

**TOWNSHIP COMMITTEE MEETING – MARCH 5, 2007**

7:30 PM MUNICIPAL BUILDING 770 COOPERTOWN ROAD, DELANCO NJ

**ROLL CALL:** Devinney, present; Fitzpatrick, present; Hinkle, present; Templeton, present; Ouellette, present

**Also Present:** Twp. Administrator, Mr. Steven Corcoran; Twp. Engineer, David Denton; Twp. Solicitor, Mr. Douglas Heinold; Deputy Municipal Clerk, Karen Zimmermann; Supt. of Public Works, Mr. John Fenimore; Police, Lieutenant Sacalis, Code Enforcement Officer, Phil Goffredo

**FLAG SALUTE**

Mayor Ouellette led the flag salute.

**SUNSHINE STATEMENT**

Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner. Written notice has been mailed to the Burlington County Times and the Courier Post and published in the January 2, 2007 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

**\*\*SPECIAL PRESENTATION\*\***

**BURLINGTON COUNTY ECONOMIC DEVELOPMENT REGIONAL PLANNING – Ms. Khara Ford, Principal Planner and Mark Remsa, Director**

Mark Remsa gave a brief explanation of the Burlington County Economic Development Regional Planning Department and stated that they are here to help with economic development issues. Mr. Remsa stated that they are promoting the River Route and they will be showcasing the twelve municipalities that make up the River Route. Mr. Remsa introduced Ms. Khara Ford, the Principal Planner and coordinator of the River Route. Ms. Ford gave a brief synopsis of her background and stated that she is pleased to serve the County in this capacity. Ms. Ford explained that her office is working with the State Planning Commission on revising and updating the State Development and Redevelopment Plan. Ms. Ford stated that her office is the negotiating entity for cross acceptance and they gather feedback and concerns regarding state proposed changes to the plan and map. Ms. Ford stated that they are going through the negotiating stage of cross acceptance and they will be meeting with the Office of Smart Growth and Department of Community of Affairs to discuss the concerns of the municipalities in Burlington County with the State Plan and the State Plan policy map. Ms. Ford stated that there is a River Route Advisory Committee that recommends and advises economic development in the corridor and the implementation of the Route 130 Delaware River Regional Strategic Plan.

**PROCLAMATION – AUTISM AWARENESS MONTH**

Mayor Ouellette gave a brief explanation of autism and stated that one out of ninety-four children in our area are affected with this disorder. Mayor Ouellette read the proclamation to the public.

**ORDINANCE 2007-2**

**AN ORDINANCE AMENDING CHAPTER 234 GOVERNING “RENTAL**

**PROPERTIES”**

**\*2<sup>ND</sup> READING BY TITLE ONLY AND OPEN TO PUBLIC HEARING**

**HEARING OPEN TO THE PUBLIC**

Mayor Ouellette opened the hearing to the public.

**HEARING CLOSED TO THE PUBLIC**

Since there were no comments or questions from the public, Mayor Ouellette closed the hearing to the public.

Motion by Joan Hinkle, seconded by Ed Devinney to adopt Ordinance 2007-2

**Roll Call:** Devinney, yes; Fitzpatrick, yes; Hinkle, yes; Templeton, yes; Ouellette, yes

**ORDINANCE 2007-2**

**AMENDING CHAPTER 234 GOVERNING “RENTAL PROPERTY”**

**WHEREAS**, the Township Committee of the Township of Delanco finds it in the best interests, healthy, safety and welfare of the Township and its residents to amend and modify provisions to Chapter 234 governing “Rental Property” to adjust annual registration fees; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that:

**Section One.**

Chapter 234, governing “Rental Property” is hereby amended as follows:

**§ 234-11. Fees.**

[Amending subparagraph “A” as follows:]

A. An annual registration fee of \$100.00 for each unit.

**Section 4. Severability.**

In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

**Section 5. Effective Date.**

This Ordinance shall take effect upon final passage and publication according to law.

**ORDINANCE 2007-3**

**CREATING CHAPTER 260 GOVERNING “TOWING”**

**\*2<sup>ND</sup> READING BY TITLE ONLY AND OPEN TO PUBLIC HEARING**

**HEARING OPEN TO THE PUBLIC**

Mayor Ouellette opened the hearing to the public.

1. Phil Jenkins, 415 Third Street, commented that the ordinance was well written, however, he felt the fees were not comparable with Riverside and felt that the fees were high.
2. Henry Shinn representing Lenny’s Towing, thanked the Township Committee and Township Solicitor for the work they did on the towing ordinance and felt that it was well written and well executed.

**HEARING CLOSED TO THE PUBLIC**

Since there were no further comments or questions from the public, Mayor Ouellette closed the hearing to the public.

Motion by Ed Devinney, seconded by Joan Hinkle to adopt Ordinance 2007-3

**Roll Call:** Devinney, yes; Fitzpatrick, yes; Hinkle, yes; Templeton, yes; Ouellette, yes

**ORDINANCE 2007-3**

**CREATING CHAPTER 260 GOVERNING “TOWING”**

**WHEREAS**, the Township of Delanco desires to adopt a towing policy consistent with State statutes by providing a rotating basis of qualified towers.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that Chapter 260 of the Township Code is hereby created governing “Towing”:

**Section One.**

§260-1. Definitions and word usage

A. For the purposes of this chapter, the following terms, phrases and words shall have the meanings given herein:

**ABANDONED VEHICLE:** Any vehicle which has been left on or along any highway or other public property or on private property without consent of the owner or person in charge of the private property for a period of more than 48 hours or for any period without current license plates.

**DISABLED VEHICLE:** Any vehicle located on or along any public right of way, not in operation and with no owner visible and not legally parked will constitute an inoperable vehicle.

**PERSON:** Any person, firm, partnership, association, corporation, company or organization of any kind.

**TOWER:** A person engaged in the business or offering the services of a vehicle tower or towing service, whereby abandoned and/or disabled vehicles are towed or otherwise removed from the places where they are disabled, impounded or abandoned by use of a tower or truck so designed for that purpose.

**TOWING:** Hoisting, lifting, removal, hauling and transportation of any type of vehicle of any size from the highways, streets and roads located within the Township of Delanco or any other highway, street, or road within the State of New Jersey.

**TOWNSHIP:** The Township of Delanco.

**VEHICLE:** Any motor vehicle of any type or size including but not limited to passenger vehicles, trucks, trailers and other heavy vehicles and equipment.

**WAITING TIME:** Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to Fire/EMS services which must be performed and/or police investigations.

**WINCHING SERVICE:** Any operation in which a vehicle is moved onto a roadway, from a position off the roadway, or any other operation whereby a vehicle is moved by the use of a cable from a position that is not accessible for a direct hook up by conventional means for loading onto a tow vehicle.

Winching is not pulling a vehicle onto a tilt bed carrier or lifting a motor vehicle with a conventional tow sling.

- B. When not consistent with the context, words used in the present tense include the future; words in plural number include the singular number; and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

§260-2. Contract required; liability of Township; application

- A. Generally. The governing body of the Township, at the beginning of each period, shall appoint towers to be called by the police department on a rotating basis. Each tow shall be assigned to a different tower in an alternating order. A fee of \$100 shall be paid to the Municipal Treasurer by each tower so authorized. The appointment shall be made after the submission of an application as hereinafter set forth and the review and recommendation of the same by the Chief of Police, said appointment to be made by the Township Administrator. Any tower receiving appointment shall be placed on the rotation list, which shall entitle them to be called in alternating turns. In the event that the tower next on rotation is unavailable, then the following tower on the list shall be called during said rotation, but only for a particular incident as set forth in 260-3.D. Appointments shall be for a three-year period commencing July 1. Tower(s) wishing to reapply at the end of their three-year appointment will be required to complete the application process to include a \$100 fee submitted to the Township if appointed.

- B. Application process. Any person interested in being placed on the aforementioned rotation list shall submit an application on a form to be prepared by the Township Administrator or their designee, said form to contain at a minimum the information specified herein. The applicant shall provide, at a minimum, the following information:
1. List of required equipment and proof of ownership.
  2. Experience of applicant with references.
  3. Available personnel (employees).
  4. Proper business and trade licenses and licenses of vehicles.
  5. Tow trucks having two-way radio/cellular telephone capability with a dispatching center on a twenty-four-hour basis.
  6. Storage location setting forth capacity, contractor responsible for safe storage area location, proof of ownership or lease of storage area along with a survey certifying the square footage within the surveyed area.
  7. Insurance and proofs of required coverage.
  8. List of stockholders.
  9. Non-collusion affidavit.
  10. Affirmative action affidavit.
  11. Hold-harmless agreement.
  12. Certification that the applicant is able to provide towing services anywhere in the chapter in accordance with the response time established within this chapter.
  13. Certification that the applicant will be available to provide service on a 24-hour per day, 7-day per week basis and will abide by the fees set forth in this chapter.

14. Certification that the applicant shall consent to the appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
- C. Review of application. The Chief of Police shall conduct a background check of the applicant and any employees to be utilized in the towing and storage operation. The background check is to determine if either the applicant or its employees have been convicted of a criminal offense or have had their driver's license suspended or revoked in the past five years. Conviction of a criminal offense involving moral turpitude or fraud within the past ten years or suspension of a driver's license within the past year shall be cause for the disqualification from being appointed to provide towing and impound services. The Chief of Police or his designee shall conduct an inspection of the employees, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with the applicable laws, regulations and standards of performance required by this chapter. The Township shall, at the cost of the applicant, obtain a better Business Service Bureau report and any other reports that the Township Administrator may deem necessary. After a thorough investigation, the Chief of Police shall recommend to the Township Administrator whether an applicant should be appointed to provide towing service to the Township of Delanco in accordance with the terms and conditions of this chapter.
- D. Independent contract. By submission of the fee and application, the tower agrees that all personnel and equipment used shall be and remain the property of the tower, and in no event shall the property or any employee of the tower be represented or considered belonging to or employed by the Township of Delanco. The tower is in no way or sense an agent or employee of the Township of Delanco.
- E. Hold harmless agreement; liability.
  1. The tower, by submission of the fee and application, agrees to assume the defense of and indemnify and hold harmless the Township, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the Township may be subjected, of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of the provisions of providing the services required by this chapter. Prior to providing the towing services, the tower shall execute the appropriate hold harmless clause.
  2. The owner of the garage or the parking or storage location shall also agree to indemnify and hold harmless the Township and its officers, employees and agents from any and all suits and actions, damages or claims arising out of the performance of the duties specified in this chapter.
  3. The Township of Delanco shall not be liable for any services whatsoever which may be rendered to motor vehicles, and the tower shall only seek payment from the driver and/or owner of such vehicles for compensation.

- F. Township Administrator's decision. The Chief of Police shall conduct the aforementioned review and investigation and render a report to the Township Administrator recommending either approval or denial of the application. The Township Administrator shall then take action with regard to appointing vendor(s) for towing and impound services. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Township Administrator.

§260-3. Requirements.

The following general requirements shall apply to all towers and towing operations acting on behalf of the Township of Delanco:

- A. Equipment. The tower shall have sufficient equipment to tow the size of vehicle for the list they desire to be placed upon. There shall be a separate list for light, medium and heavy-duty, which weigh classifications are set forth more particularly below. The minimum requirement for heavy-duty towing is one heavy-duty large capacity wrecker minimum of 25-ton capacity. The minimum requirement for medium towing is one medium-duty wrecker minimum of ten-ton capacity. The minimum requirement for light-duty towing is a light duty wrecker minimum four-ton capacity. Each tower seeking to be listed in any or all of the above categories must provide a list of vehicles and a list of other municipal entities served. The specifications are as follows:
1. Heavy duty
    - (a) Minimum of 25 ton capacity.
    - (b) Air brakes.
    - (c) Minimum 1,000 x 20 tires with dual rear wheels.
    - (d) Air fittings for releasing air pressure lock brakes on dump trucks and tractor-trailers.
    - (e) Under reach capabilities.
    - (f) All required ICC safety equipment must be carried.
    - (g) Must meet all Federal, and New Jersey Division of Motor Vehicle requirements.
    - (h) Portable safety lighting to be installed on rear of towed vehicle.
    - (i) Offside truck winching.
  2. Medium duty
    - (a) Minimum of 10 ton capacity.
    - (b) Minimum 1,000 x 20 tires with dual wheels.
    - (c) Chassis requirements should be 10 ton's gross weight.
    - (d) Steering wheel lock for towing vehicles from the rear.
    - (e) Wheel lift and under reach capacity.
    - (f) All ICC safety equipment must be carried.
    - (g) Must meet all Federal and New Jersey Division of Motor Vehicle requirements.
  3. Light duty
    - (a) Minimum of 5 ton capacity.
    - (b) Chassis requirements should be 10,000 pounds gross vehicle weight and dual rear tires.
    - (c) Steering lock on each wrecker for towing vehicles from the rear.

- (d) Tow sling type bar, rubber strap, to lift the car so that no part of metal touches the car.
  - (e) All ICC safety equipment must be carried.
  - (f) Must meet all Federal, and New Jersey Division of Motor Vehicle requirements.
- B. At the time of the submission of the application, the tower shall submit proof satisfactory to the Township and the Police Department of ownership of the aforementioned vehicles. Adequate proof shall be proof of ownership by recorded title of the required number of vehicles necessary to meet the chapter requirements or executed lease/rental agreement for the equipment required extending six months beyond the length of the contract. Failure to submit to the aforementioned satisfactory proof shall result in the disqualification of the tower.
- C. Employees
1. The tower shall have sufficient number of employees available to comply with the minimal operational requirements of this chapter. The tower shall indicate in his application the number of employees on call and available to respond 24 hours a day, seven days per week.
  2. The tower shall submit with the application to the Township the names and addresses of all proposed drivers and employees who will be rendering service under this contract on behalf of the tower. This information is to be kept current with the Township by the tower.
  3. All operators of the towers equipment providing services required by this chapter shall be over the age of 18 and must have a valid, current, driver's license.
  4. No person shall be utilized by the tower to provide services required by this chapter for the Township unless the Township has obtained a record check and has been approved by the Chief of Police. The Chief of Police may reject the services of an employee of the tower for the following reasons:
    - (a) Conviction of any crime of the first or second degree.
    - (b) Conviction of any crime involving the use of a firearm.
    - (c) Conviction of any crime involving the manufacture/distribution of any controlled dangerous substance.
    - (d) Conviction of any crime or offense, which subjects the employee to the provisions of Megan's Law.
    - (e) Conviction within the last five years for driving under the influence of intoxicating beverages or drugs.
  5. No employee of the tower shall perform services unless previously listed by the contractor to the Township.
- D. Availability; response time. The tower shall be available 24 hours a day, seven days a week for use of the Township at the direction of the authorized representatives of the Police Department as per the rotation requirements hereinafter set forth. Once placed on the list, towers will be called in alternating rotations for each call. At the time of each call, the next tower on the list has has exclusive rights to tow vehicles on behalf of the Township of Delanco, and said tower shall be called or dispatched first by the Police Department. In the event that said tower is unavailable with respect to a particular incident, then the next tower as set forth on the rotation list shall be

called or dispatched to the scene. The rotation list shall be as a result of the receipt and review of the approval of the aforementioned applications. If a tower refuses to accept a tow, including the towing of a junk or abandoned vehicle, the tower shall be in violation of their obligations to the Township under this ordinance. In the event that none of the towers set forth on the rotation list are available or are available to provide the appropriate services requested by the Township, or if an emergency exists, the Township may request such services from any other available source. During adverse weather conditions, heavy traffic conditions or emergency conditions, the tower set forth on the rotation list shall give priority to requests from the Township over any other request which may be received by the tower. Notwithstanding the establishment of a rotation list, no tower shall be called until the Chief of Police or his designee has ascertained that the following requirements have been met:

1. The insurance policies, as required, have been procured and supplied.
2. The vehicle to be used for towing has been properly licensed and inspected by the State of New Jersey and has the necessary stickers affixed. No vehicle shall be licensed as a wrecker which is using dealer plates or which has failed inspection.
3. The requirements of this chapter and all other laws, statutes and ordinances have been met.

E. Storage location. The vehicles must be towed to a location containing a minimum storage area sufficient for the storage of 20 vehicles. The applicant shall submit as part of the application process proof that he owns or can lease the aforementioned minimum storage area. For the convenience of the public and for investigative purposes the storage area must be located within a five-mile radius of police headquarters located at 770 Coopertown Road, Delanco, New Jersey, 08075. If the tower has an option to lease the required storage area, he shall submit with his application a copy of the lease agreement containing the description together with a copy of the survey of the land. The lease shall extend to at least six months after the termination of the tower's appointment. The surveys required herein shall have set forth thereon a certification by the surveyor to the Township as to the square footage within the storage area as surveyed. Storage area shall meet the following requirements:

1. The land used for the storage of the vehicles shall be zoned for such use and meet all applicable municipal codes. In addition, it shall be in an area reasonably accessible to the public so that stored vehicles may be claimed.
2. No towed vehicle may be parked upon the public street and shall be stored by the tower within the storage area as hereinafter defined.
3. The tower must provide access to the storage area to the police department as needed on a 24 hour a day basis.
4. The storage area shall accept all types of vehicles and be able to hold at least 20 vehicles.
5. The entire land area shall be enclosed by a fence of sturdy construction and shall be secured with lighting.
6. The land used for storage is to be level and clear from all debris and must be clearly marked.

7. The tower shall be responsible for each vehicle and its contents in the tower's possession until final disposition and removal as ordered by the Township. All vehicles, regardless of condition, shall be stored singly and so arranged to permit inspection and subsequent removal. Adequate walkway inspection space shall be provided at all times.
- F. Violations.
1. If a tower is in violation of any terms of this chapter, the Chief of Police shall notify the Township Administrator and the Township Administrator or their designee shall notify the tower in writing. If the violation is not corrected within 48 hours of the receipt of said written notice, the Township Administrator, upon recommendation of the Chief of Police, shall terminate the tower's services and remove said tower from the rotation list for the remainder of the three-year period. Adequate grounds for termination of services shall include but are not limited to a violation of the terms of this chapter, lack of compliance with response times, fraudulent or inaccurate application information, unsatisfactory service, billing irregularities, or the violation of any New Jersey statute or regulation.
  2. Complaints of any kind relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police for investigation and recommendation to the Township Administrator, if necessary. Such complaints may be cause for termination of the tower's services and removal from the rotation list by the Township Administrator.
- G. Records, inspection; release of vehicle. The Tower shall maintain a record of all vehicles towed, stored and released by him pursuant to this chapter. Within seven (7) days of the end of a calendar month, the tower shall supply a copy of all tow invoices and a report as to the number of tows conducted during the prior month, and any other information that the Chief of Police shall deem necessary. Records shall be kept for a seven-year period. The tower shall maintain a record provided by the police of all property found anywhere in a towed vehicle, including the trunk and glove compartment, if opened or if a key is available, and the tower shall be responsible to safeguard and release the vehicle and the contents left with the vehicle to the owner.
1. The tower is to notify the Chief of Police or his designee, in writing, once a vehicle is towed, pursuant to this chapter, and has been in the tower's possession for a period of seven calendar days.
  2. The tower shall not release vehicles towed pursuant to this chapter, without the claimant first obtaining a release from the Police Department. In addition, the tower shall notify the Chief of Police, or his designee, of the release of a vehicle towed pursuant to this chapter within 24 hours.
  3. Only the Chief of Police or his designee shall have access to any part of the storage area at any time of the day or night for inspection purposes, including both indoor and outdoor areas. Authorized representatives of the Police Department or the Township Administrator or their designees shall have access to any of the records required to be kept by the tower. Access to these records shall be provided to the Chief of Police,

Township Administrator, Township Clerk or their designees, upon their request during normal business hours.

4. The service, equipment and personnel of the tower are subject to inspection and approval by the Township. The Township reserves the right to have a qualified person or agency make such inspections.

H. Disputes and adjustments.

1. Any disputes over the interpretation of this chapter, including the reasonableness of any fees assessed, shall be settled amicably, if possible through negotiations between the tower, the police department and the Township Administrator.
2. In cases where the Township has been at fault in wrongfully directing that a vehicle be towed, the tower may petition the Township Administrator for reimbursement of costs incurred in the towing and storage of said vehicle.

I. Standby Service

1. In addition to the service requirements of this chapter, the tower shall be required to furnish extra towing equipment and service during storm periods, periods of snow emergencies, traffic emergencies, disasters, any acts of God and for any other reason when so designated by the Township Administrator, the Chief of Police or their authorized representatives. During such periods which are herein referred to as standby service periods, the tower shall be required to furnish adequate equipment and service to be held ready to remove all types of vehicles.
2. Standby service will begin when the Chief of Police or his authorized designee calls the tower initially and will end when he terminates the standby status by calling the tower.
3. The Township reserves the right, during any emergency, to designate temporary areas owned or leased by the Township for the storage of disabled vehicles in said area at the direction of the Chief of Police or his designee.

§260-4. Removal and storage of vehicles.

A. Removal. Vehicles shall be removed as follows:

1. Abandoned vehicles.
  - a. Abandoned vehicles as defined in Title 39 of the New Jersey revised statutes shall be removed under the direction and supervision of the Police Department on a twenty-four-hour-a-day basis. All calls with respect thereto shall be answered within 10 minutes (daytime)/ 15 minutes (nighttime) from the time of notification under normal conditions seven days a week, anywhere within Township limits, unless the Police Department determines it is not a threat to vehicle traffic, or persons and could be removed during regular business hours. Abandoned vehicles shall be towed without charge to the Township to the aforementioned required storage area and stored thereon for no longer than 90 days without any charges or liens accruing against the Township. Abandoned vehicles remaining after 90 days may be removed from the secured area provided that a junk title has been applied for pursuant to the provisions of Title 39.

- b. The tower may be penalized \$150 per day for each abandoned vehicle not removed and towed within a reasonable amount of time after notification by the Police Department and may be grounds for termination of the tower's appointment.
  - c. The requirement to tow abandoned motor vehicles shall only apply to public rights-of-way, easements, avenues and places including public parks and playgrounds, and all quasi-public areas. The owner of private property shall be responsible for the removal of any unattended or disabled vehicles in accordance with the provisions of N.J.S.A. 39:4-56.6 and shall employ a tower of their choice.
  - d. The Township retains the right to require that the abandoned vehicle shall be towed to municipal property and to retain any monies realized from the sale of such vehicles. The Township shall pay the tower's reasonable fees as set forth in this chapter for towing a vehicle sold in this manner from the proceeds of the sale. Abandoned vehicles, not claimed by the owner or lien holder, may be sold at public auction pursuant to the provisions of N.J.S.A. 39:10A-1 through 7. Prior to sale at auction of any abandoned vehicle, the Township will obtain the appropriate junk title or certificate of ownership for said abandoned vehicle from the Division of Motor Vehicles.
2. Vehicles not abandoned.
- a. All vehicles involved in accidents, disablements, stolen vehicles, vehicles involved in suspected crimes and the like shall be shall be towed and stored under the direction and supervision of the Police Department 24 hours a day, seven days a week. Vehicles shall be available, at a minimum, for release between the hours 9:00 a.m. to 5:00 p.m., Monday through Fridays, except legal holidays. If the vehicle is picked up on a Monday, no storage charge shall be assessed for the prior two days. If the tower makes the vehicle available for pick-up on weekends or legal holidays, the tower may charge a storage fee for the days it is actually open. The tower shall arrive at the scene of the accident within 10 minutes (daytime)/ fifteen minutes (nighttime) under normal conditions after police notification. Repeated late arrivals at the scene of accidents may result in the termination of the tower's services as otherwise provided in this chapter.
  - b. In the event that the tower has been summoned by the Township for purposes of towing a vehicle and the owner of the vehicle has also summoned his own tower and said tower arrives on the scene prior to removal of the vehicle by the Township's tower, then the owner is entitled to remove his own vehicle at no cost or expense to the owner or the Township. There shall be no charge to the Township for the tower appearing at the scene under said conditions.
- B. Storage. The tower shall store the abandoned and non-abandoned vehicles in the storage area as required in this chapter. The vehicles shall be stored until claimed by the owner or until auctioned by the Township in compliance with state law or as otherwise to be disposed of pursuant to state law. Vehicles to

be removed shall be towed to the tower's storage area or to Township property at the discretion of the police department.

- C. Calculation of day of storage. Any initial storage period of less than 24 hours shall be counted as one day. Thereafter a "day" of storage shall mean a full 24 hours. For example, a vehicle stored from 8:00 p.m. to 10:00 a.m. the following morning shall result in the payment of one day of storage.
- §260-5. Indemnity and insurance.
- A. The tower shall indemnify and hold harmless the Township of Delanco from any and all claims against the Township of Delanco arising out of the operation of any towing services or garage services or storage services or repair services under this chapter. Liability insurance shall include contractual liability of \$1,000,000 combined single limit.
  - B. The tower shall carry Workmen's Compensation Insurance in accordance with the requirements of New Jersey state law. The tower shall also carry public liability and property damage, contingent liability insurance to indemnify the Township of Delanco, and the public against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of any act or omission of the tower, his agents or employees in or due to the execution of the work called for under this chapter. Such policies shall contain the provision that 30 days notice of change or cancellation be given to the Township by the insurance company. Public liability insurance limits shall be at least \$500,000 per accident and be specifically endorsed to provide collision insurance for vehicles in tow. In addition, the tower shall have coverage for contractual liability and also name the Township as an additional insured. All insurance required hereunder shall remain in full force and effect for the period of the appointment.
  - C. Appropriate bodily injury liability insurance with \$1,000,000 combined single limit. Automobile bodily injury liability insurance with limits of not less than \$500,000 for each person and \$1,000,000 for each accident and property damage liability insurance with a limit of not less than \$500,000 for each accident.
  - D. Garage keeper's liability in an amount not less than \$60,000 per location; garage liability in an amount not less than \$1,000,000 combined single limit.
  - E. Certificates of insurance showing that the tower and the Township of Delanco are named as additional insured, in conformance with the above, shall be furnished to the Township Purchasing Agent, subject to approval of the Township Solicitor, and filed with the Township Clerk. The certificates of insurance shall be delivered to the Township Purchasing Agent.
- §260-6. Rate schedule; charges and fees.
- A. Generally.
    - 1. Towing and storage charges and fees shall be in accordance with N.J.S.A. 40:48-2.5 as well as the provisions of this chapter. The Township shall not be responsible for the collection or payment of any charges for the towing or storage of vehicles. The charges and fees and rates applicable to services performed pursuant to this chapter shall be posted in a conspicuous place visible to the public at the tower's storage area and shall be presented to the owner of a vehicle to be towed at the time of service. The tower shall prepare an itemized bill in detail as to the actual services rendered and present the bill to the claimant of a

vehicle. Each bill shall contain a statement that the claimant may file a complaint with the Township with respect to charges. The Township will not be responsible for charges due and owing from a claimant of a vehicle, nor will it assist the tower in collecting such charges. Vehicles impounded as a result of police investigations involving stolen vehicles or fatal accidents will not result in storage charges; however, the Township reserves the right to store such vehicles at a location of its choosing.

2. In the event the Township conducts an auction of unclaimed abandoned vehicles pursuant to Title 39, the tower's bill for towing and storage shall be an expense of possession and sale and shall be paid from the proceeds of such auction. Each vehicle auctioned shall be a separate item for purposes of this subsection. The title fee for which the Township must pay to the State of New Jersey for title certificates shall be paid by the purchaser at the auction even if the tower is the purchaser and shall be in addition to the bid price of each vehicle. In the event the Township determines to utilize the provisions of Title 39 with respect to unclaimed vehicles, the tower shall receive no compensation for its services.
  3. The fee for towing a vehicle shall include the service rendered from the scene where the vehicle is located to the storage area and from the storage area to the curb line of the property on which is located the storage area. There shall be no additional charge for towing a vehicle from the storage area to the curb line for the purpose of an owner of a vehicle towing the vehicle to a service station or other repair shop or the person's home or other location. The charge for towing includes any incidental and related costs such as disconnecting and reconnecting a transmission. There shall be no additional charges for any other services, including but not limited to waiting time, debris removal, winching and additional labor when routine towing services as provided for by this chapter are performed. The tower shall be responsible for the cleanup and disposal of motor vehicle fluids, in accordance with state law and accepted standards, and there shall be no additional labor charges for this service. The tower may charge the owner/operator for material used in the cleanup of motor vehicle fluids. The tower may charge a fee for lockout service as well as roadside assistance such as jump-starts, tire changes, and providing gasoline for vehicles that have run out of fuel.
- B. Charges and fees. The charges, fees and rates for vehicles to be towed and stored are set forth in a rate schedule attached hereto, which shall be kept on file with the Chief of Police and may be amended by future Resolution of the governing body.
- C. Specialized equipment. In cases where the tower must hire laborers or rent or utilize specialized equipment not specified in this chapter, all reasonable charges therefore shall be paid by the owner of the vehicle, after the owner of the vehicle or his agent has given his prior written consent thereto, except where said vehicle is deemed a hazard to health or safety, whereupon said vehicle will be removed by the direction of the Chief of Police or his designee, with the owner then being responsible for all personnel, equipment

and labor costs. The Chief of Police or his designee shall determine the necessity for specialized equipment.

- D. Unloading of goods. In the event that it is necessary to unload a vehicle, which has been used for transportation of goods prior to towing, an agreement shall be reached between the tower and the owner of the vehicle or the owner's agent or representative as to the charge for said service. No written agreement is necessary in an emergency situation and the Chief of Police or his designee shall determine when an emergency exists.

**Section Two. General Repealer.**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

**Section Three. Severability.**

In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

**Section Four. Effective Date.**

This Ordinance shall take effect upon final passage and publication according to law.

**ORDINANCE 2007-4**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF DELANCO PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES \*2<sup>ND</sup> READING BY TITLE ONLY AND OPEN TO PUBLIC HEARING**

**HEARING OPEN TO THE PUBLIC**

Mayor Ouellette opened the hearing to the public.

**HEARING CLOSED TO THE PUBLIC**

Since there were no comments or questions from the public, Mayor Ouellette closed the hearing to the public.

Motion by Kate Fitzpatrick, seconded by Ed Devinney to adopt Ordinance 2007-4

**Roll Call:** Devinney, yes; Fitzpatrick, yes; Hinkle, yes; Templeton, yes; Ouellette, yes

**ORDINANCE 2007-4**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF DELANCO PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES"**

**BE IT ORDAINED AND ENACTED BY THE** Township Committee of the Township of Delanco, County of Burlington, and State of New Jersey, that:

Section 1. Section 2 of the Ordinance entitled above to which this Ordinance is an amendment, is hereby amended to provide as follows:

Section 2. The rates of compensation of an employee shall be payable as follows:

<b>2007 MONTHLY</b>	<b>PER ANNUM</b>
Mayor	\$ 3,800-4,600
Township Committee Member	3,400-4,100

Tax Assessor	13,000-18,000
Assistant Tax Assessor	3,000-6,000
Prosecutor	10,000-14,000
Municipal Magistrate	12,000-16,000
Recreation Commission Secretary	1,000-2000
Shade Tree Commission Secretary	1,000-2000
Construction Code Official	7,665 -16,000
Building Sub Code Official	6,796 -17,000
Electrical Sub Code Official	1,450 - 6,000
<b>2007 MONTHLY</b>	<b>PER HOUR</b>
Police Matron	8.00-14.00
Special Police Officer	10.00-15.00
Clerk/Typist	7.17-17.00

School Traffic Guards will be paid according to the following pay scale based on continuous service:

<b>2007 Per Hour</b>	YRS 1-2	YRS 3-5	YRS 6 & OVER
School Traffic Guard	\$9.50	\$11.50	\$13.00
<b>2007 MONTHLY</b>			<b>PER DIEM</b>
Public Defender			\$125.00-180.00
Special Police Officer (Court Session)			50.00-65.00
Clerk Typist (Court Session)			45.00- 65.00
<b>2007 WEEKLY</b>			<b>PER ANNUM</b>
Chief Financial Officer			\$18,000-25,000
Tax Collector			20,000-27,000
Township Administrator			60,000-85,000
Township Clerk			35,000-60,000
Municipal Court Administrator			20,000-27,000
Superintendent – Public Works			45,000-70,000
Assistant Superintendent-Public Works			35,000-60,000
Police Records Clerk			23,000-35,000
Zoning Officer			30,000-53,000
Animal Control Officer			3,500-5,000
Registrar of Vital Statistics			1,000-4,000
Clerk Typist - Annual			22,000-38,500
Housing Officer			5,000-10,000
<b>2007 WEEKLY</b>			<b>PER HOUR</b>
Police Records Clerk			\$10.00-18.00
Clerk Typist – Hourly			8.00-17.00
Joint Land Use Board Secretary			10.00-15.00
Janitorial			10.00-14.00

Section 3. The rates of compensation for Township Employees as set forth above shall be deemed the basis of Overtime. All overtime compensation shall be paid in accordance with the Township’s Personnel Practices Manual/Handbook or as per contract where appropriate for collective bargaining units.

Section 4. This Ordinance shall take effect upon the approval and publication of this Ordinance according to law. All compensation shall be retroactive to January 1, 2007.

**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 2007-5**

**MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET**

**APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**\*1<sup>ST</sup> READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR MARCH 19, 2007**

**RESOLUTION 2007-55**

**ENDORISING RECYCLING TONNAGE GRANT**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to , making and keeping accurate , verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delanco that the Township of Delanco hereby endorses the submission of the 2006 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates John Fenimore, Recycling Coordinator, to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the 2006 recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION 2007-56**

**DRUNK DRIVING ENFORCEMENT FUND**

**PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 CHAPTER 159, P.L. 1985)**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local government Services may approve the insertion of any special item of revenue in the

budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Delanco, in the County of Burlington, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2007 in the sum of \$1, which item is now available as a revenue from the FY2007 DMC Drunk Driving Enforcement Fund in the amount of \$1,825.57 pursuant to the provisions of the statute.

BE IT FURTHER RESOLVED that the above is a result of State DMV Drunk Driving Enforcement Fund.

BE IT FURTHER RESOLVED that two (2) certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

#### **RESOLUTION 2007-57**

##### **APPOINTING DEPUTY CONSEQUENCE MANAGER**

BE IT RESOLVED by the Township Committee of the Township of Delanco, County of Burlington and State of New Jersey that Robin Mohrmann is hereby appointed as "Deputy Consequence Manager" in the Office of Emergency Management (OEM).

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Burlington County Department of Emergency Management.

#### **RESOLUTION 2007-58**

##### **APPOINTMENT OF MANSION ARCHITECT**

WHEREAS, the Township Committee of the Township of Delanco ("Township") has designated the Zurbrugg Mansion Properties as a redevelopment area; and

WHEREAS, on December 18, 2006, the Township authorized a Memorandum of Understanding with J2 Associates in order to pursue a Redevelopment Agreement with regard to the Project; and

WHEREAS, the Township is in need of an Historic Architect as part of the Redevelopment Agreement and Redevelopment Plan process; and

WHEREAS, the Township has obtained a proposal from Cameron J. Mactavish, AIA, LEED, of Voith & Mactavish Architects, LLP, dated February 22, 2007, which is attached hereto and incorporated herein; and

WHEREAS, the Township desires to appoint Cameron J. Mactavish, AIA, LEED, as Historic Architect of the Project; and

WHEREAS, the Historic Architect will be paid for out of escrow posted by J2 Associates pursuant to the MOU and Redevelopment Agreement process.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey, that it hereby authorizes the Mayor and Township Clerk, as may be necessary, to execute an Agreement with Cameron J. Mactavish, AIA, LEED, of Voith & Mactavish Architects, LLP, in accordance with his proposal attached hereto and incorporated herein, in order to appoint him as Historic Architect for the Project; and

**BE IT FURTHER RESOLVED** that billing submitted by the Historic Architect shall be charged against and paid for out of the escrow account posted by J2 Associates as referenced above.

**PAYMENT OF BILLS**

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$536,078.76
PAYROLL	130,641.95
TRUST	76,913.03
HOUSING TRUST	1,124.00

**GENERAL ACCOUNT – MARCH 5, 2007**

23206	ARCH WIRELESS	22.55
23207	BEVAN SECURITY SYSTEMS INC	216.00
23208	BURLINGTON COUNTY TIMES	264.72
23209	BURLCO MCPL COURT ADMIN ASSN	215.00
23210	BAUR MUNICIPAL SUPPLIES	305.00
23211	BEVERLY BEE	702.28
23212	BURLINGTON COUNTY BICYCLE CTR	219.90
23213	BELMONT & CRYSTAL SPRINGS	32.38
23214	BJ'S WHOLESALE CLUB	85.60
23215	CERTIFIED SPEEDOMETER SERV INC	136.00
23216	CLEAN RENTAL SERVICES INC	305.75
23217	COMCAST	105.22
23218	DELANCO TWP BOARD OF EDUCATION	402,190.00
23219	DELANCO FIRE COMMISSIONERS	21,083.33
23220	DELANCO PUBLIC LIBRARY ASSOC	2,958.66
23221	DARE NJ INC	125.00
23222	DRAEGER SAFETY DIAGNOSTICS INC	142.00
23223	ELECTRIC MOTOR & PUMP SERV INC	15.25
23224	EIC INSPECTION AGENCY CORP	4,860.60
23225	EAST COAST FLAG & BANNER CO INC	279.00
23226	FEDERAL EMPLOYEES BENEFIT ASSN	553.00
23227	FOSTERS HARDWARE INC	20.00
23228	GALLS INC	288.35
23229	GE CAPITAL	339.00
23230	GOVCONNECTION INC	275.00
23231	H A DEHART & SON	520.21
23232	HULSE & GERMANO ESQS LLC	580.50
23233	INTL ASSN OF ELECTRICAL INSPEC	80.50
23234	JESCO INC	39.60
23235	LAWMEN SUPPLY CO OF NJ INC	795.53
23236	LOWTHERS SMALL ENGINE INC	245.36
23237	SUSAN J LANSER	100.00
23238	MICROSYSTEMS NJ.COM LLC	120.00
23239	JOHN MILLER	392.50
23240	MICHELMAN & BRICKER PC	824.00
23241	LENORE MORAIS	75.00
23242	MILL RUN CLEANERS & TAILORS	175.00

23243	NJ AMERICAN WATER CO	269.21
23244	NJ CONFERENCE OF MAYORS	40.00
23245	NEXTEL COMMUNICATIONS	833.16
23246	NJ STATE HEALTH BENEFIT PROG	29,473.55
23247	OAKLAND FAMILY SHOE	400.00
23248	OAKWOOD UNIFORM & EQUIP INC	509.55
23249	PEDRONI FUEL CO	7,267.31
23250	POSTMASTER-RIVERSIDE	160.00
23251	PSE&G	13,827.87
23252	PAYROLL ACCOUNT	6,071.09
23253	PARKER MCCAY-ATTORNEYS AT LAW	13,201.37
23254	PJ CARRAFA NSPECTIONS	655.00
23255	PHCC OF NJ	160.00
23256	RIVERSIDE NAPA AUTO PARTS	149.96
23257	R V BURIC ARCHITECTURE ENG	850.00
23258	STAPLES INC	333.89
23259	SOUTH JERSEY CT ADMIN ASSOC	40.00
23260	SAMZIES LTD UNIFORMS	248.43
23261	SERVICE TIRE TRUCK CENTERS	52.00
23262	SHERWIN WILLIAMS	109.14
23263	STEWART BUSINESS SYSTEMS	504.40
23264	STATE TOXICOLOGY LABORATORY	60.00
23265	TERMINIX INTERNATIONAL	113.00
23266	TREASURER COUNTY OF BURLINGTON	11,465.62
23267	TCTA OF BURLINGTON COUNTY	50.00
23268	TEMPROL CORP	124.50
23269	TOWNSHIP OF DELRAN	2,737.06
23270	TREASURER-STATE OF NEW JERSEY	1,800.00
23271	MICHAEL W THOMPSON	392.50
23272	TUCH ELECTRICAL CONTRACTING CO	185.00
23273	THOMAS VAN EMBURGH	62.00
23274	VERIZON WIRELESS	248.76
23275	VERIZON CABS	180.85
23276	VERIZON	319.05
23277	VITAL SERVICES GROUP	255.81
23278	W B MASON CO INC	1,955.60
23279	XTEL COMMUNICATIONS INC	1,285.29

**TOTAL** **\$536,078.76**

**CAPITAL**

1506	DELL MARKETING LP	1,039.35
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**TOTAL** **\$1,039.35**

**PUBLIC DEFENDER**

1038	PAYROLL ACCOUNT	169.00
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**TOTAL** **\$169.00**

**TRUST**

1874	GRES & KALUZNY LAND DEV LLC	66,762.00
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1875	PARKER MCCCAY-ATTORNEYS AT LAW	7,292.53
1876	HULSE & GERMANO ESQS LLC	411.75
1877	TAYLOR DESIGN GROUP INC	2,446.75
<b>TOTAL</b>		<b>\$76,913.03</b>

**HOUSING**

135	PARKER MCCAAY-ATTORNEYS AT LAW	1,124.00
<b>TOTAL</b>		<b>\$1,124.00</b>

**APPROVAL OF MINUTES**

2/05/2007

**APPROVAL OF CONSENT AGENDA**

Motion by Joan Hinkle, seconded by Mike Templeton to approve the consent agenda

**Roll Call:** Devinney, yes; Fitzpatrick, yes; Hinkle, yes; Templeton, yes; Ouellette, yes

**CORRESPONDENCE – None**

**DISCUSSION ITEMS:**

**MANSION UPDATE – Township Administrator – Mr. Steven Corcoran**

Mr. Corcoran announced that Cameron J. Mactavish associated with Voith & Mactavish Architects will be the historic review architect on the Mansion project. Mr. Corcoran stated that it will be their job to review the plans and make sure they represent the best historic product available to us. Mr. Corcoran stated that there will be no cost to the Township and any costs will be borne by the applicant. Mr. Corcoran stated that the Township Solicitor, Mr. Heinold and the Township Planner, Mr. Taylor, and he have been working on the language and content of the agreement and announced that they are ninety percent complete on the project. Mr. Corcoran reported that they had a meeting last Friday with the applicant and his professionals to arrive at a project scheduling. Mr. Corcoran stated that there are 28 or 29 steps with dates to be met between now and the ultimate closing and payment in hand. Mr. Corcoran stated that once the steps and dates are met, the closing date would be October 1, 2007. Mr. Corcoran stated that the schedule and the architectural and drawings will be posted in the lobby when it becomes available.

**MEETING OPEN TO THE PUBLIC FOR COMMENT ON DISCUSSION ITEM**

Mayor Ouellette opened the meeting to the public.

Mrs. Astemborski, 329 Delaware Avenue woman from the public reported that the gazebo on Delaware Avenue is leaning.

The Township Administrator, Mr. Steven Corcoran stated that the applicant is researching with DEP to reconstruct the gazebo. Mr. Corcoran further stated that the Township Building Inspector notified the Township that the gazebo created an unsafe situation. Mr. Corcoran stated that fencing will be placed around the gazebo for an added security measure. Mr. Corcoran stated that it has been determined that the present gazebo is not the original Zurbrugg gazebo. Mr. Corcoran stated that the ground is eroding beneath the gazebo creating a tilt toward the Zurbrugg Mansion.

## **MEETING CLOSED TO THE PUBLIC**

Since there were no further comments from the public, Mayor Ouellette closed the meeting to the public.

## **MEETING OPEN TO THE PUBLIC**

Mayor Ouellette opened the meeting to the public.

1. Karen and Rick Malik, 327 Delaware Avenue, questioned the living fence ordinance. They asked the Township Committee for a definition of the living fence ordinance. The Township Solicitor, Mr. Heinold stated that the Malik's were sited for a violation of the living fence ordinance and found guilty in the Delanco Municipal Court. The Malik's appealed and the case was sent to Superior Court that upheld the Municipal Court ruling and currently the case is in the Appellate Division. Mrs. Malik stated that if they are found guilty and the case is not dismissed, that it opens the entire waterfront property owners to exposure since there are numerous violations to this ordinance. Mr. Malik stated that when they originally put in the landscape, they felt they were in compliance. Mr. Malik stated that they want the ordinance defined so they can be in compliance.

The Township Solicitor, Mr. Heinold stated that he would be happy to have a conversation with the Maliks' attorney present regarding any issues they have about the ordinance and try to resolve it. Mrs. Malik questioned how all the other property owners will be handled. Mr. Heinold stated that if they had any problems with other property owners that they should report them to the Township. Mr. Heinold concluded that the Township Committee does not have a specific role in this issue. Mr. Heinold stated that if there are concerns about this ordinance, that he would meet with a representative from the Township and Mr. Hovatter and the Maliks and they can discuss the issues. Mr. Heinold further stated "that to do it in this context was not acceptable."

Mrs. Malik asked if she had a question about another ordinance, how she would handle that. Mr. Heinold stated that the first questions go to the Zoning officer, and if he has questions, they are addressed to the Township Administrator or the Township Solicitor. A discussion ensued.

3. Frank Taylor, 413 Richards Avenue, questioned where the Township was regarding what streets needed repairs. The Public Works Superintendent, Mr. John Fenimore stated that there is a list and Richards Avenue is on the list for roads to be repaired. The Township Administrator, Mr. Steven Corcoran further added that he, the Township Committee, and the Superintendent of Public Works have talked about this and he stated that after they get through the budget, they will identify the roads and plan to present to the Township Committee a long range plan for the next several years so all the residents will know what to expect.
4. Suzanne Astraski, 100 Burlington Avenue, commented that she received the yellow paper and thought that the Township had put it in her mailbox. Mrs. Astraski expressed her concern about her trees and the definition of the living fence. The Township Solicitor, Mr. Heinold, suggested that she contact the Zoning/Code Enforcement Officer regarding her concerns. The Township Administrator, Mr. Steven Corcoran stated that he would meet with Ms. Astraski if Mr. Goffredo was not available.
5. Rick Malik, 327 Delaware Avenue, stated that the previous residents concerns were the point that he was trying to get across to the Township Committee

regarding the interpretation of the living fence ordinance.

### **MEETING CLOSED TO THE PUBLIC**

Since there were no further comments or questions from the public, Mayor Ouellette closed the meeting to the public.

Committeeperson Kate Fitzpatrick announced that Police Officer Jesse Desanto was voted as lawman of the year by the VFW in Burlington County.

Committeewoman Joan Hinkle stated that she would like to appoint two residents to the Shade Tree Commission.

Motion by Joan Hinkle, seconded by Kate Fitzpatrick to appoint Paul Hamlin and Carl Taraschi to the Shade Tree Commission.

**Roll Call:** Devinney, yes; Fitzpatrick, yes; Hinkle, yes; Templeton, yes; Ouellette, yes  
Committeewoman Joan Hinkle announced that there was a Shade Tree Commission seminar at 10:00AM Sunday, March 11, 2007 at the Delanco Township Municipal Building. Mrs. Hinkle invited the members of the Township Committee to attend the seminar.

Frank Taylor, 413 Richards Avenue, commented that he was a former member of the Shade Tree Commission and stated that Riverside and other towns are offering trees to residents and asked why Delanco isn't doing this. Committeewoman Joan Hinkle stated that the Shade Tree Commission will be getting trees to make available to the Delanco residents.

### **COMMENTS – PROFESSIONALS**

**Township Engineer – Mr. David Denton** – Nothing to report

**Township Solicitor – Mr. Douglas Heinold** –

- passed the towing ordinance
- drafted an ordinance that would require that if somebody is a resident of the homeowners association that they get an approval from their homeowners association before going through the municipal process for certain permits

• provided letter to auditor about pending litigation

**Township Administrator – Mr. Steven Corcoran** –

- reported about the demolition of the Lippincott building on Burlington and Vine Streets and stated that it looks nice now that it is open ground
- reported about the Winzinger site – process for their DEP permit is taking longer due to the intervention of elected state officials, Edgewater Park and Delanco professionals – DEP is tightening requirements – Mr. Corcoran encouraged everyone to help prevent the final permit approval – reported that the County is doing everything possible to prevent this type of use

### **COMMENTS – DEPARTMENT HEADS**

**Public Works Department – Mr. John Fenimore** –

- announced that brush pickup will begin the last full week of March – wants everyone to be aware of the new DEP laws for stormwater management
  - **special note: when there is a scheduled pickup for leaves – that is the only time that debris can go in the streets (cannot go in the street earlier than April 1<sup>st</sup> to the 15<sup>th</sup>) – Brush cannot be put out earlier than 48 hours before pickup**
- reported that the Public Works Department distributed over 40 tons of salt during the

snow storms this winter – working out well with Delran obtaining the salt

- received some bids for black topping the parking lot by the basketball court and to repave the driveway at West Avenue for recreation
- received bid to reshape and regrade the ball fields and will submit to the Recreation Department for permission
- was asked to run electric to a shed on Cooper Street ball field – received one bid and is waiting for another
- reported that the ceiling is coming down at the Zurbrugg Mansion – gazebo is dangerous and they are putting up a fence around it tomorrow

**Police Department – Lieutenant George Sacalis –**

- commented on Patrolman Jesse Desantos’ award and stated that he has done an excellent job and is an outstanding officer
- announced that officer Eric Hoffman will be handling all the juvenile matters for Delanco Township and will take over the DARE program

Committeewoman, Kate Fitzpatrick, commented that Lieutenant George Sacalis was in charge of the DARE program for many years. Ms. Fitzpatrick stated that the rapport that the Police Officers have with the students is incredible and that it is a worthwhile program in Delanco and she is glad they are continuing it. Ms. Fitzpatrick thanked Lieutenant Sacalis for the great job he did with the children and the program.

**Code Enforcement – Mr. Phillip Goffredo –**

- received 26 complaints – 17 were not in compliance – 1 summons was issued
- for the year 2006, the Township received 426 complaints – 7 are not in compliance, but have been granted an extension
- Zoning activity – 1 permit approved – 1 permit denied and sent to the Joint Land Use Board – 3 fence permits were approved
- reported that the Rivers Edge Basin is now in compliance – they erected fences around three water retention basins and installed a grate over the open inlet

**Municipal Clerk – Deputy Clerk –** Nothing to report

**COMMENTS – TOWNSHIP COMMITTEE**

**Committeewoman Kate Fitzpatrick –**

- the Historic Preservation Advisory Board attended a program in Riverton where you bring old photos, postcards, etc. that can become a part of Delanco’s history and the documents were scanned and the articles returned to the owners – they also requested a dig for the property on Burlington and Vine Streets to see if there are any findings there
- attended the 16<sup>th</sup> annual JIF Breakfast and was very proud to represent Delanco Township – met Steve Walsh – Delanco was honored several times – won a door prize (safety stool)
- tickets for the Flower Show are still available for Friday, March 9, 2007
- they are having a Spring Into Summer Dance at Castle Caterers on March 23, 2007
- has question for Mr. Corcoran and John Fenimore regarding the shed at West Avenue – the Township Building Official is requiring a lot of work – Mr. Corcoran stated that he has an alternative and is going to discuss it with the Township Building Official on Tuesday, March 6, 2007
- announced the Easter Egg Hunt in Delanco will be March 31, 2007
- the Sheriff’s Department attended the last Senior’s Meeting and had the Senior ID Program where they took the senior’s picture and made them an identification card
- at the next senior meeting, she has arranged to have an Irish singer and have a sing

along

- Seniors are offering a bus trip to see King Tut exhibit on Wednesday, May 23, 2007
- Troop 19 in Delanco is offering mulch that will be delivered to your home – will benefit the Troop's camp trip to Lake Okinickin
- County has a computer roundup event on March 24, 2007 from 9:00AM to 2:00PM – also having a seminar for a healthier, greener, cleaner Burlington County at the Rutgers Eco Complex in Mansfield
- reported that there are rumors about the old Municipal Building; she has been assured by the owners that the building will be made into offices and they are currently working on it

**Mike Templeton –**

- attended the Joint Land Use Board Meeting – no new applications – they appointed their Professionals – Taylor Design is the Township Planner – Engineer is Dougherty Engineering – Solicitor is Dennis Germano
- appointed Marlene Jass as the liaison to the Historic Preservation Advisory Board
- began the redevelopment investigation for the Rhawn properties on the other side of the proposed Savannah Mews
- attended the annual banquet at the Washington Fire Company and had a wonderful time
- last week went to Franklin Township to observe an operation by Winzinger that is similar to the one proposed for Delanco – met with two officials in Franklin Township – encouraged residents to get involved
- met with the Environmental Advisory Board and had a discussion about the open space in Delanco and the Winzinger property
- thanked the Township Code Enforcement Officer for bringing some extra State agencies to look at the Winzinger proposal to help with soil samples
- reported on the problems at the River's Edge retention basins and thanked Mr. Goffredo for helping to get the fencing installed and the safety issues addressed
- reported that two members of the office staff have been hospitalized and wished them a speedy recovery – thanked the healthy employees for continuing the normal operations of the Township

**Joan Hinkle –**

- thanked the Deputy Clerk, Karen Zimmermann for the nice job she has done in the absence of the Municipal Clerk.
- received an email with a message – if you have a car alarm that opens your door; keep it by your bedside and if you hear any intruders outside; set the alarm off

**Ed Devinney –**

- attended the Fire Commissioner's meeting and it was their reorganization meeting – reported that the fire budget was approved – reported that in the near future; the fire district elections will be held in conjunction with the regular elections in November – encouraged more people to vote in the elections
- attended the annual dinner and dance at the Washington Fire Company and had a terrific time – congratulated and thanked all the volunteers in Delanco Township for their efforts
- attended event for the New Jersey Future Redevelopment Forum in Trenton – learned ways to obtain redevelopment funding – could be positive benefits for redevelopment

**Mayor Fern Ouellette –**

- attended the 16<sup>th</sup> annual JIF breakfast and won a flashlight
- attended the Board of Education meeting and observed the interactions of the school board and found it very interesting and encouraging

- reported that two members of the Emergency Management Team will be out for medical reasons – in their absence, Robin Mohrmann will fill in and he thanked her for filling in

Motion by Joan Hinkle, seconded by Ed Devinney to adjourn meeting.

**Roll Call:** Devinney, yes; Fitzpatrick, yes; Hinkle, yes; Templeton, yes; Ouellette, yes

Karen E. Zimmermann, Deputy Clerk  
March 5, 2007