

These are my personal notes. For an official transcript of this meeting, please go to the Delanco Township Municipal Building at 770 Coopertown Road.

TOWNSHIP COMMITTEE MEETING – March 6, 2017

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

Also Present: Mr. Schwab, Twp. Administrator; Mr. Fox, Twp. Engineer; Mr. Heinold, Twp. Solicitor; Mrs. Lohr, Municipal Clerk; Mrs. Martin, Deputy Municipal Clerk; Mr. Fenimore, Supt. of Public Works

****SPECIAL PRESENTATION****

PROCLAMATION HONORING CHIEF ROBERT HUBLER, outgoing fire chief.

Hubler: Thank you. We don't fight fire for the thank you's, but because we love it.

Thanks to residents for coming out to support the budget which pays for equipment and training.

ORDINANCE 2017-5 CREATING CHAPTER 240 GOVERNING "SIDEWALK AND CURB REPAIR" 2ND READING BY TITLE ONLY AND PUBLIC HEARING

Browne: Long been worked on since liability for sidewalks was neither homeowner's or township's. Everyone on the board had to meet in the middle. No one got their own way. Worked with Shade Tree Commission

HEARING OPEN TO THE PUBLIC FOR ORDINANCE 2017-5

Resident of Russ Farm Way: Missed the first reading. How is this going to work?

Heinold: This issue has been raised so many times over the past 15 years - more than any issue. Right now, if you walked into town hall with a sidewalk issue, you would be told it was your responsibility. Unfortunately, there was no meat behind that. That is the intention of this ordinance. Liability is an issue - municipality can shift sidewalk responsibility to commercial property by law if there is an ordinance in place. That is an important issue. From there, while it does put obligation on property owners, it is the fairest in the area. No one else has any township obligation. Shade tree issues will in some cases engender a 50% cost share. No summons will be issued for at least a year. Object is inspection and education.

Resident: Who owns the tree?

Heinold: Often it's a township shade tree, but sometimes it's on personal property.

Resident: If homeowner is unhappy, he is responsible for tree too.

Heinold: This doesn't supplant shade tree ordinance. We all benefit from shade trees and sidewalks, though they don't always like each other. If the heave or crack is due to a shade tree, ordinance calls for a township contribution to the solution.

Resident: When Newtons Landing was built, Shade Tree approved of those trees. Wrong decision.

Templeton: Same decision in other parts of town. Bad decisions for past 150 years.

Dovey: Shade tree issue is a work in progress and needs to be revised as well. Need to work with Shade Tree Commission to keep us a Tree City. Will take a lot of effort.

We had to do something. I injured my back and had trouble walking. It's hard to walk on the sidewalks safely.

Fitzpatrick: That is why we felt the township needs to work with the homeowner and contribute to replacing the section damaged by trees. Shade Tree's current ordinance allows for ramps and diversion. We have taken that into consideration. I don't know of any other town that will contribute because of what happened in that development and around town.

Jass: Have let the Newtons Landing board be aware of the ordinance. There are grants out there. CBDG grant allows money for specific sections of town - ramps in some areas. We found that grant does allow senior communities to qualify. We did apply for areas in Newtons Landing. That offsets the cost for everybody for repair. This grant comes every two years.

Resident of Walter Ave: I support what you are doing and commend you on the 3.1 exception. I would like to offer myself as a guinea pig when you are ready to start the paperwork. I have a property at Burlington and Walter with a shade tree that has been ramped a few times. The tree is half dead.

Browne: We will request Shade Tree to remove the tree. Commission was established in 1972. Shade Tree doesn't want to control sidewalks. You have to pay the bill. We will give half back.

Fitzpatrick: First step would be to apply to Shade Tree right away to come out and assess the tree.

Resident: Tree is leaning severely.

Browne: Every case is going to be a one by one. Argument against the type of tree. Sycamores haven't lifted sidewalks at all.

Fitzpatrick: Apply to Shade Tree and let us know how it goes.

Templeton: The other part of the program is sidewalk inspection program that will be developed and implemented over time. There is some money for cost-sharing in this budget, but we haven't developed the process. Work in progress. I am liaison to Joint Insurance Fund so I get to hear about all of the litigation in other towns. This is an important step.

Resident of Shipp's Way: I grew up in Delanco on West Avenue 60 years ago. I walked over sidewalks that went up and down to school. What does this mean for residents? Do they have to do that on their own cost after 60 years?

Fitzpatrick: Shade Tree is overseeing all of the trees that are in that area. It's not just the trees that they have planted since 1972. We would help contribute to the diversion, ramp or replacement. Where I lived here growing up, township took out tree and flattened sidewalk, came back and planted another tree in the same place and the same thing happened. All trees between curb and sidewalk are considered shade trees. You can't take them down.

Browne: This isn't all about lifted sidewalks. No ordinance states that you need to fix cracked sidewalks that are just bad without trees or irrigation. Just like putting a new roof on before you sell your house. Took my granddaughter on a scooter and had to lift her up over a heave. There is a lot of attention on the trees, but there is more bad panels in town.

Resident of Kansas: We don't have shade trees on our street. Sidewalk itself were never made the correct depth when they redid our street. Some areas are two inches

thick when four inches are required. It shouldn't be on us if it was the township subcontractor who laid that sidewalk. I hope they do inspect the depth. Pieces of concrete are just breaking off and are sinking down. I don't think I should be held totally responsible for that sidewalk.

Fenimore: Did they do the sidewalks?

Resident: Yes, and curbs. I got sidewalks and grass seed. Some areas are four inches thick, but some aren't. That's a concern.

Jass: If someone fell on your sidewalk right now, you would notify your insurance company? They would come out and look at the condition of the sidewalk. And who would be responsible?

Resident: I don't know.

Browne: Will take comments under consideration.

Fitzpatrick: I remember that some people wanted trees on Iowa because I dug the holes.

Templeton: Harry, what is the standard thickness for a sidewalk? Has it changed?

Fox: No, always 4 inches.

Templeton: Mine was put in in the 20's and is about 2 inches thick.

Resident of Newtons Landing: My beef is that the area for trees that was supposed to be 8 feet was allowed to be 5 feet. I've replaced my sidewalk panels 3 times. It's a young tree and it keeps happening. That won't solve the problem.

Dovey: Working with Shade Tree

Resident: You are moving responsibility to homeowners.

Heinold: We would both be sued and we can't shift liability to homeowners - only commercial.

Resident: If we have to replace, liability falls on homeowners.

Heinold: We can't shift liability to you.

Resident: One situation in court now.

Heinold: In the real world application, due to the grant program, Newtons Landing will make out better than most of the town.

Resident: The tree will keep making that happen. Needs to come out.

Heinold: I hear you, but it benefits the town to have the ordinance.

Resident: Wrong tree and not enough space.

Templeton: Irrigation isn't helping matters either.

Browne: Many field changes. Builder and developer made changes along the way. I was around then.

Jass: I have the same problem in Newtons Landing. Roots around the water meter are thick. I contributed to it by watering. I did the engineering report for Newtons Landing. Stood up here between the Township Committee and Joint Land Use Board. The Joint Land Use Board wanted more density. Then there are certain things you have to do for beneficial use.

Fitzpatrick: Newtons Landing was a builder's remedy suit that allowed Rahenkamp to have that density. Township didn't want that. Township Committee didn't want trees between sidewalk and the curb. That took place at the Joint Land Use Board level. As far as the density, that was the result of a builder's remedy suit.

Jass: There were no trees and Birdsall was out there. Pulte couldn't get the recommended tree due to time of year. That engineer that went defunct approved that as a field change.

Fitzpatrick: I was told that the trees that were planted were the ones on the original plan.

Jass: Not on my street.

Browne: I understand that you have already fixed your sidewalk. Look on Shade Tree website - diversion, pavers around the root, ramping as per ADA code, rubberized sidewalk.

Resident: Should use a steel plate

Browne: Shade Tree is discussing. Ash trees are a problem.

Resident of Shippys Way: My property description says the sidewalk isn't on my property. Is this putting the liability for sidewalk on me.

Heinold: Property lines are different so statute says property owner abutting is responsible.

Resident: Will my homeowners insurance cover me if the sidewalk isn't my property?

Heinold: It should. It is not uncommon for sidewalks to be covered by homeowners insurance. Many properties in town share the exact circumstances as you

Jass: I've looked into changing insurance or if you want to get a new mortgage, they inspect.

Resident: We are the third owner. If I had known I would be liable, I would have required it to be repaired.

Fitzpatrick: If you had a problem today and wanted to sell, you would have to repair it. They inspect periodically.

Resident: My insurance company has my site plan due to an incident. No liability for me since I don't own the sidewalk.

Heinold: I know I'm not going to convince Newtons Landing that you should like this ordinance. Same problems all over town. If town pays for all the sidewalks, taxes have to do it. Since NL sidewalks are newest, they would probably be last. Due to grant, you will make out quite well. This is town-wide - not just you.

Jass: Everyone in town makes out well with the grant. Grant money alleviates burden on town.

Resident: Is township ready for deluge of requests?

Browne: Budgeting this year.

Fitzpatrick: Newtons Landing is the only one that qualifies for CDBG since it is the only senior development. There is about \$65,000 in the budget. I think a lot of your problems will be taken care of without a lot of your income.

Browne: Always been a policy that homeowners are responsible. I got a letter two weeks ago from my insurance company that I have to do repairs.

Resident of East Shippys Way: Ms. Lohr produced a fantastic report on shade trees. It talked about root causes. We all share the concern for a safe environment for all. Without shade trees, we wouldn't be here tonight.

Fitzpatrick: We brought Shade Tree into it. This ordinance has been in the works for over 16 years. A lot of the problems are due to the trees. Their reply is that the

watering system at Newtons Landing is causing the roots to come up. That was their major reply.

Resident: If you do something three times and still have heaving, it's the tree. The ordinance says that Shade Tree will come out to assess. This report says 80% of the issue is tree roots.

Dovey: During the next year, this committee will be working on Shade Tree Ordinance to deal with recurring problems so ordinance works. That will be our priority this year. Will require cooperation of TC, Shade Tree, John, and residents.

Browne: It's a plan for the town that is long-term.

Resident: I understand there is an issue with ash trees.

Browne: Yes, if you request an ash tree to be removed, they will do it.

Browne: There are 118 of them.

Resident: What do they do with the roots?

Fenimore: If homeowner wants to lift the block, we will work with him, cut the roots out and let the homeowner put the block back.

Resident: Process would be to have tree removed and apply to have the sidewalk repaired. If you are fortunate enough to have an ash tree...

Resident of (missed it): Wheelchair-bound son - two sections of sidewalks have been uprooted. We have to tilt the chair back or walk in the street. Will grant allow for dispensation in terms of level of necessity?

Browne: I'm sure our engineer will put that situation forward. That's what the grant is for.

Fitzpatrick: We will make sure yours is one of the first.

Resident of (didn't say): I have list of all of the original trees. I was involved with transition at Newtons Landing twelve years ago. Trees are on property line between two homes as per the drawing.

Dovey: CBDG money will be used.

Resident: That only pays for 50%

Browne: No, all of it.

Resident: People walk in the streets because of low branches and we aren't allowed to touch them.

Fenimore: We went in there a couple of years ago and had a certified tree expert show us how to prune. I've been here quite a few years. I should have done it my way. Now I have to do the whole thing again. I was on the Planning Board and fought that.

Resident of Pennington Court: Appreciate Mr. Heinold's comments on rationale. A shame Shade Tree isn't here. It's a combination of Shade Tree and this ordinance. Suggest passing this conditionally pending Shade Tree ordinance. You don't control the Commission, but you do control the budget in terms of the carrot and the stick.

Templeton: I think you are missing the point. We have been working with Shade Tree. I did a lot of research - that's where we found the cost-sharing. We all talked. Nobody needs to be beaten with a stick. It's going to be a soft roll out and will be tweaked.

Browne: Commending all who worked on this. All had to concede and meet in the middle.

Fitzpatrick: This ordinance has been brought up at least five times and hasn't passed because of making it the responsibility of the homeowner. Only agreed since we have a cost-sharing. First step for a plan and possibly removing some of the trees.

*Jass: No, I had a difficult time with this form the time I've been on the board. I still have questions. I can't move forward with this because I'm listening to Marissa.
Ordinance passed.*

Barbara and Crystal from I Say Yes Salon: Blessed and grateful to celebrate our fourth year of business in Delanco. I came to let you know that from Thursday to the end of March, we would like to do free haircuts for all of our heroes - fire, police, EMTs. If you don't want a haircut, you can get a nice facial.

HEARING CLOSED THE PUBLIC

ORDINANCE 2017-6 AMENDING CHAPTER 216 GOVERNING "PARK REGULATIONS" 2ND READING BY TITLE ONLY AND PUBLIC HEARING HEARING OPEN TO THE PUBLIC FOR ORDINANCE 2017-6 - no comments HEARING CLOSED THE PUBLIC

Templeton: Thank you to Recreation, members of TC and Mr. Heinold for all of the work on this.

Passed

PUBLIC COMMENT STATEMENT

MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS - SESSION ONE - none

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.)

RESOLUTION 2017-51 TO REFUND TAX OVERPAYMENT FOR TOTAL VETERAN EXEMPTION PURSUANT TO N.J.S.A. 54:4-3.30a

RESOLUTION 2017-52 AUTHORIZING MUNICIPALITY TO CONDUCT ANNUAL BUDGET EXAMINATION PURSUANT TO N.J.S.A. 40A:4-78b

**RESOLUTION 2017-53 AUTHORIZING PARTICIPATION AND APPLICATION FOR THE RIVERSIDE/DELANCO MUNICIPAL ALLIANCE GRANT
PAYMENT OF BILLS ACCOUNT**

GENERAL \$ 696,043.55

P A YROLL \$118,474.09

ESCROW TRUST \$10,027.01

MUNICIPAL OPEN SPACE \$4,860.61

APPROVAL OF MINUTES – 1/2/17 and 1/9/17

APPROVAL OF DEPARTMENT REPORTS
APPROVAL OF CONSENT AGENDA - passed unanimously

Fitzpatrick: For Ordinance 2017-6, I had to step out for the vote, but am very much in support. Did a lot of work on the ordinance. I want that on the record.

*RESOLUTION 2017-54 INTRODUCING 2017 MUNICIPAL BUDGET AND SET
PUBLIC HEARING FOR APRIL 3, 2017 7:30pm*

Schwab: Budget just for our municipality. Budget message copies available. Big increase in capital spending. All on website with details on comparison to prior year's budget. State forms there. Shade Tree increased due to tree removals. Road resurfacing and sidewalks, public works equipment and sea wall repair. Almost done with debt service on this building. 3.6% increase in appropriations which is below the 2% cap. Great tax collection rate. Increase in tax levy below state cap - \$190,000 average home assessment - increase of \$79.

Passed unanimously

Templeton: Thanks to Mr. Schwab for a great effort.

Browne: Thanks to TC for addressing capital issues.

CORRESPONDENCE

Lohr:

-Joint Insurance Fund - Safety fund award \$1,650 as a result of employees' outstanding safety performance.

-Community Development Block Grant workshop - I will attend. Attended initial meeting. Municipalities who apply are on track for \$78,000 award

COMMENTS AND REPORTS

Professionals:

Heinold:

-TC did a great job on the sidewalk ordinance. Good work.

-Affordable Housing hearing - April 24, 2017.

Fox:

-West Ave Fields moving along well 75% done

-Highpoint Newtons Landing - three homes

Dovey: Trees - do they have them? Can we ask them to move them 10 feet in?

Browne: Mr. Rahenkamp is in favor of Delanco's canopy.

Fox: In other towns, if we have a letter from the homeowner, we can sometimes get them to not do the tree.

Jass: I stated we didn't need street trees in Newtons Landing. Homeowners Association - documents demand a tree in the right of way. That was shot down.

Fitzpatrick: What is the spacing?

Fox: 3 feet.

Martin: Changed to 5 feet.

Fitzpatrick: What can we do? We will have the same problem.

Dovey: Here is something that is happening right now.

Jass: What is a field change?

Fox: Certain tree may not be available so they will ask for a replacement.

Jass: Can we change the species and put it on their property. In our documents it states that whatever was planted there, you have to go before architectural committee before changing.

Browne: Can a committee person put a motion before the JLUB?

Heinold: I would suggest a motion that they be placed on the homeowners' property and make the board aware.

Motion to direct trees be moved to homeowners' property.

Heinold: Should be easement that that tree has to remain. Needs to be a mechanism in place. If we lost all of the shade trees, town wouldn't be as nice.

Fenimore: When they plant, they need to find out where the utilities are so they aren't near the sewer line.

Heinold: We aren't going to get to perfection. We are trying to make it better.

Dovey: Any new house in town, they shouldn't be allowed to put a tree between the sidewalk and the street.

Heinold: We should stay focused on these houses.

Fox: What are we doing with High Point? Three CO's, but trees haven't been planted.

Heinold: Effort was made at The Point to fix the issue. Here we are again. Easement would ensure that we have control of trees.

Motion to halt planting trees in strip between curb and sidewalk given that the trees would be protected by easement.

Browne: I like the motion, but not the easement for control on the front lawn.

Heinold: If there is no obligation that the canopy is maintained... If I am a resident and want to take the tree out, nothing to stop me.

Dovey: Most around the state have control of front and back yards.

Browne: I go through Delran - no trees in Tenby Chase. My family bought in a bare neighborhood, township put in trees. We left them there.

Heinold: Creekside - people took them out.

Motion to transfer shade tree from planting strip to front lawn with township maintaining easement on the tree for those 14 homes.

Fitzpatrick: The easement makes it our responsibility to take it down.

Dovey: They would have to go to Shade Tree Commission and it would be their responsibility to take it down.

Martin: Delanco Crossing and High Point.

Heinold: Motion to direct township engineer and notify planning board. Field change. Passed unanimously

Fox:

-met with John on Public Works garage - lean to

-sea wall project - Mike will report - recommend doing emergency sea walls on Zurbrugg - will take time. Oakwood, Center and Edgewood are in emergency.

Templeton: The politics of Zurbrugg ...working out meetings with Singleton and Allen to try to get a fair shake from DEP. Street ends are critical and we should act on it.

Fitzpatrick: Grant we applied for for Zurbrugg Park included sea wall so we should start elsewhere.

Templeton: Authorize Harry to start working on street ends.

Schwab: To make application to DEP.

Passed.

Department Heads:

Supt of Public Works,

-24 cu yds of brush due to wind storms

-fixed pot holes

-3 trees removed - 3 more need to consult with Shade Tree first

-31 trees trimmed

-2 street signs installed

-picked up leaves

-started sweeping

-3 ten yard of debris

-May 6 annual clean up at garage - electronics etc. 7-3

-April 1 spring leaf pick up begins

Jass:

May 6 Dunes Day to clean up all the trails.

DeSanto:

-Met with Historic Society

-Take Back Prescription April 29 10-2

-DNA samples required for some offenses - sexual assault and domestic violence.

Browne: Two gentlemen from clean energy - your signature?

DeSanto: No, I hand sign a permit. If you have a question, call us.

Browne: Facebook says scammers are going door to door.

Browne: They are selling electricity only from windmills. Are these people screened?

DeSanto: Yes for fraud and theft.

Jass: Had called the police twice. Is there a time?

DeSanto: 8-6

Browne: Do we have to issue a permit?

DeSanto: Can take it off the books.

Heinold: Not legal.

Schwab: You can put a no trespassing sign up

Township Committee

Templeton:

-JIF - seminar attended by Erin and Marie. Safe Lifting training - fire, police and EMS.

-Environmental Advisory Board - small grant application for Sustainable NJ to PSE&G.

Lots of time gathering data in submittable form. (mentioned all who worked on the application by name.)

-JIF elected officials seminar - March 29

Dovey:

-Compiling Shade Tree Ordinances from other towns so we can get this situation straightened out.

-Years of Edgewater Park experience - very impressed with staff and work here. Makes it a pleasure to serve.

Fitzpatrick:

-Attended Board of Ed - Resolution regarding sending agreement was tabled. Subcommittee formed to review sending options. Discussion of library and its use. Doug doing research as is Mr. Messenger.

-Attended budget workshop.

-Dietician attended Senior Meeting and gave presentation.

-Attended EMS banquet.

-Met with Code Enforcement and Zoning Officer regarding procedures. Moving forward with summonses for properties that have been given time.

-Missed DYSA due to budget session - April 22 is opening day. Might be two.

-Missed Hlstory Board due to an Ash Wednesday service. Working on Babe Ruth Day.

-Burlington County Times article that Delanco is looking at high school options. Hope that means that Riverside will allow us to have more than one member on their board since we have such a high percentage of students.

-Also mention that Delanco is upfront with a plan for Affordable Housing. That's how we got into builder's remedy situation.

-Rooms for Rent advertised. I called. Didn't know that you could rent a room in Delanco. I think it should go to code enforcement. It's on Burlington Avenue.

Browne: Think we looked into this twenty years ago.

Fitzpatrick: If you have a rental property with a lease with one person, how can that person rent out five rooms?

Browne: People have complained about it.

Fitzpatrick: Question from Rec - person who applied.

Jass: She hasn't replied.

Jass:

-Attended Board of Ed and Seniors meetings.

-County Board of Elections - looking for workers for primary. \$200/day

-Attended History

-Attended Rec.

-Attended Library Board - March 16 Makers Space, March 18 Sewing,

-Attended Township Wellness Day

-Attended Meet the Mayor

-Attended budget workshops - thanks to TC and Richard

-Attended Fire meeting for Mr. Dovey

Browne:

-NJ State flag here at Marlene's suggestion.

-March 18 Tree planting at Field of Dreams 8 am

-Remembering Bob Zoll

MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS –

Resident of Delaware: Tree comment - heard an expert on urban gardening. There was time for one question. It was, "What do you recommend for a street tree?" He responded that he tells all of his students, "If you plant a tree in a three foot square, I will hunt you down and change your grade."

Resident of Maple: Trying to understand delinquent taxes.

Schwab: Formula as to what the reserve is based on the prior year's collection rate.

Delinquent is different than uncollected. We know how much is out there, and we collected a much higher amount, so there is less delinquent. If it's high, it's available in surplus.

Resident of Kansas: You had mentioned bringing awareness of heart health to Women's Civic Club, I would be glad to speak to them as someone who has gone through open heart surgery.

Fitzpatrick: I would love to have you. Thank you.

SESSION TWO COMMENT AND QUESTION SECTION OF THE MEETING CLOSED TO THE PUBLIC

DISCUSSION ITEMS :

1. **PLANTING AND MAINTENANCE OF TREES IN TOWNSHIP RIGHT-OF-WAY**
(tabled from 2/6/17 meeting) - See above

2. **REQUEST FOR RIGHT-OF-WAY TO VERIZON WIRELESS – PROPOSED RESOLUTION**

Dovey: I think we need to get Verizon in here and explain to us as they have to their employees as to the dangers of those antennas. There is more than that guy said.

Tabled in the interim to allow for an opportunity to contact Verizon.

Schwab: Emailed Verizon regarding service - glad to meet with you.

Browne: Have her come to full committee meeting

Fitzpatrick: Letters were sent to residents of Washington regarding discussion to make it one-way.

Jass: Books and Badges on the 10th

Browne: Economic Advisory met - luncheon in fall for local businesses.

ADJOURNMENT

Submitted by Maureen Barrett