

Township Committee Meeting-July 2, 2007
Roll Call-All present
Flag Salute
Sunshine Statement

Landfill Litigation Update Presentation
Joseph Mc Govern, Parker McCay

Review the back ground of the Florence Landfill Case-

When any one takes anything away from the landfill they are responsible for all of the clean up costs. Oxidental is facing this and is suing others in order to spread the liability out among other parties. Most landfill cases are \$100,000,000 and above. This one is \$8M. Earlier in the case we tried to come up with away to keep the costs of the case down and settle it quickly. There was clear evidence that these companies were dumping stuff. Delanco was one of the only members of the group that tried to offer a settlement. After this offer, Judge Wells took over the case and sent the case to mediator. He sent the case to Janice Fed Mediation Group. The court ordered mediation sessions and they were able to win over Judge Fine that the municipalities should only share 15% as a group. 15% of 8 million will still be very high. The Judge got the State to accept \$4M. The municipally group will be responsible for \$400,000 In an attempt to keep the fees down, the cost will be spread across 6 municipalities. \$50,000 contribution for each municipalities. The payments could be spread out over a period of 4 years.

The litigation fees would exceed \$50,000 if we litigated it further to try to reduce the settlement. The good news is that we did get some milage from the mediation, secondly I got the plaintiffs to spread out the payments. It is a big amount but I recommend, even if you are a diminished party, you can sometimes get an early settlement which are usually worth \$25,000. The settlement is reasonable under the circumstances, all of the other have bought into it. Some were not happy, others were okay with it. If we were to litgate there is always the chance that there is a smoking gun against Delanco and it would mean more liability in the case. If we don't settle now there is still as \$4M chunk of money out there that they are looking for. Delanco could be named as part of this smaller group and it would mean greater liability.

Questions:

Fitzpatrick-Delanco's factor was very minimal and very questionable?

I am not sure that I agree with logic of splitting the settlement when we claimed to have a \$69 dollar contribution to the site?

JM-None of the contributions of the other municipalities is very high, but all of the municipalities are in the exact same position as Delanco. There are others where there is no evidence of their contributions.

Hinkle-There are documents that show that we dumped in Florence

JM-It is an \$8m dollar case it isn't justified to spend the extra money on further litigation
The mediator did achieve a substantial reduction.

Fitzpatrick-How much is Oxidental paying?

JM-Owner Operation, Waste Management and the other transporters got 18%, Oxidental, and all of these other groups have much larger shares of the cleanup. We were shooting for 10% which would have been one of the lowest settlements in the region.

I have these situations a lot where a party that has very little connection to the site is responsible for such a large amount of money.

Templeton-Was the \$69.00 was based on the basic research that Oxidental and Hercules had done to open the case. They just need to make some kind of connection to the site. If they do find a smoking gun will we be covered by any future involvement?

JM Yes

Templeton- Could we apply these payments against our storm water fees?

JM I can look into it and ask

Corcoran-Who is it that has produced all of the evidence?

JM-Only Occidental and Hercules has contributed to the research Thus far. Sometimes there can be more investigation but this case's back round is very limited number of documents.

C- Why doesn't the Judge look at the chemical over the residential trash?

J

M -The arguments that were made where about the toxicity levels that were contributed. This did have sway with the mediator.

C- Could you have reduced this to half? If it were \$100,000 would you still think this is a good deal?

JM-The risk potentially could go up. These numbers are based on estimates, the costs could be a lot higher than \$8M especially if the cleanup lasts for a long time.

C-The committee thought it would be a good idea to how these little hidden costs can sneak up on the Committee and sabotage the budget.

JM -The other municipalities are in the same situation and they are not happy about it either

Thank you for the presentation.

Because of the earlier meeting delays we will open the meeting to the public before proceeding with the rest of the meeting.

Comments open to the Public:

Resident from McKay Way-I have a signed petition from Newtons Landing, the petition takes the position from a medical standpoint because of the issues that remain there. We are planning to email it to all of our statement representatives.

Newtons Landing blvd, basin-Price was hired by Pulte to fix the remaining drain pipe. The residents notified Birdsall that they were working. The gentleman that Pulte was working with is no longer working with them. Do we know where we stand with the summons etc?

Corcoran-They seem to be delaying as much as possible. It is going to have to go in front of a municipal judge at a minimum. Their motive would be to postpone a number of times. I don't like the way we have been treated, We are just asking them to follow the rules and they refuse to comply. I have asked Birdsall for all for their records.

Resident-Have the bonds been released?

C-No we have had no notification of this – they have not been released.

Resident of Burlington Avenue:

The job of Emergency Coordinator is very important especially in light of recent events in England. Some times the little problem can become large problems. Problems that will have to be mitigation items, like wave action, were forgotten. It takes time and someone has to put all of this into the plan. Find good people who are decision makers. Take the time to really find the right person. The Coordinator must be involved in the planning and build a good resource list for the items that they will need to help in the moment of crisis.

Templeton-Should this position grow into a fully paid position?

Resident-There are many townships that do have this as a full time position.

Fitzpatrick-If we had a full time employee apply for this position, do they have to be doing the job fulltime?

Resident-It takes a lot of time. Many meetings and time needs to be put into the planning.

Resident of Burlington Avenue- Question of the consent agenda items- The way I read it they are just getting appraisals of property in the township?

Ouellette-We are looking at getting an appraisal of land that is up for sale and looking at the feasibility. We are not at liberty to discuss which property it is.

-Do we have the costs for these appraisals? \$6000

Resident Maple Avenue- Can recreation please inquire-that they have no place to run the programs for the children in the town. The school has been only able to help on a limited basis. The churches have let us use the space. We need the space where can we go?

Ouellette-We are trying to do some investigations. We can not divulge what we are looking at right now or the costs could increase.

Resident of Buttonwood -The lot on Vine and Buttonwood-Very dangerous weeds growing in the street. It is very dangerous. Can we do something about this?

Goffredo-I will look into the situation tomorrow. It is either the township or the homeowner

Public Portion of the Meeting Is closed

Fenimore-We removed 11 trees and we have been cutting many areas of the town we did 4 passes. The chipper broke and the total bill was \$4300 vs. \$43,000 for a new chipper. We are going to try to take the money out of the recycling money. The chipper will take trees up to 19” wide. We use it constantly.

We might have a town-wide cleanup in September. It will all have to be separated and no building materials will be allowed.

We can really control the prices of the trash. If we recycle more we will be able to save on the landfill costs. Recycling is very important.

Hinkle-Clothes trashed are such a waste. They can be donated and they are used for rags and shouldn't be thrown away.

Fitzpatrick- re Code Enforcement: Economic Development C'tee was recommending that our code enforcement look at stricter code that is in action in other nearby areas [Reference to BOCA 2003 code. Ed.]. I recommend that we amend our property ordinances to BOCA 2003 level.

We would like to get an idea through a hotline, the nature of the complaints. More people would follow though on submitting complaints. We only have Phil 2 ½ days/week and this would help us to evaluate the needs of the township. I think it would make Phil's life more productive and efficient. The hotline would allow this to be a smoother process.

Janice Lohr-Sept 29th will be the Fall Town-wide Yard Sale

Consent Agenda Items:

Consent Agenda:

Resolution 2007-94

Authorizing the appointment of Appraisers for the appraisal of real property
REMOVED FROM THE CONSENT BELOW

Resolution 2007-95

Authorizing New Jersey Department of Transportation "Centers of Place" Grant Application
Delaware River Heritage Trail Shared Roadway/Bikeway

This is Delanco's component of the Heritage Trail. We are the sponsor and we are requesting State funds to provide signage and markings for the Trail. This grant is applicable to a bike trail.

Motion to Approve-Approved

Resolution 2007-96

Authorizing New Jersey Department of Transportation "Centers of Place" Grant Application
Completion of Burlington Ace Streetscape Phase II, Bend to Cooper

Resolution 2007-97

Appointing Gary Skol the Emergency Management Training Officer in Delanco

Authorizing New Jersey Department of Transportation "Centers of Place" grant Application
Coopertown Road Streetscape Phase III

Payment of Bills

ACCOUNT	AMOUNT
GENERAL	\$571,086.11
PAYROLL	102,801.16
TRUST	445.50
HOUSING TRUST	234.07

APPROVAL OF CONSENT AGENDA

COORESPONDENCE

No correspondence

DISCUSSION ITEMS:

1.NJDOT GRANT APPLICATION

Road improvements in qualifying location in the township. This is due in August

2. Skate Park at the Ball field-there was a lot of discussion about what to do about the use of bikes at the skate park; here are some excerpts from the discussion. It was getting late so I was fading fast:

We are not sure if there is a safety issue. Should it be shut down? Where will the kids go? Are we covered by the liability under JIF if someone gets injured there? It is the committees decision. If you decide to keep it we are covered by Jif. If you want to take it down then what? Kids take their bikes and they don't have pads, should some suffer the acts of a few that get hurt? The trash is already a problem. The skateboarders asked Rec for the money and they had a plan. The bikers need to come before township committee and present a plan for what they need.

There are a high percentage of nonresidents-some are too old. They can drive there, and then they abuse the equipment. Should we confiscate bikes if we see them? Should we vote on taking the bikes away? We don't have to vote on it, it is already part of the ordinance. Okay we are going to be collecting the bikes and make the parents come to the meeting to fetch them. Maybe we can jut issue a warning to the kids, and then notify the parents, THEN we take the bike.

Name-Phone Number-First Warning, Then collect the bikes.

Our FEMA application-they have approved out application for the repairs of the Mansion that are needed. You apply for specific repairs. Our maximum in \$75,000 We went through an extensive list. We are waiting for the roofers to come back and make repairs before the other work can begin. Is the roof covered by FEMA? No. There will be more inspection of specific repairs that may need to be made. FEMA will pay or mitigation of the mold damage in the basement. They are also going to to pay for some high capacity dehumidifiers to dry it out.

Historic Preservation Board-Oct 5th and 6th Special Stamp for canceling made for the post office birthday celebration-scheduled for this fall.

Concert scheduled for this summer-see bulletin boards for details

Thank you Steve for trimming all the trees that were part of the streetscape phase 1.

Do we have dogs that are unlicensed? Yes we ticket them.

Hawk Island Clean Up in September-Last weekend

Thank you to the freeholders for addressing the mowing was needed in Pennington Park.

--There were some other announcements here about upcoming events which I was unable to copy.

ADJOURN MEETING