

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

Township Committee Nov. 17, 2008

Devinney, Hinkle, Templeton, Ouellette Fitzpatrick

Also Present: Mr. Kearns, Twp. Solicitor; Janice Lohr, Municipal Clerk; Lt. Sacalis, Delanco Police

****SPECIAL PRESENTATION****

RESOLUTION 2008-147 HONORING ROSEANN LAMEIRAS

ORDINANCE 2008-10 AMENDING THE DELANCO TOWNSHIP CODE, CHAPTER 295, BY ADDING TRAFFIC CONTROL PROVISIONS FOR THE STREETS WITHIN THE "NEWTON'S LANDING" DEVELOPMENT CONTINUED PUBLIC HEARING FROM 11/10/2008 MEETING

Kearns: Substantive changes, so it needs to be renoticed with public hearing in December.

Resident of Newton's Landing Note describing No Parking on Shipps.

Kearns: That's exactly what the Chief said to put in. I raised the same question you are raising. That's how he said it should read.

Resident: Terminology question: cul de sac – to me, it's a dead-end. I don't know why the traffic circles are called cul de sac.

Fitzpatrick: They are circles.

Devinney: It would be a unique use of the word.

Fitzpatrick: I guess we should have brought that up sooner.

Kearns: Will check with engineer and the chief.

Fitzpatrick: So they may be revised again.

Kearns: Continue it to the first and don't publish anything.

Fitzpatrick: Is Shipps Way a circle too?

Kearns: That's an issue for the engineer.

COMMENTS – PROFESSIONALS

Kearns: No comments

COMMENTS – ACTING TOWNSHIP ADMINISTRATOR Ouellette:

-Karen Zimmerman was hurt over the weekend. We're waiting on a status on her condition. She fell down some stairs, broke her wrist, and bruised some ribs. We wish her a speedy recovery.

-Met with Bob Stewart regarding taxes on some properties. Information was shared with Township Committee

-Contacted security and IT company for time clocks for payroll records. Reseaching now.

-Sprinkler people –

Devinney: I contacted them again, but haven't received a response. Will contact Mr. Denton for alternate sources.

Ouellette: Perhaps reach out to Hainesport people for another source. We're wrapping up the fire marshal's report and get the violations cared for.

COMMENTS - DEPARTMENT HEADS

1. Police

-Gang violence work

-Didn't get a Homeland Security Grant – seems like it's every other year. Last year we got computer equipment. This year we put in security cameras you could put anywhere. Six towns in the county got grants this year.

Templeton: On the website, there was a good page on the police page on identity theft. The weekly blotter is always interesting reading.

2. Municipal Clerk Got DOT grant for Richards Ave. \$150,000

-Dec. 1 public hearing for grant submission – Poplar St.

-Recycle carts have been delivered. First pick-up is Friday after Thanksgiving.

Ouellette: Answered phone here – 8 or 9 calls. Explained size of cart based on all in one recycling within 2 or 3 years. Other folks requested smaller carts – couldn't work with it since they were seniors.

Lohr: We have a log and will track as people call in.

COMMENTS - TOWNSHIP COMMITTEE

Hinkle:

-Carts are huge, but I've filled it to the top.

-Attended joint meeting on COAH plan.

-Congratulations to Roseann

Templeton:

-Attended COAH meeting. I think the public needs to be aware that this is coming and that there are no good choices.

Fitzpatrick: There will be a public meeting. It's strictly confidential.

Templeton: There is a huge public component. I think unveiling a plan in December isn't good enough. Two dozen people in Trenton are forcing us to make decisions that

undermine zoning and land use law. This is a huge avalanche that is going to crash down on the people of New Jersey.

Fitzpatrick: I agree and we have been writing to our legislators and they aren't listening. We need to vote them out.

Hinkle: This is the law and we have to abide by it.

Templeton: When a state agency is backed by the court and forcing you to identify private property, that's serious. This is redevelopment by another name. Affordable housing is a worthy goal that this town needs. A significant part of this community already qualifies for low income housing. By the rules, if we don't have a plan, any developer would win in court. If we choose the other way, we have to identify private properties as COAH and not tell those people. There are outrageous figures for employment in the state chart— no one has set foot in town to check it out. We received an obligation for the park in Pennington. We have two terrible choices – lose, or pick on our own people. The public needs to light a fire under the legislators and the governor.

Fitzpatrick: I totally agree. Our legislators don't listen to our towns. We have to make a plan. We can't discuss this until we have the plan. It is totally confidential.

Ouellette: I think we need to let people know that the meeting is coming in December.

Templeton: I've said what I wanted said. The choices are draconian. It's almost like a communist society – a faceless bureaucracy ignorant of the people. It's disappointing. I've sent an email to Conaway, Connors, and Allen. This is the reality of the impact. I was shocked on Wednesday night. Things don't change unless people get mad and put pen to paper and light up the phones.

Fitzpatrick: The litigation – we didn't spend that \$500 since Mr. Kearns advised that it would be litigated anyway.

Templeton: This needs to be front page headlines when the choice is to identify someone's property, don't tell them about it, and let people know that their property will be identified for use as low-income housing.

Fitzpatrick: We're doing that now. The developers have to have COAH inclusionary.

Hinkle: The people have to be educated. We have to comply. If we don't, it will cost the town. I don't know what the answer is. There was a thick book and amendments. Have you heard anything, Bill?

Kearns: Litigation is about the calculations the state used.

Hinkle: What happens if we don't comply?

Kearns: Then you have to give developers "remedy"

Fitzpatrick: That's what happened – 350 units at (missed this). We're lucky they only did 264.

Devinney: Majority of the cost will be borne by residents. People who qualify for COAH will be paying full taxes for COAH. I hope a lot of people will show up on December 15th.

Hinkle: I think we need the governor. He appoints these people. He doesn't know how bad it is.

Fitzpatrick: You need to be involved at this level of service to see it. No one here who wants more development, but we don't have any control.

Hinkle: They cut the state aid

Fitzpatrick: And we have to have a special purchasing agent.

Lohr: On the 15th, the public hearing for this is at the planning board prior to the township committee meeting. We will do a resolution endorsing what they have adopted. There will be no additional published notice. The public input on the plan will be at 6:30 on the 15th. Our round 3 number is larger than rounds one and two combined and we have less available land. How can that be?

Templeton (continued)

-NJ Transit coming at 10:00am on Nov. 25th. Senator Allen called to say she is interested, but unable to make the meeting. She said she is confident that there will be a solution satisfactory to the township

-Article in *Burlington County Times* regarding litiagion and settlement on landfill.

Primary polluter was a chemical company that wasn't mentioned. Delanco's portion was \$50,000 for a \$59 tipping fee.

Fitzpatrick:

-Attended the joint meeting with planning board. No one is pleased.

-DYSA wanted to change meeting night to Mon. 25th – now they want Tuesday, the 25th. Calendar has JFK Club that week. Are you meeting?

Templeton: No, it's open

Fitzpatrick:

-Senior lunch Cove 2 Dec. 9th at 12:00 –

-Library meeting is tomorrow night – can't make it. Made flyers for upcoming presentations at library jointly sponsored with Historical Society– Alligator Nov.20th at 6:30...History of Sea Scouts Dec. 11 at 7:00 (check dates on town website under library)

Devinney:

-Contacted Midatlantic on fire alarm and sprinkler. Will contact Dave Denton for another contact.

-Look at lights on Maple as per resident's report. Will ask PSEG to replace the light they took out. add sodium light and consider shading the light on Burlington to reduce the glare.

CONSENT AGENDA ITEMS:

RESOLUTION 2008-148 HONORING EAGLE SCOUT STEVENW. LOHR (full resolution was read)

APPROVAL OF MINUTES – 10/6/08

APPROVAL OF DEPARTMENT REPORTS

PAYMENT OF BILLS

ACCOUNT AMOUNT

GENERAL \$16,959.30

PAYROLL 29,166.82

ANIMAL CONTROL 433.00

HOUSING TRUST 2,215.90

MUNICIPAL OPEN SPACE 5,990.00

CONSENT AGENDA Passed unanimously

MEETING OPEN TO THE PUBLIC

Resident of Newton’s Landing; Been to Sewerage Authority meetings – talk of by-pass through the field. I’ve looked at drawings. Original drawings showed access coming from Delanco out Creek Rd, but not to Delanco from Creek Rd. I’ve been told that the street will be closed off as a cul de sac.

Lohr: We haven’t received any changes.

Fitzpatrick: Purpose is to eliminate that curve.

Resident: Will township get the plans?

Hinkle: Yes, the engineer will. We can ask Mr. Denton if he has received changes?

Templeton: What do you want to know?

Resident: If Creek Rd is going to be closed off.

Templeton: I think just one lane is to be closed off.

Fitzpatrick: It was going to be one-way from Cooper down Creek Rd. The businesses would be able to get to their businesses.

Resident: Walk was done on county path three months ago. It’s not in acceptable condition.

Fitzpatrick: It’s not. We got a letter from Matt Johnson. Pulte got a letter regarding three items.

Templeton: Vegetation off trail, bedding base for path, and erosion problem.

Fitzpatrick: You can have my copy of the letter.

MEETING CLOSED TO THE PUBLIC

CORRESPONDENCE

None

DISCUSSION ITEMS:

1. ROSI LIST UPDATE

Lohr: Letter from Bill Matelewicz from Environmental Advisory Board in tonight's packet.

Templeton: EAB wanted to update 2006 ROSI list. Mr. Matelewicz's letter focuses on the Dunes properties. Gateway Park was omitted. Zurbrugg Waterfront.

Fitzpatrick: Was added for the grant.

Templeton: Skinny lots at West End.

Fitzpatrick: We should also add the new park that Stephen Lohr just did.

Templeton: Everyone agrees with Gateway Park?

All: Yes

Templeton: Zurbrugg Waterfront. Green Acres is reviewing our appraisals. I sent an email last week – staff there was cut. I will ask her if grant submission satisfies that. The Dunes- found documents – 1944 Township Committee minutes and a deed from county clerk's office from 1944 – Chancery Court of NJ – a foreclosure of several properties – Tract 4 describes land from Burlington Ave to center line of Perkins to current water line of Delaware and Beverly line – 66 acres. Another deed includes riparian rights. The pervious deed is a sheriff's sale. Tidal lands included a signature from the federal government in 1930. I went through minutes from 1940's on – several references to dredging ...lots of resistance from township then. Private property owners on Hawk Island asked township for permission to mine spoils off their land. I never found anything back to 1940 and beyond that the state of New Jersey has any claim on the dunes.

Fitzpatrick: Any claim by the state would be after the 1940's. They may have a claim after the fact of the dredging. If someone comes from Green Acres and says the compost pile there could remain...I know they said we could do the cut out. I would want them to come down and see it. I would be more than happy then to save that property for open space.

Hinkle: We're assuming that would be grandfathered.

Fitzpatrick: Their regs said that they would be removed after a time.

Templeton: Email I have was an answer to that specific question. Leaf composting should be identified and a footnote.

Fitzpatrick: That has to be so noted by our engineer and they need to accept that. John needs to approve that.

Templeton: I've been talking to John. There are three acres and there has to be a buffer zone. This sounds quite easy to accomplish. It doesn't have to be the narrowest delineation. It's our pen.

Fitzpatrick: Then they need to approve it before I would approve it.

Templeton: So you have no objection to listing the Dunes?

Fitzpatrick: I would approve of it. The West Ave residents should be noticed again to see if they want to purchase that land.

Ouellette: Lots have been subdivided.

Templeton: According to the tax office, they haven't been subdivided.

Fitzpatrick: It was approved. I guess they didn't post it.

Hinkle: People have encroached on that land.

Fitzpatrick: I think we should give them the opportunity to buy it.

Ouellette: I say we own it. If you open it to the residents, you have to offer it to everyone else and that opens the door to developers. We own it. Let's protect it.

Fitzpatrick: I wonder if the residents who have utilized it...we should ask them to remove their items.

Hinkle: Those properties on the ROSI list. .. if someone gets hurt, who is responsible?

They are using that property. We did offer them the property.. W should put up a fence to protect us.

Ouellette: We need to notice them that we put it on the ROSI list.

Fitzpatrick: They need to be notified to remove their items.

Ouellette: I think we should move on this to put it on the list.

Templeton: You just have to imagine how seven houses would look on that.

So we have Gateway Park, The Dunes, The Waterfront.

Fitzpatrick: Park on Vine and Burlington, you're not in favor of listing it?

Templeton: I'm giving the committee the choice. That was a temporary park. A lot of us put a lot of sweat equity on that park.

Devinney: Poll the committee.

Resident: I was under the impression that we wanted to keep that area, but were considering parking for commercial on Burlington. Park was temporary.

Fitzpatrick: Initial purpose was for parking, but no one was in agreement. That was my intent to put parking for people living on Vine Street.

Resident: Looking to the future, we don't know what it will be. If we list this, we won't have the option. We don't know 20-30 years from now where we will be.

Templeton: the foundation for the ROSI is looking to the future. After Wednesday night, who wants COAH looking at 66 acres by the river.

Resident: I'm asking you to consider the future.

Templeton: The Dunes has been a long-term thing. The waterfront, we held off on that.

Resident: You're talking about your downtown area.

Fitzpatrick: There's nothing downtown. For us not to protect that park after all the work that has been done on it, I disagree.

Resident: It's not something that would have to be done at this moment.

Fitzpatrick: Our list isn't a list until we sign with Green Acres. Our list isn't formal until we accept something from Green Acres.

Resident: Consider that future for everyone – the taxpayer's sake as well.

Fitzpatrick: Then we shouldn't list Gateway Park.

Hinkle: What restriction come on the property with Green Acres?

Templeton: Big one is no dredging. It's deed-restricted as open-spaced land. Can we do our own thing?

Templeton: As long as it's recreational.

Fitzpatrick: It's public use, that's the thing. Where our fields are, we don't have a lot of public use. We control it.

Hinkle: What about the skateboard and tennis?

Fitzpatrick: It's listed so anyone can use it.

Hinkle: It bothers me that there are ten people there on the basketball court, and none of them are from Delanco. That's my concern that once it goes to them, it isn't ours anymore. Once it goes to them, it isn't ours anymore.

Devinney: Gateway Park is tremendous and I like the Vine Street. I have mixed feelings about it. I don't know what the future of that area might be. I would be concerned that it would be used for COAH.

Ouellette: What control do we have?

Kearns: Green Acres ... very limited regarding what you can do.

Hinkle: Edgewater has properties and refused to list them.

Kearns: Yes, due to restrictions. To get a property released is almost impossible. For example, we couldn't get land at Wawa to improve traffic safety. Once it's there, it's there.

Fitzpatrick: We did a plan with the county for Vine Street for parking. Residents have no place to park. Only eight spaces could go in there.

Hinkle: Why don't we get verification from John for the compost pile.

Fitzpatrick: That's got to be worked out. I'd like to see a letter from them accepting our plan with a cut-out.

Templeton: I read you the email and I've talked with John Fenimore. You just type in lot and block numbers and draw a box around it.

Fitzpatrick: Ask them to send us a letter.

Templeton: (reread the email)

Fitzpatrick: Legally a survey would be the best way to do it.

Ouellette: We'll get Mr. Denton to do a survey with Mr. Fenimore.

Fitzpatrick: Think of the future.

Templeton: I have been. I've been asking questions about this for the past three years.

Ouellette: (read a list of lot numbers)

Templeton: List everything and identify a portion of the blocks used for leaf composting on an aerial map.

Ouellette: What if we leave those two blocks out?

Templeton: I like the protection of listing the whole thing against dredging. They will never allow dredging on those lands.

Fitzpatrick: If the Army Corps already has an agreement, they don't have to listen to anybody. Hawk Island and the Dunes are already sites.

Templeton: Township has clear ownership of this property. Mr. Germano has looked at this.

Fitzpatrick: I'm not questioning ownership. I'm wondering if the Army Corps would still have the right.

Templeton: (missed part of this since my battery died.)

Devinney: It might be a good idea to...regarding the survey. If the Army Corps is going to look at that, it might be best to know what is there.

Fitzpatrick: I think we should do the survey. It's a legal document.

Hinkle: For our protection, we should. If we lose that compost site, we're in trouble.

Templeton: It's not required. I don't know why you're delaying this.

Ouellette: I think for now, we should list the other lots. We can add the other lots next year.

Templeton: I don't want to lock Mr. Fenimore onto a compost facility.

Fitzpatrick: I think we should have a survey to protect the compost site. It's not a costly thing. Unless they say they would accept this...do a survey with a meets and bounds description. It protects the town.

Templeton: I think a broad definition would be better. It gives Mr. Fenimore more latitude.

Fitzpatrick: You still have to delineate that area. I would like to call and get my own clarity. They said a survey is preferable.

Templeton made a motion to list the Dunes properties on the ROSI list.

Ouellette: Second.

Devinney: Would prefer a survey, but will go along with this. Yes

Fitzpatrick: no to submitting it without a survey. If they prefer a survey, give them a survey

Hinkle: No, for the same reason. I don't think now or next month will make any difference.

Ouellette: Yes, if we designate the compost area.

Motion carried.

Lohr: Listing the dunes properties using a tax map.

Templeton: Motion to list Gateway Park, Zurbrugg Waterfront, Dunes, West Ave strip.
Passed unanimously

Fitzpatrick: Make sure the minutes reflect that I wanted a survey done.

2. 2009 BUDGET PREPARATION

Ouellette:

-Include a new administrator as part of the budget process.

-Anything else?

3. PROPOSED “PODS” ORDINANCE

Ouellette: Changing duration to 60 days and leaving everything else the same.

Kearns: How long can the extension be?

Ouellette: 30 days.

Hinkle: Amount of the permit?

Fitzpatrick: \$25 for 30 day permit.

Devinney: So you can push it to 90 days.

Kearns: Only issues were fee and length of time.

Hinkle: I think it's very important that we have it.

Ouellette: Does Township Committee want to be part of it, or leave it to the administrator?

Fitzpatrick: Zoning officer.

Templeton: I'd leave it there.

Kearns: Zoning officer issues the permits. Could be zoning officer or the township administrator.

Devinney: change “motorist” to “motorists”. (something else I missed)

Jass pointed out a typo.

Devinney pointed out another error.

Fitzpatrick: How are we going to word this for a residential property?

Kearns: Not to remain more than 90 days.

Ordinance 2008-13 portable storage units – first reading – public hearing Dec. 1

Passed with Templeton voting no.

ADJOURNMENT

Submitted by Maureen Barrett