

TOWNSHIP COMMITTEE MEETING – MAY 19, 2008

7:30 PM MUNICIPAL BUILDING, 770 COOPERTOWN ROAD, DELANCO, NJ 08075

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

Also Present: Mr. Corcoran, Twp. Administrator; Mr. Kearns, Twp. Solicitor; Mrs. Lohr, Municipal Clerk; Karen Zimmermann, Deputy Municipal Clerk

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 Open Public Meetings Act in the following manner. Written notice has been mailed to the Burlington County Times and Courier Post and published in the January 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.

RESOLUTION 2008-74

INTRODUCTION OF 2008 MUNICIPAL BUDGET

SET PUBLIC HEARING DATE FOR JUNE 23, 2008

Motion by Joan Hinkle, seconded by Ed Devinney to adopt Resolution 2008-74 introducing the 2008 Municipal Budget

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

The Municipal Clerk, Mrs. Janice Lohr stated that she had copies of the proposed budget available for the public.

The Township Administrator commented that because of the cap waiver last year and the confusion it has caused in comparison to 2007 and 2008; if the Township Committee has no problem with it; he would like to adjust the distribution copies so that the cap waiver monies for 2007 are shown actually in their proper line item. Mr. Corcoran stated that once the corrections are made to the distribution copies; it will be posted on the Delanco Township website.

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.”)

Deputy Mayor Mike Templeton asked to have Resolution 2008-77 removed from the consent agenda.

CONSENT AGENDA:

RESOLUTION 2008-75

REFUND TAX OVERPAYMENT

WHEREAS, the Tax Collector has determined that the following have overpaid taxes for 2008; and

WHEREAS, the following have requested that a refund be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco that the Treasurer be authorized to send checks in the following amounts to:

Title America Agency Corp.
185 W. White Horse Pike
Berlin, NJ 08009

Block 500 Lot 2	Address	Amount
C2142	42 River Lane	\$396.00
C2144	44 River Lane	\$396.00
C2146	46 River Lane	\$396.00
C2148	48 River Lane	\$396.00
C2150	50 River Lane	\$396.00
C2152	52 River Lane	\$396.00
C2154	54 River Lane	\$396.00
C2156	56 River Lane	\$396.00

RESOLUTION 2008-76

RESOLUTION ENDORSING 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 2007 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 2007 recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2008-78

RESOLUTION CERTIFYING RECEIPT OF AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

WHEREAS, The Annual Report of Audit of the year 2007 has been filed by the

Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty of the provisions of RS. 52:27BB-52 - to wit:

R.S. 52: 27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director [of Local Government Services] , under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Delanco hereby states that it has complied with the promulgations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

**RESOLUTION 2008-79
APPROVING REQUEST FOR FINAL RELEASE OF PERFORMANCE GUARANTEE
FOR BLOCK 1702, LOT 3.01 (Steve Lamb Subdivision)**

WHEREAS, the Township of Delanco has received a request for final release of the Performance Guarantees for Block 1702, Lot 3.01 known as the Steve Lamb Subdivision; and

WHEREAS, the Township Engineer has inspected said development and has filed a written report, dated May 12, 2008, approving the full release of the performance guarantee, which report is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delanco that the Performance Guarantees for Block 1702, Lot 3.01 is hereby released conditioned upon the posting of Maintenance Guarantees as referenced in the Engineer's letter and required by

the Municipal Land Use Law, as well as the payment of all outstanding property taxes and escrows, if any; and

**RESOLUTION 2008-80
MEMORIALIZING AUTHORIZATION OF REIMBURSEMENT OF OPEN SPACE
DEDICATED TRUST ACCOUNT**

WHEREAS, the Township, may, from time to time, receive grants and reimbursements for certain expenditures from the Township Open Space Dedicated Trust Account; and

WHEREAS, the Township Committee of the Township of Delanco desires to reimburse said Open Space Account when grants and/or reimbursements are received.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that the Mayor and Members of the Township Committee hereby direct that any and all reimbursements and/or grants received for expenditures from the Township's Open Space Dedicated Trust Account be deposited into said account as reimbursement for those expenditures from the Open Space Tax Account.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Township's Chief Financial Officer.

APPROVAL OF DEPARTMENT REPORTS

APPOINTMENT

Historical Preservation Advisory Board – Anthony Cannone

Committeewoman Kate Fitzpatrick asked that Mr. Anthony Cannone be present at the next meeting to take his oath for the position on the Historical Preservation Advisory

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

The Municipal Clerk noted that she will circulate a signature affidavit for the Township Committee members to sign for the receipt of audit indicating that they have reviewed the comments and recommendation section of the audit.

RESOLUTION 2008-77

Deputy Mayor Mike Templeton questioned the pricing for the recycling carts. A discussion ensued regarding the sizes, use of the carts, labeling and how they will be distributed. Mr. Templeton stated that there should be a provision for developments to pay for the containers. Committeewoman Kate Fitzpatrick stated that the Township Solicitor, Mr. Kearns will do an ordinance requiring all new developers to pay for their recycling containers.

Motion by Mike Templeton, seconded by Kate Fitzpatrick to adopt Resolution 2008-77.

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

RESOLUTION 2008-77

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
DELANCO, BURLINGTON COUNTY, NEW JERSEY, AUTHORIZING THE
ACQUISITION AND IMPLEMENTATION OF RECYCLING CARTS UNDER THE
BURLINGTON COUNTY RECYCLING CART PROGRAM**

WHEREAS, the Township Committee has determined that it is important to participate in the Burlington County Recycling Cart Program; and

WHEREAS, the Township Committee desires to acquire a recycling cart for each of the approximately 1,800 households in the Township at a cost to the Township of \$25.00 per cart; and

WHEREAS, the cost of the carts incurred by the Township will be paid over six years beginning with the first payment (1/6) in 2009.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delanco, in Burlington County, New Jersey, that the Township Committee authorizes the acquisition of Recycling Carts and participation in the Burlington County Recycling Cart Program.

MEETING OPEN TO THE PUBLIC

Mayor Ouellette opened the meeting to the public.

1. Marlene Jass, 4 McCay Way, asked a few questions about the recycling carts.
 - what is the actual cost to Delanco?
 - how many houses are there?
 - how long does it take to pay back?

Deputy Mayor Mike Templeton stated that it was a six year payback with a target figure of 1800 households. The total is \$45,000 at \$7500 a year.

Mrs. Jass asked what the Township is going to do about Jevic declaring bankruptcy and if they have contacted them regarding their taxes.

2. Joe Lameiras, 213 Willow Street, expressed his displeasure with the letter he received about cutting his grass. Mr. Lameiras was told by the Code Enforcement Officer that everyone on the parade route received a notice. Mr. Lameiras stated that this is discrimination. A discussion ensued regarding properties in town that he feels are a disgrace.

The Township Committee apologized to Mr. Lameiras and stated that the letter sent was inappropriate and said they would straighten it out.

3. Maureen Barrett, 621 Delaware Avenue, commented that she hoped the Township Committee could use its clout and its problem solving skills to address an issue that affects the folks that are located on the Delaware River and that end of town. Ms. Barrett stated that there is a facility called Glen Ford that runs weddings and other catered events and they play music late at night. Ms. Barrett asked if the Township Committee could send a letter to the Fairmount Park Commission and to the caterer regarding the loud music. A discussion ensued.

The Township Solicitor, Mr. William Kearns stated that he knows two attorneys in the City Solicitors office in Philadelphia and he will contact them to find out how to best address this situation.

4. Jack Hoefle, 44 Pennington Court, commented about the basins at Newton's Landing. Mr. Hoefle stated that Pulte Homes got rid of most of the vegetation and has put the fencing back around the basins. A discussion ensued regarding the vegetation and seeding, maintenance and ownership.
5. Marlene Jass, 4 McCay Way, commented that she appreciates the fact that Newton's Landing and the Home Owner's Association should take the responsibility. However, the property is lot and blocked and therefore is Pulte Home's responsibility and it also includes the paths and basins. Therefore, the HOA should not have to notify Pulte Homes, because it is the Township's responsibility to do that because the HOA has nothing to do with that property. A discussion ensued.

6. Ralph McCullough, 308 Buttonwood Street, commented that there is a problem with weeds in the retention basin on the Perkins Lane development, River Winds. Mr. McCullough is concerned about the mosquitoes.

MEETING CLOSED TO THE PUBLIC

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

CORRESPONDENCE – Municipal Clerk – Mrs. Janice Lohr

- received a letter from Dave Rust, Chairman of the Recreation Commission, regarding the wishes of the Recreation Commission for the Creekside development
- received a letter from Anna Lucas of the American Legion Auxiliary Unit 146 thanking the Township Committee for supporting a junior girl from Riverside High School student to be a delegate at Girls State and this year it is Meghan Donnelly

DISCUSSION ITEMS:

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

- pleased to announce that he has nothing new to report on the Mansion

2. VINE STREET SIDEWALK REPAIR PROPOSAL – Township Administrator – Mr. Steven Corcoran

- reported that this is a park owned by the Township of Delanco – he and the Superintendent of Public Works, Mr. John Fenimore, visited the park several times in the past weeks and have determined that the sidewalks are unsafe – is recommending that the sidewalk be replaced at an expense not to exceed \$5,000.00 to bring the walks into compliance – Committeewoman Kate Fitzpatrick stated that the money should come from the Open Space Tax – Ms. Fitzpatrick also stated that the park needs a light for safety reasons – a discussion ensued regarding street lights – Ms. Fitzpatrick stated that the residents should be invited to the discussion about the removal of certain street lights along Burlington Avenue

Motion by Ed Devinney, seconded by Kate Fitzpatrick to authorize money from the Open Space Tax for the sidewalk replacement on Vine Street up to \$5,000.

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

3. PERSONNEL POLICY UPDATE AND ORDINANCES – Township Administrator – Mr. Steven Corcoran

Mr. Corcoran reported that the Municipal Excess Liability Insurance part of our JIF requires that the Township update the personnel policy and ordinances every two years. Mr. Corcoran asked the Township Committee to consider introducing this tonight and holding a discussion on second reading at the next scheduled Township Committee meeting.

ORDINANCE 2008-4

Personnel Practices Ordinance

An Ordinance Establishing Procedures to Adopt Personnel Practices and Authorizing the Township Administrator to Implement Said Practices With All Officials, Appointees, Employees, Prospective Employees, Volunteers, and Independent Contractors of the Township of Delanco

1st READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR JUNE 9, 2008

Motion by Kate Fitzpatrick, seconded by Joan Hinkle to adopt Ordinance 2008-4 establishing procedures to adopt personnel practices and authorizing the Township Administrator to implement said practices with all official appointees and employees, prospective employees, volunteers and independent contractors of the Township of Delanco, first reading by title only and set public hearing for June 9, 2008.

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

ORDINANCE 2008-4

Personnel Practices Ordinance

An Ordinance Establishing Procedures to Adopt Personnel Practices and Authorizing the Township Administrator to Implement Said Practices With All Officials, Appointees, Employees, Prospective Employees, Volunteers, and Independent Contractors of the Township of Delanco

1st READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR JUNE 9, 2008

Motion by Kate Fitzpatrick, seconded by Joan Hinkle to adopt Ordinance 2008-05, an ordinance authorizing the Township of Delanco to provide legal council and indemnification of officials, employees and appointees of the Township in certain actions brought against said officials, employees and appointees, first reading by title only and set public hearing for June 9, 2008.

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

4. LETTER RECEIVED FROM DAVE RUST, CHAIRMAN RECREATION COMMISSION

- Committeewoman Kate Fitzpatrick stated that she heard that Mr. John Rahenkamp, developer for Creekside, offered to make improvements to the concession stand at West Avenue in lieu of developer's fees at Creekside. Ms. Fitzpatrick feels that this is a good idea and is a good deal for the Township and the Recreation Commission is also in favor of this proposal. Deputy Mayor Mike Templeton questioned the amount for the recreation fee that would be waived. Mr. Rahenkamp said that it would be about \$37,000.00. A discussion ensued regarding the concession stand and the shed. Deputy Mayor Mike Templeton questioned the bidding procedure for services.

Action on the matter was tabled until the next Township Committee Meeting so that the Township Committee members can see the plans for the Recreation building.

Ralph McCullough, 308 Buttonwood Street suggested putting a port-a-potty at the end of the ball field on West Avenue because the children are going to the bathroom in the woods and he is concerned for their health and safety.

COMMENTS – PROFESSIONALS

Township Solicitor – Mr. William Kearns

- reported that the tax bill hearing was held this morning and they will know within thirty days about the decision

COMMENTS – TOWNSHIP ADMINISTRATOR – Mr. Steven Corcoran

- announced that Jevic Transportation “ceased operations” in Delanco Township early this morning – stated that this does not effect the Township pertaining to the property taxes
- reported that the Township CFO, Mr. Bob Hudnell took ill last week
- received the traffic control language for Newton's Landing and Rivers Edge from the Township

Engineer, Mr. David Denton – Township Solicitor, Mr. William Kearns is working on an ordinance for this

- reported that he received copies of the proposed third round COAH report prepared by Marybeth Lonergan for Delanco Township

COMMENTS - DEPARTMENT HEADS

Municipal Clerk – Mrs. Janice Lohr

- announced that the polling place for districts 1 and 2 is no longer at Walnut Street School – new location is the Pearson School for all primary and general elections
- announced that because of the Primary Election, the Township Committee Meeting will be on the 2nd and 4th Monday in June

COMMENTS - TOWNSHIP COMMITTEE

Joan Hinkle –

- reported that there was a fund raiser for a Delanco resident that was active in the Township on Saturday – funds will go to the family – Women’s club sponsored the event and raised over \$15,000
- attended the Sewerage Authority meeting and announced that there will be an increase in the connection fee (from \$1640 to \$1725)

Deputy Mayor Mike Templeton –

- announced that the Land Use Board is having a second meeting for the month of May for further consideration of the Hovbros Savannah Mews project due to changing rules on COAH
- commented about the Jevic closing and asked the residents to keep these people in their thoughts and give them any help they need

Kate Fitzpatrick –

- reported that she took a trip to Florida that was great
- reported that she was Deputy Mayor for a day on Friday and performed a marriage ceremony
- reminded everyone that the Memorial Day Parade is Sunday, May 25th and announced that Mr. Ralph McCullough is the Grand Marshall this year
- announced that the DYSA meeting is May 28th

Ed Devinney –

- reported that he met with Keith Murphy from PSE&G and they discussed the street lighting in Delanco Township and they now have a complete listing of the street lighting in Delanco and they are trying to reduce the lighting cost to the Township
- plans to attend the budget summit in Trenton tomorrow
- commented that while everyone was working on the Vine Street Pocket Park, they noticed a tremendous amount of truck traffic on Burlington Avenue – A discussion ensued regarding the trucking companies that were observed – feels that it is a serious safety issue and thinks that the Township should figure out what to do to get the road closed to truck traffic

Mayor Ouellette –

- plans to attend the budget summit in Trenton tomorrow with Committeeman Ed Devinney and hopes to get more money from the State
- received a letter from Roseann Lameiras, the Joint Land Use Board Secretary submitting her resignation from the Board as of July 3, 2008.
- wished Ralph McCullough a Happy Birthday

The Township Administrator, Mr. Steven Corcoran asked the Mayor and Township Committee if there was anything the Township could do to help the employees of Jevic Transportation since they lost their jobs. Mr. Corcoran suggested using the Municipal Building as a center for the displaced Jevic employees. Mr. Corcoran suggested setting up a job desk and make telephones and computers available to them. A discussion ensued.

ADJOURNMENT

Motion by Mrs. Hinkle, seconded by Mr. Devinney to adjourn the meeting.

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

Janice M. Lohr, RMC

Municipal Clerk

May 19, 2008