

## **TOWNSHIP COMMITTEE MEETING – NOVEMBER 10, 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. Denton, Twp. Engineer; Mr. Kearns, Twp. Solicitor; Mrs. Lohr, Municipal Clerk; Ms. Zimmermann, Deputy Municipal Clerk; Mr. Fenimore, Supt. of Public Works; Mr. Parsons, Chief of Police; Mr. Goffredo, Code Enforcement Officer

### **FLAG SALUTE**

Mayor Ouellette stated that tonight is the eve of Veteran's Day and asked the public to honor the Veteran's when reciting 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.

### **ANNOUNCEMENT AND INTRODUCTION OF WALNUT STREET SCHOOL ELECTION WINNERS**

Mayor Ouellette announced that tonight they will be doubling the Township Committee size because of the newly elected winners of the "mock" election at the Walnut Street School. Committeewoman Joan Hinkle stated that the Delanco Women's Civic Club sponsors the "mock" election in conjunction with the Delanco Township Committee. Mrs. Hinkle stated that it is the third year and they hope to continue with the "mock" elections in the future.

### **ELECTION WINNERS:**

**Mayor: Katharine Stypinski**

**Deputy Mayor: Emily Noe**

**Committee members: Ian Boltz, Mandie Paygar, Timmy Rottinger**

### **OATH OF OFFICE ADMINISTERED TO WALNUT STREET SCHOOL STUDENTS**

The Township Solicitor, Mr. William Kearns administered the oath of office to the winners of the "mock" election.

### **ORDINANCE 2008-10**

**AN ORDINANCE OF THE TOWNSHIP OF DELANCO IN BURLINGTON COUNTY, STATE OF NEW JERSEY AMENDING THE DELANCO TOWNSHIP CODE, CHAPTER 295, BY ADDING TRAFFIC CONTROL PROVISIONS FOR THE STREETS WITHIN THE "NEWTON'S LANDING" DEVELOPMENT**

### **2<sup>ND</sup> READING BY TITLE ONLY AND PUBLIC HEARING**

### **HEARING OPEN TO THE PUBLIC**

Mayor Ouellette opened the hearing to the public.

The Township Solicitor, Mr. William Kearns stated that Chief Parsons had some technical corrections to the proposed plan.

Chief Parsons stated the corrections and recommendations that he observed. Jack Hoeffle, 44 Pennington Court asked if he could speak regarding this plan. Mr. Hoeffle made his recommendations to the Township Committee. A discussion ensued with a map of the area in question at Newton's Landing.

The Municipal Clerk, Mrs. Janice Lohr suggested that the Township Committee continue the hearing until next week, amend the areas in question, and publish the amendments for public hearing for the first meeting in December.

Motion by Kate Fitzpatrick, seconded by Mike Templeton to continue the hearing until November 17, 2008 Township Committee Meeting.

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

**ORDINANCE 2008-12**

**ORDINANCE AMENDING ORDINANCE NO. 2005-4 AND SECTION 60-3.C & D OF THE DELANCO TOWNSHIP LAND DEVELOPMENT ORDINANCE PERTAINING TO THE COLLECTION OF AFFORDABLE HOUSING DEVELOPMENT FEES  
2<sup>ND</sup> READING BY TITLE ONLY AND 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 2008-12

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

**ORDINANCE 2008-12**

**ORDINANCE AMENDING ORDINANCE NO. 2005-4 AND SECTION 60-3.C & D OF THE DELANCO TOWNSHIP LAND DEVELOPMENT ORDINANCE PERTAINING TO THE COLLECTION OF AFFORDABLE HOUSING DEVELOPMENT FEES**

**WHEREAS**, the regulations promulgated and adopted by the New Jersey Council on Affordable Housing ("COAH") pursuant to the Fair Housing Act heretofore permitted municipalities to adopt Ordinances authorizing the collection of residential and nonresidential affordable housing development fees; and

**WHEREAS**, Delanco Township adopted Ordinance No. 1997-12 as thereafter amended by Ordinance No. 2005-4 authorizing the collection of residential and nonresidential development fees; and

**WHEREAS**, COAH adopted new regulations for the third housing cycle on June 2, 2008 which permit municipalities to further amend their Ordinances to increase residential development fees and the Legislature amended the Fair Housing Act on July 17, 2008 (P.L. 2008, c. 46, section 8; C. 52:27D-329.2) to implement uniform statewide nonresidential development fees; and

**WHEREAS**, Delanco Township desires to repeal its prior "Affordable Housing Development Fee Ordinance" and replace it with a new Ordinance that is consistent with COAH's third cycle rules and the Statewide Non-Residential Development Fee Act in the recent amendments to the Fair Housing Act.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Delanco that Ordinance No. 2005-4 and Sections 60-3.C & D of the Delanco Township Land Development Ordinance are hereby repealed and that the following new Section 60-3.C entitled “Affordable Housing Development Fees” be inserted in their place and stead:

**SECTION 1.** The following shall apply to the collection of Affordable Housing Development Fees in the Township of Delanco.

**1. Purpose.**

- a) In Holmdel Builder’s Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules.
- b) Pursuant to P.L. 2008, c.46, section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s regulations and in accordance P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. 5:97-8.

**2. Basic requirements**

- a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- b) Delanco Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

**3. Definitions**

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. **“Affordable housing development”** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

- ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
- iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- v. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

#### 4. Residential Development fees.

- a) Imposed fees
  - i. Within all residential zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one half percent of the equalized assessed value for residential development provided no increased density is permitted.
  - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers shall be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent

of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
  - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
  - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
  - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
  - iv. Developers of residential structures demolished and replaced as a result of fire damage, flood or similar natural disaster, shall be exempt from paying a development fee.

## **5. Non-residential Development fees**

- a) Imposed fees
  - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
  - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
  - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
  - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
  - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Delanco Township as a lien against the real property of the owner.

## **6. Collection procedures**

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building

permit. For non-residential developments, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” and complete as per the instructions provided.

- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should Delanco Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees

- 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Delanco Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Delanco Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**7. Affordable Housing trust fund**

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer of the Township of Delanco for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  1. payments in lieu of on-site construction of affordable units;
  2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multi-story attached development accessible;
  3. rental income from municipally operated units;
  4. repayments from affordable housing program loans;
  5. recapture funds;
  6. proceeds from the sale of affordable units; and
  7. any other funds collected in connection with Delanco Township's affordable housing program.
- c) Within seven days from the opening of the trust fund account, Delanco Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

**8. Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address Delanco Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse the Township for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Township of Delanco to bonus credits pursuant to N.J.A.C. 5:97-3.7.

- iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

## **9. Monitoring**

- a) Delanco Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH or approved by the court. All monitoring reports shall be completed on forms designed by COAH.

## **10. Ongoing collection of fees**

- a) The ability for Delanco Township to impose, collect and expend development fees shall expire with its substantive certification from COAH or judgment of compliance from the court (as the case may be) unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification or the entry of a judgment of compliance from the court, and has received COAH's approval of its development fee ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification or its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222

(C.52:27D-320). Delanco Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township retroactively impose a development fee on such a development. Delanco shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

**SECTION 2.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Court to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall remain valid and in full force and effect.

**SECTION 3.** This Ordinance shall take effect upon final adoption and publication in accordance with the law.

### **DISCUSSION OF PENNSYLVANIA AVENUE PARKING ISSUES**

Mayor Ouellette stated that the Township Committee invited residents in and around the Rail Station on Pennsylvania Avenue to the meeting to get their input on the parking situation and safety issues in that area.

Chief Parsons commented on what he and several members of the police force have observed on Pennsylvania Avenue. The Chief noted that they surveyed the cars parking on the streets and found most of them to be Delanco residents. The Chief stated that we have to rectify the situation as best we can right now. The Chief stated that there is a safety issue with cars turning onto Pennsylvania Avenue from Coopertown Road and suggested prohibiting left turns onto Pennsylvania Avenue or perhaps making the first block a “One Way”.

A discussion ensued with input from the Township Engineer and Township Committee members.

### **MEETING OPENED TO THE PUBLIC**

Mayor Ouellette opened the meeting to the public.

Committeewoman Kate Fitzpatrick suggested that before the Mayor opens the meeting to the public, that they explain to the public that the Township Committee is considering no left turn onto Pennsylvania Avenue from Coopertown Road.

1. Victor Vittorino, 600 Pennsylvania Avenue stated that he disagreed with several statements that Chief Parsons made. Mr. Vittorino stated that he thought the one way was a bad decision to consider because it would move the problem into a residential area of the Township.
2. Mr. Dan Martin, 628 Pennsylvania Avenue, agreed with Committeewoman Hinkle on the matter. Mr. Martin stated that the parked cars look awful and present a safety issue. Mr. Martin feels that New Jersey Transit should provide more parking and the Township should enforce their own regulations. Mr. Martin stated that the left turn issue would greatly affect delivery trucks and trash pickup.
3. Karen Stypinski, 30 Pennsylvania Avenue stated that she had some things to say:
  - (a) New Jersey Transit came to the schools and told the children that they should not trespass on NJ Transit property; but the Township is allowing adults to trespass on the property – simple solution; enforce “No Trespassing”
  - (b) left turn issue on Pennsylvania Avenue will cause problem on Spruce Street because cars are parked to the corner and you can’t see turning left onto Spruce Street

4. Lori Skillman, 617 Spruce Street, expressed her concern with traffic coming down Spruce Street
5. Stacy Vittorino, 734 Pennsylvania Avenue, stated that Pennsylvania Avenue is very congested and people are parking haphazardly and over the sidewalks. Ms. Vittorino stated that the trash truck has trouble turning from Spruce Street onto Pennsylvania Avenue. Ms. Vittorino also stated that there are cars parked on the grass and in the parking lot overnight.
6. Eileen Sabo, 800 Pennsylvania Avenue, stated that she was “lucky enough to live right across the street from the station”. Mrs. Sabo stated that sometimes she cannot find a place to park in front of her house. Mrs. Sabo said a truck pulled the bumper off a car while trying to turn from Spruce Street onto Pennsylvania Avenue.

Committeewoman Joan Hinkle asked the “mock candidates” if they had anything to say or any ideas to offer.

The Municipal Clerk, Mrs. Janice Lohr stated that she received correspondence from a resident that was unable to attend the meeting tonight. Tracy Easton, 607 Spruce Street, lives three houses from the station. Mrs. Easton stated that she was glad that the Township Committee is addressing these problems and feels there are a lot of safety issues at the rail station location including parking and speeding.

Committeewoman Kate Fitzpatrick asked Chief Parsons if the Township could put yellow paint on the curbs so the people can't park to the end of the streets. A discussion ensued.

Lieutenant George Sacalis stated that this has been an issue since the Light Rail started and has increased since the gas prices have gone up. Lt. Sacalis stated that they did a survey and 40% of the people parking there are Delanco residents. Lt. Sacalis suggested that the Township and the residents band together with New Jersey Transit to get something done.

7. Marlene Robinson stated that she lives on Second Street and she suggested a solution. Mrs. Robinson stated that this is a light rail problem and they should be contacted and told what the problems are and tell them that they must build a garage there to accommodate the riders and help increase ridership. Mrs. Robinson stated that the residents should send their petition to the light rail people and make them face this problem.

8. Marlene Jass, 4 McCay Way, stated that one of the first issues to be addressed is the left hand turn. Mrs. Jass also suggested that the Chief, Land Use Board or the Township Committee give a letter to the builder of the proposed developments in that area, instructing people that they are not allowed to park on that area as a proactive measure. Mrs. Jass suggested that the residents get a petition and send it to NJ Transit and ask for more parking.

Mayor Ouellette stated that a representative from NJ Transit visited the rail station and will be coming out again within the next few weeks, and if at that time the Township does not get a positive response of opening up the parking lot, then the residents and riders should get a petition together to put additional pressure on NJ Transit to do something.

Committeewoman Kate Fitzpatrick stated that she thinks the Township Committee should send a letter now to NJ Transit informing them that the Township has had a public meeting and summarize the comments from the residents that spoke and tell them that this is a severe problem

because of the safety and parking concerns and it is bringing the property values down of the area residents. Ms. Fitzpatrick questioned the ticketing procedure.

Committeewoman Joan Hinkle stated that she conferred with the Municipal Clerk and she felt it was a good idea to engage the help of Senator Allen and the County's two assemblymen to write a letter stating that Delanco Township had a town meeting with the residents stating the problems Delanco has had over the years with the Light Rail Station.

Marlene Jass, 4 McCay Way asked if there was ever anything addressed in writing from NJ Transit to Delanco regarding the crosswalks and the parking in the streets.

Deputy Mayor Mike Templeton suggested that the Township paint the setbacks for parking from the intersections. Mr. Templeton stated that he was looking forward to meeting again with NJ Transit and hopes that they will be more accommodating and that they could move the boulders to Pennsylvania Avenue to prevent people from parking there.

9. Marie Guerra, 854 Pennsylvania Avenue, questioned the parking on the grassy area across from her house and stated that she would like to be able to use that area to park her car because of the trees.

10. Maryellen Davidson, 866 Pennsylvania Avenue, agreed that prohibiting the left turn from Coopertown Road onto Pennsylvania Avenue would create more problems than you want to deal with. Mrs. Davidson stated that the Light Rail has ruined the quality of life for anyone that lives near it because of the constant noise.

Committeewoman Joan Hinkle thanked their young guests and asked them if they wanted to say anything before they left for the evening. Mrs. Hinkle stated that they should be very proud because they were elected by their peers.

Mayor Ouellette thanked the residents for their input on the light rail issues.

**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.")

**CONSENT AGENDA:**

**RESOLUTION 2008-140**

**REFUND OF TAX OVERPAYMENTS- REDUCED ASSESSMENTS**

WHEREAS, the Tax Collector has determined that the following have overpaid taxes due to reduced tax assessments; 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:

JVS Property Management, LLC  
509 S. Lenola Rd. Ste. 5A  
Moorestown, NJ 08057  
Block 402 Lot 1 Amount \$210.68

Winzinger, Robert T. Inc.  
1704 Marne Hwy  
PO Box 537  
Hainesport, NJ 08037  
Block 1900 Lot 7 Amount: \$478.51

**RESOLUTION 2008-141  
AUTHORIZING CHIEF FINANCIAL OFFICER TO ADVANCE PAYMENT FOR  
CERTAIN EXPENDITURES INCURRED BY PUBLIC OFFICIALS FOR THE NEW  
JERSEY LEAGUE OF MUNICIPALITIES CONVENTION**

BE IT RESOLVED by the Township Committee of the Township of Delanco, County of Burlington and State of New Jersey that the Chief Financial Officer of the Township of Delanco is hereby authorized to advance all authorized personnel attending the New Jersey League of Municipalities Convention for two or more days for the year 2008 the sum of seventy-five dollars (\$75.00) per day for expenses, less any expenses that have been prepaid by the Township for this purpose. The sums are advanced in accordance with the requirements of law and are subject to presentation of such receipts as are required under statute to be provided subsequent to the convention aforesaid.

**RESOLUTION 2008-142  
RESOLUTION AUTHORIZING THE TREASURER TO PAY LONGEVITY  
PAYMENTS TO QUALIFYING CONTRACTUAL EMPLOYEES**

WHEREAS, the Township Committee of the Township of Delanco has negotiated with the Public Works Department and has contractual agreements with said bargaining unit calling for the payment of longevity to those employees who qualify under the articles of the agreement, and;

WHEREAS, the Township Committee has deemed this request reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco that the Committee does hereby authorize the payment of longevity to those employees who qualify under contract agreements and that such longevity payments be distributed prior to December 31, 2008 if prior certification from the Chief Financial Officer verifies that such payment will not have an adverse financial impact upon the municipality in this particular year.

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

**RESOLUTION 2008-143  
GRANTING AND REFUNDING VETERAN'S TAX DEDUCTION FOR YEAR 2008**

WHEREAS, it has been determined that the Veteran's Tax Deduction for the following Veteran is in order.

BE IT RESOLVED that the Tax Collector has determined that the following has qualified for a Veteran's property tax deduction in the amount of \$250.00 for 2008 and is due a refund of said amount.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
2100.01	15	Nazareno Gagliardi 71 Shipps Way Delanco, NJ 08075	\$250.00

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the township

Treasurer and the Township Tax Collector.

**RESOLUTION 2008-144  
REFUND OF TAX OVERPAYMENT – 3<sup>RD</sup> QTR 2008**

WHEREAS, the Tax Collector has determined that the following has overpaid taxes for 3<sup>RD</sup> Quarter 2008; and

WHEREAS, the following has 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 a check in the following amount to:

Chase Home Finance. LLC  
PO Box 961227  
Fort Worth, TX 76161  
For: 7 Osmond Way  
Block 2100 Lot 15C18      Amount \$2,590.68

**APPROVAL OF REQUEST FOR WAIVER OF PERMIT FEES – DOBBINS  
MEMORIAL UNITED METHODIST CHURCH –LETTER OF 10/21/2008**

**APPROVAL OF BUSINESS LICENSES: 2008-18, 2008-25 & 2008-60**

**APPROVAL OF MINUTES – 9/30/2008**

**PAYMENT OF BILLS**

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$989,745.10
PAYROLL	30,240.96
CAPITAL	2,810.00
PUBLIC DEFENDER	300.00
TRUST	3,947.18
ACCUMULATED ABSENCES	34,370.49
HOUSING TRUST	12,715.21
MUNICIPAL OPEN SPACE	1,834.45

**GENERAL ACCOUNT – NOVEMBER 10, 2008**

24378	A-2-Z EMBLEMS	252.00
24739	AMERICAN LAWN IRRIGATION INC	142.05
24740	AM PM SERVICES	99.00
24741	BURLINGTON COUNTY TREASURER	444,574.89
24742	BROWNS JEWELERS	250.00
24743	BELMONT & CRYSTAL SPRINGS	34.51
24744	CERTIFIED SPEEDOMETER SERV INC	140.00
24745	CLEAN RENTAL SERVICES INC	249.60
24746	COLORCRAFT SIGN CO	582.00
24747	CHASE HOME FINANCE	2,590.68
24748	DELANCO TWP BOARD OF EDUCATION	428,655.00
24749	DELANCO FIRE COMMISSIONERS	24,666.70
24750	DELANCO PUBLIC LIBRARY ASSOC	4,073.00
24751	DENNIS P MCINERNEY LLC	500.00

24752	EDMUNDS & ASSOCIATES INC	270.00
24753	ELECTRONIC SECURITY CORP	715.50
24754	GALLS INC	483.32
24755	R LOUIS GALLAGHER	700.00
24756	NAZARENO GAGLIARDI	250.00
24757	HAGAN ROSSI FLORIST	91.75
24758	HULSE & GERMANO ESQS LLC	1,869.75
24759	HERITAGE CLEANERS & TAILOR LLC	122.50
24760	JOHNNY C S TRUCK TIRE SERVICE	563.00
24761	JVS PROPERTY MANAGEMENT LLC	210.68
24762	KEARNS VASSALLO & KEARNS	2,500.00
24763	MACRO EQUIPMENT CO	68.95
24764	JOHN MILLER	860.00
24765	NJ AMERICAN WATER CO	751.08
24766	NJ SHADE TREE FEDERATION	300.00
24767	NJ STATE HEALTH BENEFIT PROG	30,216.65
24768	PEDRONI FUEL CO	2,148.60
24769	PSE&G	9,584.36
24770	PAYROL ACCOUNT	8,013.63
24771	PARKER MCCAY-ATTORNEYS AT LAW	3,305.40
24772	RYAN PIPPIN	60.00
24773	RIVERSIDE NAPA AUTO PARTS	87.35
24774	SOUTH JERSEY SANITATION	11,025.58
24775	STEWART BUSINESS SYSTEMS	1,123.24
24776	CARLO A SARLO	10.00
24777	TERMINIX INTERNATIONAL	117.00
24778	TRAP ROCK INDUSTRIES INC	111.65
24779	TOP NOTCH TREE SERVICE	1,800.00
2780	TAYLOR DESIGN GROUP INC	93.75
24781	TREASURER-STATE OF NEW JERSEY	1,015.00
24782	MICHAEL W THOMPSON	860.00
24783	V E RALPH & SON INC	233.59
24784	VERIZON CABS	183.65
24785	VERIZON	390.86
24786	WEST GROUP PAYMENT CENTER	296.50
24787	ROBERT T WINZINGER INC	478.51
24788	W B MASON CO INC	646.82
24789	XTEL COMMUNICATIONS INC	1,361.79
24790	KAREN ZIMMERMANN	15.21
<b>TOTAL</b>		<b>\$989,745.10</b>
<b>TRUST</b>		
2031	TAYLOR DESIGN GROUP INC	2,179.50
2032	HULSE & GERMANO ESQS LLC	607.50
2033	PENNONI ASSOCIATES INC	72.68
2034	CJG PROPERTIES LLC	100.00
2035	LAND ENGINEERING & SURVEYING	987.50
<b>TOTAL</b>		<b>\$3,947.18</b>

<b>CAPITAL</b>		
1518	STALKER RADAR APPLIED CONCEPTS	2,810.00
<b>TOTAL</b>		<b>\$2,810.00</b>
<b>HOUSING</b>		
1028	PARKER MCCAY-ATTORNEYS AT LAW	2,506.59
1029	CLARKE CATON HINTZ	4,208.62
1030	DELANCO TWP CURRENT FUND	6,000.00
<b>TOTAL</b>		<b>\$12,715.21</b>
<b>MCPL OPEN SPACE</b>		
1006	DELANCO TWP CURRENT FUND	1,110.00
1007	PARKER MCCAY-ATTORNEYS AT LAW	724.45
<b>TOTAL</b>		<b>\$1,834.45</b>
<b>ACCUM ABSENCES</b>		
1003	PAYROLL ACCOUNT	3,736.60
1004	PAYROLL ACCOUNT	30,633.89
<b>TOTAL</b>		<b>\$34,370.49</b>

Mayor Ouellette asked a question about one of the Business Licenses.

**APPROVAL OF CONSENT AGENDA**

Motion by Joan Hinkle, seconded by Ed Devinney to approve the consent agenda

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

**MEETING OPEN TO THE PUBLIC**

Mayor Ouellette opened the meeting to the public.

1. Gary Horner, corner of Burlington and Maple Avenue, commented on two street lights that were just installed by Public Service and one existing street light. Mr. Horner brought pictures of the lights and questioned the locations and is concerned about safety on Maple Avenue. A discussion ensued. Mr. Horner asked if one light could be taken down and another light put on pole number 4. Committeeman Ed Devinney stated that he will take a look at the poles and make some suggestions to improve the illumination in that area.

**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**

- announced that the Delanco School will be starting a free preschool program for income eligible three and four year olds – flyers have been posted and gone home with parents
- received letter from New Jersey Transit regarding a proposed bus stop at Falcon Lane and Burlington Avenue – would have to do a resolution for this to happen

Mayor Ouellette stated that he received a letter from the Environmental Protection Agency dated November 6, 2008 regarding suspected hazardous substance discharge notification dealing with Coopertown Road and Enterprise Drive; the rear of NVR construction company yard – passing it on to the Township Solicitor for his review

The Township Solicitor, Mr. William Kearns stated that this refers to 100 gallons of motor oil on the NVR property.

## **DISCUSSION ITEMS:**

### **FY 2009 COMMUNITY DEVELOPMENT GRANT**

Mayor Ouellette stated that they were looking at a few streets for this grant. The Township Engineer, Mr. David Denton commented that the previous application was for Walnut Street and Poplar Street and both were approved but there wasn't enough money to do both. Mr. Denton stated that Delanco should probably re-apply to do the Poplar Street project. Committeewoman Kate Fitzpatrick asked Mr. John Fenimore if he had been contacted about this and asked for his comments. A discussion ensued.

The Municipal Clerk, Mrs. Janice Lohr stated that she will schedule the public hearing for the first Township Committee Meeting in December.

### **COMMENTS – PROFESSIONALS**

#### **Township Engineer – Mr. David Denton**

- forwarded report on Zurbrugg waterfront property stabilization – new materials available – waiting to see if these materials will be good for this area – hopes to gain 5000 square feet back to where the original wall was

#### **Township Solicitor – Mr. William Kearns**

- received letter from Department of Environmental Affairs regarding that area, and that the property owner will be expected to do a clean up, but the Township is not involved

### **COMMENTS - DEPARTMENT HEADS**

#### **Police Department – Chief Parsons**

- announced that he wanted to clear up the rumor of an armed robbery at the 7/11 – the story was made up by the suspect and no gun was involved

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

- reported that leaf season has started
- recycling carts are being delivered on Thursday to Willingboro – public works employees will have to assemble the carts (954) and it will take about five hours
- removed 17 trees and 23 stumps
- reported that Ryan Seiter broke his wrist over the weekend

Mayor Ouellette asked Mr. Fenimore about the generator proposals.

Mayor Ouellette asked the Township Committee for authorization to approve the contract from Gentec. All the Township Committee members agreed.

#### **Zoning and Code Enforcement – Mr. Phillip Goffredo**

- received 9 complaints – confiscated one sign – posted 4 property notices for first warning – sent out 4 notices – closed 13 cases – 45 pending violations – closed out 231 cases for the year
- zoning – two permits approved – two permits denied - two fence permits approved
- reported that there is a situation on Poplar and Ash Street, across from the school – an open well was found – sent out notice and issued a summons
- reported that the Winzinger case is scheduled for court in December

## **COMMENTS – TOWNSHIP COMMITTEE**

### **Joan Hinkle –**

- attended banquet in New Brunswick with Committeewoman Kate Fitzpatrick and Committeewoman elect Marlene Jass regarding the River Route – they received an award from Planned Smart of New Jersey
- reported that three members of the Shade Tree Commission attended the Core Session training seminar
- went to the Methodist Church for a special service for Veteran's Day – encouraged everyone to attend next year because it was very patriotic and meaningful

### **Municipal Clerk – Mrs. Janice Lohr**

- wanted to remind everyone that there is a joint meeting with the Planning Board this Wednesday regarding the third round affordable housing plan that must be submitted by the end of the year

### **Deputy Mayor Mike Templeton –**

- reported that the EAB had a meeting last Thursday – they are working on updating the Township's open space listing and they would like to have it on the agenda for the next meeting on November 17<sup>th</sup> to discuss some additions to the ROSSI list in town – question whether Gateway Park is on the ROSSI list – Committeewoman Kate Fitzpatrick asked the Municipal Clerk to check the Green Acres application ROSSI list
- did research on the Dune's and found that Delanco Township does own the Dune's completely – found in the Township Committee minutes of March 21, 1944 – got the deed for the Dunes at the County Clerks Office

A discussion ensued regarding the Dunes, Hawk Island and dredging

### **Kate Fitzpatrick**

- attended the Board Of Education Meeting and asked them to consider the payment for the Library and to waive the last payment and renegotiate a new lease for a much lesser amount
- attended a small portion of the DYSA meeting
- met with Mayor Ouellette and Mr. Kearns to go over the personnel policy page by page and they will have some changes
- attended the Historic Preservation Advisory Board and they are planning two new exhibits; the Alligator (submarine) on November 22, 2008 and the Sea Scout presentation in December and they will have exhibits in the case at the Library
- attended the annual dinner for the Plan Smart New Jersey in New Brunswick – they won the Community Development Award for the River Route in Burlington County
- was disappointed in the bill for Qualified Purchase Agent Bill that passed through the Assembly – Ms. Fitzpatrick thought that the Township Committee had agreed to submit a resolution not supporting that bill – stated that our two assemblymen, Jack Connors and Herb Conoway voted yes for it

### **Ed Devinney –**

- attended the Fire Commissioner's Meeting last month and they mentioned that they were trying to get a copy of the JIF insurance policy because the Township provides the insurance for the Emergency Squad – contacted JIF representative to get policy
- talked to Delmarva company about getting a service contract on the sprinkler and alarm systems – conferred with the Fire Marshall and he said the Township only has to get these inspected once a year and he suggested getting a 24/7 service contract on those items
- attended the EAB meeting

Committeewoman Kate Fitzpatrick stated that Mr. Malone had dropped off some documents regarding his apartment inspection. Ms. Fitzpatrick stated that he had his State inspection this year and felt that he didn't have to be re-inspected by the Township. The Municipal Clerk reported that according to the code he must have the inspection, but he doesn't have to pay the fee.

Committeewoman Joan Hinkle asked Mayor Ouellette when they were going to start working on the budget. Mayor Ouellette stated that they will set dates at the next meeting.

**Mayor Ouellette –**

- reported that the Township has \$1200.00 from JIF and they have to use it before the end of November for safety equipment
- is wrapping things up with the Electronic Security Company – need alarm and flashing light for front of building - need sign for water connection at back of building
- attended the JIF meeting on October 21, 2008
- attended the Burlington County Community Action Program meeting
- attended the Burlington County Development Block Grant meeting
- met with the Township Auditor, Mr. Bob Stewart about issues dealing with the budget
- met with Committeewoman Fitzpatrick and Mr. Kearns regarding the personnel policies
- met with Scott and Michele Taylor regarding some old invoices
- met with Randy Cherkas regarding the Mansion and other issues

A discussion ensued about parking lot issues and the drainage situation. The Township Engineer, Mr. David Denton will look into it.

Motion by Joan Hinkle, seconded by Ed Devinney to return to Executive Session.

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

Motion by Kate Fitzpatrick, seconded by Joan Hinkle to return to open session

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

**ADJOURNMENT**

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

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

Janice M. Lohr, RMC  
Municipal Clerk  
November 10, 2008