

TOWNSHIP COMMITTEE MEETING – FEBRUARY 2, 2009

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

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

Also Present: Mr. Schwab, Acting Twp. Administrator; Mr. Denton, Twp. Engineer; Mr. Heinold, Twp. Solicitor; Mrs. Lohr, Municipal Clerk; Ms. Zimmermann, Deputy Municipal Clerk; Mr. Fenimore, Supt. of Public Works; Lt. Sacalis, Police Dept.; Scott Taylor, Township Planner; Marybeth Lonergan, COAH Planner

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 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 5, 2009 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

PRESENTATION – ABUNDANT LIFE FELLOWSHIP

Mayor Fitzpatrick stated that there will be a presentation by Abundant Life Fellowship regarding a zoning modification that would implement the third round COAH requirements.

Mr. Kroculick, representing Abundant Life Fellowship exhibited their proposed conceptual drawing for their concept plan for 190 units of residential space. They have potential lakefront properties. They are talking with a medical provider to have a two story office building with 32,000 square feet. They are talking about putting a retail facility with approximately 19,000 square feet. They have two 6,000 square foot buildings to be used by medical providers.

Mr. Kroculick stated that he has spoken with the Joint Land Use Board and other professionals about the concept of some type of pilot agreement. Mr. Kroculick stressed that this is simply a concept and they know they have to find out what they can build and make application for their plan.

Mr. Scott Taylor, the Township Planner commented that this is a project that they have been working on for about a year. Mr. Taylor explained how the JLUB has been involved in this project and the plan affects the Master Plan as well as the housing and economic development goals for the Township.

Marybeth Lonergan, COAH Planner focused on the affordable housing part of this proposal. Ms. Lonergan stressed that Abundant Life Fellowship site is a key component of the Delanco Township's Master Plan. Ms. Lonergan stated that the development was composed of at least 150 units plus or minus total residential development of which 10% is hoped to be special needs housing and the applicant has already begun dialog with the Housing Mortgage Financing Industry regarding financing for this project.

The Township Solicitor, Mr. Douglas Heinold, explained that Delanco Township is being asked

to institute our Master Plan but more importantly the housing element of the Master Plan as it relates to our COAH obligations.

Mayor Fitzpatrick stated that this ordinance is in Delanco's third round plan and modification is in the Master Plan and they are actually implementing those plans by adopting this ordinance.

Mr. Scott Taylor, the Township Planner added that there are two issues that were raised late this afternoon by Abundant Life as they were going over the draft. Mr. Taylor stated that the first issue relates to the school. Mr. Taylor stated that in 2005, Delanco Township made a conditional use in various zones because they have an existing school and the lot is split between Edgewater Park and Delanco and it puts the level of a D variance for any modifications to the school. Mr. Taylor stated that the one suggested modification is to allow schools to be an accessory use to the Church. The second issue is regarding the 50% gross tract open space. Mr. Taylor stated that he received a somewhat urgent call this afternoon and Abundant Life asked where the 50% amount came from. Mr. Taylor told them that it was their architect who gave them the figures. Abundant Life is now looking at a figure of 30% gross tract open space.

A discussion ensued with questions from the Township Committee members. Committeeman Mike Templeton questioned the tax status and pilot program aspects of the concept plan.

**ORDINANCE NO. 2009-4
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 110 GOVERNING
ZONING IN VARIOUS NAMED SECTIONS OF THE ORDINANCES ENTITLED PART
II LAND USE PROCEDURES OF THE TOWNSHIP OF DELANCO FOR THE
ESTABLISHMENT OF THE "PLANNED DEVELOPMENT-AFFORDABLE
HOUSING-2" ZONING DISTRICT**

Motion by Joan Hinkle, seconded by Marlene Jass to introduce Ordinance 2009-4 at first reading by title only and set public hearing date for March 2, 2009.

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

Mayor Fitzpatrick thanked the professionals, Marybeth Lonergan and Scott Taylor and Doug Heinold for coming out tonight to explain issues to the Township Committee.

COMMENTS – PROFESSIONALS

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

Deputy Mayor Hinkle asked Mr. Denton if there were many trees involved in the Poplar Street application.

Township Solicitor – Mr. Douglas Heinold –

- recommending the recordings of public meetings ordinance that is on the discussion item section of the agenda be passed

- commented that at the last meeting he attended, the Malik's were present and raised issue relative to concerns they had – after the meeting Mr. Heinold wrote a letter to their attorney requesting a settlement conference and received a phone call several days later from the attorney stating that he didn't think a settlement conference would be fruitful – they had an appellate argument before the appellate division last week and decision will be made in a few months

COMMENTS - DEPARTMENT HEADS

Police Department – Lieutenant Sacalis

- asked anyone if they knew anything about the funding for the CASA program – heard that the funding was on hold for this program
- asked for Joe Busler’s telephone number
- reported that the JIF breakfast is scheduled for Thursday, February 5, 2009 and he plans on attending
- forwarded a letter to JIF last month regarding the problem with the drainage and down spouts for the Municipal parking lot
- asked if the Township Committee was aware of the back door problem on the Police side

Public Works – Mr. John Fenimore –

- gave out 30 new recycling buckets and got complaints that the larger buckets weren’t exchanged
- did first snow plowing in Newton’s Landing

COMMENTS – TOWNSHIP ADMINISTRATOR – Mr. Richard Schwab

- getting budget numbers in and hoping to have preliminary numbers by the end of the month

Municipal Clerk – Mrs. Janice Lohr –

- reported that she has been attending meetings for Community Development Block Grants – looks like we will be receiving the same level of funding; about \$72,000 for the next round of CDBG funding

COMMENTS - TOWNSHIP COMMITTEE

Ed Devinney – Nothing to report

Joan Hinkle –

- attended the Shade Tree Commission meeting and the budget numbers will be forthcoming – they have new officers; Chair Person – Mark Schmitt; Vice Chairperson – Carl Taraschi
- attended a breakfast on Saturday – met with Congressman Adler – Riverside, Delran and Cinnaminson professionals also attended – suggested the Township send a Thank You letter
- plans to attend the JIF breakfast on Thursday
- recycling schedule for February is: 19th – will put chips on buckets

Mike Templeton –

- attended the JIF Elected Officials seminar last Thursday as the new JIF Insurance Commissioner for Delanco Township – he will distribute a summary of the seminar
- received a call this morning from Sue Seybolt at DEP Green Acres regarding the Zurbrugg waterfront and she said the funding is a month or two down the road

Marlene Jass –

- attended the JIF Elected Officials seminar and it was very interesting
- attended the DYSA meeting and commented that they are excited about the upcoming season – had registration for baseball and 189 children signed up by the second day and they expect over 200

Mayor Fitzpatrick –

- met with Congressman Adler – she and Deputy Mayor Joan Hinkle had a wish list and prioritized the list putting the Zurbrugg waterfront stabilization at the top – may get funds under the Government Stimulus package for the waterfront project
- attended several meetings regarding the Winzinger property – trying different tactics to resolve issues and hopefully will have a resolution to the problem soon

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 2009-39

ISSUANCE OF CONTRACTS TO THE MOST QUALIFIED BIDDER TO PROVIDE OFF-SITE INSPECTION SERVICES

WHEREAS, pursuant to N.J.A.C. 5:24 et seq., the Township of Delanco is required to obtain qualitative bids from eligible agencies for the provision of off-site inspection services on behalf of the Township in its enforcement of the Uniform Construction Code; and

WHEREAS, a bid advertisement was sent to qualified companies to provide such bids for the provision of this service; and

WHEREAS, the bids submitted were analyzed by the Township's Construction Official who has recommended issuance of a contract for subcode services to the following company as the most qualified bid received:

PLUMBING SUBCODE - EIC Inspection Agency Corp.

FIRE SUBCODE – EIC Inspection Agency Corp.

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. AUTHORIZATION. The Mayor and Clerk are hereby authorized to execute contracts with EIC Inspection Agency Corp. to provide off-site inspection services for the Township in its enforcement of the Uniform Construction Code for a period of three years commencing March 1, 2009

Section 2. LIMITATION. The Contract authorized above is specifically limited to allow the Township on 90 days written notice the right to terminate the contract.

RESOLUTION 2009-40

ENDORISING RECYCLING TONNAGE GRANT

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

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

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

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

WHEREAS, A resolution authorizing this municipality to apply for the 2008 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Delanco Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delanco that the Township of Delanco hereby endorses the submission of the 2008 recycling tonnage grant application to the New Jersey Department of Environmental Protection and

designates John Fenimore, Recycling Coordinator, to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the 2008 recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2009-41

**CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY
ATTORNEY CONSULTATION SERVICE – BURLINGTON COUNTY MUNICIPAL
JOINT INSURANCE FUND**

WHEREAS, the Governing Body of the Township of Delanco hereinafter referred to as "MUNICIPALITY" , is a member of the Burlington County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and

WHEREAS, the FUND has adopted a policy authorizing the Employment Practices Liability Attorney Consultation Service; and

WHEREAS, the FUND has budgeted 2.2 hours per member for EPL consulting services in 2009 and;

WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have telephone access to the EPL Hotline;

NOW THEREFORE, be it resolved that the governing body of the Township of Delanco does hereby appoint Richard Schwab, Acting Township Administrator, as its Contact Person.

BE IT FURTHER RESOLVED that the governing body does hereby appoint Janice Lohr as additional Contact Persons.

PAYMENT OF BILLS

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$1,032,973.20
PAYROLL	40,656.69
TRUST	272.86
MNCPL OPEN SPACE	3,631.25
PUBLIC DEFENDER	516.00

GENERAL ACCOUNT – FEBRUARY 2, 2009

24983	BURLINGTON COUNTY TREASURER	561,786.61
24984	COLORCRAFT SIGN CO	40.95
24985	COURIER POST	199.80
24986	DELANCO TWP BOARD OF EDUCATION	428,655.00
24987	DELANCO FIRE COMMISSIONERS	24,666.67
24988	DELANCO PUBLIC LIBRARY ASSOC	3,000.00
24989	DELL MARKETING LP	522.66
24990	ELECTRONIC SECURITY CORP	1,112.00
24991	FOX ELECTRIC SUPPLY CO	78.90
24992	FITZGERALD & CO	695.00
24993	GALLS INC	44.32
24994	LAND ENGINEERING & SURVEYING	657.50
24995	MUNICIPAL CT ADMIN ASSN OF NJ	45.00
24996	MATTHEW BENDER & CO INC	61.00
24997	NJ AMERICAN WATER CO	204.26

24998	PAYROLL ACCOUNT	6,189.76
24999	PARKER MCCA Y-ATTORNEYS AT LAW	2,857.43
25000	S S SPRINKLER	650.00
25001	STEWART BUSINESS SYSTEMS	702.19
25002	VERIZON	377.91
25003	W B MASON CO INC	426.24
TOTAL		\$1,032,973.20

TRUST		
2057	PENNONI ASSOCIATES INC	172.86
2058	CJG PROPERTIES LLC	100.00
TOTAL		\$272.86

PUBLIC DEFENDER TO PUBLIC DEFENDER		
1072	PAYROLL ACCOUNT	366.00
1073	PAYROLL ACCOUNT	150.00
TOTAL		\$516.00

APPROVAL OF DEPARTMENT REPORTS

The Municipal Clerk, Mrs. Janice Lohr stated that they need a person to appoint for Resolution 2009-41. Mayor Fitzpatrick stated that the Acting Township Administrator, Mr. Richard Schwab would be the contact person; and the Municipal Clerk, Mrs. Janice Lohr would be the additional contact person.

APPROVAL OF CONSENT AGENDA

Motion by Marlene Jass, seconded by Ed Devinney to approve the consent agenda

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

MEETING OPEN TO THE PUBLIC

Mayor Fitzpatrick opened the meeting to the public.

MEETING CLOSED TO THE PUBLIC

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

CORRESPONDENCE – Municipal Clerk – Mrs. Janice Lohr – Nothing to report

DISCUSSION ITEMS:

1. PROPOSED ORDINANCE:

ORDINANCE REGULATING STILL PHOTOGRAPHY, VIDEOTAPING AND AUDIO TAPING OF PUBLIC MEETINGS

Committeeman Ed Devinney questioned Article 6; and the Township Solicitor, Mr. Douglas Heinold gave him an explanation. Mayor Fitzpatrick asked the Township Solicitor to redo Article 6 and clarify its meaning. Mayor Fitzpatrick moved this ordinance to the March 2, 2009 Township Committee meeting.

2. REVIEW OF ROOF DRAIN DOWNSPOUT PIPING PLAN FOR MUNICIPAL BUILDING

Mayor Fitzpatrick commented that the Township Committee waited until the Township Engineer would be available to discuss this situation. A discussion ensued. The Township Engineer estimated the job would cost \$17-\$20,000 which could be done by quote to have a better choice of who would do the work. Mr. Denton stated that they still have to address sheet flow in the parking lot area and this will probably require French drains that will be more expensive.

3. PHASE II CART ORDER

Mayor Fitzpatrick stated that Ann Moore sent her an email regarding the second district and Newton's Landing. Mayor Fitzpatrick commented that she feels the second district should get the 65 gallon recycling buckets and that Newton's Landing should get the 48 gallon buckets because of the cost factor and economic conditions. The Superintendent of Public Works, Mr. John Fenimore suggested that due to the economic conditions that the Township Committee reconsider doing the 2nd district at all. A discussion ensued regarding the bucket size for the different sections of Delanco Township. Mayor Fitzpatrick stated that they need a resolution to be written to reflect that the 2nd District receives 65 gallon buckets; that Newton's Landing receive 48 gallon buckets; that River's Edge receive none; that the Point receive 48 gallon buckets and Creekside will have their own buckets. The Municipal Clerk, Mrs. Janice Lohr will send the original resolution to the Township Solicitor, Mr. Douglas Heinold to be rewritten and will be on the agenda for the next Township Committee meeting.

Committeewoman Marlene Jass asked the Superintendent of Public Works, Mr. John Fenimore if they plowed the streets at the Point. Mayor Fitzpatrick stated that it has not been determined whether the streets at the Point have been turned over to the Township. The Township Solicitor, Mr. Douglas Heinold stated that they were looking into this issue.

ADJOURNMENT

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

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

Janice M. Lohr, RM
Municipal Clerk
February 2, 2009