

TOWNSHIP COMMITTEE MEETING – DECEMBER 18, 2006
7:30 PM MUNICIPAL BUILDING 770 COOPERTOWN ROAD, DELANCO NJ

ROLL CALL: Devinney, present; DiCarlo, present; Hinkle, present; Ouellette, present; Fitzpatrick, present
Also Present: Twp. Administrator, Mr. Steven Corcoran; Township Solicitor, Mr. Douglas Heinold; Municipal Clerk, Mrs. Janice Lohr; Deputy Municipal Clerk, Karen Zimmermann; Superintendent of Public Works, Mr. John Fenimore

FLAG SALUTE

Mayor Fitzpatrick 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 3, 2006 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

ZURBRUGG MANSION PRESENTATION

Mayor Fitzpatrick announced that there is a presentation for the RFP's received for the Mansion and the Township Committee is ready to authorize execution of a MOU. Mayor Fitzpatrick asked Max Spann to explain the process and qualifications for the RFP's for the Mansion.

Max Spann clarified that he was retained by Delanco Township and has no association with the prospective developer that may be selected. Mr. Spann stated that the direction they were given was to reach out to the market place and solicit proposals and then the Township Committee would cull through the variety of proposals and select the one that was most fitting to Delanco Township. Mr. Spann stated that they devised a marketing campaign with a brochure. They created a database and sent out about 12,000 brochures to a selected group. The range varied from corporate users, educational institutions, retreats, residential redevelopers to bed and breakfasts and to private individuals. They also did a broad range of advertisements. They advertised in about ten different newspapers and journals and periodicals offering this property to the public. They did email blasts and reached out to the brokerage communities and posted on a variety of websites. They also did press releases to ABC television and the Burlington County Times to create an awareness of this offering. They did this process over a six week period and they received over 803 hits on their website. They received over 127 actual inquires requiring additional information about the property. They conducted a minimum of four open houses that were robustly attended. There were sixty parties that toured the property. They put together a detailed information package with the RFP proposal that instructed people how to respond. They had 63 people register to receive a request for proposal. The geographic range went from California to Florida, Boston and all points in between. They had a very positive response for bed and breakfasts, residential redevelopment, retreats, centers for rehabilitation, funeral homes, and even as a private residence. They initially anticipated a six week marketing time, but it became apparent through the volume of responses and the uniqueness of the property that many of the

responders needed additional time. They extended the RFP process for an additional 45 days to give people more time to perfect their response.

Mayor Fitzpatrick added that the other items addressed with regard to the qualifications and the RFP were the strength of the preliminary financial plan, the financial strength of the respondent, the feasibility of achieving the project, the potential economic benefits to the community, and the purchase price of the property.

Mayor Fitzpatrick asked the J2 team to present their plan to the public.

John Rahenkamp introduced John Hooper as his partner, Karl Glassman as the Bed and Breakfast consultant, and Jack Parry as the architect. Mr. Rahenkamp stated that they propose to do a Bed and Breakfast with the existing building. Mr. Rahenkamp feels that this venue will survive because of the other support facilities in the surrounding towns. Mr. Rahenkamp stated that the facility will stay in the public market so that the public can use it for the carriage rides and the band concerts because it would be an advantage to both the developer and the Township. Mr. Rahenkamp stated that the public spaces will be retained and maintained and publicly available so that town residents can participate in them and they would encourage that. Mr. Rahenkamp added that they propose to build nine condo riverfront units to reduce the debt of the bed and breakfast enough so that it would be successful over time. Mr. Rahenkamp stated that the bed and breakfast alone, carrying a two million dollar debt with a five year build up of market, would be a very difficult nut to crack. Mr. Rahenkamp stated that the condo units would be placed on three corners of the property so they don't affect the trees on sight and they can do it in a sensitive manner. Mr. Rahenkamp stated that the architect responded to the Mansion look as well.

The architect, Mr. Jack Parry, exhibited a conceptual site plan to the public. Mr. Parry reiterated that it was their intent to keep the Mansion in tact. Mr. Parry indicated that the site plan does not take it to the water line. Mr. Parry indicated that the site plan shows the whole property where they cross Delaware Avenue down to the banks which are all part of the program using the space all the way down to the water. Mr. Parry stated that the Mansion and Carriage House will stay and the configuration and the footprints of these buildings are designed to fit within the existing landscape. Mr. Parry stated that they are doing everything they possibly can on a site plan level to keep everything there and still add some density to the site to help balance the future of the Bed and Breakfast and keeping the Zurbrugg Mansion alive and in tact. Mr. Parry stated that there will be some renovations to the Mansion to bring it to code and usability for a new use. Mr. Parry stated that the architecture of the buildings will play on the architecture of Frank Furness that was put into the Zurbrugg Mansion. Mr. Parry stated that the materials will be brick material and the siding will be a hardy plank rather than vinyl. Mr. Parry stated that J2 is trying to put the same level of quality of materials in these structures as the original buildings that were built in the early 1900's. Mr. Parry stated that the units will be first floor ground floor masters with second floor spaces ranging from 2500 to 3000 square feet. Mr. Parry stated that they are still in conceptual stage but the density will not exceed nine units on the property. Mr. Parry stated that they have a good plan with two good uses, a bed and breakfast surrounded by a more stable ownership position. Mr. Parry stated that they have parking available for all the units and parking for the bed and breakfast clientele.

Karl Glassman introduced himself as a resident of New Hope, Pennsylvania. Mr. Glassman stated that he has worked with prospective bed and breakfast owners throughout New Jersey. Mr. Glassman stated that there are several hundreds of bed and breakfast's located in the State of New Jersey and most are in residential neighborhoods. Mr. Glassman stated that the Mansion would be a great use for some public uses and private parties and business meetings as well as normal bed and breakfast uses that occur on a daily basis. Mr. Glassman stated that he has been an owner operator since 1982 of a 24 room bed and breakfast.

Harry Litwack, 217 Maple Avenue, questioned what would happen if the bed and breakfast was not successful.

Mr. Glassman clarified that private spaces are the guest rooms. Mr. Parry stated that they would not change anything on the interior or exterior of the property.

The Township Solicitor, Mr. Douglas Heinold, stated that the only action taken tonight is a resolution authorizing a memorandum of understanding. Mr. Heinold stated that we are at the point of the process where the Township has received proposals and reviewed them and weighed them based upon the standards that Mayor Fitzpatrick outlined. Mr. Heinold stated that this is the first opportunity in a competitive process and remains a competitive process. Mr. Heinold stated that this point tonight says to the developer that the Township thinks that their proposal has a lot to offer and they will try to sit down and hammer out the details and figure it out and make sure it works for both of them. Mr. Heinold stated that if that process is successful, they go to a redeveloper's agreement and create a redevelopment area around the plan proposed. If the agreement is not successful, the Township steps back and reaches out to other potential redevelopers. Mr. Heinold stated that this is a commitment period to each other to say that they will focus on this proposal and try to determine whether it is going to be workable. Mr. Heinold stated that the Township has considered all the "what ifs" concerning the Mansion and spent a year fighting a potential damaging use for that neighborhood and Delanco as a whole. Mr. Heinold stated that the intent of the Township doing this process is to put the property in the best possible position it can be in to survive long term. Mr. Heinold stated that he will draft a zone around the proposal for a permitted use as a bed and breakfast. Mr. Heinold stated that if the development fails, their zone will still state what was permitted there which is a bed and breakfast.

- Harry Litwack, 217 Maple Avenue, asked how many actual people answered the RFP's. Mr. Heinold stated that this is a competitive process and remains to be a competitive process. Mr. Litwack asked if the public was supposed to be a part of this process.

Mayor Fitzpatrick commented that the public must be misinformed because at the time the Township bought the Columns, they asked the public to write in any suggested use they might have. Mayor Fitzpatrick stated that at that time the Township originally had hopes of keeping the building and maintaining it and using it for other uses. Mayor Fitzpatrick stated that at that point in the process a committee would be established which would have included members of the public, members of the Joint Land Use Board and members of the Township Committee. It became obvious to the Township Committee

that the Columns had to be sold. Mayor Fitzpatrick stated that under those circumstances, it was recommended that they change the zone to a redevelopment zone, so that they would have more control regarding the use of the property. Mayor Fitzpatrick stated that once it became a redevelopment zone, it was no longer a decision process for the public. Mayor Fitzpatrick stated that the number one suggested use by the majority of the public was for a bed and breakfast. Mayor Fitzpatrick stated that once the property was zoned as a redevelopment zone, the Township Committee was in control of what use will be there.

- David Suter, 725 Delaware Avenue, stated that when the Mansion was first purchased, Mayor Fitzpatrick made a pledge to the citizens that there would be ample time for them to be involved in the review process.

- asked if this proposal calls for an inclusion in a tax rebate or tax abatement program – was it included in their proposal – have they asked for it in any way

Committeewoman Joan Hinkle commented that everyone asked for it in their proposals.

(Suter:)

- what is the Township’s contingency for funding the Columns if they don’t manage to reach an agreement with J2 by the time the Township has to pay back the reserve – Mayor Fitzpatrick stated that the Township will have to go into permanent bonding

- asked if the Township gets to keep the waterfront with the J2 proposal

- asked who was primarily responsible for the culling of these proposals - The Township Solicitor, Mr. Heinold, stated that the proposals were received by Max Spann and reviewed by the Township Committee

(Suter:)

- asked if the Township Committee has considered noise and nuisance ordinances

Mr. Suter stated that he is thoroughly disappointed in the actions of people who brought this to the public so late without public input and feels that the public was misled by their comments.

- Ralph McCullough, 308 Buttonwood Street, commented that he has been to every meeting that the Township Committee has had with Mr. Rahenkamp and stated that he has “done nothing good for this town.”

- Tom Hildenbrand, 400 Poplar Street, questioned whether the sale of the Mansion is contingent upon the developer getting all his variances and approvals for the condos. Scott Taylor from Taylor Design Group, the Township Planner, stated the Memorandum of Understanding is for the Township to move forward and start to get into the finer design details. – The Township Solicitor, Mr. Heinold, stated that they put a time limit on the Redevelopers Agreement which he believed to be 45-60 days from tonight. Mr. Heinold stated that once the Township realized it wasn’t feasible to keep the building, they considered putting it out to public auction, which had its downsides. This RFP proposal process was chosen so the Township could be in a better position to cull the market and try to find all the potential uses and price was not the sole determinative factor.

- Janice Brennan, 321 Edgewood Avenue, questioned whether the riparian rights go with the property.

Scott Taylor stated that there are no structures or homes proposed for the riverside of Delaware Avenue. Mr. Taylor stated that the front block will remain undeveloped with an open space and park setting with a gazebo or other low impact recreation type amenities.

- Maureen Barrett, 621 Delaware Avenue, stated that she has missed about three meetings in the past year and every time the Mansion came up for discussion the last sentence is that “and then we will have something for public input.” Ms. Barrett personally feels that this is not public input; with no notice and a week before Christmas. Ms. Barrett stated that she would strongly urge them not to allow amplified music at this location. Ms. Barrett also strongly urged the Township Committee not to allow any kind of public dock at this location.

- Jean Mastalesz, 97 Shipps Way, had several questions:

- why is it so important that this memorandum occur tonight?
- why does it have to be handled during the last meeting that the Republicans have a majority?
- so, financially you are in a position where your back is against the wall, and if you don't start talking to someone, you will have to bond the property
- last time you took a property for development in Delanco for both public and private use, it rebounded in a bad way for some of the people in the community and asked if the Township Committee will enter into negotiations with the developer so that doesn't happen again

The Township Solicitor, Mr. Heinold, explained that they will spell out in the developer's agreement what the Township expects as to public access.

- Ralph McCullough, 308 Buttonwood Street, reiterated that “there is one man in this town that has done four different things and he hasn't helped this town a bit”.

- Dave Rust, 411 Illinois Avenue, asked if the proposed condos will be rentals or sold. Mr. Rust asked that since there will be nine condos, would they be required to contribute to the recreation fund.

- Steve Schofield, 400 Burlington Avenue, stated that he was confused about the November 29th meeting. Mr. Schofield stated that he believed the waterfront would be kept by the Township. Mr. Schofield asked what they would work on first, the condos or the Mansion. Mr. Schofield stated that he hopes someone is more diligent in overseeing this project than they were on other projects in the Township.

- Keith Letizio, 203 Union Avenue, asked if the developer took into consideration the preservation of the view of the river for the residents living on Second Street. – Mr. Rahenkamp stated that the peripheral and parallel views will remain the same. Mr. Rahenkamp stated that the clusters of condos in the front will interrupt your view of the river. Mr. Rahenkamp stated that some of the trees on the property are in bad shape and will have to come down.

- Phil Jenkins, 415 Third Street, commented that the bed and breakfast proposal is a good idea and feels it will be an asset to the Township.

Mayor Fitzpatrick stated that personalities did not enter this proposal. The Township Committee made a decision with this proposal as number one because they believed it was the best concept for Delanco Township at this time.

- Ralph McCullough, 308 Buttonwood Street, stated that “people have come to this town and done different things and have hurt us more than do us good”.

- Bill Matulewicz, 737 Franklin Street, also a member of the Joint Land Use Board, stated that he was under the impression that there would be more public input than he is seeing. Mr. Matulewicz asked if there would be any COAH obligations. Mayor Fitzpatrick stated that there were two COAH obligations and they would be satisfied on the property as rental units. Mr. Matulewicz asked who will assume the financial obligation for them. Mr. Rahenkamp stated that the nine units generated a demand for one COAH unit and the commercial use generates a second COAH unit obligation. Mr. Rahenkamp stated that the lower level of the Bed and Breakfast will house the two COAH units where the employees will reside. Mr. Rahenkamp stated that this is encouraged by COAH that the employees live close to their employment. Scott Taylor added that the developer is responsible for the COAH obligation. Mr. Matulewicz asked what the other top three uses were for the Mansion. Mr. Heinold stated that this information could not be released because it still remains a competitive process. A discussion ensued. Mr. Heinold stated that this is the first night that the Township Committee has been able to bring this issue before the public. Mr. Heinold stated that they are going to encourage public input and respond to the public’s concerns. Mr. Matulewicz stated that the concept plan does not appear to be remotely compliant with the Master Plan. Mr. Matulewicz commented that with one of these development partners, “what we see proposed, is seldom, if ever, what we end up seeing on the ground”.

- Steve Mastalesz, 97 Shipps Way, asked if part of the redevelopment process is making sure that J2 has enough money to do this project.

- Harry Litwack, 217 Maple Avenue, commented that we can’t compare apples, oranges, and pears because we don’t have any of them. Mayor Fitzpatrick stated that this was a competitive process and the Township Committee was not permitted to discuss any of these proposals with anyone, nor could they take them home. Mr. Litwack asked if the business was a profitable one; why couldn’t the Township become part of the ownership.

- David Suter, 725 Delaware Avenue, commented that a lot of people put time and money into this process and asked why the Township Committee didn’t give the public more notice about this.

Mayor Fitzpatrick stated that “time is of the essence” to move forward on this project for both the Township and the developer. Mayor Fitzpatrick stated that the Burlington County Times was supposed to put a notice on the front page of the paper but did not. The Township Committee stated that they did not have time to notify the people of this.

Committeeman Ed Devinney stated that there is nothing that went on tonight that doesn’t preclude further discussion. This is the beginning of a process. In the next term, when there is a different group of people up here, we can get additional input. Mayor

Fitzpatrick stated that the input will be continual.

- Tom Hildenbrand, 400 Poplar Street, stated that he was confused. Mr. Hildenbrand asked if they have new members; do they have to start the process all over?

The Township Administrator, Mr. Steven Corcoran, stated the Township Committee must produce an affidavit to the Township Auditor prior to December 31, 2006 to avoid the cost of funding the Mansion in the 2007 budget. Mr. Corcoran stated, that lacking any type of agreement, the state would require or we would be unable to defend ourselves as to why would the cost of the Mansion and its funding not be included in the 2007 budget, thereby saving the taxpayers a significant increase. Mr. Corcoran stated that the one caveat we are following is that the Township cannot enter into financial negotiations until they close on this property as quickly as possible. Mr. Corcoran stated that if the Township were to go to any type of financing prior to December 31, 2006, that the total amount of that financing would have to be included in the 2007 budget.

**RESOLUTION 2006-157
AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING
WITH J2 ASSOCIATES WITH REGARD TO ZURBRUGG MANSION
REDEVELOPMENT**

WHEREAS, in June 2006, the Township of Delanco (the “Township”), designated the Zurbrugg Mansion properties as Redevelopment area pursuant to N.J.S.A. 40A:12A-1, et seq. The Zurbrugg Mansion properties consist of Block 1202, Lots 1.01, 1.02 and 1.03 and Block 1201, Lots 1.01 and 1.02 (collectively referred to as “the Property”); and

WHEREAS, the Property is comprised of two developed lots and three primarily undeveloped lots (one of the waterfront lots contains a gazebo). Block 1202, Lot 1.01 contains the Zurbrugg Mansion, which the Township seeks to have retained and restored consistent with historic preservation principles. Block 1202, Lot 1.03 contains a single-family home referred to as the Carriage House; and

WHEREAS, the Township currently holds title to the Property and intends to sell it to a suitable redeveloper, and pursuant to this MOU, a Redeveloper’s Agreement with J2 will provide for this transfer; and

WHEREAS, the Property has been determined by the Township as an area which is a key property to the Township’s Delaware Avenue waterfront, and to the character of the Township as a whole. It is important to a stable tax base, smart growth, and transformation of areas previously underutilized or subject to deterioration; and

WHEREAS, J2 Associates, a Burlington County based developer, submitted a proposal in accordance with the RFP requirements, and as part of the Township’s review of RFPs and the redevelopment process, the Township desires to enter into a Memorandum of Understanding with J2 Associates (“J2”); and

WHEREAS, the Township and J2 desire to arrange for a mixed use project (“the Project”) at the Property, consisting of a bed and breakfast in the Zurbrugg Mansion, the construction of townhouses on Block 1202, and the creation of two affordable housing units in the basement level of the Mansion in order to meet the COAH obligation generated by this site under the Third Round criteria; and

WHEREAS, after having issued a Request for Proposals and having thoroughly reviewed J2’s qualifications, including financial ability, Project proposal, knowledge of the market, ability to restore and maintain the Mansion, proposed architectural elements

consistent with Mansion, and willingness to provide continued public access for special events at the Mansion, the Township has determined to seek to enter into a Memorandum of Understanding (“MOU”) with J2; and

WHEREAS, the unique qualifications of J2 are viewed by the Township as particularly significant for the successful redevelopment of the Property, and the Township anticipates entry into a Redevelopment Agreement with J2, pursuant to which Agreement J2 will acquire the Property from the Township and implement redevelopment activities in accordance with the Township’s Redevelopment Plan, to be adopted and as amended from time to time, and pursuant to the Township’s Master Plan; and

WHEREAS, N.J.S.A. 40A:12A-1, et seq. empowers the Township to contract with J2 concerning the redevelopment area known hereunder as the Property, and the Township, as a first step to negotiating a Redeveloper’s Agreement, will hereby enter into an MOU with J2 to begin negotiations, under which MOU J2 shall post Interim Escrow Costs, as defined therein, in the increments set forth therein, to help fund the Township’s efforts to bring their Project proposal to fruition. Under the MOU, the Township will agree to negotiate solely with J2 toward a Redeveloper’s Agreement satisfactory to the Township, and to enter into such other agreements, as necessary, for the overall planning, designing, constructing and undertaking of the Project at the Property; and

WHEREAS, the Township Committee has determined that it is in the best interest of the citizens of the Township to enter into an MOU with J2, for a public/private relationship anticipated to achieve the best possible results for the redevelopment area, for the citizens of Delanco.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delanco that:

1. The Township hereby authorizes the Mayor and Township Clerk to enter into a Memorandum of Understanding with J2 Associates, a company with which the Township will exclusively negotiate, for a specified period of time under the MOU, which time may be extended by the Parties, toward a final Redeveloper’s Agreement for the redevelopment of the Property.
2. The Township Attorney, Planner, Administrator, officers, officials and other representatives of the Township, are hereby authorized to negotiate the MOU and a Redevelopment Agreement with J2, and the Township is further authorized to enter into such Agreements, and ancillary agreements, all of which shall be consistent with the goals set forth in the Township’s designation of this redevelopment area.
3. The Township is also fully authorized to execute and enter any and all agreements necessary to transfer Property interests in accord with the MOU, a Redeveloper’s Agreement, allow for Project Activity, collect escrow, and cooperate with J2 with regard to applications and approvals from any outside agencies.

Motion by Jackie DiCarlo, seconded by Joan Hinkle to adopt Resolution 2006-157

Roll Call: Devinney, abstain; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, yes

Committeeman Fern Ouellette stated that he wanted to clarify a statement that the Township Administrator made regarding moving fast on the decision. Mr. Ouellette

stated that he did not want the prospective developers to have the understanding that the Township would put dollars ahead of doing what is right for the town. From his point of view, Mr. Ouellette stated that the term “moving fast” does not mean that if the Township is unable to come to an agreement that they will speed the process through.

The Township Solicitor, Mr. Douglas Heinold left the meeting to attend a previously established meeting obligation.

**ORDINANCE 2006-19
AN ORDINANCE AMENDING CHAPTER 222 GOVERNING “PROPERTY
MAINTENANCE”
*3RD READING BY TITLE ONLY AND PUBLIC HEARING FOR
AMENDMENTS FROM THE 2ND READING AND PUBLIC HEARING HELD ON
DECEMBER 4, 2006**

Mayor Fitzpatrick read the changes to the ordinance to the public.

HEARING ON AMENDMENTS OPEN TO THE PUBLIC

Mayor Fitzpatrick opened the hearing to the public.

HEARING CLOSED TO THE PUBLIC

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

Motion by Ed Devinney, seconded by Jackie DiCarlo to adopt Ordinance 2006-19
Roll Call: Devinney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, abstain; Fitzpatrick, yes

**ORDINANCE 2006-19
AN ORDINANCE AMENDING CHAPTER 222 GOVERNING “PROPERTY
MAINTENANCE”**

WHEREAS, the Township Committee of the Township of Delanco (“Township”) is dedicated to improving and preserving the appearance of the Township for the betterment of the community; and

WHEREAS, the Township has reviewed existing Code provisions, with regard to property maintenance order in an effort to improve existing regulations and allow for better enforcement of existing provisions.

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Township Committee of the Township of Delanco as follows:

Section 1:

Chapter 222 governing property maintenance is amended as follows:
A. Chapter 222-8.A. is hereby amended to create additional subparagraphs (16) & (17) as follows:

(16). Outside storage of equipment and materials. The outside storage of equipment and material, excluding seasonal storage of docks, is hereby prohibited in front yards. Storage is prohibited in side yards except where, in the discretion of the Zoning Officer and Township Administrator, proper screening from public view is provided. Prohibited equipment and materials include: building materials, construction supplies, golf carts, landscaping

supplies, riding lawn mowers, lumber and wood products, metal products, snow plows, and tractors.

(17). No outside storage of equipment and materials as listed in subparagraph (16) of this section is permitted on any residential lot which does not have a principal residential structure.

Section 2: Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.

RESOLUTION 2006-158

A RESOLUTION PROVIDING REASONS FOR ORDINANCE 2006-25 APPROVAL DESPITE INCONSISTENCY DETERMINATION BY JOINT LAND USE BOARD

WHEREAS, the Township Committee of the Township of Delanco initiated Ordinance 2006-25 on first reading on November 13, 2006 in order to amend certain provisions of the R-3 and R-4 Residential Districts; and

WHEREAS, the Municipal Land Use Law, at N.J.S.A. 40:55D-26 requires all development regulation, including amendments thereto, to be referred to the Joint Land Use Board for a determination whether the ordinance is consistent with the Master Plan; and

WHEREAS, the Joint Land Use Board conducted its review of Ordinance 2006-25 on December 5, 2006; and

WHEREAS, the Joint Land Use Board, concluded that Ordinance 2006-25 is not consistent with the Master Plan as with regard to R-3, the Master Plan calls for 10,000 square foot lots with 100 feet of frontage and specific concerns were raised with regard to undeveloped parcels, and as to R-4, the Master Plan likewise calls for greater area and frontage; and

WHEREAS, the Board further recognized that, at least as to R-4, the existing platting of lots would be made more consistent by the amendment; and

WHEREAS, the Board's determinations and additional recommendations were memorialized in a Memorandum from the Board Planner dated December 6, 2006; and

WHEREAS, the Township Committee has reviewed the Board's consistency determination and desires to move forward with the adoption of Ordinance 2006-25 for the reasons stated below;

NOW, WHEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Delanco that, in accord with N.J.S.A. 40:55D-26, it provides the following reasons for the adoption of Ordinance 2006-25:6

1. That the Master Plan, while calling for larger lot frontages, has created unreasonably high non-conformity such that only 14% of the lots in the R-3 conform with regard to lot width; and
2. The purpose of the amendments is to correct the non-conformities created by the Master Plan and the prior regulations adopted pursuant thereto; and
3. While the Township Committee appreciates that concerns with regard to the R-3 amendments and the potential creation of additional building lots, the Township believes that those numbers are minimal and unlikely to be developed; and
4. The need to address relief to residents who are forced to seek time-consuming and sometimes expensive Board approvals merely because their pre-existing, pre-developed residential lots were made non-conforming by the Master Plan is substantial; and
5. While this will not redress all situations, the 80 feet width regulation in the R-3 Zone will increase the 14% conformity to 57%.

Motion by Jackie DiCarlo, seconded by Ed Devinney to adopt Resolution 2006-158

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

ORDINANCE 2006-25

AN ORDINANCE AMENDING CHAPTER 110 GOVERNING "ZONING"

***2ND READING BY TITLE ONLY AND PUBLIC HEARING**

HEARING OPEN TO THE PUBLIC

Mayor Fitzpatrick opened the hearing to the public.

HEARING CLOSED TO THE PUBLIC

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

Motion by Joan Hinkle, seconded by Jackie DiCarlo to adopt Resolution 2006-158

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

ORDINANCE 2006-25

AN ORDINANCE AMENDING CHAPTER 110 GOVERNING "ZONING"

WHEREAS, the Township Committee of the Township of Delanco ("Township") is dedicated to improving and preserving the appearance of the Township for the betterment of the community; and

WHEREAS, the Township has reviewed existing Code provisions for the Township of Delanco, with regard to existing zoning bulk standard conditions. The program evaluated existing building siting and residential densities in zoning districts R-3 and R-4. The revision of the bulk standards with the addition of performance requirements will promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of these neighborhoods. The revisions remove wholesale nonconformity in the existing developed and infill portions of the community.

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Township

Committee of the Township of Delanco as follows:

Section I.

Chapter §110-6 entitled, 'Definitions.' will be amended and supplemented as follows:

"Fenestration - The design, proportioning, and disposition of windows and other exterior openings of a building."

"Roof Pitch -The slope of a roof, commonly expressed in inches of vertical rise per foot of horizontal run."

Section 2.

The section entitled 'Schedule of Area and Bulk Requirements' will be amended and supplemented as follows:

R-3 Zoning District

Minimum Lot Requirements

Width shall read: "80 feet"

Depth shall read: "120 feet"

One side yard shall read: "15 feet"

Two side yards shall read: "35 feet"

Rear yard shall read: "35 feet"

Section 3.

The section entitled 'Schedule of Area and Bulk Requirements' will be amended and supplemented as follows:

R-4 Zoning District

Minimum Lot Requirements

Width shall read: 60 feet"

Depth shall read: "120 feet"

Maximum Lot Cover shall read: "60 %"

Front Yard shall read: "20/20"

Side Yard shall read: "12"

Section 4.

Chapter §110-9 entitled, 'Nonconforming uses, buildings and structures.' shall be amended and supplemented to establish all existing conditions of each lot in the following residential zones as "conforming" effective the adoption date of this ordinance:

"F. Lots existing at the time of the adoption of this ordinance on the Township of Delanco Tax Map, the owner of which owned no adjacent lots, and located within zoning districts where detached single-family dwellings are a permitted principal use, shall be deemed to be conforming in terms of lot width, lot frontage, lot area, and lot depth for detached single-family use. Compliance with all other applicable zoning requirements and design standards pertaining to the single-family use shall be required."

Section 5.

Chapter §110-26 entitled, 'R - 3 Single Family Residential District.' shall be amended and supplemented as follows:

"F. FENESTRATION as defined (pursuant to Ordinance 2006-25), shall be

between 30% and 70% for all building facades (measured for each facade and story between 3 and 9 feet above the finished floor). Blank lengths of wall greater than 20 linear feet are prohibited.

G. PORCHES as defined (pursuant to Ordinance 2005-12), shall be permitted to encroach in the front yard setback up to seven (7) feet and stairs are permitted to further encroach in the front yard up to four (4) feet. All porches and stairs shall be setback at least one (1) foot from the property line. Porch roofs may contain a minimum roof slope of 2 feet of rise per every 12 feet of run.

H. Main ROOF PITCH Minimum 4:12 to Maximum 8:12."

I. Residential parking stalls, spaces, areas, and garages are encouraged to be located in the side and rear yards. Where parking and private garages are part of the principal building and parking is located in the front yard, garage facades shall be located a minimum of 3 feet behind the front setback line.

Section 6.

Chapter §110-27 entitled, 'R - 4 Single Family Residential District' shall be amended and supplemented as follows:

"F. FENESTRATION as defined (pursuant to Ordinance 2006-25), shall be between 30% and 70% for all building facades (measured for each facade and story between 3 and 9 feet above the finished floor). Blank lengths of wall greater than 20 linear feet are prohibited.

G. PORCHES as defined (pursuant to Ordinance 2005-12), shall be permitted to encroach in the front yard setback up to seven (7) feet and stairs are permitted to further encroach in the front yard up to four (4) feet. All porches and stairs shall be setback at least one (1) foot from the property line. Porch roofs may contain a minimum roof slope of 2 feet of rise per every 12 feet of run.

H. Main ROOF PITCH Minimum 4:12 to Maximum 8:12."

I. Residential parking stalls, spaces, areas, and garages are encouraged to be located in the side and rear yards. Where parking and private garages are part of the principal building and parking is located in the front yard, garage facades shall be located a minimum of 3 feet behind the front setback line.

ORDINANCE 2006-26

AN ORDINANCE AMENDING CHAPTER 110 GOVERNING "ZONING" *2ND READING BY TITLE ONLY AND PUBLIC HEARING

HEARING OPEN TO THE PUBLIC

Mayor Fitzpatrick opened the hearing to the public.

1. Phil Jenkins, 415 Third Street, stated that he likes collecting cars and one of his goals is to put a poll barn in his backyard. Mr. Jenkins feels that this ordinance will severely limit residents and they will be forced to go before the Joint Land Use Board for a variance. Mr. Jenkins stated that he felt this ordinance was not a very good idea.

Scott Taylor, The Township Planner, explained that the Township Committee and the Joint Land Use Board looked at this ordinance and their intent was to protect the surrounding neighbors by establishing some reasonable limitations. Mr. Taylor stated that the negative impact is on a very small percentage while the benefit is the remainder

of areas where the majority of residents live.

2. Tom Hildenbrand, 400 Poplar Street, asked if they were changing the height of the garages and asked what the current height is. Scott Taylor stated that the maximum height for detached garages and cabanas is proposed to be fifteen feet.

Mr. Hildenbrand feels that there should be no restrictions for height or anything. Committeeman Ed Devinney asked what the current square footage is for garages in the Township. The Township Administrator, Mr. Steven Corcoran, stated that it is his understanding that there are no current regulations for garages. A discussion ensued. The Township Administrator, Mr. Steven Corcoran stated that the Township's attempt was to add certain uses as accessory uses that were currently not included. The original purpose was to allow the Township to administratively handle applications and the Township would like to expand what we could handle administratively and therefore cut down on the number of applications that would have to go before the Joint Land Use Board. Mr. Corcoran stated that 89% of the residents in Zones R3 and R4 have to come before the Joint Land Use Board for any addition. A discussion ensued.

HEARING CLOSED TO THE PUBLIC

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

Motion by Jackie DiCarlo, seconded by Ed Devinney to adopt Ordinance 2006-26

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

ORDINANCE 2006-26

AN ORDINANCE AMENDING CHAPTER 110 GOVERNING "ZONING"

WHEREAS, the Township Committee of the Township of Delanco ("Township") is dedicated to improving and preserving the appearance of the Township for the betterment of the community; and

WHEREAS, the Township has reviewed existing Code provisions, with regard to zoning in an effort to improve existing regulations and allow for better enforcement of existing provisions.

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Township Committee of the Township of Delanco as follows:

Section I.

Chapter §110-6 entitled, 'Definitions.' will be amended and supplemented as follows:

"Building Coverage – The ratio of the of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area."

"Cabana – A building containing facilities for changing associated with a pool, beach, or watercourse. No plumbing or cooking facilities are permitted in a cabana structure."

"Gazebo – a roofed open structure, which is not, attached to the principal structure, or other accessory structure. All sides of the gazebo shall be completely and permanently open to the outside air, except for a small portion of the walls at the bottom, which may be solid to a height not greater than 42 inches above the floor elevation. A gazebo may be screened."

"Lot Coverage – The total area of all impervious surfaces made of any natural or

manmade surface that does not permit the infiltration of water, including but not limited to principal and accessory buildings, covered porches, swimming pools, driveways, sidewalks, patios, and parking areas constructed of crushed stone, gravel, asphalt, and concrete."

"Interior Parking Space Where a typical single vehicle requires, 11.25 linear feet of width and 22 linear feet of depth to permit circulation and door swing and where two vehicles require 20 linear feet of width and 22 feet of linear depth to permit circulation and door swing, no single interior vehicle space in any **Private Residential Garage**, as defined, shall exceed 248 square feet in area. The reference book Architectural Graphic Standards and subsequent editions shall govern the vehicular space requirements"

"Pergola – A structure with a defined support system for an open roof, either attached to a building or freestanding. The roof must maintain a maximum opacity of 70%. All sides of the pergola shall be completely and permanently open to the outside air."

"Private Residential Garage – A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public. No private residential garage shall contain an **interior parking space**, as defined, that is larger than permitted by definition."

Section 2.

The Schedule of Area and Bulk Requirements shall be amended as follows:

Maximum Lot Cover shall read, "Maximum Lot Coverage"

The R-2 Zoning District shall permit a Maximum Lot Coverage of 55% The R-3 Zoning District shall permit a Maximum Lot Coverage of 60% The R-5 Zoning District shall permit a Maximum Lot Coverage of 60%

Section 3.

§110-12 entitled "Accessory structures" shall be amended to say, "Accessory uses, buildings, and structures."

"Prior to the construction or placement of an accessory use, building, or structure, a zoning permit shall be issued by the Zoning Officer."

Section 4.

Accessory uses. The regulations governing "accessory uses" under Chapter 110 are hereby amended as follows:

A. Chapters 110-23.B, 110-24.B, 110-26.B, 110-27.B, 110-28.B, 110-29.B, 110-30.b, and 110-31.B are hereby amended to **add** after the words accessory use "and/or structure".

A. Chapters 110-23.B, 110-24.B, 110-26.B, 110-27.B, 110-28.B, 110-29.B, 110-30.b, and 110-31.B are hereby amended to **amend** the following as permitted a permitted accessory use:

(1) Private residential garages, as defined.

Chapters 110-23.B, 110-24.B, 110-26.B, 110-27.B, 110-28.B, 110-29.6, 11030.b, and 110-31.B are hereby amended to **add** the following as permitted a permitted accessory use:

(7) Gazebos, pergolas, and cabanas.

Chapters 110-23.B, 110-24.B, 110-26.B, 110-27.B, 110-28.B, 110-29.B, 11030.B, and 110-31.B are hereby amended to **amend** the following as an accessory use:

(5) Fences and walls pursuant to §110-13;

(6) decks and patios;

Section 5.

Section 'B' of Chapter §110-12, 'Accessory Structures.' shall be amended to read as follows:

"B. Number, height and area.

(1) All accessory structures shall be considered as either lot coverage or building coverage, as defined, and outlined in the Schedule of Area and Bulk Requirements.

(2) Attached or detached private residential garages shall not exceed the building coverage or area of the principal dwelling. There shall be not more than one attached or detached private residential garage pursuant to the following: Attached and detached private residential garages, as defined, may be designed for a **maximum** of three

(3) vehicles and shall not exceed 35 feet in width by 24 feet in depth. Attached or detached private residential garages shall not exceed the building coverage or area of the principal dwelling.

Lot Area in Square Feet	Maximum Permitted Square foot of Private Residential Garage
3,000- 5,999	250
6,000-7,499	460
7,500-9,999	650
10,000-19,999	740
20,000 and greater	840

(3) The maximum height of detached garages and cabanas shall be fifteen (15) feet to the peak of the roof measured from grade. The maximum height of sheds, gazebos, and pergolas shall be no greater than 12 feet to the peak of the roof, measured from grade. Garages, cabanas, and sheds must have a minimum roof pitch of 2:12, a maximum roof pitch of 8:12, or be consistent with the roof pitch of the principal structure. It is encouraged that the architectural style, materials, colors, and detailing of those garages, sheds, and cabana structures shall match those of the principal building."

Section 6.

Repealer, Severability and Effective Date.

- A. Repealer.** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability.** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date.** This Ordinance shall take effect upon proper passage and approval in accordance with the law.

ORDINANCE 2006-27

AN ORDINANCE AMENDING CHAPTER 110 GOVERNING “ZONING”

***2ND READING BY TITLE ONLY AND PUBLIC HEARING**

HEARING OPEN TO THE PUBLIC

Mayor Fitzpatrick opened the hearing to the public.

HEARING CLOSED TO THE PUBLIC

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

Motion by Joan Hinkle, seconded by Jackie DiCarlo to adopt Ordinance 2006-27.

Roll Call: Deviney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, yes

ORDINANCE 2006-27

AN ORDINANCE AMENDING CHAPTER 110 GOVERNING “ZONING”

WHEREAS, the Township Committee of the Township of Delanco (“Township”) is dedicated to improving and preserving the appearance of the Township for the betterment of the community; and

WHEREAS, the Township has reviewed existing Code provisions, with regard to zoning in an effort to improve existing regulations and allow for better enforcement of existing provisions.

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Township Committee of the Township of Delanco as follows:

Section 1: Accessory uses. The regulations governing “accessory uses” under Chapter 110 are hereby amended as follows:

A. Chapters 110-23.B, 110-24.B, 110-26.B, 110-27.B, 110-28.B, 110-29.B, 110-30.b, and 110-31.B are hereby amended to **add** the following as permitted a permitted accessory use:

(7) Gazebos

B. Chapters 110-23.B, 110-24.B, 110-26.B, 110-27.B, 110-28.B, 110-29.B, 110-30.B, and 110-31.B are hereby amended to **delete** the following as an accessory use:

5. Fences and walls;

**6. decks and patios;
Other attached to principal residence.**

Section 2: Repealer, Severability and Effective Date.

- D. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- E. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- F. Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.

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.”)

APPOINTMENT – TO FILL UNEXPIRED TERM FOR MUNICIPAL COURT JUDGE

Appointment of Gregory McCloskey to fill the unexpired term of Judge Roger Main to December 31, 2007

Mayor Fitzpatrick stated that the Township received a letter of resignation from Judge Roger Main because he is retiring. The Township Committee accepted his resignation with regrets.

RESOLUTION 2006-159

AUTHORIZING EXECUTION OF INTERLOCAL SERVICES AGREEMENT WITH BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON FOR SNOW REMOVAL AND ASSOCIATED USES

WHEREAS, the *Interlocal Services Act*, N.J.S.A. 40:8A-1 *et seq.*, authorizes and encourages a municipality to enter into contracts for the joint provision within their jurisdictions of any service which either party to the agreement is empowered to render within its own jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco that the Mayor and Township Clerk be and are hereby authorized to enter into and execute the Interlocal Services Agreement with the Board of Chosen Freeholders of the County of Burlington substantially consistent with the form of Agreement attached hereto and incorporated herein as “Exhibit A”, upon final review and approval of the Township Solicitor for Snow Removal and associated uses.

**RESOLUTION 2006-160
BUDGET APPROPRIATION TRANSFERS**

WHEREAS, there are certain 2006 budget appropriations 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:

Operations within "CAPS"	
Engineering - OE	\$20,000.00
Animal Control	3,000.00
Street Lighting	7,000.00
Utilities - Telephone	1,000.00
Utilities – Gasoline	6,500.00
Total	<u>\$37,500.00</u>

FROM:

Operations within "CAPS"	
Uniform Construction Code – S&W	\$7,000.00
Computerized Data Services	4,000.00
Tax Assessor- S&W	2,000.00
Parks and Recreation – S&W	1,000.00
Economic Development – OE	1,000.00
Emergency Management S&W	2,500.00
Public Works – S&W	<u>20,000.00</u>
Total	<u>\$37,500.00</u>

**RESOLUTION 2006-161
CAPITAL APPROPRIATION TRANSFERS UNDER ORDINANCE 2003-14**

WHEREAS, the fully funded Ordinance 2003-14 contains certain line item deficits; and

WHEREAS, there are certain other line items in Ordinance 2003-14 where there are unexpended balances.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be made from line items in Ordinance 2003-14 with unexpended balances to other line items in Ordinance 2003-14 with deficits:

TO:

ORDINANCE 2003-14	
Streetscape/Gateway Park	\$19,013.83
Police Vehicle	<u>10,314.16</u>
Total	<u>\$29,327.99</u>

FROM:

ORDINANCE 2003-14	
Construction of Parking Lot	\$23,210.61
Demolition of Lippincott Bldg	<u>6,117.38</u>
Total	<u>\$29,327.99</u>

RESOLUTION 2006-162

RESOLUTION ACCEPTING CORRECTIVE ACTION PLAN FOR 2005 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 2005 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 Township Administrator has prepared a Corrective Action Plan in connection with the recommendations included in the audit as required; and

WHEREAS, the Township Committee has reviewed said Correction Action Plan; and

WHEREAS, such Corrective Action Plan shall be submitted to and adopted by the Governing Body after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Delanco hereby states that it does hereby accept the Correction Action Plan for the 2005 Audit as prepared and submitted by the Township Administrator of the Township of Delanco and hereby directs that a copy of this resolution and the required Corrective Action Plan be submitted to the Division of Local Government Services to show evidence of said compliance.

RESOLUTION 2006-163

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM REVENUE IN THE TOWNSHIP BUDGET FOR THE YEAR 2006

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Township of Delanco has received notice from the New Jersey Department of Transportation that it has been awarded funds under the Municipal Aid Program for Fiscal Year 2006 and wishes to amend its 2006 Budget to include this amount as a revenue;

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Delanco, in the County of Burlington, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2006 in the sum of \$115,000.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:

NJ Transportation Trust Fund; and,

BE IT FURTHER RESOLVED that a like sum of \$115,000.00 be and the same

is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"

Public and Private Programs Off-Set by Revenues

Transportation Trust Fund Program;

BE IT FURTHER RESOLVED that the Clerk of the Township of Delanco forward one copy of this resolution to the Director of Local Government Services.

RESOLUTION 2006-164

RESOLUTION AUTHORIZING THE AMOUNT OF THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, there exists the need for alcohol and drug testing services as required by law; and

WHEREAS, Commerce Risk Control Services has the knowledge and expertise to coordinate drug and alcohol testing services; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the amount of this contract for the contract year is anticipated to be below the bid threshold of \$17,500 for purposes of competitive bidding; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that a resolution authorizing the award of contracts for "professional services" without competitive bids and contracts must be available for public inspection; and

WHEREAS, the Township has certified that this meets the statute and regulations governing the award of said contracts.

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

Section 1. The Mayor and Township Clerk are hereby authorized and directed to execute the agreement with Commerce Risk Control Services for alcohol and drug testing services subject to review of the rate schedules and approval by the Township Committee as to the respective contract.

Section 2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because it is a recognized profession under the laws of the State of New Jersey, and therefore, not possible to obtain competitive bids.

Section 3. The maximum amount of the contract for Alcohol and controlled substances testing is \$58.00 per CDL holder or other participants. Said funds are available in the respective appropriation within the Township temporary budget and have been certified by the Local Finance Officer.

Section 4. Notice of said action shall be published in the Burlington County Times as required by law.

PAYMENT OF BILLS

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$131,733.49
PAYROLL	135,079.10
CAPITAL	1,784.28
TRUST	6,629.00
HOUSING TRUST	1,089.00

GENERAL ACCOUNT – DECEMBER 18, 2006

23002	ALL INDUSTRIAL SAFETY PRODUCTS	109.85
23003	BURLINGTON COUNTY TIMES	2,158.80
23004	BUD CONCRETE INC	31,763.24
23005	CERTIFIED SPEEDOMETER SERV INC	136.00
23006	COLORCRAFT SIGN CO	47.00
23007	CREATIVE TELECOMM SYSTEMS INC	355.00
23008	FORCE FABRICATIONS	1,242.19
23009	GOODYEAR TIRE DISTRIBUTION CTR	378.40
23010	ROSA HENRY	75.00
23011	HULSE & GERMANO ESQS LLC	789.50
23012	MARCON ENGRAVING INC	53.51
23013	LENORE MORAIS	75.00
23014	MILL RUN CLEANERS & TAILORS	173.00
23015	NJ AMERICAN WATER CO	354.90
23016	NEW JERSEY MONTHLY	19.95
23017	NEXTEL COMMUNICATIONS	929.98
23018	PEDRONI FUEL CO	4,915.20
23019	PETTY CASH-ADMINISTRATIVE	226.22
23020	PSE&G	7,680.01
23021	PC WORLD	24.95
23022	PARKER MCCAY-ATTORNEYS AT LAW	27,339.81
23023	RIVERSIDE NAPA AUTO PARTS	28.37
23024	RENWICK & ASSOCIATES	13,350.00
23025	SAFETY AUTO REPAIR	372.14
23026	SOUTH JERSEY SANITATION	19,814.88
23027	STEWART BUSINESS SYSTEMS	123.02
23028	TREASURER COUNTY OF BURLINGTON	12,844.22
23029	TEMPROL CORP	249.00
23030	TOWNSHIP OF DELRAN	1,124.85
23031	TREASURER-STATE OF NEW JERSEY	1,381.00
23032	UNITED STATES POSTAL SERVICE	2,000.00
23033	VERIZON WIRELESS	248.76
23034	W B MASON CO INC	118.30
23035	XTEL COMMUNICATIONS INC	1,218.98
23036	KAREN ZIMMERMANN	12.46
TOTAL		\$131,733.49

CAPITAL

1504	DELL MARKETING LP	1,509.28
1505	NICHOLAS PORTELLA JR PLUMBING	275.00
TOTAL		\$1,784.28

TRUST

1853	BIRDSALL ENGINEERING INC	5,254.00
1854	HULSE & GERMANO ESQS LLC	101.25
1855	PENNONI ASSOCIATES INC	1,273.75
TOTAL		\$6,629.00

HOUSING

132	PARKER MCCAY-ATTORNEYS AT LAW	997.50
133	PARKER MCCAY-ATTORNEYS AT LAW	91.50
TOTAL		\$1,089.00

APPROVAL OF MINUTES – 11/20/2006 & 12/4/2006

APPROVAL OF CONSENT AGENDA

Motion by Jackie DiCarlo, seconded by Fern Ouellette to adopt the consent agenda.

Roll Call: Deviney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, yes

MEETING OPEN TO THE PUBLIC

Mayor Fitzpatrick opened the meeting to the public.

1. Ralph McCullough, 308 Buttonwood Street, asked why the grass is not being cut at the park on Creek Road and asked for an explanation. Mr. Corcoran stated that he will call the County again.
2. Marlene Jass, 4 McCay Way, stated that there was an article in the Burlington County Times on December 13, 2006 regarding a grant proposed and passed by the legislative body and consideration to the senate for \$600,000 for Delanco. – Mayor Fitzpatrick stated that this was for a green acres grant for \$300,000 acquisition and \$300,000 matching grant for the field of dreams – The grant has not been accepted yet
3. Matt Bartwood, 420 Buttonwood Street, stated that he had a problem with the Shade Tree Commission. Mr. Bartwood stated that he placed a request to remove an ornamental crab tree in August of 2006 and has not received a formal notification from them. However he did receive an email from Mr. Matulewicz that recommended he not park under the tree. – Mr. Corcoran stated that he would straighten this out.
4. Tom Hildenbrand, 400 Poplar Street, questioned the liability of the Township if a resident put a request in for a tree trimming or otherwise and a tree branch falls on your car and damages your car. - Mr. Corcoran stated that the Township Committee has assured him that they will discuss the Shade Tree Commission in the first quarter - Mr. Corcoran stated that he is attending a hearing before the JIF that deals with issues regarding fallen limbs and trees – Mr. Corcoran stated that he will have a better understanding of the legalities relative to the Township and its
5. Donna Fishburn, 1225 Delaware Avenue, stated that she has put in numerous requests to have two trees taken down because they are dead. The Shade Tree Commission secretary told her that “they just aren’t taking them down.” The secretary told her that there are too many trees to be removed and not enough funding. - John Fenimore stated that there are five trees involved – problem is that there is no sidewalk so it is hard to determine whose trees they are – Mr. Corcoran stated that he can’t speak for the past, but now they try to be more lenient and work with the residents.

Deputy Mayor, Jackie DiCarlo, asked if the Township could hire somebody to take down the trees because the Township is risking a lawsuit just because the Public Works Department doesn’t have time to take down the trees. A discussion ensued.

6. Keith Letizio, 203 Union Street, stated that on the Southwest corner of Second Street and Union Street, thirty feet back, there is a light pole with the light up in the tree. Mr. Letizio stated that he called Public Service Electric and Gas Company to get it moved to the Northwest pole on the corner that would like up the intersection. PSE&G informed him that it was the Township's responsibility to put the request in.
7. Steve Schofield, 400 Burlington Avenue, questioned what the outcome was for the paving job on Perkins Lane that was discussed in a previous meeting. Mayor Fitzpatrick stated that NJDOT inspected it and approved it. However, there were some punch list items that have to be corrected.

MEETING CLOSED TO THE PUBLIC

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

DISCUSSION ITEMS:

2007 TOWNSHIP COMMITTEE MEETING CALENDAR

Mayor Fitzpatrick stated that the Municipal Clerk, Mrs. Janice Lohr, distributed the calendar to everyone and asked if anyone had any comments or changes. Committeeman Fern Ouellette questioned July 2nd and July 16th and suggested to do the meeting on July 9th as opposed to July 2nd. Mayor Fitzpatrick said that last year there was only one meeting in July. The Municipal Clerk, Mrs. Janice Lohr stated that the dates could be published and later changed with a notice and also meetings may be cancelled if there is no business before the Committee.

CORRESPONDENCE – Municipal Clerk - None

COMMENTS – TOWNSHIP ADMINISTRATOR

- Revaluation meetings have been extended into early January
- Township Municipal Offices will be closed December 25th and December 26th
- attended State meeting with the Governor regarding Shared Services
- attended State meeting in Mays Landing relative to the changes to benefit packages
- announced that the tax assessor, Marie Procacci, will be resigning effective December 31, 2006
- street lighting for the second phase of the Streetscape project – delivery and installation should be completed by mid January
- there is an application before the DEP from Winzinger to move their rock crushing plant from Hainesport to their property in Delanco – Township Committee is opposed to this operation – Professionals are researching legalities

Mayor Fitzpatrick added that she will obtain an address so that any resident who objects to this operation can write a letter of opposition to the proper authority. This address will be posted throughout the Township. Mayor Fitzpatrick stressed that they need the residents support and a similar project was turned down before due to the strength in opposition.

Committeewoman, Joan Hinkle, stated that she found a letter that she wrote on April 5, 1989 in opposition to Winzinger's request for the rock crushing operation.

Ralph McCullough, 308 Buttonwood Street, commented that there are a lot of materials buried on the Winzinger property that could leach into the water supply.

COMMENTS – DEPARTMENT HEADS

Public Works Department – John Fenimore –

- announced that leaf season concludes Friday, December 29, 2006

COMMENTS – Municipal Clerk – Mrs. Janice Lohr

Mrs. Lohr wished Deputy Mayor Jackie DiCarlo the best and thanked her for everything she has done.

Mayor Fitzpatrick announced that the flowers on the dais were given to Deputy Mayor, Jackie DiCarlo, by the Township Committee members, since this is her last official meeting. Mayor Fitzpatrick stated that it has been a pleasure to have Ms. DiCarlo on the Township Committee and stated that she has done her job for the residents of Delanco.

COMMENTS – TOWNSHIP COMMITTEE

Jackie DiCarlo –

- thanked everyone for allowing her to serve everyone in the Township – plans to stay involved in the Recreation Commission and the Historical Advisory Board – thanked the staff and professionals for their help – thanked the Township Administrator, Mr. Steven Corcoran, for his knowledge and dedication to the Township – stated that the residents are fortunate to have such a dedicated government seeking to make life better for all of us

Fern Ouellette –

- wished everyone a Merry Christmas and Happy New Year

Joan Hinkle –

- announced that the Sewerage Authority has approved a 10% discount for the 56 qualifying senior citizens in Delanco Township
- thanked Deputy Mayor Jackie DiCarlo for doing a good job and stated that she will miss her

Ed Devinney

- Best Wishes to everyone for the Holidays
- thanked Deputy Mayor Jackie DiCarlo for the Street pole banners and the horse and carriage rides

Mayor Fitzpatrick

- commented that she was unable to attend some events this year due to illness; the Senior's Christmas Luncheon and the Santa Parade and Tree Lighting.
- recognized and thanked Doug Lohr and Keith Letizio for assisting the boy scouts with the distribution of the bags and candles and for picking them up after the event
- thanked other member of the Recreation Commission for all their help; Kathleen Quinn, Carol and Tom Hildenbrand
- announced that this is her last public meeting as the Mayor of Delanco Township and stated that she has "been honored and privileged to serve on the Township Committee and looks forward to continuing on the Committee to do the best job for the residents of this town..."

Motion by Joan Hinkle, seconded by Jackie DiCarlo to adjourn the meeting.

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

Janice M. Lohr, RMC
Municipal Clerk
December 18, 2006