

TOWNSHIP COMMITTEE MEETING – JANUARY 28, 2008

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

ROLL CALL: Devinney, yes; Fitzpatrick, yes; Hinkle, yes; Templeton, yes; Ouellette, yes

Also Present: Mr. Corcoran, Twp. Administrator; Mr. Denton, Twp. Engineer; Mr. Kearns, Township Solicitor; Mrs. Janice Lohr, Municipal Clerk; Mr. Fenimore, Supt. Of Public Works; Mr. Goffredo, Code Enforcement Officer (entered at 8:25 PM); Township Planner, Mrs. Fegley

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 7, 2008 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

PRESENTATION – RYAN HOMES

Request for Amended Phasing Schedule – Rivers Edge Development

Mayor Ouellette announced that Ryan Homes asked to be excused from the Township Committee meeting tonight. The matter was not discussed or considered.

PRESENTATION – PROPOSAL FOR PURCHASE OF ZURBRUGG MANSION

Mayor Ouellette announced that the presentation would be delayed because all parties involved are not present.

RESOLUTION 2008-28

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES APPOINTMENT FOR SPECIAL COUNSEL ATTORNEY)

(Tabled from 1/14/08 meeting)

Mayor Ouellette clarified that this was tabled from the January 14th meeting. Mayor Ouellette stated that this resolution appointed Parker McCay as special counsel to continue handling litigation that was already underway and take care of the COAH obligations and to continue as bond counsel. Mayor Ouellette stated that the Township asked for a reduction in fee from Mr. Sheehan and Parker McCay reduced the fee from \$175.00 to \$165.00 an hour.

Motion by Joan Hinkle, seconded by Mike Templeton to adopt Resolution 2008-28.

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

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.”)

Mayor Ouellette stated that he had a question concerning Resolution 2008-35. Mayor Ouellette stated that he was concerned with the condition of the sidewalk at the corner of

Burlington Avenue and Vine Street. The Township Administrator, Mr. Steven Corcoran stated that he and the Superintendent of Public Works met at the site and they have a solution to the problem and felt that the Township can resolve the issue without involving an outside contractor. Mayor Ouellette also questioned a bill from the check list. The Municipal Clerk stated that she pulled the bill from the check list and it will be corrected.

CONSENT AGENDA:

RESOLUTION 2008-33

APPROVING 2007 BUDGET APPROPRIATION RESERVE TRANSFERS

WHEREAS, there are certain 2007 budget appropriation reserves of the Township of Delanco which are insufficient to meet the requirements of the Township affairs; and

WHEREAS, there are certain other budget appropriations where there are unexpended balances which will not be used for such; and

WHEREAS, N.J.S.40A:4-58 provides for the transfer from such accounts the unexpended balances to those accounts which are short.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be made among the following accounts:

TO:

Utilities – Gas & Electric	\$2,500.00
Township Clerk OE	365.00
Public Works S&W	<u>582.66</u>
Total	<u>\$ 3447.66</u>

FROM:

Municipal Court S&W	\$ 2,500.00
Tax Assessor S&W	365.00
Financial OE	<u>582.66</u>
Total	<u>\$ 3,447.66</u>

RESOLUTION 2008-34

RESOLUTION AUTHORIZING TAX COLLECTOR TO PROCESS PROPERTY TAX BALANCES LESS THAN TEN DOLLARS

WHEREAS, a resolution is required to authorize the Tax Collector to process property tax refunds and cancellations of refunds or delinquencies less than \$10.00; and

WHEREAS, this request is reasonable and appropriate under law.

NOW, THERFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey as follows:

Section 1. The Delanco Township Committee hereby authorizes the services of the Tax Collector to process tax refunds, cancellations of refunds or delinquencies less than ten dollars.

BE IT FURTHER RESOLVED that a signed copy of this Resolution be filed with the Township Tax Collector, Chief Financial Officer, and Township Auditor.

RESOLUTION 2008-35

REFUNDING UNEXPENDED ESCROW ACCOUNTS

(STREET OPENING PERMIT # 2007-004)

WHEREAS, the following applicant has posted an application fee and escrow on for a street opening permit within the Township of Delanco, and;

WHEREAS, said application was for a street opening on Larchmont Drive.; and

WHEREAS, said street opening has been closed and work completed at said address; and

WHEREAS, the Superintendent of Public Works has indicated that said street opening has been properly closed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco that the Township Treasurer be authorized to refund the escrow fee to:

William D Ruetter and Elaine E. Reutter
221 Larchmont Drive
Delanco, NJ 08075
Amount: \$500.00 (Permit Number 2007-004)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Township Treasurer.

PAYMENT OF BILLS

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$63,308.03
PAYROLL	68,063.47
TRUST	39,148.74

GENERAL ACCOUNT – JANUARY 28, 2008

24104	ARCHIVAL METHODS	216.05
24105	BIRDSALL ENGINEERING INC	9,250.00
24106	BENEFICIAL SAVINGS BANK	2,500.00
24107	BAUR MUNICIPAL SUPPLIES	208.00
24108	CERTIFIED SPEEDOMETER SERV INC	102.00
24109	CONTRACTOR SERVICE	236.44
24110	COURIER POST	33.93
24111	COMCAST	105.16
24112	COMMERCE BANK – ADMIN FEE	880.00
24113	DELANCO SEWERAGE AUTHORITY	389.00
24114	DOMENIC’S AUTO BODY & TOWING	1,336.10
24115	EASTERN AUTO PARTS WAREHOUSE	8.39
24116	FITZGERALD & CO	20,950.00
24117	GOODYEAR TIRE DISTRIBUTION CTR	403.60
24118	GENERAL CODE PUBLISHERS	550.00
24119	GENERAL CHEMICAL & SUPPLY	67.88
24120	GARDEN STATE HIGHWAY PRODUCTS	584.00
24121	GE CAPITAL	339.00
24122	HAGAN ROSSI FLORIST	62.00
24123	HULSE & GERMANO ESQS LLC	877.50
24124	JESCO INC	12.45
24125	LAWYERS DIARY AND MANUAL	84.00
24126	JANICE M LOHR	1,200.00
24127	MUNICIPAL CLERKS ASSN OF NJ	175.00
24128	MERCHANTVILLE OVERHEAD DOOR CO	329.60

24129	JOHN MILLER	822.50
24130	NJ GANG INVESTIGATORS ASSN	175.00
24131	PEDRONI FUEL CO	2,483.41
24132	PETTY CASH – ADMINISTRATIVE	275.64
24133	POSTMASTER – RIVERSIDE	336.29
24134	PSE&G	10,760.53
24135	PARKER MCCAY-ATTORNEYS AT LAW	69.00
24136	STAMP FULFILLMENT	924.60
24137	S & S ELECTRICAL SERVICES INC	1,246.90
24138	SOUTH JERSEY CT ADMIN ASSOC	40.00
24139	STEWART BUSINESS SYSTEMS	451.50
24140	CARLA SARLO	6.79
24141	MICHAEL W THOMPSON	822.50
24142	THIS & THAT UNIFORMS	3,278.00
24143	VERIZON CABS	188.09
24144	VERIZON	193.06
24145	W B MASON CO INC	950.79
24146	XTEL COMMUNICATIONS INC	<u>1,383.33</u>
TOTAL		\$63,308.03

TRUST

1959	HULSE & GERMANO ESQS LLC	1,930.50
1960	TAYLOR DESIGN GROUP INC	10,864.17
1961	DELANCO TWP CURRENT FUND	8,821.68
1962	PARKER MCCAY-ATTORNEYS AT LAW	2,016.39
1963	LAND ENGINEERING & SURVEYING	7,242.50
1964	PENNONI ASSOCIATES INC	5,836.00
1965	DELANCO TWP CURRENT FUND	2,437.50
TOTAL		\$39,148.74

CURRENT

24102	PAYROLL ACCOUNT	30,296.12
24103	PAYROLL ACCOUNT	37,767.35
TOTAL		\$68,063.47

PUBLIC DEFENDER TO PUBLIC DEFENDER

1052	PAYROLL ACCOUNT	\$176.00
TOTAL		\$176.00

APPROVAL OF MINUTES

1/2/08 & 1/4/08

APPOINTMENT: Sewerage Authority

Thomas Fynan – Five-Year term 2/1/08 to 1/31/13

APPROVAL OF DEPARTMENT REPORTS

APPROVAL OF CONSENT AGENDA

Motion by Kate Fitzpatrick, seconded by Ed Devinney to approve the consent agenda.

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

PRESENTATION – PROPOSAL FOR PURCHASE OF ZURBRUGG MANSION

Mr. Fred Hardt introduced Mr. Creigh Rahenkamp who made the presentation for the proposal of the Zurbrugg Properties, LLC for the Zurbrugg Mansion. Mr. Rahenkamp revamped the original J2 proposal and stated that since that did not work out. They are proceeding with an alternative use for the center of the main house as senior housing and finding a replacement investor for the development project.

Mr. Rahenkamp stated that Randy Jurgis and Joseph Ventresca are the major development partners for this new venture. Mr. Rahenkamp announced that the proposal for the Mansion is for senior rental living with income limitations. Mr. Rahenkamp stated that they would retain the eight townhouses and retain and renovate the carriage house. Mr. Rahenkamp stated that the core of this proposal was to accomplish this using the resources that are already available in the community. Mr. Rahenkamp stated that there are already developers in the community that have a responsibility to provide affordable housing, and rather than have that occur on their sites, they can pool that obligation to this site. A discussion ensued with questions from the Township Committee members, Municipal Clerk/Housing Liaison and the Township Solicitor.

The Township Committee asked the Township Administrator to arrange for the Township COAH representative to meet with the Township Committee and the developer prior to their next Township Committee meeting.

MEETING OPEN TO THE PUBLIC

Mayor Ouellette opened the meeting to the public.

MEETING CLOSED TO THE PUBLIC

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

CORRESPONDENCE – Municipal Clerk – Mrs. Janice Lohr

- received letter of resignation from Jackie DiCarlo resigning from the Recreation Commission and the Historical Preservation Advisory Board

Motion by Joan Hinkle, seconded by Ed Devinney, with regrets, to accept the resignation letter from Jackie DiCarlo resigning from the Recreation Commission and the Historical Preservation Advisory Board.

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

- received a letter from David Rust requesting the use of Gateway Park in October 2008 for a wedding – special request to set up (40-50) chairs

Motion by Kate Fitzpatrick, seconded by Joan Hinkle to approve the request.

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

Committeewoman Kate Fitzpatrick asked the Municipal Clerk if it could be arranged to have Jackie DiCarlo recognized for her service to Delanco Township at the February 25, 2008 Township Committee meeting.

DISCUSSION ITEMS:

1. PROPOSED “WRONGFUL DEATH” LEGISLATION

The Township Solicitor, Mr. William Kearns gave an explanation of the “wrongful death” legislation. Mr. Kearns stated that the legislature adopted a bill that would substantially increase the exposure for claims arising from wrongful death to include claims for emotional stress. Mr. Kearns further stated that the JIF was very concerned with the increased cap rate because it could increase their liability exposure and premium costs. Mr. Kearns stated that they are recommending that towns that oppose this legislation communicate their opposition to their legislators.

Motion by Ed Devinney, seconded by Kate Fitzpatrick to oppose the legislation Resolution 2008-36. The Township Solicitor, Mr. William Kearns read the resolution to the public.

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

RESOLUTION 2008-36

A RESOLUTION OPPOSING REVISIONS TO THE WRONGFUL DEATH STATUTE

Whereas: Liability claims against municipalities are already increasing 10% per year

Whereas: The proposed revisions to the Wrongful Death Statute will add another 6% to 10% to this cost

Whereas: under the current wrongful death law, family members can already collect substantial compensation for actual losses such as medical bills and lost income as well as loss of companionship

Whereas: This bill will also allow juries to award substantial additional compensation for "emotional distress".

Whereas: This bill is contrary to the principles in Title 59

Whereas: Without the limitations in Title 59, it would be very difficult for state, county and local government to respond to a wide range of emergency situations.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Delanco that we urge the legislature to exempt Title 59 entities from any expansion of the Wrongful Death Statute.

Be it further resolved that a copy of this resolution be sent to state representatives Senator Diane Allen, Assemblymen Herbert Conaway, Jr. and Jack Connors and Governor Corzine

2. MANSION UPDATE

The Township Administrator, Mr. Steven Corcoran reported that the quotations were received for the mold remediation. Mr. Corcoran stated that he forwarded the information to the State Police who are the acting agent for FEMA on this project. The State Police forwarded the information to FEMA for their determination of the reimbursement amount. A discussion ensued.

Mr. Corcoran stated that there is a problem with the fire alarm at the Mansion. Mr. Corcoran stated that they received an estimate for repair of the alarm system, but it is very high. Mr. Corcoran stated that they are going back to the original dialing system with the telephone lines.

3. TAX ASSESSOR APPOINTMENT

Mayor Ouellette announced that Joseph Robinson has come to the Township with high recommendations and he is pleased to announce his appointment as Delanco Township Tax Assessor.

Motion by Ed Devinney, seconded by Kate Fitzpatrick to adopt Resolution 2008-37 appointing Joseph Robinson as the Tax Assessor for Delanco Township to fill the unexpired term of Lawrence Vituska.

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

RESOLUTION 2008-37

RESOLUTION APPOINTING MUNICIPAL TAX ASSESSOR FOR UNEXPIRED TERM

BE IT RESOLVED by the Township Committee of the Township of Delanco, County of Burlington and State of New Jersey that:

Section 1. Pursuant to N.J.S.A. 40A:9-148, Joseph Robinson is hereby appointed Municipal Tax Assessor for the unexpired term of Lawrence Vituska which said term shall expire June 30, 2011.

Section 2. The municipal tax assessor shall hold a tax assessor certificate as provided for in P.L.1967, c.44 (C. 54:1-35.25 et seq.) and shall have the duty of assessing property for the purpose of general taxation.

Section 3. Joseph Robinson was granted a Tax Assessor Certificate by the State of New Jersey, and is qualified to perform the duties of Municipal Tax Assessor for the Township of Delanco.

4. SHADE TREE APPOINTMENT

Motion by Joan Hinkle, seconded by Kate Fitzpatrick to appoint Mark Lacina to fill a vacancy on the Shade Tree Commission.

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

5. COAH PLANNER APPOINTMENT

Motion by Ed Devinney, seconded by Kate Fitzpatrick to adopt Resolution 2008-38 for professional service contract for COAH Planner for the Township of Delanco.

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

RESOLUTION 2008-38

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES APPOINTMENT FOR COAH PLANNER

WHEREAS, the Township Committee wishes to retain Mary Beth Lonergan of Clarke Caton Hintz as the Township’s COAH Planning Consultant to represent the Township in planning matters as they pertain to COAH

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco that Mary Beth Lonergan of Clarke Canton Hintz, Trenton, NJ, be and is hereby authorized to represent the Township of Delanco as its COAH Planning Consultant.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the contract for professional for said services per the qualifications submittal dated January 17, 2008.

COMMENTS – PROFESSIONALS

Township Planner – Mrs. Barbara Fegley

- reported that Committeeman Ed Devinney had contacted her regarding the Smart Growth Grants and there was a category for reconnecting your community - he wanted to connect the parks and she is looking into some options

Township Solicitor – Mr. William Kearns

- reported that the Township Administrator had asked him about a training class for members of the Joint Land Use Board for mandatory training – announced that he has arranged a class for Saturday, January 26, 2008 at the Delanco Township Municipal Building

COMMENTS – TOWNSHIP ADMINISTRATOR – Mr. Steven Corcoran

- thanked Barbara Fegley and William Kearns for donating their time to conduct the training course, at no cost to the Township
- passed out information he received at the request of Committeewoman Joan Hinkle – a resident of the Point in Delanco Township has issues with her home and is asking the Township to put pressure on Alliance to help her with her situation – reported that the insurance company will do an investigation at her home

COMMENTS – DEPARTMENT HEADS

Superintendent of Public Works – Mr. John Fenimore

- reported that they have used the new sweeper and it is doing a good job
- reported that he will be attending a JIF meeting regarding indoor air quality
- reported that he will be sending three employees to Cheery Valley Tractor for training on February 13, 2008 for a chipper safety course

Committeewoman Kate Fitzpatrick questioned the trash at 200 Rancocas Avenue. Mr. Goffredo stated that this case will be heard in Municipal Court on February 6, 2008. Ms. Fitzpatrick asked if she could be a witness in court for this case.

Code Enforcement/Zoning Officer – Mr. Phillip Goffredo

- received 31 complaints for month of December – closed 58 cases
- four permits approved
- total number of complaints received for 2007 was 373
- presently there are 359 cases in compliance – 14 cases pending for 2007
- spent \$921.00 for mailings
- approved 130 zoning permits
- approved 49 permits – 14 permits were denied
- approved 18 fence permits – denied 1

Municipal Clerk – Mrs. Janice Lohr

- reminded everyone that February 5, 2008 is the Primary Presidential Election and the Township Committee meetings for February will be February 11th and 25th

COMMENTS – TOWNSHIP COMMITTEE

Joan Hinkle –

- attended the Shade Tree Commission meeting which was their reorganization meeting – reported that they accomplished a mission statement – they have a draft of the inventory of the trees in Delanco Township

- reminded the Township Committee that she would like to revisit the driveway ordinance

Mike Templeton –

- apologized for missing the first meeting of the month because he was out of town
- contacted the River Line Light Rail regarding the graffiti at the Railroad Crossing Bridge on the Rancocas Creek
- had a question regarding the quiet zones and posed the question to the Township Engineer, Mr. Denton
- contacted the DEP regarding Winzinger and they have received no application and DEP has not received the results of the disruption permit
- announced that the Joint Land Use Board meeting will be February 13, 2008
- announced that the Environmental Advisory Board meets February 7, 2008

Committeewoman Kate Fitzpatrick questioned Mike Templeton about the River Line Light Rail horns and wondered what Delanco was doing about the horns versus the bells. Committeeman Mike Templeton commented that New Jersey Transit had asked for a waiver to the Federal Railroad Administration to change the horn pattern. Mr. Templeton added that there had not been any discussion regarding bells versus the horn.

Kate Fitzpatrick –

- attended the Economic Advisory Committee meeting – they plan to meet once a quarter – received the minutes from the meeting and she will have them posted on the Delanco Township website – discussed changing the name of Savannah Mews to Rancocas Crossings – there are other issues regarding the street names
- attended the DYSA meeting and announced that there will be a special DYSA meeting on February 13, 2008 at 8:00PM at Walnut Street School – will be sending a letter home with each student advising the parents that they need to come to the meeting because they need volunteers for DYSA because two people have resigned and they actually need four officers and department heads set up for each sporting activity
- wrote a letter to the County regarding the Delanco Library asking for more money for the library – announced that the signs for the library are in and the Superintendent of Public Works is ready to put them up
- seniors meeting is on February 12, 2008 and she has arranged for a police officer to attend and do a program on home security; for the March meeting, she has arranged with Renee Borstad, Director of Consumer Affairs to give them an update on rights for seniors – April meeting will be a craft assembly for the seniors with help from some residents from Newton's Landing
- asked for comments on having a movie night on Friday night at the Municipal building
- announced that the Washington Fire Company has their election for the budget and fire commissioners on Saturday, February 16, 2008
- she would like the Township to promote a resolution to stop New Jersey American Water Company from increasing their rates
- wanted to clarify that the amount of money they received for the litigation for the Municipal Building was \$47,000.00 and that is about the amount of money it will cost to fix the HVAC problems in the Municipal Building
- reported that someone in Newton's Landing is looking into having the Creek cleaned up from the Delaware River Keeper

Ed Devinney –

- attended the Fire Commissioners meeting last Tuesday and their election is on Saturday and encourage everyone to vote – reported that the meeting room has been refurbished and reported that this was done through the results of the Hoagie Sale – spoke to Randy Johnson about coordinating apartment inspections

Fern Ouellette –

- attended the Economic Advisory Board Meeting and they discussed the issues dealing with Hovnanian and the Savannah Mews development

Committeewoman Kate Fitzpatrick stated that she plans on writing a letter and submitting it at the Joint Land Use Board and ask that it be read into the minutes with the suggestions from the Economic Development Committee, the Historic Preservation Committee and the Recreation Commission.

- reported that he and Ms. Fitzpatrick looked into the fields in Delanco Township for soccer field use- John Fenimore, Superintendent of Public Works made some comments about the fields

MEETING OPEN TO THE PUBLIC

Mayor Ouellette opened the meeting to the public.

1. Ralph McCullough, 308 Buttonwood Street, commented about Palmyra and Riverton regarding the bell versus horn for the River Line.
2. Marlene Jass, 4 McCay Way, questioned the Township Solicitor, as to whether you can ask a developer for something back, once the area has been declared a redevelopment zone. Mr. Kearns stated that redevelopment does not become a tool to allow you to get around them because these are called exactions. Mr. Kearns stated that Redevelopment powers do give you the ability to negotiate with the redeveloper the uses and how the development is going to take place. A discussion ensued. Mr. Kearns stated that the most important question is; what will they do for the Township?
3. Steve Schofield, 400 Burlington Avenue, questioned who owned the land on the right hand side of the West Avenue past the gates to the Dunes. A discussion ensued.

MEETING CLOSED TO THE PUBLIC

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

ADJOURNMENT

Motion by Joan Hinkle, seconded by Mike Templeton to adjourn the meeting.

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

Janice M. Lohr, RMC
Municipal Clerk
January 28, 2008