

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

Township Committee March 16, 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; John Fenimore, Public Works ; Lt. Sacalis, Delanco Police; Scott Taylor, Township Planner, Marybeth Lonigan, Township COAH planner

ORDINANCE 2009-4 AMENDING AND SUPPLEMENTING CHAPTER 110 GOVERNING ZONING IN VARIOUS NAMED SECTIONS OF THE ORDINANCES ENTITLED PART II LAND USE PROCEDURES OF DELANCO FOR THE ESTABLISHMENT OF THE "PLANNED DEVELOPMENT-AFFORDABLE HOUSING-2" ZONING DISTRICT 2ND READING BY TITLE ONLY AND PUBLIC HEARING

Report on Determination of Master Plan Consistency – Lohr – (read report) Ordinance was reviewed by JLUB and found to be consistent with Township's Master Plan

Heinold: Nonmaterial revisions – Lot references.

Taylor: (referred to marks in Township Committee's copies) – Lot 2200

-remove C-3 district (housekeeping since it would be confusing to later readers of the ordinance). C-3 uses were brought into PDH2 (?) Zone. This was done to simplify.

Other changes on pg. 3 – ownership and maintenance of open space will ultimately be part of Rancocas Creek Greenway so that a later homeowners' association won't decline to do so.

Devinney: (missed this)

Taylor: (referred to other changes)

Templeton: Did we have these changes?

Fitzpatrick: Yes, it was circulated after JLUB meeting. Doug, would you suggest that Abundant Life have opportunity to present before public comment?

Heinold: go to public comment

HEARING OPEN TO THE PUBLIC

Member of School Board: When I became a member, I thought I was going to be able to cut costs. As a member I discovered that I can't control costs. One thing that scares us is special needs. This is written as support of special needs housing. I want to hear from Aubrey. Are there going to be special needs children? That's a cost we can't afford.

Fitzpatrick: At school board meeting, there were questions regarding the development and children. Board's study prior to the bond and addition didn't include anything at Abundant Life. I think it would be good if you (Aubrey) would speak regarding this point. By doing this ordinance, we are implementing our third round COAH plan. If you have questions, Marybeth is here to answer them.

Lonigan: Units are meant for adults. It's not meant to be a household with special needs children. Special needs housing on this property will reduce the number of market rate houses that would have to be built. These 20 units reduces the need from 80-60 market rate houses.

Templeton: Special needs isn't age-restricted.

Lonigan: Correct. In COAH's world, 25% of your entire obligation can be over 55.

Templeton: By federal law, you can't age-restrict that category...correct?

Lonigan: Yes, typically the type of funding sought is from NJ (missed this) Housing Agency; they always attempt to have older adults. They cannot say there will only be special needs people over 55 or 65, but they do try to do that.

(missed name) Representative of applicant: We are intending to market to adults. It's not impossible, but likely that there will be any school age children.

Resident of Mulberry St. Children who are classified are classified until they are 21.

Students have the right to go to school and we have to pay for it. If they are going to market it to seniors, it should be over 21. I have a problem with traffic there. At Creek Rd in the morning, it is awful. You sit to make a right turn at Wawa. Has DEP evaluated the land to see if it is wetland?

Fenton (Abulndant Life): Special needs does give restrictions about what they define as age. They want you to look at the county needs. In Burlington County, there is a demand for special needs housing for seniors. We're looking for housing for severely disabled seniors who are wheelchair bound. That would be compatible with other senior housing there. We don't have the luxury of defining an age to the state. We don't have any interest in having children living on that site. There are too many bodies of water. We don't want children out trying to skate. As far as DEP and traffic, we have a plan with traffic analysis that proposes access directly from Route 130. Wetlands reports have been considered. We've been working with the township professionals.

Resident of Perkins (Fire Commissioners): Population density is 4.25 per gross acre. If there is wetland and it's unbuildable, that would boost the population density per acre. The plan I saw didn't allow for access on all four sides. Has that been changed?

Representative of Abuldant: That's a site plan issue. It's an alternative on the plans we've submitted on Friday.

Fitzpatrick: Are you talking about a fire zone all the way around?

Resident: No, on the units that face the lake itself, there was a sidewalk, but no access to a roadway across the front for a fire truck or an ambulance.

Resident: We can discuss that.

Resident: It may not be the most aesthetic, but I'm paid to think in emergency terms.

Jass: Can they get a plan with revisions?

Resident: We plan to reach out to them anyway.

Resident: In terms of increasing costs for town, we will have highway access to properties in Delanco from 130 for the first time. Delanco doesn't have equipment for motor accidents – no jaws of life. We may have to look at additional equipment and training.

Property tax for properties – are the residents and commercial area owners.... what is their liability?

Heinold: Commercial units pay full amount. COAH units have a PILOT process through Feds.

Lonigan: Financing for this development – bonus points if the township awards a PILOT program.

Templeton: Are we required to do a PILOT?

Lonigan: You aren't required, but there is bonus of five points. By agreeing to this, you are giving the applicant the most points they are allowed under this category.

Templeton: Is there a set time frame? Can the township modify the amount or time frame?

Lonigan: The five points up to 6.2% in lieu.

Resident: So it would be that percent times gross rents in lieu of taxes.

Lonigan: Minus some expenses.

Templeton: It follows traditional PILOT – school doesn't get any – fire, library don't get any.

Resident: So it doesn't look like there will be fire or school board money.

Fitzpatrick: No, unless we give it to you.

Resident: Please do. I don't see anything that says they can't market to families with children.

Taylor: They can't. It permits senior COAH units and 20 would be special needs.

Resident: What if they can't fill them?

Taylor: They have to come back.

Lonigan: Township is guided by this ordinance and IRS in oversight of tax credits.

There is a proposed bill in the state legislature to allow age-restricted housing to have regulations removed to allow family housing. I don't think this bill would trump federal funding for this project.

Resident: Regardless of who goes into the unit, it will put stress on the emergency squad.

Fitzpatrick: They will have their own service.

Resident: Just so you know if another town comes in, they charge

Resident of Pennington: Mandated link to county park. Give thought to who is going to take this ground.

Heinold: Statutes are very specific. We can mandate that they hold, but we can't dictate that they (missed this)

Resident of Delaware (member of the library board - me): PILOT programs bring no money to library. It sounds like we are going to have lots of new readers. Keep that in mind when our budget comes before you. We barely meet payroll.

Fenton: 12 acres are tributary to county park. We were approached in 1996 about creating a continuous greenway. I was conflicted as an elected county official so it went on the shelf. We have been in contact with Matt Johnson to do it now.

HEARING CLOSED TO THE PUBLIC

Motion:

Hinkle: Yes

Devinney: Risk, but willing to take it. Yes.

Templeton: No, I'd like to know more about costs to township. I'm concerned about the pressure to enter into a PILOT tax agreement. I had questions regarding wording – what we are acting on tonight is a little bit different than what we had published. It says – multi-family...

Fitzpatrick: Fulfills our need. Shouldn't bring any children to our system. Residents will be able to use areas out there.

Jass: Yes. I invite the public to attend JLUB March 24th at 7:00.

****PROCLAMATION****

INTERNATIONAL YEAR OF ASTRONOMY 2009

Devinney: This may seem like a pie in the sky proclamation, but when you look at the cost of lighting that just goes up into the sky and creates glare, it's 10 million dollars. We need to put light where it should be and save money too.

(Read Proclamation) encouraging 8:30-8:30 March 28th lights out.

Fitzpatrick: Since we are asking residents to participate, we'll send copies home with the school children, put it on the website and on the bulletin board.

Jass: Is there something else we can put out at Seven Eleven.

Devinney: I'll talk to you about that.

Fitzpatrick: Just circulate the proclamation

Devinney: That would be fine.

Lohr: Some borders and bolds.

Devinney: Scouts may want to help distribute to the businesses in town so they can participate. When I moved here in '77, I could see the Perseids. Now I can't see the brightest stars.

Templeton: We spend \$70,000 on street lights

COMMENTS – PROFESSIONALS

Taylor: Path at Newton's Landing – project meeting in January. As of two weeks ago, Tom Lahr(sp?) was moving purchase order up at Pulte and expected something by March. Their intent was to mobilize and overlay the remaining areas this spring. Stone was placed, but it wasn't the county standard for accessibility.

Fitzpatrick: It's urgent. A group is working with Riverkeeper to clear out the creek. Any pressure we can put on to get the land swap done would be great.

Taylor: Mr. Heinold could express that urgency. The longer they delay, the more it will cost them.

Jass: Instead of dealing locally, should we go to a higher up?

Heinold: I contact their attorney. He is generally responsive.

Jass: Perhaps the association at Newton's Landing could move forward.

Fitzpatrick: Anything we can do.

Taylor: Do you have a date from the Riverkeeper?

Fitzpatrick: They are just waiting. They are going to lose this.

Resident of Pennington: Basins are separate issue...when will we see flowers?

Taylor: Takes two or three years. You will see germination.

Resident: We're not going to wait for flowers to turn the path?

Taylor: Maintenance bond – we didn't sign off on it until we had germination.

Heinold:

-Ordinance regarding recording public meetings.

-Green Acres – Waterfront lots owned by township. Appraisals are done and approved. When we meet the survey, we will do a deed with deed restrictions and then get our funding. Denton said survey would be out by the end of the week.

Fitzpatrick: Title report.

Heinold: We have that.

COMMENTS – TOWNSHIP ADMINISTRATOR

-Budget requests compiled – work session Monday @7:30

COMMENTS - DEPARTMENT HEADS

1. Police

-OSHA is doing surprise inspections – safety vests have been an issue. We may need to use some JIF funding for that.

-Red Lobster event – Delanco police participated and helped to raise \$3400 for Special Olympics

-Robberies in town – a few leads now on at least two of them.

Fitzpatrick: One of the members of Women’s Club called regarding phone service where seniors would have to call in everyday to the police. If they didn’t, police would go out to check on them. Right now we have a complaint number. Does police department have a way for seniors to sign up for a call in?

Sacalis: With the amount of seniors, it would be difficult.

Fitzpatrick: Maybe we could coordinate it with another group. Maybe the Women’s Club would do that.

Jass: How many seniors do you think live alone?

Sacalis: At least 100.

Resident: Modification – volunteer could call them before the police officer went out.

Sacalis: We would need a contact person. We can’t get in the house.

Fitzpatrick: We need a group that would get this moving.

Jass: Mt. Laurel has this program.

Sacalis: I’ll look into that.

Resident: We may have prices for the vests.

Lohr: Seniors on Meals on Wheels – If driver doesn’t get a response, they contact a family member. That is part of that program.

2. Public Works

-Brush collection starts 23rd. Leaf pick-up April 1-14 – that is the only time the leaves can be in the street.

-Fields were done and the bases are in.

-Snow – plowed

-Hawk Island Clean – up – Money from Clean Communities – Is CUPHI interested?

-Dumpsters will be available – won’t take paints. Money from Clean Communities – date in April or May

Fitzpatrick: After town-wide yard sale?

Templeton: Dunes clean up – would that be worthwhile?

Fenimore: I had 400 hours of community service time in. We got a lot done there. If we had to truck compost out, it would cost \$100,000.

Templeton: Thanks for the great job in the storm with all of the ice underneath.

CONSENT AGENDA ITEMS:

ORDINANCE 2009-5 CAL E ND AR Y EA R 2 0 0 9 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

*1ST READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR APRIL 6, 2009

RESOLUTION 2009-49 LOCAL GOVERNMENT ENERGY AUDIT
RESOLUTION 2009-50 APPROVING THE TOWNSHIP OF DELANCO'S APPLICATION FOR NEWJERSEY DEPARTMENT OF STATE, DIVISION OF ARCHIVES AND RECORDS MANAGEMENT, PUBLIC ARCHIVES AND RECORDS INFRASTRUCTURE SUPPORT (PARIS) GRANT PROGRAM FUNDING
RESOLUTION 2009-51 AUTHORIZING INFINITY TITLE TO PERFORM TITLE SERVICES FOR ACQUISITION OF REAL PROPERTY REFERRED TO AS THE MANSION WATERFRONT PARCELS PURSUANT TO GREEN ACRES REQUIREMENTS

RESOLUTION 2009-52 ELECTRONIC TRANSMISSION OF TAX DATA FILES
RESOLUTION 2009-53 TAX REIMBURSEMENT CERTIFICATION
RESOLUTION 2009-54 2008 BUDGET APPROPRIATION RESERVE TRANSFER

PAYMENT OF BILLS

ACCOUNT AMOUNT (3/16)
GENERAL \$675,645.58 (3/2) \$103,275.90 (3/16)
PAYROLL 103,942.87 60,573.81
TRUST 6,711.20 1,057.50
HOUSING TRUST 4,691.06 2,958.74
MNCPL OPEN SPACE 875.00
PUBLIC DEFENDER 150.00
ANIMAL CONTROL 1,670.45
APPROVAL OF DEPARTMENT REPORT(S)
APPROVAL OF MINUTES – 1/2/09, 1/12/09, 1/26/09
APPROVAL OF CONSENT AGENDA

Approval of minutes from 08 – 11/10, 11/12, 11/17, 11/25, 11/26, 12/1, 12/8, 12/15, 12/16 with Marline Jass abstaining since she wasn't on Township Committee then.

Township Committee Reports:
Devinney:

- Fire Commissioner Meeting – paperwork needs to be done to bring squad under the umbrella of the Fire Commissioners though they will be separate entities.
- EMS Insurance is paid by Township – Insurance would be picked up by Fire – stronger policy more suited to EMS. Current committee support is insurance. I would invite a subcommittee to meet with us in the work session to talk with us.
- attended annual Fire/EMS dinner – appreciates tremendous effort from the volunteers
- Library Board meetings – Templeton attends as well. – Struggling though they perform a tremendous service to the town. As you heard from Maureen Barrett, they operate on a shoe string budget. Mike Templeton is trying to reduce the cost of insurance. There is one light pole that shines light on the school buses. They pay for that light and it is a big hit on their budget. We need to talk to the school board.

Fitzpatrick: We're trying to get them to take the charge away as well.

Hinkle:

- Attended Women in Municipal Government Brunch– Diane Allen got award – Whitman was the speaker.
- Shade Tree- Delanco is being named Tree City. Signs will be posted. Proposal by Mark Schmidt for a special project for West Ave.

Templeton:

- Meeting with Schwab and Health Officer outlining county services – may be something for seniors. Will put booklets out front for public.
- Environmental Advisory Meeting in April in Florence – presentation by NJ Audubon Society – Cape May office extending presence up the state. They are preparing a guide and we will work to get our area in it.
- Library insurance – trying to get under JIF. They pay over \$2000 and over \$400 for the street light.
- DEP – requested information regarding Winzinger application

Jass

- Thanks to Fire Company and EMS – Town is lucky to have the volunteers we do.
- Attended Women in Municipal Government brunch
- DYSA – 15 teams and sponsors – opening day April 4 – 12:00 – door prizes – thanks to John for work on fields.
- Presentation in Edgewater Park – Live Where You Work – financing program – incentive for homebuyers who live in the town. Doesn't apply here.
- Historic Preservation Board – acquisition of displays of railroad and memorabilia from Holiday Lakes. – Projects – Life and Times of Ed Diggs and markers on square
- Riverfront Advisory Board – new magazine and website – cataloging empty buildings and lots that we can fill. Looking at Jevic.
- Regionalization of River Districts – County Superintendent – explained proposed feasibility studies by state. They will work in sections to study school districts. After they do the studies, they will come to township and school boards, they vote by 2011. If one of the towns decides they don't want to join in, the deal is dead and doesn't move

forward. Then superintendent has the option to do away with the superintendent and consolidate that way.

Fitzpatrick: Classrooms in Delanco would stay in Delanco. It's amazing it's even considered consolidating.

Jass: Superintendent and state felt young children should be in their home town. Recreation – preparing for Memorial Day parade. Request for funds from open space because we don't have money to maintain our fields. Issues of safety with DYSA – batting cage needs repair and chain link fence. Materials \$655 – DYSA will provide labor. Electrical needs. Cover keeps getting broken. Proposing a metal box with a lock. Requesting light for flag, an exhaust fan. \$1385 and permits. Paint for concession stand and repairs to building. Community service and John will address. Public works will rebuilt gate of batting cage. Total \$2400.

Fitzpatrick: Our recreation fund is frozen due to litigation at state. Motion to approve these funds out of open space account.

Vote: Devinney : yes, if we are going to replace it.

Approved unanimously.

Fitzpatrick:

-Attended Board of Ed. meeting.

-Senior EXPO at next meeting – six tables – Veterans, library, etc... services available. April. May – school choir will sing at luncheon.

-Pet waste sign – Rancocas from Buttonwood to Ash.

-Town student was saluted for spelling bee – should be recognized at Township Committee

MEETING OPEN TO THE PUBLIC

Resident of Perkins: Lights on front of parking light are out.

Fitzpatrick: We're cutting to save energy.

Resident: Wife was walking from Vinny's to Seven Eleven. Group of kids who wouldn't move out of her way. She was called a name. I'm not sure what can be done. It's a quality of life issue.

Sacalis: We chase kids from there a few times a night. We are well aware of it.

MEETING CLOSED TO THE PUBLIC

CORRESPONDENCE (Lohr)

-Dave Rust resigning from Recreation

-Letter from county engineer – 2009 forecast – Creek at Coopertown Rd.

-PSE&G asking if we are doing any road work.

-Summer Youth Employment and Training – money available for youth work site. Richard is working on that.

-JIF letter – outstanding performance – cash award of \$1375 to be used for safety.

-Tree City, USA

-Jessie DeSanto – commended regarding an incident in Beverly.

Fitzpatrick: School to receive extra funds.as per Congressman Adler. School board – introduction to budget at next meeting.

-telephone call from Adler’s office requesting use of facilities for town meeting during the day (missed date). Looking for phones so they can accommodate call-ins. We don’t have any extra telephones. They would have to supply their own.

Fitzpatrick: Maybe we should vote on that now.

Templeton: If they get 150 people in here, they won’t need the phones.

All in agreement that they could use the facility.

DISCUSSION ITEMS:

1. STATUS OF PROPOSAL WITH ROBERT T. WINZINGER, INC.

Heinold: We’ve been battling the issue of the property in redevelopment area. They applied for Class B recycling permit to allow them to do a rock crushing operation. Town had concerns as did Dietz and Watson and Edgewater Park. Net result – permit was issued several weeks ago. Contacted Winzinger – two year window for them to receive a PILOT – impact is that they would pay 25% of what they would pay in taxes. In a couple of years, there would be benefit to town. There are some environmental issues. We’ve put together something that avoids the rock crushing – cost to tax base is \$8000 a year.

Fitzpatrick: We have a resolution ready. Benefit to keep Dietz and Watson in town. That loss for that time isn’t that much considering the benefit to keeping Dietz and Watson here. I’d like to move forward and avoid the rock crushing.

Resident of Perkins: That would be great to avoid that – noise alone.

Hinkle: I think it’s a win-win

Templeton: Their permit runs until the end of July. The DEP said they wouldn’t renew it. Winzinger could apply for full Class B. Would they be able to do that, would they still enjoy a tax PILOT. Under this agreement which can be extended to five years, would they still get the tax PILOT?

Heinold: Great point. I don’t know.

Templeton: Winzinger has already appealed their taxes to the county and had them reduced by half. Now they are paying 25% of that. I had to make two trips to Trenton to see what they were going to do when they should have provided those documents to the township. I don’t believe they are going to follow through. I think this is rewarding bad behavior.

Resident: They could put in the concrete crushing operation in?

Templeton: They could for 13 weeks. They would have to remove it then. I’ve been dogging this for over 2 ½ years. I think this isn’t good practice for the town.

Devinney: I’m conflicted. I agree with what Mike said. This isn’t good behavior and they haven’t been forthright. Considering what has happened to the materials business – there isn’t much of a call according to people Mike has talked with. Would they really spend the money? Would they do it out of spite? I’m unhappy about this and I don’t like being put in this position.

Templeton: If they do this, they still have to go to JLUB and make site improvements to comply with their current permit.

Resident: Sounds like they would be hard-pressed to have this in place by July.

Heinold: They could

Fitzpatrick: Winzinger is no fan of Delanco. I don't care whether they make money on it or not. They will do it. Marlene did point out that our agreement says "or similar operation". County plan is in place and there is no way they will approve a recycling plan beside Dietz and Watson.

Heinold: Winzinger did apply to be part of county plan. Freeholders didn't approve. Winzinger went to court and judge upheld county. County will not include a full class B permit there in its plan.

Resident: They are saying if we don't give them the PILOT, they are going to put in the crusher, but their permit runs out in July.

Heinold: We got together to see what we could do and they said they are paying taxes. If it's the tax issue, they are in the redevelopment area. The DEP preempts local control and the permit was issued. Some of those weeks have gone and the last meeting was canceled due to snow. This is not a perfect situation. Rock crushing is the business they are in. We're in a position to move this thing forward. With all of the issues that we face, we don't have any other alternatives to recommend to our governing body. We've had other property owners that we've fought. This is the sole way to assure that they don't use their permit.

Taylor: Initial intent was for us to find a way to make that a productive parcel in our redevelopment zone. We see the impact of losing Deitz and Watson. The township raised the issue of how to make this happen.

Jass: With their clean-up and by stopping the rock crushing, I look forward to a future to that property.

Resolution 2009-55 authorizing agreement of non-operation of recycling permit and PILOT

Vote:

Devinney: I'm considering that their permit is going to run out and they aren't getting a full Class B, I'm willing to take a chance and say, 'No'

Hinkle: Yes

Jass: Not willing to take a chance for the residents of the town. Yes

Templeton: no.

Fitzpatrick: This will be more beneficial to the town. Not willing to take the chance. Yes

(I left at this point. It was 10:00 and had an early morning)

2. PROPOSED DATE FOR SPRING TOWN-WIDE YARD SALE

3. STATUS OF LIGHTING FOR BURLINGTON AVE. STREETSCAPE PHASE II

4. PROPOSED ORDINANCE

“ ORDINANCE REGULATING STILL PHOTOGRAPHY, VIDEOTAPING AND AUDIO TAPING OF PUBLIC MEETINGS”

5. RECYCLING BROCHURES – CHANGE IN STATUS OF POSTAGE REIMBURSEMENT

6. DISCUSSION OF THE “DUNES” PROPERTY AT WEST AVE.
ADJOURNMENT

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Submitted by Maureen Barrett