

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

Delanco Board of Health Meeting was held first. Janice Lohr was appointed secretary. Burlington County Board of Health is the inspecting agency. Rabies clinic was held first Saturday in November.

Township Committee January 12, 2009

Devinney, Hinkle, Templeton, Fitzpatrick, Jass

Also Present: Mr. Schwab, Acting Township Administrator, Mr. Heinold, Twp. Solicitor; Janice Lohr, Municipal Clerk; Karen Zimmermann, Deputy Municipal Clerk; Mr. Denton, Township Engineer; Chief Parsons, Delanco Police

COMMENTS – PROFESSIONALS

Denton:

- brought plan for roof drain for municipal building; can be done through quotes since it is small
- NJ Transit – deed restrictions requiring DEP approval to fix parking lot at Riverline. NJ Transit is working on that now.

Parsons:

- request for Pine and Union – stop sign permission. Committee agreed
- Fitzpatrick: Complaints regarding vehicles on Buttonwood. Phil said he has antique plates, but aren't they still required to have insurance and registration.

Parsons: Yes

Fitzpatrick: Will you discuss that with Phil?

Parsons: Yes

COMMENTS - TOWNSHIP COMMITTEE

Devinney:

- Attended Joint Land Use Board Meeting regarding Master Plan. Suggested that the board may want to consider what we want to do with the Dunes area.

Hinkle:

- Reorganization meeting – would be nice if we always had that many people.
- This is a meeting of firsts – for Mr. Schwab and for Marlene
- Sewerage Authority tomorrow night.

Templeton:

- Email from Edgewater Park that Winzinger has resubmitted their application for Class B recycling. Called DEP and asked for a copy.
- Joint Land Use Board accepted master plan. I'm somewhat disappointed. It's not an accurate reflection of township now or in the future. I'm disappointed that they used 2000 census which distorts population. They repeated misinformation on office space –

that figure is used by COAH to calculate our obligation. Bogg's Ditch is listed as not to be developed. It's ambivalent about transit villages. Remarks about "narrow sidewalks" and off-street parking on Burlington Avenue - township has spent lots of money on a streetscape there. Mentions a rumor that a property that may be contaminated. A rumor shouldn't be in an official document. Mentions lots on Hawk Island as owned by township. We only own one. Comments that were made to planner when I was on the board didn't seem to make it. An entire section on Historic Planning was added that wasn't there until the night of the meeting. The Historic Preservation Board puts in a lot of time. Master Plan recommends board becomes a commission and then it becomes part of planning board. If you plan to do alterations etc., they would have to be approved by the historic board. What has been included is someone's assessment - many of the classifications are wrong. It would be disappointing if you tried to make a change that may be viewed as a change in style when it isn't correct in the document. That section would need professional review. Some other parts... personally... it mentions a building that was on my property and says it was demolished by me. That's not true. I would recommend that the entire document be reviewed.

Fitzpatrick: Did you make your recommendations to the board last week?

Templeton: I was removed from the board. The historic section needs to be removed. It needs a professional evaluation because of the next steps down the road. If this says your house is a Victorian, and it's not, and then you go to make alterations, it would be difficult.

Jass: Mr. Bussler and (missed this) - statements were made clear on the record that no one has to live up to these standards. We have to review these issues. It's a living document. I have the same concerns about the census, but we have to base it on some figures.

Templeton: Current government estimated data that is available. I know that was a concern of the board.

Hinkle: Newer figures are available from the county. They could be corrected.

Fitzpatrick: We have the opportunity to review and your comments should be taken into consideration.

Jass:

-JLUB - approved the Master Plan. Each of us will review.

-Historic Preservation Board reorganized -

Acting Administrator Schwab: Thanks for appointment. Looking forward to meeting as many people as possible.

Fitzpatrick: Township Committee is here as a joint team effort.

- I've had complaints and addressed some of them.

-Historic Preservation Advisory Board

-DYSA reorganization - looking for volunteers

-Recreation Commission - meets second Thursday - looking for volunteers

Flower Show March 6. Look for flyers for Egg Hunt (missed date) and other events.

Pennington Park area will be reviewed by Rec. Funds will change since we will be submitting for soccer fields only. Plans will be submitted by the end of the month.

CONSENT AGENDA ITEMS:

RESOLUTION 2009-29 REFUND OF 2008 APPEAL OF ADDED ASSESSMENTS

RESOLUTION 2009-30 RESOLUTION TOWAIVE INTEREST DUE ON 2008 LAND TAX – BLOCK 1900, LOTS 5.02 & 5.03

PAYMENT OF BILLS

ACCOUNT AMOUNT

GENERAL \$668,254.39

PAYROLL 154,652.29

TRUST 24,569.26

HOUSING TRUST 12,736.25

DOG TRUST 1,804.70

APPROVAL OF CONSENT AGENDA

MEETING OPEN TO THE PUBLIC

Residents of Delaware Ave: Payment of bills – general \$668,254.

Fitzpatrick: \$418,000 for school taxes to district. \$11,000 for trash pickup

Resident: I'm not used to seeing a line item like that. This is the time of year we establish budgets. The matter we are here about has gone on for three years. It's cost the taxpayers \$100,000. We're approximating that from our legal fees which have been about \$100,000. One neighbor wants to go across our driveway to exit his though he has two other exits. He wants the township to fight his battle for him. Township still doesn't own the property. According to my calculations, based on square footage on the section that is being declared for eminent domain as well as the section we are in court about, it will cost between \$130,000 and 600,000 for this one neighbor. That's just to buy the property – not legal fees. Before the meeting we handed out these yellow pieces of paper. The solution is simple. The township limits this neighbors access to just Second Street. It won't cost the township anything.

Resident's wife: We're concerned about expense to taxpayers and obviously to ourselves. I'm not sure how it initially came about, though it appears it is for the convenience of one neighbor. Previous neighbor's claim to fame was that he was here for fifteen years. This neighbor has his house up for sale. The common denominator is that we aren't going anywhere. The neighbor is moving. It would be prudent to resolve something before another neighbor moves in. We should sit down and talk. We're willing to make concessions. I'm not going to bring in elements of character of the people involved. We love this town and aren't going anywhere. We don't want to be in this type of battle. In the past, we sat down with the administrator. When we sat down, it became clear that we are good family people. We moved to our home for a peaceful, safe environment. If we could come to something, it would be beneficial.

Fitzpatrick: I'm going to refer your questions to our attorney since this is in litigation.

Heinold: This town has had countless settlement discussions with various attorneys over the years. We've come close, but have been unable to settle. Lot 5 is owned by a company owned by Mr. Malik's. Judge Sweeney ruled in favor of township. One issue remained and Sweeney ruled again in favor of the township. Malik's argument is that Delaware Ave. doesn't exist across lot 4 to lot 5 since there was no connection to Delaware Ave. Judge ruled against Malik. Maliks had a new lawyer – easement document resulted, but no signature from Malik. Malik filed for a reconsideration. Judge ruled in our favor. February '08 – appeal and a motion through chancery division. We were forced to file summary motion. Appeal on eminent domain is before appellate division. Maliks are arguing that Delaware Avenue doesn't exist across Lot 4 and 5.

Resident: Ordinance 2001-8 – (missed this)

Heinold: You created another company to purchase the lot next to you. It is a public right-of-way. The deed you took title to describes two lots with the street between them. I'm sorry that the township is in this position. It's the poor and erroneous arguments that you have put forward that have cost the township money.

Fitzpatrick: Mr. Heinold has been recognized for his work in land use law. I have lived in this town for sixty years. My parents lived in a houseboat on the Delaware. There has always been access for all of those properties – not Second Street. Those bungalows had water frontage. You have stated he would have frontage from Second Street, but there was never any street there. He would have to go through your property.

Resident: His utilities go through there. We offered to give him access.

Heinold: There is a public right of access that has been there for years. You sought a fence permit that included a survey that indicated that Delaware Avenue did exist there and it was publicly owned. You refer to your estimate of what the township has spent on legal fees. Municipal attorneys charge less than private attorneys. You may pay 200-300 or more an hour. My fee is half that. I would guess that half of this or less has been paid. Regarding the mansion case, we charged \$25,000 from the day we got the case until the end. We charged less than the other two attorneys that were involved. My concern for this township has always been the residents. Your flyer asks, "Are you aware...?"

Residents who attend these meeting regularly know that it has been brought up. I've reported 19 times over the years, so the public is aware. I filed for sanction on Friday because I felt that your motion was completely frivolous. Court wouldn't assess fees, so township again is incurring fees. I have settlement documents that were ready, but couldn't be signed by you. I've sat with you and Mr. Corcoran countless times.

Resident: Vittorino signed a document. My neighbors had to dedicate a piece of property fifty foot wide to the township. Obviously, Delaware Ave didn't exist. I haven't had the best legal help. According to the maps in 1854, Delaware Ave was in a different place. There was a house where it is.

Heinold: 1208 Lot 4 – your deed Oct. 5, 1995...

Resident's wife: This is why this has gone on so far. If your children's safety was at issue, what would you do? He's just been (missed this) of assault. When one of my children was involved, it became personal. Perhaps if we had a different attorney or a different neighbor, it would have been different.

Heinold: We have remained willing and able to settle. I contacted your attorney to settle. No response. I contacted him before filing for fees, no response. I'll step out of the room, if you think I'm the problem.

Resident: I tried to contact someone and they wouldn't discuss it because of the attorneys.

Heinold: We've sat down many times. If you think I'm part of the problem, I'll leave. If not, I'm willing to sit down.

Resident: If the taxpayers want to pay us \$200,000 to drive across our property, we'll accept the check. The neighbor can use Second Street. The picture I have from the 40's is how he accessed his house.

Heinold: The offer stands. We will listen.

Resident of Shad Court: 2009-29 – refund. I've been in my house for two years. Our mortgage went up \$500 for back taxes for 2007-2008.

Fitzpatrick: This was a refund to an individual. They overpaid due to an appeal.

Heinold: (explained refund) Overall revaluation is complete. If you have concerns, see the tax assessor by appointment on Monday nights and there is a process to appeal to county tax board.

Resident: What are the hours?

Fitzpatrick: 7-9 You may be able to catch him tonight.

Resident of John: Is township looking into cutting back on trash pickup?

Fitzpatrick: Our contract is coming up in six months. When we first negotiated, we were with 200 other townships. It was less money to continue with two days than go to one. There were some concerns of some residents about one day pickup due to garbage since we don't have garbage disposals. If it is in our best interests, we will consider cutting back. We need to cut corners everywhere we can.

MEETING CLOSED TO THE PUBLIC

CORRESPONDENCE

1. Open house for Girl and Boy State
 2. Letter from JIF – training at the end of the month. We save premium money by attending. January 29 @ 6:00. Lohr will check to see if previous attendance counts.
- Fitzpatrick: Zurbrugg submitted application to be placed on NJ Register of Historic Places. Meeting in February.

DISCUSSION ITEMS:

1. APPROVAL OF PARTICIPATION IN 2009 NEWJERSEY GIRLS AND BOYS STATE PROGRAMS –American Legion program \$185 for boys \$210 for girls.
Approved by motion.

2. PROPOSED ORDINANCE 2009-:1
AN ORDINANCE ESTABLISHING FEES AND PROCEDURES FOR

REIMBURSEMENT OF MAYOR'S EXPENSES IN CONNECTION WITH MARRIAGE AND CIVIL UNION CEREMONIES

Fitzpatrick: When I was mayor in 2006, I performed a number of ceremonies. In 2007, law changed that you had to civil unions. Doug did some research regarding fees that other townships are charging. Township would get some money as would the mayor. There would be different fees for residents, non-residents, and for veterans. I would be willing to do civil unions as well. I have the right to waive the fee.

Hinkle: I performed 12 marriages. I think it's a good idea.

Devinney: It should be the prerogative of the mayor.

Templeton: I'd like to think about this.

First reading by title only – hearing for Jan. 26th.

3. RECEIPT OF QUOTE FOR COMPUTER AND IT SERVICES

(One quote received – Fitzgerald & Company)

Fitzpatrick: It's cheaper to have a service agreement on our network, computers, and server. They've done a great job for the township.

Devinney: I've looked at the contract. From my knowledge of rates in the field, it's a good deal for the township.

Jass: I was pleased with the contract. It was very reasonable. Clerks and administrator said they have been very responsive – here in hours.

Motion to award said contract and authorize the Mayor and/or the Acting Township Administrator and the Municipal Clerk to execute said contracts on behalf of the township.

Submitted by Maureen Barrett