

TOWNSHIP COMMITTEE MEETING – JANUARY, 9 2017 7:30 PM MUNICIPAL BUILDING, 770  
COOPERTOWN ROAD, DELANCO, NJ 08075

Roll Call: Dovey X Fitzpatrick X Jass X Templeton X Browne X

Also Present: Mr. Schwab, Twp. Administrator X Mr. Noll, Twp. Engineer X Mr. Heinold, Twp. Solicitor X  
Mrs. Lohr, Municipal Clerk X, Mrs. Martin, Deputy Municipal Clerk Mr. Fenimore, Supt. of Public Works  
X Mr. DeSanto, Police Chief. X Others:

FLAG SALUTE SUNSHINE STATEMENT: Please be advised that proper notice of this meeting has been given in compliance with the Open Public Meetings Act in the following manner: Written notice has been mailed to the Burlington County Times and Courier Post and published in the January 3, 2017 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

### **Board of Health Meeting**

#### **Appointments**

Motion by Jass seconded by Dovey that Janice Lohr be appointed Delanco Board of Health Secretary for 2017

**Roll Call: Dovey X Fitzpatrick X Jass X Templeton X Browne X**

Motion by Templeton seconded by Jass that the Burlington County Department of Health be appointed as Inspection Agency for Delanco for 2017

**Roll Call: Dovey X Fitzpatrick X Jass X Templeton X Browne X**

Report on Rabies Clinic

Lohr- 12/5 vaccinated 85 dogs and cats

#### **Correspondence**

none

#### **Board of Health Meeting Open to the Public for Comments/Questions**

None

Close BOH to the public.

#### **Comments:**

None

Motion to adjourn Jass second Browne

**Roll Call: Dovey X Fitzpatrick X Jass X Templeton X Browne X**

#### **Opening of the Township Meeting**

Roll Call: Dovey   X   Fitzpatrick   X   Jass   X   Templeton   X   Browne   X  

Also Present: Mr. Schwab, Twp. Administrator   X   Mr. Noll, Twp. Engineer   X   Mr. Heinold, Twp. Solicitor   X    
Mrs. Lohr, Municipal Clerk   X   Mrs. Martin, Deputy Municipal Clerk, Mr. Fenimore, Supt. of Public Works  
  X   Mr. DeSanto, Police Chief.   X   Others:

## **COMMENTS AND REPORTS:**

### **COMMENTS – PROFESSIONALS- Department Heads**

#### **Harry**

- Met with DEP & Joint permit program committee (JPP) regarding the Seawall Project. The info wasn't very helpful; we'll go over options and speak to them at the next meeting to decide what direction to go in. Subcommittee has to get together again to go over Historical Renovations.
  - Fitzpatrick: didn't you have an idea, Mike, on the length of time for getting permits?
  - Harry: 6 months at best
  - Fitzpatrick: I thought it was longer
- Harry—We gave our report on the Storm water Basins a couple weeks ago. Holds water, its frozen now and pretty much holds water constantly. This is causing water to back up in pipes and backs up into parking lot which can cause a dangerous condition as well as damage the surface. One option—remove stone out of bottom, remove silt put in clean sand and restore basin side with matting. That would help the basin, which is tremendously undersized. Cleaning it out will help restore it to operation, and then John will maintain it. Ultimately we should install underground 24" pipe with stone surrounding it to help perk things out. We could build that into a road project but for quick fix we need to do the clean out. We did provide proposal for that work— with our fees for testing its still under the bid threshold. We could still get more bids. The estimate was \$12,500 from out of town contractor but I think we could get it done cheaper.
- County park ramp- its on the agenda to award this tonight. We recommend \*inaudible\* he was low bidder, did work on field of dreams. The first apparent low bidder had mathematical errors in their bid. We recommend awarding that contract to him. He'll have 10 days to get it back to us with bonds and insurance then we'll have a pre con meeting and can authorize work. We expect March 5<sup>th</sup> to be his completion date for construction and likely it will be sooner than that since he's slow at the moment.
- Long range road program—finished that up and gave plan to \*inaudible\* and John. We talked about the ponding at Burlington Ave and Walnut Street. There was a meeting w/ chief and John I wasn't there to discuss the ponding there. The County indicated they'd be willing to do paving if the town did the handicap ramp. Topography map shows it is fixable. The ramp is an inch and a half too low.
  - Fitzpatrick: with the icing its dangerous that's what we were worried about.
  - DeSanto: Can this be an early spring project?
  - Browne: it is early spring.
  - Lohr- since engineering and estimated costs of the ramp is under bid thresholds do we need to award by resolution or can we do a motion?
  - Schwab- ill need to look at funding sources we can deal with that next meeting.
  - Browne: we need an estimate to do clearing on cooper street; is anyone taking action  
feb 23<sup>rd</sup>

**Heinhold**- redevelopment process on old D&W site. Coming back before this committee 2 wks from tonight, 23<sup>rd</sup> of Jan. On the Affordable housing front we've been approved relative to our plan. We had to pass certain resolutions and ordinances.

**Schwab**- field of dreams maintenance contract number of bidders just went through analysis with low bidder turned out they made significant errors, the other 2 bidders were within the budget. We'll meet Fri morning with subcommittee to assess qualifications of the low bidder and we'll get a resolution on Jan 23<sup>rd</sup> if everyone's satisfied otherwise we'll keep going with the process.

- Verizon wireless plan throughout the state to attach to existing or new utility poles, got input from solicitors of other towns to see how they have dealt with the issue. They're offering to review what they're asking for, should we invite Verizon to our meeting on 23<sup>rd</sup> to explain what they're asking for, how should we proceed?
  - Jass-tell them to come to meeting on 23<sup>rd</sup>
  - Templeton- is it better that they come to Feb meeting where professionals will be there?
  - Schwab- yes, Feb 6<sup>th</sup> meeting we'll invite them that day. 2017 budget rough draft to you by Monday, workshop meeting Monday 27<sup>th</sup> at 2:30p and Feb 13<sup>th</sup> shorter agenda then auditor will be here to talk about where we are for groups that want funding.
    - Browne: I have a conflict Jan 30<sup>th</sup> I can't do that day, I can do Tuesday.
    - Schwab- can you do Wednesday?
    - Browne: I can do Wednesday
    - Fitzpatrick I think can do Wednesday
    - Templeton- is that Feb 1<sup>st</sup>? I don't have my schedule yet but should have it next week
    - Browne: why don't you email everyone about the change
    - Fitzpatrick- can we make it at 4 or 4:15?
    - Schwab yes
    - Fitzpatrick Feb 1<sup>st</sup> at 4:15

**DeSanto**- Field of Dreams cameras all up and running. 1 was moved because I wasn't satisfied with where it was showing. Now they're set at the best angles given size of building. Cameras are a little low but best they can be. IT installed software on all police desktops so we can view cameras in real time.

- Lt Tilgher graduated commander leadership class- very difficult course, 13 weeks 1 day of week 4 exams, last exam was all handwritten essays last exam 23 written pages. Intense, it develops future leaders. His graduation is Tuesday 1/17.
- On the agenda is handicap parking for 308 Walker Ave, I've checked area, talked to requester, they have 2 vehicles, no driveway, limited mobility, confirmed she does have permanent placard from state of NJ main concern was whether it was for herself or her son but she assured me it was for her not her son. I recommend it.

**John**- leaf pickup 6 passes, Most leaves picked up, we cleaned up storm drains on Chestnut. One issue, there was a tree that's in the drain system and it needs to be taken down or a new storm drain put in because its stopping up all the town. Tree down on West Ave we cleaned up. Filled potholes started preparing trucks for snow plowing. Bad windstorm that knocked everyone's recycling around we sent guys out to go cleanup. One new truck was hooked up wrong for salt spreader; the hydraulic line was hooked up in wrong direction. Worked out ok- got slippery, we put out a lot of salt but it worked on Burlington Ave and main roads.

- Fitzpatrick- nice comment on Facebook about how well the streets were cleaned.
- John- we had a new guy who really never drove a snow plow. It was a little worrying. We put him in the middle of the pack so we could keep an eye on him but he did a great job.

**Templeton to DeSanto**- was there an accident report? There's a fence down. John said he reported that. We'll need it for the insurance report.

- DeSanto where is it?
- Jass- right across from building with high crane, right across from them. When I drove by 6:45pm the fence was down. About 6 sections of fence were down. We were lucky they didn't hit benches or trash cans.

**Lohr**- nothing to report on at this time.

### **Comments- Township Administrators**

**Templeton**- Library- they're going to approach committee members and department heads and employees to stop in and take "shelfie" pics to post on library website. Think someone picked it up from another municipal libraries website.

**Dovey**—I was at Delanco fire commissioner meeting, last meeting their next meeting is 1/24 7pm at fire house hopefully I'll have a report at that time on new officers. I'll meet tomorrow with John Fenimore to show me hot spots in town and also with admin consultant to go over his duties with the town. I listen more than I talk right now.

**Fitzpatrick**- I attended board of education meeting for month and reorganization this year there was a contested race for president Jenkins and Detwack and Ken Adams is VP. \*inaudible for portions\* Talked about send/receive agreements Mr. Mersinger reported that 1.) They feel they do have a written agreement with Riverside but they can't locate it. They sign tuition papers every year for a certain amount of money. 2.) He also talked to commissioner of education, the school would have to submit application to change send and receive agreement. They'd have to do a \$20k feasibility study which would be billed to taxpayers. Commissioner says it's still up in air to determine if they even have the legal right to do it. They brought up choice schools that have special programs, we have 2 students that got accepted, 1 was on a waiting list.

- Templeton- we've brought it up to explore options to whatever degree it might be possible. It makes our community more appealing.
- Jass- attended BoE but capacity as rec liason, nice to go and see children however its very important to listen and hope that the board and the supers will look into choice of school for the children. I know members of the board up here haver strong opinions. I encourage many of you to attend on a Tuesday night. Its important to the children to have opportunity to have choice of school. If you have a student interested in astronomy or business and riverside doesn't have the opportunity for those courses another school might.
- I also attend JLUB covered redevelopment of Stanghl its moving forward on 23<sup>rd</sup> I encourage turnout to anyone interested in D&W site

**Browne**: I received an email from \*inaudible\* requesting appointment to Rec? I think she would be an excellent addition. I'm trying to organize a meet the mayor event at the library Feb, 10a to noon. Bring all questions so you don't have to stand up here. It will be one on one. I went to fire commission meeting w/ Dovey, new commissioners running, Matt Bartlett is one of them Ron Holt is the other. Voting is Feb 18<sup>th</sup> from 2 to 6 or 8pm

- Jass- I think we sent out a blast last time
- Lohr- if they request we will do it but we're not statutorily part of their election

**Fitzpatrick**- seniors meeting at Dobbins painting rocks to place around Delanco.

**Browne**- there was an email from County, Jesse, about counting homeless people. Did we go back on hawk island and look?

- DeSanto we do look in the areas they congregate.

**Browne**- shade tree is hiring for secretary they have 4 candidates. I want to keep talking about cutting trees down and repairing sidewalks.

- Templeton- how's your rubber sidewalk in the snow?
- Browne- I was able to shovel it, no damage. The water goes through it.

**PUBLIC COMMENT STATEMENT** There are two opportunities for the public to comment and ask questions. The purpose of the public comment sessions is to allow residents to share information and/or views with the Delanco Township Committee. Since the Committee may be hearing the information for the first time, it is not always possible to have issues and questions settled within the public comment session.

### **MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS SESSION ONE**

Bartlett- 229 fenimore lane- quick question which basin do we need to spend money on?

- Harry—the one right behind town hall

Al Nichol 313 ave—came to encourage you to give thoughts to establishing hours of operations in industrial zone. I think it's important to have this. I share 500ft of property line w/ light industrial. The other side is Burlington Ave to Delaware Ave, the tenant Boise Cascade is good but they're moving out. Don't know who we'll get in there. New tenant could use property to maximum it's been good so far but it could get real bad. Shipping containers round the clock, I share a backyard with these people it really does affect me. If it was an industrial area, have it, but this is residential. I'm not trying to stop business but we need to have a tool to protect our town. It's going to affect a lot of people.

Eric Dasher- 2405 Burlington Ave- what he said! There's a lot more to it that needs to be considered. If they're going to do 3rd shift work day that's 200 or 300% increase in input and output.

- Browne—I just want to clear the record – there's no application on the table. We're discussing this because we realized there's nothing on the books here to regulate.
- Jass- I would like to clarify-- , probuilders/builders reached out to me, Mayor Fitzpatrick, deputy Mayor Dillenback at one point wanting to come in because Boise was leaving. That didn't go through. That operation would've been 24/7 which is what brought to light to the committee that 24/7 with residential on both sides could present an issue for our residents.

Eric Dasher 2405 Burlington Ave—so currently there's no regulations on the books saying you can't run 24/7? The company behind us runs 24/7. Burlington Ave is the only place in Delanco where its 45 mph speed limit. Trucks exceed all the time. DeSanto said its a county road nothing we can do about it. that road shouldn't be 45mph.

- Jass- lets table that speed limit issue.

### **COMMENT AND QUESTION SECTION OF THE MEETING CLOSED TO THE PUBLIC**

#### **CONSENT AGENDA ITEMS**

("Consent Agenda items are considered to be routine and will be enacted with a single motion. Any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.")

**ORDINANCE 2017-1**

AN ORDINANCE OF THE TOWNSHIP OF DELANCO AMENDING CHAPTER 29-2 OF THE CODIFIED ORDINANCES ENTITLED "HISTORIC PRESERVATION ADVISORY BOARD-MEMBERSHIP"

1 ST READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR JANUARY 23, 2017 7:30pm

**RESOLUTION 2017-27**

AUTHORIZING THE TAX COLLECTOR TO CANCEL MINOR TAX BALANCES AND OVERPAYMENTS

**RESOLUTION 2017-28**

AWARD OF BID AND CONTRACT FOR THE WEST AVENUE FIELD IMPROVEMENTS PROJECT

**RESOLUTION 2017-29**

AUTHORIZING ONE HANDICAPPED PARKING SPACE AT 308 WALTER AVENUE

**RESOLUTION 2017-30**

REFUND OF TAX OVERPAYMENT FOR PROPERTY TAXES PAID IN ERROR TO DELANCO TOWNSHIP FOR 3RD AND 4TH QUARTERS 2016

PAYMENT OF BILLS

ACCOUNT	AMOUNT
GENERAL	\$661,828.05
PAYROLL	\$111,169.56
ESCROW TRUST	\$9,058.50
CAPITAL	\$2,802.95
MUNICIPAL OPEN SPACE	\$405.74

**Browne**— who was the winning bidder of West Ave improvement?

- Received 11 bids—apparent low bidder was Thor Construction. That resolution awards bid to Thor under County Open Space Grant Program.

APPROVAL OF CONSENT AGENDA Motion by Dovey seconded by Fitzpatrick to approve the consent agenda

Roll Call: Dovey **X** Fitzpatrick **X** Jass **X** Templeton **X** Browne **X**

**CORRESPONDENCE**

**Lohr**- First piece of correspondence is aresponse\_ to plan for Creek road did everyone get a copy? Second piece is thank you letter and certificate of appreciation from annual toy drive

- Fitzpatrick- based on their discussions no studies under way, township must develop problem statement in order to make traffic study get under way. I'm talking about the jug handle on creek road. Certain times of the day you can get backed up to the bridge. NJ putting their motor vehicle office there we'll have a lot more traffic. CDL, motorcycles and regular traffic. We said state should be doing the study when they came to JLUB. We should set up subcommittee to actually prepare a problem statement so that someone begins to do some work here. We're going to have a lot of traffic there. DVRPC did a study on route 130, they're interested in changing that jug handle.

## DISCUSSION ITEMS:

1. PROCLAMATION REQUEST – SCHOOL CHOICE WEEK (Jan. 22-28)
  - a. Request to us to do a proclamation to make this Delanco Township school choice week
  - b. Browne- I would rather not. The Board of Ed is in charge of this stuff.
  - c. Templeton- they seek to undermine the school district by redirecting funds away from the public education fund, its not something we need to put our name on.
  - d. All in favor of No—all.
2. INDUSTRIAL NOISE/ESTABLISHING HOURS OF OPERATION REQUIREMENTS FOR INDUSTRIAL AND/OR LIGHT INDUSTRIAL ZONES
  - a. Jass- I'd like to distribute zoning maps to the committee. As stated before we had this company come in which brought it to our attention.
  - b. Fitzpatrick- I think the public needs to know that the original issue was the Eagle, DEP. Then the noise regulations under the state law. They chose not to come to Delanco because of DEP.
  - c. Jass- we have two residential areas that are definitely impacted. We have light purple which is where distributech is and where the paving company is. Where spur goes through. 4 properties, and then we have another area that's an I-1 zone. Off Burlington, preschool is there, med-laurel bought there. We have nothing regulating 24 hr operation. I thought we should address this, I reached out to Michelle Taylor and our solicitor.
  - d. Heinold—Marlene raised issue because of potential interest in that site. There was a case that came down last year that if board wants to put a condition on the books that would be a legal right based on permit. That court found it was unlawful because there was no municipal ordinance backing it up. Creates an issue for us. Rather than take position that we'll deal with it later, better to put something on the books now and then later on if someone wants to come in and make a change for themselves they can seek a variance and bring it before the board. We should put in language that can address the 24hr concern without scaring away business.
  - e. Templeton- under the law you can impose an hours of operation restriction on a zone.
  - f. Heinold- out of caselaw, rather than waiting until there's a petition before us we should get something on the books first with basic hour restrictions.
  - g. Jass- we can include provision that they can do whatever they want inside buildings just not outside where noise will travel.
  - h. Heinold—we can't restrict the train but we can restrict other things that would increase the noise.
  - i. Fitzpatrick- did Michelle send the draft language to all of us?
  - j. Heinold- no, she sent it to me Friday. Between hours of 10p-7a and focus on activity occurring outside buildings. I would like committee to consider that, how we should balance the issues. Only outside? Is that the right time frame? What other considerations are we missing
  - k. Fitzpatrick- don't we already have a noise ordinance? 10pm I think. Does that include any operation of business?
  - l. DeSanto No it doesn't refer to business. The business could say it's just ordinary business operations.
  - m. Fitzpatrick- there are certain limitations by the state, maybe we look and consider modifying for our needs.
  - n. Jass- Michelle does have state limitations; best thing for I-1 zone is to draft something.

- o. Heinold—if everyone agrees we should move forward drafting something, I'll work with mayor and Marlene to get something drafted.

### 3. AMENDING VEHICLE WEIGHT RESTRICTIONS IN RESIDENTIAL ZONES

a. DeSanto- my opinion the lowest we go is 10k I don't think we should go to 7k there's SUVs, Pickup trucks that would be in violation. We'd be pushing blue collar workers out of town. My son's a plumber that van can easily be 10k.

b. Heinold- December meeting, we had an issue over by other side of Delaware and whether we had anything on books about business trucks. We reviewed and there is a current provision of 11k. I don't know much about vehicle weights. DeSanto said lowest he'd go is 10k. Code Enforcement could enforce based on what's on the books.

c. Browne- I don't think 1k pounds is going to make a difference.

### **MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS SESSION TWO**

#### COMMENT AND QUESTION SECTION OF THE MEETING CLOSED TO THE PUBLIC

Lisa- rivers edge—my property faces back of building where loading docks are, it would be horrible I know you have a noise ordinance and light ordinance, I'd hear trucks moving, lights on, it would be terrible.

- Templeton- did you ever hear from Boise there?

Lisa- I've never had an issue with Boise there, most I've ever seen is 3 trucks at once. My bedroom wall is right there I need to sleep like anyone else.

- Jass- originally you have the spur it ran right by the fence, they had doors there that would offload at this time the train can't go that way it can go inside the building. Boise offloads product in the building during the day. Not at night. Would you have any objection if we did til 10pm at night and starting at 7am?

Lisa- I wouldn't have an issue with going til 10p. Fence cant be more than 30ft from my house.

- Browne- I think it would have to be 6-2p & 3-11p
- Browne—question for Eric Dasher—how would 24 hr shift effect you?

Eric Dasher - I can hear forklift traffic I'm 75ft from train blowing horn, I know business is needed but the direction you're going putting restrictions on it, I thank you for being proactive about it. The 7-10p they've got to make a living but the trucks coming in and using engine braking up to the tracks and into distributech that's loud, I can only imagine how loud it would be at 2am.

- Fitzpatrick—spring and summer I rode my bike back to distributech during the day and couldn't believe how much truck traffic was there. Janice Lohr—who lives on Colgate told us what it was like for her, it changed my mind putting some ordinance into effect. It does make a difference hearing comments from the public. This is how we make informed decisions.
- Templeton— do you think different hours than we've proposed or would you think weekend restrictions should be considered?



Eric Dasher—I don't think weekends are an issue. It wouldn't be a fair restriction on the companies it's no more burdensome on the weekends than during the week.

John Pior- 101 Delview Lane—I first want to thank the board for all their hardwork on behalf of the township. As far as the subject at hand I would have the board consider that sound travels. I think everyone in the town would be affected. I'm happy the board is being proactive and think the board should think what's best for Delanco, basically one of the bigger reasons I moved here is because it's a nice quiet town. Look at the big picture, what's best for township make the recommendations or laws that are best for community at large. Then companies that come in appeal to you for what they want to do.

Matt Bartlett 229 Fenimore—I own house in front of 228 Burlington Ave—if we had someone there with a 24 hr operation that would add a further challenge to that property. Trucks in and out all night long beeping reversing in is sound pollution. Reasonable time restrictions should be put into place.

- Browne—while looking at this ordinance I-1 we should put in a provision allowing the 24-7 in I-2.
- Jass- Is that necessary to differentiate? If you don't specify another area that means that its open.
- Heinold—ill run it by Michelle.
- Jass- when you look at the town and the zoning map we all know distributech was there first. Then things changed its still a great area for development it has water access and a spur, we along the way bought property even if it had 1 zone or another people that bought the properties asked for zoning changes.

Fitzpatrick—about 20 years ago the builders for river edge brought a builders' remedy suit and was allowed to build 336 units back there for affordable housing but was only able to fit 225. We have all our affordable housing in place. Its more difficult for someone to turn that zoning around to make more housing since we are now pretty much set til 2025. At that point we'll see what the state of NJ says.

Jass- let's say drive time decides to sell and they're in I-2, they can try to make residential for a high rise, nothing is written in stone and people come in and sue, that's how we wind up these issues. We need to be flexible when people come in.

Fitzpatrick- yes we need to be prepared though so that we can stave off the builders remedy suits. It would be very unusual for someone to come in to put in a residential development in our industrial unit which is also redevelopment zone.

Browne—sounds like we're all in agreement we'll put something on the books for the I-1 zone and maybe I-2.

Templeton—current noise ordinance is a little ambiguous we should take a look at it and update it.

Heinold—we have typical noise nuisance which as mike says it's just about nuisance. The other type is a rigid standard where you use a noise meter. Its less touchy-feely. I'll talk to Michelle about this.

Motion to Adjourn Jass—second Fitzpatrick

## **ADJOURNMENT**