

## **TOWNSHIP COMMITTEE MEETING – MARCH 16, 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. Heinold, Twp. Solicitor; Mrs. Lohr, Municipal Clerk; Ms. Zimmermann, Deputy Municipal Clerk; Mr. Fenimore, Supt. of Public Works; Lt. Sacalis, Police Department; Scott Taylor, 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.

### **ORDINANCE 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**

### **Report on Determination of Master Plan Consistency –**

The Municipal Clerk, Mrs. Janice Lohr read the letter from the Land Use Board Secretary, Mrs. Martin stating that Ordinance 2009-2 and Ordinance 2009-04 were reviewed at the Joint Land Use Board meeting on February 3, 2009 and were found to be consistent with the Township’s Master Plan.

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

The Township Solicitor, Mr. Heinold stated that there were some non material revisions that were made to Ordinance 2009-4 that the Township Committee members received in their packets. Mr. Heinold asked the Township Planner, Mr. Scott Taylor to read the revisions for the record. Mr. Taylor read the revisions to the public.

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

Mayor Fitzpatrick opened the hearing to the public.

1. Phil Jenkins, 415 Third Street, resident and school board member, expressed his concern about special needs children. Mr. Jenkins questioned whether there would be special needs children in their proposed development.

Mayor Kate Fitzpatrick reiterated that by doing this ordinance the Township is implementing

part of the COAH plan for the third round COAH obligations and that this development is in their plan.

Marybeth Lonergan stated that these proposed units are for adults; specifically individuals with special needs. Ms. Lonergan stated that this would actually reduce the need of potentially 60 to 80 market rate housing units and that is a benefit of this proposal as reflected in this ordinance. A discussion ensued regarding age restriction and special needs.

Mr. Kroclicik, representing Abundant Life Fellowship added that it is their intention to market toward the adult community and adult developmentally disabled and it is clearly shown in their application. Mr. Kroclicik stated that it seems not impossible but is highly unlikely that there will be any school age children involved in this project.

1. Jacqueline Nixon, 620 Mulberry Street, commented that children who are handicapped are classified until the age of 21. Mrs. Nixon expressed her concern about the school system and stated that Riverside does not have the room for any more children. Mrs. Nixon stated that the application should read children over 21 and change it from 18. Mrs. Nixon stated she also has a problem with the traffic congestion on Creek Road and Route 130. Mrs. Nixon also asked if the DEP has evaluated the land and how much of the land they are using is going to end up as wetlands and if the applicant will have to change their diagrams.

Aubrey Fenton commented that Marybeth and Scott did a good job of explaining how the COAH was involved in the ordinance and their proposed plan. Mr. Fenton explained that in Burlington County; there is a demand for special needs facilities for adults. Mr. Fenton stated that this is the market they will target for their project. Mr. Fenton emphasized that they do not have any interest in having children living on the site because of the many bodies of water in and around the project. Mr. Fenton stated that they have been looking at the issues with DOT, DEP and the traffic conditions the past year and the plan that they have submitted is under consideration and has a complete traffic impact statement report.

2. Bill Trimble, 430 Perkins Lane, as a citizen and representing the Board of Fire Commissioners asked for clarification on the population density. Mr. Trimble asked if the density would be changed if land was found to be wet lands and could not build on. Mr. Trimble expressed his concern because the set of plans submitted to the Fire Marshall and the Fire Chief did not allow for roadway access on all four sides of the main apartment style buildings and asked if this has been changed. Mr. Trimble is concerned with being able to get fire apparatus to these buildings. Mr. Trimble also expressed his concern with the access to Route 130 from the proposed development regarding equipment for extrication from a motor vehicle. Mr. Trimble stated that Delanco does not have any type of equipment to do extrication because Delanco did not have much coverage on Route 130. Mr. Trimble feels that Delanco will have to look at future purchases and equipment they may need and training. Mr. Trimble questioned the property owner's property tax status.

The Township Solicitor, Mr. Heinold stated that the commercial units will be taxed like any ratable; the affordable housing units will receive HMFA financing and there is a pilot process associated with that. Marybeth Lonergan explained the pilot process to the public. A discussion ensued.

The Township Planner, Mr. Scott Taylor explained the ordinance. Mr. Taylor stated that the ordinance is specifically written to permit senior COAH units and twenty special needs units targeted an older population based on needs for the County. Mr. Taylor stated that the ordinance on the agenda tonight only allows for those two uses.

The COAH Planner, Marybeth Lonergan stated not only is this development guided by this ordinance and various approvals; it will also be guided by the Internal Revenue Service.

Mr. Trimble also stressed that regardless of who goes into this development; that it will put a tremendous strain on the emergency squad. Mayor Fitzpatrick stated that she believes they plan to have their own emergency squad.

3. Jack Hoeffle, 44 Pennington Court, commented that the ordinance indicates that there will be mandates linking it to the County Park. Mr. Hoeffle said to give some thought to who is going to take this ground.
4. Maureen Barrett, 621 Delaware Avenue, speaking as a member of the Library Board; asked that when the Library budget comes up for review this year; that the Library does not get the tax revenues to support the Library and the Township should consider that.

Mayor Fitzpatrick asked Mr. Aubrey Fenton if he would address the land issue with regard to Pennington Park. Mr. Aubrey Fenton stated that they own approximately twelve acres that is tributary to the County Park. Mr. Fenton stated that he was approached in 1996 or 1997 by several predecessors of the current operation about seeing how they could have continuous greenway that ties into the area lake. Mr. Fenton stated that he got conflicted out of doing any form of transactions with the County as he held an elected office. However, the plans that they are submitting shows possible connections to the County Park System and has a large open area lot that fits exactly what was described then as far as a connection to the Park System providing access to potentially Olympia Lake or however the Open Space Resource Conservation people would like to do it. They have been in contact with Matt Johnson from the County.

### **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 Joan Hinkle, seconded by Marlene Jass to adopt Ordinance 2009-4

**ROLL CALL:** Devinney, yes; Hinkle, yes; Jass, yes; Templeton, no; Fitzpatrick, yes

### **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**

**WHEREAS**, the Planning Board of the Township of Delanco adopted a Housing Element of the Master Plan and a Fair Share Plan at a duly noticed public hearing on December 15, 2008 that identified the Abundant Life property (Block 2200, Lots 2.01 and 3) as an affordable housing site and provided a draft ordinance for re-zoning of the site;

**WHEREAS**, the Township Committee of the Township of Delanco endorsed the adopted Housing Element of the Master Plan and Fair Share Plan at a duly noticed public meeting on December 15, 2008;

**WHEREAS**, the Planning Board of the Township of Delanco adopted a Comprehensive

Master Plan at a duly noticed public hearing on January 6, 2009, which contains a Land Use Plan Element that acknowledges the Abundant Life property (Block 2200, Lots 2.01 and 3) as an affordable housing site that is appropriate for a planned development multi-family residential, house of worship and commercial use;

**WHEREAS**, the Township Committee desires to implement the portions of the Housing Element and Fair Share Plan and the Comprehensive Master Plan that pertain to the Abundant Life property (Block 2200, Lots 2.01 and 3) at this time.

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

**Section 1.**

§110-2. Districts enumerated.

Add “Planned Development– Affordable Housing–2” to the list of districts.

Remove “C-3 Highway Commercial District” from the list of districts.

**Section 2.**

Add:

§110-34.2 Planned Development–Affordable Housing– 2 (PD-AH-2)

- A. Purpose. This zone is intended to provide for a planned community containing affordable housing opportunities for senior citizens as well as commercial and place of worship opportunities. It is also the purpose of this district to provide the opportunity for a compact village associated with the house of worship centered around Holiday Lake and the interior of the site that will serve to reduce impervious coverage, reduce construction costs, increase opportunities for a higher quality project in terms of design, materials, amenities such as landscaping, outdoor gathering spaces and walking paths and increase pedestrianism.
- B. Zoning Standards.

(1) Permitted principal uses:

(a) Place of worship;

(b) Planned Unit Development containing a mix of the following:

[1]Place of worship;

[2]Age-restricted attached or multi-family independent or supportive/special needs housing in stand-alone structures or in a mixed-use format over commercial space. All units shall be occupied by households that qualify as low- or moderate-income per COAH’s (New Jersey Council on Affordable Housing) rules, and at least 90 percent of all units shall meet the crediting requirements set forth by COAH, most specifically its requirements regarding affirmative marketing of units and bedroom distribution. Thirteen percent of all COAH-credit-eligible units shall be occupied by very-low-income households.

[3]Principal permitted commercial uses.

[a] Grocery stores and supermarkets.

[b] Department stores.

[c] Clothing and jewelry stores.

[d] Garden Centers and Nurseries.

[e] Home appliances and electronics stores and repair shops.

[f] Furniture stores.

[g] Drug stores.

[h] Stationery and bookstores.

- [i] Florists and flower shops.
- [j] Sporting goods stores.
- [k] Banks and fiduciary institutions.
- [l] Baked goods stores.
- [m] Funeral homes and mortuaries.
- [n] Barber and beauty shops.
- [o] Dry-cleaning and tailor shops.
- [p] Laundromats.
- [q] Restaurants.
- [r] Professional offices of doctors, lawyers, accountants, and similar professionals.
- [s] Offices of realtors, travel agents and other personal and business service providers.
- [t] Planned shopping centers that contain a mix of the foregoing uses.

(2) Permitted accessory uses:

- (a) Schools associated with a place of worship that is a principal use on the site;
  - (b) Community center and recreation facilities and amenities;
  - (c) Gazebo or sun shelter;
  - (d) Bus stop,
  - (e) Bank or pharmacy drive-thru;
  - (f) Private garage;
  - (g) Trash enclosure;
  - (h) Fences and walls;
  - (i) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- (3) At least 20,000 square feet of commercial space shall be provided on the tract.
- (4) Maximum residential density: 4.25 units/gross acre.
- (5) There shall be a perimeter setback of 100' on the tract, except commercial and mixed-use buildings along Route 130 may be set back 75'.
- (6) Residential units, except those in mixed-use buildings along Route 130, shall be set back at least 250' from Route 130.
- (7) Maximum building height shall be 54', however no building over 40' shall be located less than 250' from the front property line and not less than 150' to the rear property line.
- (8) Required open space: 30 percent of gross tract area. Applicant shall indicate the ownership and maintenance entity of the open space. Applicant may donate, sell or otherwise transfer the open space to the Township or another public entity upon the approval of the Township. Applicant shall otherwise retain ownership and may not transfer same to a homeowners' association or another entity without the approval of the Township.

- (9) Required improved open space: 15 percent of gross tract area. A village green or similar gathering area shall be provided consisting of 1% of the overall acreage and is permitted to be included in the open space calculation.
- (10) Maximum building coverage: 20 percent of gross tract area.
- (11) Maximum total lot coverage: 30 percent of gross tract area.

C. Supplemental Design Standards:

- (1) The tract shall have a common architectural, streetscape, lighting and landscaping scheme.
- (2) Commercial buildings should be at least 2 stories in height.
- (3) Terminal vistas to the Rancocas Creek and any village green shall be provided.
- (4) There shall be a strong interrelation and pedestrian connection between the commercial component and the residential component. Commercial buildings shall be oriented toward the interior of the site and the residential component; and shall also be oriented toward Route 130 or Creek Road.
- (5) Traffic calming techniques including but not limited to pedestrian bump outs at corners, landscaped medians and islands, sidewalks on both sides of public streets and driveways shall be required.
- (6) The residential component shall follow a compact, village format to promote pedestrianism and increase efficiency. Opportunities for outdoor gathering including front porches, patios, etc. shall be provided.
- (7) There shall be a strong pedestrian connection between the County parkland, site open space, and/or the residential portion of the site, including landscaped pedestrian paths connecting the site to the public park that are a minimum of 20 feet wide with a 4-5' walkway.
- (8) To the extent feasible, green building practices should be employed to reduce the project's dependency upon natural resources. These practices include, but are not limited to, the following:
  - (a) Orient buildings to maximize solar gain in the winter and shade in the summer; include vegetated wind breaks and sun screens;
  - (b) Create shaded porches and patios for summertime gatherings;
  - (c) Plant indigenous vegetation to minimize water, pesticide and herbicide usage and to create foraging opportunities for local wildlife;
  - (d) Install operable windows, awnings, shading devices and roof vents to reduce reliance on HVAC units;
  - (e) Maximize daylight in living spaces to reduce reliance on artificial lighting;
  - (f) Utilize renewable sources for electricity, heating and cooling;
  - (g) Maximize building and window insulation and create ante-rooms or foyers between the outdoors and living spaces to increase HVAC efficiency;
  - (h) Utilize recycled building and site materials and recycle construction debris;
  - (i) Create covered parking areas, or heavily shaded parking areas, to reduce reliance on automotive air conditioning;
  - (j) Utilize pervious pavement to increase water infiltration and locate parking areas in locations where it can be shared between uses;
  - (k) Create opportunities for bicyclists and pedestrianism to reduce reliance on automobiles including shaded sidewalks, benches, bike lanes and bike racks.

- (9) Parking shall be permitted in front of commercial buildings, however no more than 50 percent of proposed parking may be located in front of the building.
  - (10) Parking may be shared between the uses if it is demonstrated that parking demand for the uses will not exceed the number of spaces provided.
  - (11) If a community center is proposed, a reasonable number of parking spaces, particularly handicapped accessible spaces, should be located adjacent to the building.
  - (12) In order to effectuate the goals of the Route 130/River Route Strategic Plan prepared by the County, the site's Route 130 frontage should be heavily landscaped and signage square-footage and height should be kept to a minimum. Utility, service and parking areas shall be screened from view of Route 130.
  - (13) There shall be no buffer required between residential and commercial uses on the tract, however utility, service and parking areas shall be screened from view by a 15' wide area planted with a solid screen of evergreen trees and shrubs, which may also contain a 6' high solid fence.
  - (14) Utilities shall be located underground.
  - (15) Trash enclosures shall be constructed on 3 sides of 6' high masonry finished to match the principal building. A gate on the fourth side shall be provided where appropriate.
  - (16) Stormwater control shall be provided in wet basins, vegetated basins and underground systems to the extent feasible, and above-ground facilities shall not be located in a front yard. The use of sand infiltration basins shall be limited.
  - (17) Some reduction in the parking requirement for the commercial uses may be warranted if it can be demonstrated to the Board's satisfaction that a proportionate percentage of customers are coming from within the site itself as pedestrians or via shuttle.
- D. Informal submission of a concept plan shall be strongly encouraged in order for the Board to provide input regarding the plan prior to full engineering and design. The concept plan submission should contain the following information:
- (1) A Land Use Plan indicating proposed uses, site layout including building setbacks, massing, separation, orientation, height, number of units, unit types, floor area or commercial uses, location of required passive and active open space, location of parking and shared parking areas, and interrelations between residential, commercial and house of worship components.
  - (2) Delineation of wetlands, buffers and floodplains and waterbodies.
  - (3) Proposed stormwater management areas.
  - (4) Circulation plan indicating proposed vehicular and pedestrian routes, ingress/egress, parking areas, transit stops, linkages to adjacent properties and public streets.
  - (5) Affordable housing plan indicating the types of units proposed and demonstrating compliance with COAH's rules. The number of units proposed versus the number proposed for COAH crediting shall be provided.
- E. Findings for planned developments. Per N.J.S.A. 40:55D-45, every ordinance that provides for planned developments shall require that prior to approval of such planned developments the planning board shall find the following facts and conclusions:
- (1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to subsection 52c. of the Act;
  - (2) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;

- (3) That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- (4) That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- (5) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

**Section 3**

**Remove C-3 from the Schedule of Area and Bulk Requirements**

**Reserve §110-37.**

**Section 4.**

Rezoning Block 2200, Lots 2.01 and 3 from C-3 to PD-AH-2 on the official zoning map.

**Section 5.** 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 its 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.

Committeewoman Marlene Jass invited the public to the Joint Land Use Board meeting on March 24, 2009 to see the proposed plans and if you have concerns for the site plan; the issues can be addressed and you can voice your concerns or offer your suggestions.

**\*\*\*\*PROCLAMATION\*\*\*\***

***INTERNATIONAL YEAR OF ASTRONOMY 2009***

Mayor Fitzpatrick asked Committeeman Ed Devinney to read the proclamation because he is an astronomer. Mr. Devinney commented that people should look at the cost for lighting. Mr. Devinney stated that you should put lights where they should be and not shining where they create glare.

Committeeman Ed Devinney read the International Year of Astronomy 2009 Proclamation to the public. Mayor Fitzpatrick asked the Municipal Clerk to make copies and deliver them to the Delanco Township Schools and also to publish it on the website and post on the Township bulletin boards. Mr. Devinney also suggested distributing the flyers to the businesses in the Township to see if they will participate.

***PROCLAMATION***

***INTERNATIONAL YEAR OF ASTRONOMY***

**Whereas**, the International Astronomical Union has designated 2009 as the International Year of Astronomy, as endorsed by UNESCO, and;

**Whereas**, 2009 is the four hundredth anniversary of Galileo's first use of a telescope of his own construction to make new discoveries about the heavens, including mountains on the Moon,

spots on the Sun, the four major moons of Jupiter, the nature of the Milky Way as myriad stars, and,

**Whereas**, Astronomy has fascinated people from ancient times and continues to do so today, and,

**Whereas**, Astronomy plays a important role in helping youth discover their interest in science and,

**Whereas**, the Township of Delanco desires to promote interest in science, especially among youth, as well as to memorialize and celebrate the work of Galileo by joining in events of IYA2009, and,

**Whereas**, the Township of Delanco wishes to discourage energy-wasting skyward lighting by supporting the GLOBE at Night program, which runs from 16-28 March 2009, and helps citizens to estimate and report how dark their sky is, and,

**Whereas**, the 2009 Earth Hour lights out is scheduled for 28 March 2009 from 8:30PM to 9:30PM as a statement in support of carbon emission reduction,

**Now therefore**, the Township of Delanco, County of Burlington does hereby support the International Year of Astronomy 2009, by encouraging citizen participation through a “Delanco Lights Out” between 8:30PM and 9:30PM on 28 March 2009 in support of restoring the night sky to its proper glory and promoting energy-efficient lighting, and also by encouraging Delanco residents to join in “100 Hours of Astronomy,” 2-5 April 2009 by looking through a telescope at the beautiful objects of night sky for the first time.

#### **COMMENTS – PROFESSIONALS**

##### **Township Planner – Mr. Scott Taylor –**

- had a meeting with Tom Blair – several people from Pulte Homes have been replaced – suggested the Township Solicitor contact Pulte Homes and express the urgency to get the issues with the trail resolved in order that the River Keeper can do his work at Newton’s Landing Mr. Hoeffle asked when they would see flowers at Newton’s Landing. Mr. Taylor said there will be no flowers this season. Mr. Taylor stated that you will see germination but it generally takes two or three years to see flowers.

##### **Township Solicitor – Mr. Douglas Heinold –**

- later on will discuss ordinance he had drafted from the February meeting regarding recording of public meetings
- continuing to pursue the approval of the submission requirements on the Green Acres process for the waterfront lots retained by the Township at the Zurbrugg Mansion site – appraisals are done and approved and they have certified market value that is favorable to the Township – once they meet the survey requirements and preliminary assessment requirements; they will do a deed from the Township to the Township to add the Green Acres restrictions and then the Township will get its funding from Green Acres

#### **COMMENTS – ACTING TOWNSHIP ADMINISTRATOR – Mr. Richard Schwab –**

- completing compiling the 2009 budget requests and first budget workshop is scheduled for Monday at 7:30 PM

#### **COMMENTS - DEPARTMENT HEADS**

##### **Police Department – Lt. George Sacalis –**

- found out that PEOSHA is going around to Police Departments doing surprise inspections - one of the things the departments are getting written up for is the safety vests because there are new standards
- last Thursday, he participated in the Cops and Lobsters Event at the Red Lobster in Delran – made \$3,400.00 for Special Olympics

- reported about the robberies that have happened in Delanco and they are under investigation

Mayor Fitzpatrick commented that there was an article in the Burlington County Times regarding a phone service where seniors would have to call in everyday and if they didn't; the police would go out and check on them. Mayor Fitzpatrick questioned whether it was something they could implement in Delanco Township. A discussion ensued. Lt. Sacalis said he will check with the Mt. Laurel Police Department about their program that was in the newspaper.

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

- announced that brush pick-up starts March 23<sup>rd</sup>
- announced that leaf pick-up starts April 1<sup>st</sup> to the 14<sup>th</sup> and that is the only time of the year that leaves are allowed to put in the street
- all five of the ball fields are done and the bases are in
- snow plowed once
- asked if the Women's Club planned on having a Hawk Island clean-up
- planning to have a Town Wide clean-up and order about three dumpsters to be put at the public works garage for people to dispose of unwanted items
- reported that he had over 400 hours of community service and they got a lot of things done for the Public Works Department

Deputy Mayor Joan Hinkle thanked Mr. John Fenimore for the composting compliance at the Dunes.

Committeeman Mike Templeton thanked Mr. Fenimore and the Public Works employees for the fine job they did during the snow storm two weeks ago.

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

**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:**

**ORDINANCE 2009-5**

**CALENDAR YEAR 2009**

**MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**\*1<sup>ST</sup> READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR APRIL 6, 2009**

**RESOLUTION 2009-49**

**LOCAL GOVERNMENT ENERGY AUDIT**

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing Body of the Township of Delanco has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Township of Delanco, and are served by a New Jersey regulated public utility; and

WHEREAS, the Township of Delanco has not already reserved \$100,000 in the Program this year as of this application; and,

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal; and

WHEREAS, Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the Township of Delanco will prepare Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the Township of Delanco understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program; and,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Delanco HEREBY approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

#### **RESOLUTION 2009-50**

#### **APPROVING THE TOWNSHIP OF DELANCO'S APPLICATION FOR NEW JERSEY DEPARTMENT OF STATE, DIVISION OF ARCHIVES AND RECORDS MANAGEMENT, PUBLIC ARCHIVES AND RECORDS INFRASTRUCTURE SUPPORT (PARIS) GRANT PROGRAM FUNDING**

WHEREAS, the Township of Delanco has agreed to apply for a PARIS grant as part of Burlington County's shared services element of its application; and,

WHEREAS, the Township of Delanco acknowledges and accepts the responsibility of participating in this grant; and,

WHEREAS, the State of New Jersey has made PARIS grants available to assist county and municipal governments in their records management, preservation and storage efforts; and,

WHEREAS, the purpose of this shared services grant is to assist in the local records purging process and development of a policies and procedures manual for archiving documents;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Delanco that this body does hereby authorize participation in the PARIS grant program for the purposes cited above.

#### **RESOLUTION 2009-51**

#### **AUTHORIZING INFINITY TITLE TO PERFORM TITLE SERVICES FOR ACQUISITION OF REAL PROPERTY REFERRED TO AS THE MANSION WATERFRONT PARCELS PURSUANT TO GREEN ACRES REQUIREMENTS**

WHEREAS, the Township Committee of the Township of Delanco (hereinafter "Township"), was previously authorized to acquire Block 1201, Lots 1.01 and 1.02, also referred to as the Mansion Waterfront Properties on Delaware Avenue pursuant to Green Acres requirements; and

WHEREAS, **the Township requires a title search and title insurance for this acquisition; and**

WHEREAS, Infinity Title provided a quote below the quote threshold, which proposal is dated February 10, 2009 and is attached hereto and made a part hereof; and

WHEREAS, the Township desires to retain the services of Infinity Title to perform the necessary title searches and provide title insurance on behalf of the Township for this transaction; and

**WHEREAS**, funds are available for this purpose and, in addition, Green Acres provides a 50% reimbursement of these costs; and

**WHEREAS**, the Local Public Contracts Law, at N.J.S.A. 40A:11-5(m) provides for the contracting of insurance services without formal competitive bidding and further the amount of the contract is below the bid threshold.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Delanco that Infinity Title, with offices located at 33 East Main Street, Unit 2, Moorestown, New Jersey 08057, shall perform the necessary title work for the aforementioned acquisition, in accordance with the proposal submitted by Infinity Title, attached hereto and made a part hereof, including any appurtenant filing fee charges and closing fee charges.

#### **RESOLUTION 2009-52**

##### **ELECTRONIC TRANSMISSION OF TAX DATA FILES**

**WHEREAS**, a public records request under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., has been filed with the Municipal Clerk's office for the transmission of electronic tax data files, and;

**WHEREAS**, it is specifically agreed that Signature Information Solutions will only use the data file for the purpose of providing tax information in conjunction with title insurance responsibilities, and;

**WHEREAS**, at all times, Signature Information Solutions will comply with the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the requirements set forth therein, and;

**NOW, THEREFORE, BE IT RESOLVED**, that it is specifically agreed that the municipality will assume no liability for the data transferred or for the use of the transmitted data by Signature Information Solutions and that Signature Information Solutions will indemnify and hold the municipality harmless for any claim involving such data transmission

#### **RESOLUTION 2009-53**

##### **TAX REIMBURSEMENT CERTIFICATION**

**WHEREAS**, The Recycling Enhancement Act, P.L.2007, chapter 311, 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**, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS**, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contact Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW THEREFORE BE IT RESOLVED** by, the Township of Delanco that the Township of Delanco hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2008 in the amount of \$5,303.43. Documentation supporting this submission is available at the Municipal Building, 770 Coopertown Road, Delanco, NJ, and shall be maintained for no less than five years from this date.

#### **RESOLUTION 2009-54**

##### **2008 BUDGET APPROPRIATION RESERVE TRANSFER**

WHEREAS, there are certain 2008 budget appropriation reserves of the Township of Delanco which are insufficient to meet the requirements of the Township affairs; and

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

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

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

TO:

Joint Land Use Board - OE \$3,894.14

FROM:

Utilities-Gasoline & Diesel \$3,894.14

**PAYMENT OF BILLS**

ACCOUNT	AMOUNT	(3/16)
GENERAL	\$675,645.58 (3/2)	\$102,275.90 (3/16)
PAYROLL	103,942.87	60,573.81
TRUST	6,711.20	1,057.50
HOUSING TRUST	4,691.06	2,958.74
MNCPL OPEN SPACE	875.00	
PUBLIC DEFENDER	150.00	
ANIMAL CONTROL		1,670.45

**GENERAL ACCOUNT – MARCH 16, 2009**

25084	BURLINGTON TIMES-CALKINS MEDIA	155.40
25085	B & C FIRE EQUIPMENT	287.30
25086	BURLCO MCPL CLERKS ASSOCIATION	40.00
25087	BURLCO MCPL COURT ADMIN ASSN	225.00
25088	BEVERLY BEE	1,350.00
25089	BELMONT & CRYSTAL SPRINGS	50.28
25090	CERTIFIED SPEEDOMETER SERV INC	105.00
25091	CLEAN RENTAL SERVICES INC	204.00
25092	EIC INSPECTION AGENCY CORP	1,711.20
25093	FIRST JERSEY MCPL ASSISTANCE	3,200.00
25094	GRIFFIN SIGNS INC	68.20
25095	GENTEC	549.50
25096	HULSE & GERMANO ESQS LLC	1,588.25
25097	HERITAGE CLEANERS & TAILOR LLC	192.50
25098	MICROSYSTEMS NJ.COM LLC	1,520.00
25099	NJ AMERICAN WATER CO	215.76
25100	NJ CONFERENCE OF MAYORS	40.00
25101	PEDRONI FUEL CO	1,240.26
25102	PSE&G	17,100.72
25103	PARKER MCCAY-ATTORNEYS AT LAW	11,358.95
25104	PUBLIC WORKS ASSOC OF NJ	100.00
25105	PROFESSIONAL GOVT EDUCATOR INC	90.00
25106	RED THE UNIFORM TAILOR INC	113.00
25107	SAFETY AUTO REPAIR	375.76
25108	SOUTH HERSEY SANITATION	11,231.25
25109	STAPLES INC	32.99

25110	TERMINIX INTERNATIONAL	121.00
25111	TREASURER COUNTY OF BURLINGTON	10,281.09
25112	TCTA OF BURLINGTON COUNTY	50.00
25113	TAYLOR DESIGN GROUP INC	343.75
25114	TURF EQUIPMENT & SUPPLY CO	136.04
25115	TD BANK NA	35,657.50
25116	U S S CAR WASH	325.00
25117	VERIZON WIRELESS	1,667.13
25118	W B MASON CO INC	200.52
25119	XTEL COMMUNICATIONS INC	1,348.35
<b>TOTAL</b>		<b>\$102,275.90</b>

**TRUST**

2072	HULSE & GERMANO ESQS LLC	33.75
2073	TAYLOR DESIGN GROUP INC	343.75
2074	LAND ENGINEERING & SURVEYING	680.00
<b>TOTAL</b>		<b>\$1,057.50</b>

**HOUSING**

1041	PARKER MCCAY-ATTORNEYS AT LAW	2,958.74
<b>TOTAL</b>		<b>\$2,958.74</b>

**DOG**

1427	TOWNSHIP OF DELRAN	1,670.45
<b>TOTAL</b>		<b>\$1,670.45</b>

**APPROVAL OF DEPARTMENT REPORT(S)**

**APPROVAL OF MINUTES** – 1/2/09, 1/12/09, 1/26/09

**APPROVAL OF CONSENT AGENDA**

Motion by Joan Hinkle, seconded by Marlene Jass to approve the consent agenda.

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

**APPROVAL OF MINUTES**

11/10/08, 11/12/08, 11/17/08, 11/25/08, 11/26/08, 12/1/08

12/8/08, 12/15/08, 12/16/08

Motion by Kate Fitzpatrick, seconded by Joan Hinkle to approve the consent agenda

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

**COMMENTS – TOWNSHIP COMMITTEE**

**Ed Devinney** –

- attended the Fire Commissioners meeting for February – reported that the integration of the EMS and the Fire Company has not been completed yet
- Mr. Bill Trimble, a Fire Commissioner added that once all the paper work is taken care of; that the EMS Squad, although a separate entity will be under the umbrella of the Fire Company. Committeeman Ed Devinney added that currently the EMS insurance is being paid by the Township and asked that when the Fire Commissioners take the EMS that they notify the Township so they can be removed from the Township insurance policy.

Committeeman Ed Devinney suggested a meeting between a Fire Commissioners sub-committee and the Township Committee to determine what involvement the Township Committee will have with the EMS Squad and the Fire Department.

- attended the annual dinner and awards ceremony at the Fire House – thanked all the volunteers on his behalf and on behalf of the Township Committee
- attended the Library Committee Meetings along with Committeeman Mike Templeton – noted that this is another organization that is struggling and they perform a great service to the Township - reported that there is one pole that has a light on it and shines on the school buses in the back lot and the library pays for that light – they are trying to get the school to take that bill

**Joan Hinkle –**

- announced that this is the month for history of women - attended the first annual celebration of Women in Government in Princeton, New Jersey – Senator Diane Allen received an award – Honorable Christine Whitman was the speaker - they had a list that included Delanco’s Mayor Fitzpatrick as a woman Mayor
- announced that Delanco Shade Tree Commission has been working hard over the years and has finally has officially been named a Tree City of the United States of America – will be getting two signs to be installed at both entrances to the Township – will be attending a ceremony on April 24<sup>th</sup> in Hunterdon County to receive the award from the Governor – reported that Mark Schmidt had an idea that the Mayors of Delanco Township get together and have a project for Arbor Day – goal is to do a special project for the West Avenue islands

**Mike Templeton –**

- had a meeting with the Acting Township Administrator, Mr. Schwab and the Municipal Clerk, Mrs. Janice Lohr and the County Health Officer, Mrs. Gogats outlining the County Services
- announced that the Environmental Advisory Board is having their April meeting in Florence where there will be a presentation by the New Jersey Audubon Society
- attended a few JIF meetings – looking at possibility of getting the Delanco Library insurance costs off the library
- had an OPRA request at DEP – looking into the Winzinger property request

**Marlene Jass –**

- thanked the Fire Company and the EMS for the wonderful experience at their Annual Award dinner – stressed the fact that both agencies need volunteers
  - attended the Women in Municipal Government brunch on Friday
  - reported that DYSA has fifteen teams this year and fifteen sponsors – opening day is April 4<sup>th</sup> and festivities will start at 12:00 PM and they will have door prizes – thanked the Superintendent of Public Works, Mr. John Fenimore for the work on the bases and preparing the fields
  - attended the Live Where You Work presentation in Edgewater Park and reported that it is not available in Delanco Township
  - attended the Historic Preservation Advisory Board meeting and they are looking forward to the acquisition and displays for the Camden and Amboy and Pennsylvania Railroad and the John Bull Locomotive – collecting memorabilia for Holiday Lakes – special projects this year are: Life and Times of Ed Diggs and the historical markers on the town square
  - reported that the River Route met and had their reorganization – Marlene Jass is Vice Chairperson again this year – they are doing a new magazine and launching a website and cataloging availability of empty buildings and lots in the Township
  - attended meeting of the regionalization of the river route districts – State will be providing feasibility study to the first segment consisting of Burlington, Beverly City and Edgewater Park – the next group would be Riverton and Palmyra – then Riverton and Cinnaminson – then Riverside and Delanco – regarding shared services for schools in reference to consolidation
- Mayor Fitzpatrick noted that the classrooms in Delanco Township would stay in Delanco; they

would not take children from Delanco and transport them to a grammar school in Riverside.

- the Recreation Commission is preparing for the Memorial Day Parade – waiting for RSVP's for participation – Mayor Fitzpatrick stated that the Township Committee would be participating – they are also requesting open space funds because they do not have money in their recreation funds to maintain the fields, batting cage and roof, chain link fence – DYSA will supply labor and cost of materials is \$665.00 – there are electrical needs (proposing to put a metal cover with a lock), have to replace a fan in the concession stand, replace some of the lighting and install an additional light to shine on the flag, install and exhaust fan in the concession stand, paint for the outside of the concession stand and repairs to the building – public works will replace the gate to the batting cage – these items amount to about \$2450.00 and she is asking for approval for these expenses out of the open space funds account

Mayor Fitzpatrick stated that the Recreation Commission request for monies from the Open Space Funds Account is because the Recreation Commission's Trust funds are frozen at this time due to litigation in the Supreme Court.

Motion by Mayor Fitzpatrick, seconded by Joan Hinkle to approve the request of the Recreation Commission for funds out of the Open Space Funds Account.

**ROLL CALL:** Deviny, yes; Hinkle, yes; Jass, yes; Templeton, yes; Fitzpatrick, yes

**Mayor Fitzpatrick –**

- stated that she attended a number of meetings – attended a couple of Board of Education meetings and she is glad that the State has agreed to pay for the feasibility study so that the Township does not have to
- has set up an expo for the next Seniors meeting in April – will have about six tables set up for them – representatives from Office of Aging, Veterans, Library, Consumer Affairs, Insurance Division, etc. will be available
- for the May Seniors meeting Mayor Fitzpatrick has arranged for the school choir to sing for the seniors at their luncheon at the Cove
- reported to the Superintendent of Public Works, Mr. John Fenimore that a resident asked her if there could be a dog waste sign posted on Rancocas Avenue stretch from Buttonwood to Ash Street
- reported that a young man in Delanco Township was saluted for the National Spelling Bee championship – she would like to invite him to a Township Committee Meeting and do a proclamation for him

#### **MEETING OPEN TO THE PUBLIC**

Mayor Fitzpatrick opened the meeting to the public.

- Bill Trimble, 413 Perkins Lane, reported that the lights in the front parking lot are out and it is difficult to see the lines to park your vehicle. Mayor Fitzpatrick stated that the Township has cut back on the lighting in an effort to save energy and money. Mr. Trimble also reported that a few weeks ago his wife was waling from Vinny's Pizzeria to the Seven Eleven and there was a group of kids on the sidewalk and the kids would not move away and she was called a name that would have caught him in an "assault charge" had he been with her. Mr. Trimble stated that this is a quality of life issue and he wanted to make the Township aware of the situation.

#### **MEETING CLOSED TO THE PUBLIC**

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

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

- received a resignation letter from Dave Rust from the Recreation Commission
- received a letter from Mr. Jaggard, County Engineer regarding the 2009 Construction forecast for major road and bridge projects that the County will be working on – only site in Delanco is the Creek Road at Coopertown Road intersection
- received a letter from Public Service Electric and Gas Company looking for any road work that the Township may be doing that they need to know about – letters have been forwarded to the Township Engineer to address
- received a letter from Kelly West, Coordinator of the Summer Youth and Employment Training Program – there is money available for summer youth job work site – Acting Township Administrator, Mr. Richard Schwab is working on it with department heads from other counties
- received a letter from the Burlington JIF that as a result of our outstanding performance in 2008 that we received a cash award in the amount of \$1375.00 to be used for safety or incentives
- received a letter regarding Tree City USA
- received a letter from the Public Safety Director of Beverly Police Department, Michael Morton recognizing Sergeant Jesse DeSanto for his outstanding work and professionalism during an incident that involved uncontrolled substances, gang and various criminal activities that took place in Beverly

Mayor Fitzpatrick stated that she received a letter from John Adler, Congressman of the United States indicating that our school system was going to receive approximately \$188,000 in extra funds.

Mayor Fitzpatrick stated that the School Board is having a meeting tomorrow night at 7:30PM at the M. Joan Pearson School. The budget committee will be introducing their budget to the full board.

- received a telephone call from Mr. Adler's office requesting the use of the Township facilities to have a town type meeting on April 14<sup>th</sup> to accommodate 150 people - they also need telephones to be available for people to call in

Mayor Fitzpatrick stated that the Township Committee was in agreement that the facilities were available but the phones were not.

## **DISCUSSION ITEMS:**

### **1. STATUS OF PROPOSAL WITH ROBERT T. WINZINGER, INC.**

The Township Solicitor, Mr. Douglas Heinold reported that Winzinger applied for a Class B recycling permit that would allow them to do rock crushing. Mr. Heinold stated that the Township had concerns about it because of its impact on the redevelopment area and the existing redevelopment and potential for future redevelopment. Mr. Heinold stated that Edgewater Park had concerns about residents in the neighborhood and Dietz and Watson had concerns because they are a neighboring food processing plant. The net result is that they finally had a permit issued to them several weeks ago. Mr. Heinold contacted Winzinger and they have worked out an agreement with them and the Township has a resolution to adopt. Mr. Heinold stated that the agreement allows Winzinger a two year window for them to receive a PILOT agreement. Committeeman Templeton expressed his concern about this agreement and feels that Winzinger is holding the threat of this over the Township to avoid taxes and stated that this is simply rewarding bad behavior. A discussion ensued.

**RESOLUTION 2009-55**

**AUTHORIZING EXECUTION OF AGREEMENT GOVERNING NON-OPERATION OF RECYCLING PERMIT AND PAYMENT IN LIEU OF TAXES WITH ROBERT T. WINZINGER, INC.**

**WHEREAS**, the Township Committee of the Township of Delanco adopted a Redevelopment Plan by Ordinance 2002-9 on August 5, 2002 pursuant to the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.;

**WHEREAS**, the Township Committee is authorized enter into tax abatement agreements, referred to as a payment in lieu of taxes (“PILOT”) pursuant to the five-year exemption Statute, N.J.S.A. 40A:21-1, et seq; and

**WHEREAS**, the Township Committee of the Township of Delanco has actively negotiated with Robert T. Winzinger, Inc. to address redevelopment goals associated with the property, including but not limited the prevention of a recycling permit operation; and

**WHEREAS**, the Township and Winzinger have negotiated the terms of the attached Agreement to prevent the operation under the recycling permit, which Agreement is incorporated herein by reference.

**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 attached Agreement, and any and all related documents, with Robert T. Winzinger, Inc. for the purpose aforesaid.

**BE IT FURTHER RESOLVED** that this authorization is conditioned upon final review and approval of the Township Attorney, including any revisions to the Agreement to be negotiated between the parties and finalization of the terms and annual service charge calculations.

Motion by Joan Hinkle, seconded by Marlene Jass to adopt Resolution 2009-55.

**Roll Call:** Devinney, no; Hinkle, yes; Jass, yes; Templeton, no; Fitzpatrick, yes

The Municipal Clerk, Mrs. Janice Lohr stated that the motion does carry.

**2. PROPOSED DATE FOR SPRING TOWN-WIDE YARD SALE**

The Municipal Clerk, Mrs. Janice Lohr stated that they had chosen the date of Saturday, May 16, 2009 for the Spring Town-Wide Yard Sale. Mayor Fitzpatrick stated that she and the Acting Township Administrator had received information about the advertising costs.

The Township Committee was in agreement with the proposed date for the Town-wide yard sale and agreed to have the Municipal Clerk cut down on the advertising costs.

**3. PROPOSED ORDINANCE**

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

Mayor Fitzpatrick stated that the Township Solicitor made the ordinance clear regarding the Township receiving a copy and not having to actually give it out.

Motion by Ed Devinney, seconded by Marlene Jass to introduce Ordinance 2009-6 by title only and set public hearing date for April 6, 2009.

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

**4. RECYCLING BROCHURES – CHANGE IN STATUS OF POSTAGE  
REIMBURSEMENT**

Mayor Fitzpatrick stated that the Township will not mail the recycling brochures; they will be distributed like the Beverly Bee to cut back on expenses.

Mayor Fitzpatrick stated that the Township Committee has to vote on the resignation letter from Dave Rust, Chairman of the Recreation Commission.

Motion by Ed Devinney, seconded by Joan Hinkle with regrets to accept the resignation of Dave Rust as the Chairman of the Recreation Commission.

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

Mayor Fitzpatrick stated that they have to make a decision on the Cooperative Pricing for Solid Waste agreement with Edgewater Park and Beverly. Mayor Fitzpatrick stated that the agreement expires November 30, 2009. Mayor Fitzpatrick stated that a consultant usually negotiates the fees and Linda Dougherty from Edgewater Park has managed to get a consultant for the price of \$1500.00 per town.

Motion by Marlene Jass, seconded by Joan Hinkle to allow the Township to spend \$1500.00 for the consulting fee to Robert Willis to consult for the new contract for solid waste.

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

**ADJOURNMENT**

Motion by Kate Fitzpatrick, seconded by Ed Devinney to adjourn the meeting.

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

Janice M. Lohr, RMC  
Municipal Clerk  
March 16, 2009