

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

Township Committee June 9, 2008

Devinney, Hinkle, Templeton, Ouellette Fitzpatrick

Also Present: Steven Corcoran, Twp. Administrator, Mr, Kearns, Twp. Solicitor; Janice Lohr, Municipal Clerk; Karen Zimmermann, Deputy Municipal Clerk; Denton, Township Engineer; Lt. George Sacalis, Delanco Police; Scott Taylor, Township Planner

OATH OF OFFICE – TONY CANNONE (Historical Preservation Advisory Board)

Not at meeting - moved to June 23.

Ouellette: Each of the following 2008-4 and 2008-5 were tabled due to personnel matters, but open for public comment since they had been advertised.

ORDINANCE 2008-4 ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO IMPLEMENT SAID PRACTICES WITH ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, AND INDEPENDENT CONTRACTORS OF THE TOWNSHIP OF DELANCO  
2ND READING BY TITLE ONLY AND PUBLIC HEARING  
HEARING OPEN TO THE PUBLIC  
HEARING CLOSED TO THE PUBLIC

ORDINANCE 2008-5 INDEMNIFICATION ORDINANCE AUTHORIZING THE TOWNSHIP TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES.  
2ND READING BY TITLE ONLY AND PUBLIC HEARING  
HEARING OPEN TO THE PUBLIC  
HEARING CLOSED TO THE PUBLIC

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CONSENT AGENDA ITEMS:

RESOLUTION 2008-82 ACCEPTING AND ADOPTING THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND - LOSS CONTROL PROGRAM

RESOLUTION 2008-83 REDUCE PERFORMANCE GUARANTEE FOR CREEKSIDE AT DELANCO, BLOCK 1802, LOT 2

RESOLUTION 2008-84 AUTHORIZING THE APPOINTMENT OF AN APPRAISER FOR THE SECOND APPRAISAL OF REAL PROPERTY REFERRED TO AS THE MANSION WATERFRONT PARCELS PURSUANT TO GREEN ACRES REQUIREMENTS

Ouellette: Pulled off consent since we haven't decided who we are going to use.

PAYMENT OF BILLS

ACCOUNT AMOUNT

GENERAL \$ 479,945.54

TRUST 9,507.45

CONSENT AGENDA

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RESOLUTION 2008-84 AUTHORIZING THE APPOINTMENT OF AN APPRAISER FOR THE SECOND APPRAISAL OF REAL PROPERTY REFERRED TO AS THE MANSION WATERFRONT PARCELS PURSUANT TO GREEN ACRES REQUIREMENTS

Corcoran: Difference of \$500 and time frame. We would like to proceed as quickly as possible since we found out late that we needed two appraisals

Ouellette: My concern with J. McHale was additional \$500. Fee didn't include anything after appraisal – they would be billed at \$25/hour.

Templeton: Previous appraisals – have they required meetings and negotiations that we would be likely to pay for?

Fitzpatrick: I haven't seen it.

Taylor: Usually a one shot deal

Fitzpatrick: I would go with McHale due to the time involved.

Templeton: I agree

Hinkle: I agree

Passed unanimously with Jerome McHale as appraiser.

RESOLUTION 2008-85 AWARD OF BID AND CONTRACT FOR IMPROVEMENTS TO WALNUT STREET UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – bid opened May 28<sup>th</sup> – four bidders – Denton's letter recommendation to Creton (not sure of spelling) Concrete.

Denton: \$56,805 Dramatic drop in unit prices since last year. We can explore extending the sidewalk. We haven't worked with this contractor before, but he is registered with state and has references.

Hinkle: Where is he from?

Denton: Highland Park

Passed unanimously

Corcoran: Dave and his organization should be complimented in that his estimate came so close to reality in these economic times.

Denton: Bids were lower than I expected.

RESOLUTION 2008-86 CONFIRMING CONFORMANCE OF ZURBRUGG  
PROPERTIES, LLC'S APPLICATION TO BOARD WITH REDEVELOPMENT  
AGREEMENT AND PLAN

Taylor: Line item in schedule of agreement identifying that government body needs to act on submitted plans in regard to compliance. Mr. Heinold indicated with should do this. It says that agreement is in compliance (it is as per Mr. Heinold). We reviewed as well. It is compliant. It is on for Joint Land Use Board also – some minor revisions will be treated as design variance.

Ouellette: My only concern as from the beginning - setbacks on Willow and Delaware Ave. If planning board can't weigh in and we agree to this, I have issue with that.

Hinkle: Heinold's letter said all is in compliance.

Ouellette: All along, I was told planning board would have a say.

Fitzpatrick: They do. (reading from agreement)...says they meet the minimum setback. Doesn't say they can't make a recommendation.

Taylor: in 2007, joint committee came out with joint layout to try to preserve tree specimens. One is as specific as 5.6 feet. Was some discussion that these were minimums. Joint Land Use Board could ask for deviation from that regarding health of a tree. That has been represented at Joint Land Use Board. They were comfortable that this body did everything possible to ensure views, air flow, trees

Templeton: Back to mayor's question, does this action block agreement as it is prior to land use board?

Taylor: No

Templeton: So if they see something, they can change it?

Taylor: If board and applicant agreed on changes. If board says it wants 30 ft setbacks everywhere, developer is only bound to setbacks in the agreement. I didn't sense it was an enormous issue. We all would have loved to see some more setbacks, but didn't want to lose enormous trees.

Hinkle: Wasn't there a study?

Taylor: Yes.

Fitzpatrick: I though reason for setback was trees, so if board felt it would rather have a tree than a setback, I can't imagine the developer would hold up a whole application.

Taylor: If board and developer can agree, it would be best left there. There were some trees the developer felt they wanted to preserve for their marketing.

Ouellette: As I've gone through this, I've questioned lot 1. I think it's too close to Delaware Ave. You may lose those trees anyway when the buildings will be there for a hundred years.

Hinkle: I have to take the professionals' words. (read Heinold's letter) – he says a motion is all that's needed.

Lohr: He sent me the resolution.

Passed with Templeton abstaining.

Templeton: Weak points, but since this is only about compliance, I can't vote against it, so I'm abstaining.

Ouelette: No, due to setbacks on lot 1. I don't believe planning board was able to weigh in on. I don't want to send them a message that it was 100% approved by the governing body.

#### MEETING OPEN TO THE PUBLIC

Trimble for Board of Fire Commissioners letter (read and presented letter):

Fire commissioners object to legislation forcing more cars on the streets

1. Older sections laid out before automobiles
2. New developments have narrow streets.

Damage to emergency equipment or possibility of taking a longer route

Fitzpatrick: I guess that's regarding our driveway ordinance.

Resident: Board has heard different things, but not sure what is being proposed.

Fitzpatrick: I gave the chief a copy of the ordinance the day after community day.

Resident: There will be something officially coming from the chief. We wanted to express the fire commissioners' views at this time.

Resident of Maple: Back again regarding Savannah Mews. I submitted letters as to what rec wanted instead of pocket park. We will be responsible for items for the park.

Fitzpatrick: I was at JLUB meeting. Proposed rec area – they are providing equipment and everything. The only thing they can charge against their fee is the equipment alone, not the sidewalks.

Resident: It would be a recreation facility.

Fitzpatrick: Within their homeowners' association.

Resident: Why are we paying for it?

Fitzpatrick: According to professionals, our ordinance doesn't say that they can't offset the equipment

Resident: In reference to JLUB, I went to website, no current minutes.

Fitzpatrick: They were all finally done as of May 28 for that developer.

Resident: I asked that we all should be kept informed. Groups should work together.

Fitzpatrick: I wouldn't have known had I not gone to the JLUB. David and I put it in a letter opposing that.

Templeton: Delanco Crossing – various members of board have objected and Hovnanian has resisted. COAH issues have taken center stage. At the last meeting they finally showed a plan for that. Many of us have been pushing for that. I've spoken to Mr. Hovnanian after the meetings. Preliminary approval was more related to COAH issue at special meeting two weeks ago.

Fitzpatrick: I thought it was approved that he was going to be able to deduct the cost of the equipment.

Templeton: Everything is in play.

Fitzpatrick: What he's doing, he could certainly do gratis. That's how rec felt as well.

Ouellette: I guess it's a matter of going back to the minutes.

Resident: My recall is we would be allotted (missed amount) and tot lot would not be counted. We didn't have minutes. It was decided that that amount would be deducted from recreational fees.

Templeton: I think there is a lot of work to go yet on that project.

Resident of Perkins: Any plans for township property between Perkins and Kansas?

Ouellette: No

Fitzpatrick: Want to buy it?

Devinney: Some folks along that property line have expanded their domain. They will eventually be asked not to do that.

Resident: One neighbor has bought a section. Another bought and the garage was already there. I cleared out some brush.

Ouellette: How about you make an offer?

Resident of McCay: Newton's Landing 1,2 & 3 – I'm getting hit by branches. Is there a form to get trees umbrellaed?

Fitzpatrick: Meeting with Pulte here was held here – they are responsible.

Corcoran: Public works will never be in a position to handle those trees. Pulte needs to under maintenance bond.

Resident: I have trimmed my tree several times. It's a safety issue through that development.

Resident of Pennington: Path by creek hasn't been maintained. They have cut both sides.

Corcoran: You can thank Phil. He pursued that.

Resident: Status of ordinances for taking over the roads?

Kearns: Partially drafted. Here next meeting.

Resident of Second Street: Township Committee passed waiver of flood code to 2005-83 so my house could be put back together.

Fitzpatrick: I signed that?

Resident: Yes. Now I want to put on a deck. Someone says the waiver doesn't apply to what I want to do today. The waiver is still in effect. I urge you to think about flood ordinance. If we need an approval for a deck that has no basement and just gets wet, you might want to look at the ordinance.

Fitzpatrick: Can I see that waiver?

Corcoran: Ed Schaeffer has discussed and was going to tell Herb to call me. I was going to suggest that you Mr. Denton.

Fitzpatrick: I think this had to do with termite damage to your property.

Resident: Termite damage drove it over the 50% rule which made the flood ordinance kick in. That's why the committee granted this waiver.

Corcoran: Dave Denton has to make the determination. Committee can't act until it's done.

Resident: Legal question on that waiver – no time element. Dave doesn't need to be involved in it.

Fitzpatrick: What is it that you are trying to do? I think you are really trying to stretch.

Resident: I can write another letter, but I have the waiver.

Fitzpatrick: Everyone else has to do that. Why should you be any different?

You need a permit.

Resident: Of course, I have a permit.

Hinkle: Don't you need DEP approval?

Resident: Their authority ends 100 ft from mean high tide of the water. Question of wetlands – it was determined not to be in existence.

Hinkle: Building the deck – why do you want the waiver?

Resident: You are requiring an engineer's review.

(missed a little here)

Question is whether the flood ordinance makes sense when it's never been flooded. I urge committee to consider history of a house. It doesn't make sense that a flood ordinance could be considered when dealing with a deck.

Templeton: Mr. Kearns, on the draft of Newton's Landing parking, state regulations on what we can require for a developer create an obvious problem. After a development is done, can a township go back and change parking regulations?

Kearns: Yes, they are your streets. You can go to your engineers.

Templeton: Maybe when projects are completed, we can identify hotspots with our engineer and create a safe community.

Fitzpatrick: Bring in chief.

Trimble: Even with no vehicles at Newton's Landing and Pointe, still can't make the turn. Equipment needs to make a k turn. Highly recommend having chief involved.

Templeton: Worked with Chief and took photos of the fire truck on some streets.

Resident: I've been out on two carbon monoxide alarms – had to walk since vehicle couldn't fit. Have Rivers Edge streets been dedicated yet?

Fitzpatrick: No

Ouellette: Can't fire marshall act there?

Resident: No

Sacalis: We can request parties move vehicles.

Resident: If they are blocking fire hydrant, can you issue a ticket?

Sacalis: I probably would.

Hinkle: I was in Newton's Landing today and there were three cars in Newton's Landing parked where it says no parking.

Devinney: I thought a developer could give over?

Kearns: They can give traffic control over. You still need the ordinances.

Ouellette: As you review Newton's Landing, you are also looking at Rivers Edge.

Kearns: Denton has given me locations.

## MEETING CLOSED TO THE PUBLIC

### CORRESPONDENCE

1. Letter from NJ DEP Green Acres – applications through Sept. 30, 2008

### DISCUSSION ITEMS:

#### 1. MANSION UPDATE

Ouellette: Moving along. Planning board will review plans on Wednesday night.

Corcoran: Closing is June 27 at 10:00am

Ouellette: Transer \$1.26 from Ryan Homes received

#### 2. SALARY ORDINANCE 2008-6

Ouellette: Ranges for salaries

Corcoran: Required to do every year even if there aren't changes.

Ouellette: In light of budget, I think we should retain 2007 ranges.

Fitzpatrick: Contracted raises mean that you have to approve it because some people will fall into that.

Ouellette: We should go back to contracts to see where they fall in current ranges and see how far out of range they are and then calculate.

Fitzpatrick: That's how this is based.

Hinkle: There's such a spread that I don't know why it would be a problem.

Ouellette: Please keep the mayor's salary where it is now. We need to meet our budgets.

Devinney: No one under contract would get more than their contractual raises.

Fitzpatrick: None of the salaries can be approved without Township Committee approval.

Templeton: I've always thought this annual ordinance had an artificial upper range. The mayor is looking for actual numbers.

Corcoran: Numbers will fit somewhere in this range.

Fitzpatrick: Minimum would be the minimum – maximum would be exactly what it is.

Hinkle: Mr. Corcoran, you stated we had received these salaries. Mr. Templeton said he never got one. It was in a sealed envelope.

Corcoran: Must have been at a meeting that you missed.

Templeton: I never got one.

Devinney: Maximums just give you some headroom. We don't pay the maximum. It's a practical way to run your departments.

Fitzpatrick: It's a management tool

Devinney: I don't think we're sending a message by adjusting the maximum. I'm in sympathy that we need to give every message we can about our budget.

Ouellette: I'd like to get the 2007 ranges and compare them.

Fitzpatrick: When do we have to have this submitted to state?

Corcoran: with budget.

### 3. EXPANSION OF RECREATION BUILDING FACILITY AT WEST AVE. PROPOSAL BY CREEKSIDE DEVELOPMENT - IN LIEU OF PAYMENT

Fitzpatrick: Did we get the plans?

Rahenkamp: About a month ago.

Fitzpatrick: Just a sketch.

Rahenkamp: I assumed someone from rec was going to come back and tell me what they want.

Fitzpatrick: I misunderstood. I will have them contact you.

### 4. STATUS OF 2008 MUNICIPAL BUDGET

Ouellette: Budget will be on next meeting for public comment. It's on the website. I have no problem with someone picking up the phone or sending me a note to ask us to look at something.

Templeton: We can make amendments. We're still waiting for the shoe to drop from the state.

Ouellette: If we don't adopt by July, we'll get our hands slapped.

Templeton: Opportunity for another budget workshop.



Devinney: It's not clear that we are going to see much more from the state. This will be a very serious situation for us. I think we should have one more session where we have a plan B.

Fitzpatrick: I agree. I don't think we should take the \$100,000 out of surplus. State is going to give us \$161,000

Ouellette: We need to discuss capital improvements and the three year plan. Does Monday June 16<sup>th</sup> work?

Lohr: I will post for Monday, June 16.

Resident: At last meeting, Rec wanted to get together with DYSA. They will be discussing the building. The only thing that was in question was the kitchen.

Ouellette: Recycling – county is changing price on the containers. They are pushing larger, but there are two more sizes. Suggests staying away from townhouses and senior developments.

Hinkle: We thought we would go with the smaller ones.

Templeton: We should see the third size.

Devinney: I think if we started with a thousand of the large ones, we would have 800 people asking for smaller ones.

Ouellette: Anyone have a feeling as to where we should start?

Fitzpatrick: Start with bridge and go forward.

Ouellette: Start with west end.

Fitzpatrick: Would be a good idea to start at west end.

Hinkle: either end.

Ouellette: I'll contact Mrs. Moore and let her know 1000 units.

## COMMENTS – PROFESSIONALS

Denton:

1. Parking at train – NJ Transit has draft agreement for township review.
2. Sidewalk extension between Creekside and Larchmont would be between trees and Burlington Ave. pavement. It would require easement from owners of two properties.

Fitzpatrick: I will take that to the residents.

Kearns:

1. Spoke with attorneys on Jevic bankruptcy – land isn't Jevic's. We don't need to file to protect tax collection. One just came in.
2. Received request from Renwick to release bond on assessment. Two appeals are still pending.

3. Signs on Winziner property stating it is a HAZMAT site. Their attorney said they never put them up. A neighbor did. There is nothing to indicate hazardous materials are on the site. Putting signs on poles is a state violation.

#### COMMENTS – TOWNSHIP ADMINISTRATOR Corcoran

1. Jevic – repeat of the above information. Payment of taxes will be done electronically.
2. Truck traffic on bridge – aggressive program will be ready for next meeting.
3. Lighting of Vine Street park – asked Township Committee to see which Burlington Ave lights could be turned off.

Denton: Removing lights may be a problem according to 10 year agreement as per PSE&G.

Corcoran: We're moving them, not removing them.

4. Coopertown Rd at tracks heading to Burlington Ave. - cars making left on Pennsylvania Ave. cause cars to back up over the track. Pennsylvania Avenue could be one way out to Coopertown. We would send a letter out to the residents and ask for their input.

Fitzpatrick: County received complaints from people backed up in that line.

Devinney: There's no alternative to make it no left turn on Pennsylvania.

Corcoran: It's a place to start.

Sacalis: That has been an issue.

#### COMMENTS - DEPARTMENT HEADS

1. Police

- Officer Hoffman is having his first year graduation

2. Municipal Clerk

-Districts 1 and 2 – vote at Pearson School.

#### COMMENTS - TOWNSHIP COMMITTEE

Hinkle:

- didn't make RiverRoute and Marlene didn't either

-no Shade Tree Meeting due to JLUB meeting – *Beverly Bee* Arbor Day photos

-Comcast scholarship to Delanco student.

-Economic Development - \$35 to be in book

Templeton:

-Attended county sponsored workshop for Jevic employees- see township website and bulletin boards for contact numbers. Lots of us were concerned about employees' ability to COBRA benefits. You can't COBRA if plan isn't in effect since plan was terminated

after bankruptcy. If a Jevic employee has a spouse with a health plan, they can sign up on spouse's plan from 30 days after May 19.

-Rode with Lt. Sacalis for a few hours – learned a lot. The cameras we bought were a very worthwhile investment.

-Sent email to NJ Transit – graffiti on bridge – it was painted out. I mentioned parking issues as well.

-Environmental Advisory – discussed sewerage and dredging

-JLUB – special meeting regarding COAH at Delanco crossing – 24 COAH units required. If the COAH rules change, the commercial block would revert to COAH – 32 units. Acting now enabled us to receive a bonus yielding 64 units. As to recreation we discussed, many items are still outstanding.

-Streetlight – Citizen input for any street lights that we don't need. Our budget for streetlights is \$65,000. Two years ago it was \$43,000. Mr. Devinney met with PSE&G. There wasn't much savings going to other types of lights.

Fitzpatrick:

-DYSA meeting

-Met with Marty Livingston, Steve and Chief to go over crosswalks. County has agreed to crosshatch current cross walks and OK'd use of portable sign at Union for churchgoers on Sunday.

-Talk of Ordinance to change Cooper St. to Coopertown Rd to avoid confusion. County will put up a sign directing traffic to our municipal building. The light will be changed to match our street light. County will crosshatch lane on Burlington Ave by Pearson. Ed brought up issue of coming out of Center to Burlington. Sometimes you find yourself in the other lane. County will grind out yellow line on (missed name of street) so it is one way.

Devinney:

-Attended Jevic meeting – thanks to Mike for summary on website. Federal and NJ Warn Act – 60 day warning to employees. Federal can be negated if a business is seeking funding. NJ act doesn't allow that way out.

Fitzpatrick: Doesn't federal act supercede?

Hinkle: How did you hear about that seminar?

Templeton: Diane Allen's office.

Hinkle: You got a call?

Templeton: I got an email from her office manager.

Hinkle: I would have liked to have gone.

Devinney: I do remember how I knew. There was an article in the paper. I just decided to go.

Fitzpatrick: June 26 concert at the mansion 7-9

Ouellette: Work session next week ... we need an executive.

Lohr: We will advertise that an executive will occur.

**ADDITIONAL PAYMENT OF BILLS:**

DELANCO BOARD OF EDUCATION – JUNE 2008 \$402,190.00

DELANCO PUBLIC LIBRARY - JUNE 2008 3,000.00

DELANCO FIRE COMMISSIONERS – JUNE 2008 24,666.66

Submitted by Maureen Barrett