes out and says it's ok, but my arborist says it should come out, is the Township liable?

Fitzpatrick: I'd want the tree down.

Hinkle: You can't predict what a tree will do. Branches fall from healthy trees.

Jass: Older part of town have the oldest trees and would have the greatest difficulty with the new taxes etc. Perhaps without making a blanket type of thing, it could go through attrition.

Hinkle: Shade Tree Member Schmidt found a company that will buy trees and make things out of them, but we have to find a place to store them.

Fitzpatrick: Trees are in an area where removal would be a financial hardship for retirees. Those considerations have to be made for people who have lived here.

Resident of Delaware Ave: (this was my comment and there was more to the discussion. I couldn't talk at the microphone and type at the same time. I'm providing a summary) : Raised concerns regarding J2 proposal and urged Township Committee to craft the agreement as per Mr. Smith says they can to require amplified music to be restricted to the interior or the property.

Fitzpatrick: Three codes in place. Isn't that enough to satisfy you? You will find that that it won't be a problem.

Hinkle: I hear traffic. If they do have outdoor music, you will get even with the people

Barrett: I don't want to get even. I want to enjoy my home and sleep when I want to.

Fitzpatrick: You just have to pick up the phone and the police will deal with it.

Barrett: Smith says that you hold the power to restrict it entirely and I would urge you to do so for the benefit of the residents in the neighborhood.

#### MEETING CLOSED TO THE PUBLIC

#### CORRESPONDENCE

-Letter from Dennis Bryski resigning from Recreation

Fitzpatrick: I will be sending a letter. Dennis's term up at the end of the year. New member would be an alternate. I would be the voting member since I have experience.

#### DISCUSSION ITEMS:

##### 1. NJDOT GRANT APPLICATION –

Lohr: deadline August – Committee should consider streets with input from John Fenimore. Allow time for engineer to complete application

Fitzpatrick: Burlington Ave to Newtons Landing would have the best chance to get it because of the railroad.

Resident: Wouldn't Hovnanian have to do that? Let's say we get a grant and Savannah Mews will do a portion, if we have monies left over, can you use that for Burlington Ave.?

Fitzpatrick: Grants are very specific. I don't know the answer to that.

Resident: Streetscape was to go to Coopertown Rd.

Fitzpatrick: Grant money ran out due to increase in construction costs.

Hinkle: Meeting at Senator Allen's office regarding train horns.

Ouelette: I will be there.

#### COMMENTS – TOWNSHIP ADMINISTRATOR -none

#### COMMENTS - TOWNSHIP COMMITTEE



Fitzpatrick:

-Burlington County Farm Fair on Centerton Road on Saturday – great – demonstrations and Master Gardeners

Every Saturday from 8:30-1:00 – soap, wool, produce, lunch...

-Summer concerts – June 21<sup>st</sup> 7-9 South Southern Delta

-Newton's Landing Art Class exhibit at library in Newton's Landing 6:30-8:30

-attended recreation meeting

Templeton:

-working on library funding

-joined Ouelette, Stewart, and Corcoran at Local Finance Board in Trenton. Significant problems all over the state.

--Joint Land Use Board – discussion of Savannah Mews – first of several presentations .

Main entrance is a road 30 feet wide with parking on both sides for two way traffic.

Peter Hovnanian talked. They are trying to pack as much in as they are allowed.

Retention basins classed as open-space for public access. Encouraged public turn-out.

Appreciates people coming out.

Hinkle: Did they comment on commercial?

Templeton: Coopertown Rd. side . 5000 sq ft. office building with parking behind it.

No retail.

Fitzpatrick: Back will be facing the road. It's a joke.

Hinkle: What happened to transit village?

Fitzpatrick: I remember when Mark Remsa proposed a picturesque transit village, but never went to Joint Land Use Board to back up the plan. Township Committee has always been against every plan. Hovnanian knew it as did Joint Land Use Board professionals, but I never saw a decent change come through when I was mayor. They never made one concession. They don't feel that they have to. If there is a way that that can be objected and the residents come out and make a big stink, do it. I beg you to do it.

Corcoran: They won't even change the name.

Resident: They did offer us one thing. They are taking one cul de sac out.

Templeton: No retail is included.

Fitzpatrick: We don't need office space. We need retail.

Tempeton: Mr. Lucas said he testified at a previous JLUB meeting that there is no support for retail there.

Resident: We need to count on professionals to know what would be supported.

Fitzpatrick: I think people would utilize a bagel shop or a dry cleaner.

|Resident: We had 20 stores in town.

Fitzpatrick: I think we should fight for it.

Resident: They are already dictating to the Township. MEND wants COAH over here.

Fitzpatrick: MEND can tell you what they want, but they can't regulate. They can tell you what they want. We fought for two car spaces when they wanted to do one.

Resident: No one wants to go out.

Templeton: Next Joint Land Use Board is July 11.

Resident: They are presenting variances. They told the board that we need to decide whether we want to take the open space or the Township wants to take them. You as a committee may want to make your position known to the JLUB.

Fitzpatrick: JLUB decides. Basin at Perkins Lane is a homeowners' responsibility. This would be too. We were only involved at Newton's Landing because the county was involved.

Devinney: Attended JLUB proposals regarding Savannah Mews. The third was the least obnoxious. We've come and made our presentations and it's taken a long time and now it's time for you to accept the proposal.

Resident: Who is the boss of the JLUB?

Templeton: We appoint.

Fitzpatrick: Mike sits on there, and mayor has an option. It's the mayor's responsibility to have the designee report to Township Committee and back to JLUB.

Templeton: State land use law is narrow and we are on the downwind site of that. What Hovnanian proposed meets the standards.

Fitzpatrick: That doesn't mean that we have to request it. What's one more litigation! Every developer has taken advantage of this town. We need to hold them to a higher standard.

Templeton: Hovnanian said Savannah Mews designed for empty nesters – no kids. He said they would start building in 2008. Last item - Creekside has complete application.

Hinkle:

-Grass is cut at Pennington Farm

Devinney:

-Fire Commissioners meeting – 100% compliant

-EMS ambulance is in.

Resident: They are training people. They need some stronger people to handle the job.

Devinney: Power stretchers?

Resident: It weighs 190 lbs. They don't have the strength to put it in.

Ouelette:

-attended library, school board meetings

-Local Finance Board

-attended 8<sup>th</sup> grade graduation - impressed with number of students who made the honor roll.

Submitted by Maureen Barrett