

## **TOWNSHIP COMMITTEE MEETING – OCTOBER 5, 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, absent; Mr. Denton, Twp. Engineer; Mr. Heinold, Twp. Solicitor; Mrs. Lohr, Municipal Clerk; Ms. Zimmermann, Deputy Municipal Clerk; Mr. Fenimore, Supt. of Public Works; Mr. Sacalis, Police Lt.; Mr. Goffredo, Code Enforcement Officer, absent

### **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.

Mayor Fitzpatrick welcomed everyone this evening and thanked them for being present to see Lt. George Sacalis receive his appointment to Delanco Chief of Police. Mayor Fitzpatrick extended a welcome to Chief Edmund Parsons and all of the members of the Delanco Police Department and officers from other municipalities. Mayor Fitzpatrick also recognized several previous Mayors of Delanco Township that were present.

Mayor Fitzpatrick made some personal comments regarding Lt. George Sacalis when they grew up together in Delanco Township. Mayor Fitzpatrick made reference to photo album pictures that she had.

### **RESOLUTION 2009-126**

#### **RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF DELANCO, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE APPOINTMENT OF CHIEF OF POLICE**

BE IT RESOLVED, by the Committee of the Township of Delanco, County of Burlington, New Jersey that:

The Township Committee hereby appoints George N. Sacalis as Chief of Police of the Township of Delanco effective October 5, 2009.

Motion by Mayor Fitzpatrick; seconded by Joan Hinkle to adopt Resolution 2009-126.

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

### **OATH OF OFFICE ADMINISTERED TO POLICE CHIEF GEORGE N. SACALIS**

Mayor Fitzpatrick asked the Municipal Clerk, Mrs. Janice Lohr to administer the oath to Lt. George Sacalis.

Mayor Fitzpatrick presented Chief Sacalis with the Chief of Police badge.

Police Chief Sacalis gave a short acceptance speech recognizing retired Police Chief Parsons and retired Lieutenant Larry Stearns.

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

***PUT THE BREAKS ON FATALITIES DAY – OCTOBER 10, 2009***

Whereas, Across the nation, traffic crashes caused more than 40,000 fatalities in 2008,  
and are the leading cause of death for young people ages 3 to 34; and,

Whereas, In New Jersey, 591 individuals lost their lives in traffic crashes in 2008;  
and,

Whereas, Alcohol-related crashes accounted for 26 percent of the State’s traffic  
fatalities; and,

Whereas, Unsafe speed was a factor in more than 22,000 crashes; and

Whereas, Motorcyclists, bicycle riders and pedestrians face increased risks on New  
Jersey’s roadways, as people opt for alternative modes of transportation; and,

Whereas, 78 motorcyclists, 21 bicyclists and 1135 pedestrians were killed in New Jersey in  
traffic-related crashes in 2008; and

Whereas, Safer driving behaviors such as buckling up every ride; obeying posted speed  
limits; avoiding aggressive driving behaviors and aggressive drivers; never  
drinking and driving; wearing proper safety gear when riding a motorcycle or  
bicycle; and focusing solely on driving by avoiding distraction, can dramatically  
reduce the number of traffic-related injuries and deaths;

Now, Therefore, I, Kate Fitzpatrick, Mayor of the Township of Delanco in the County of  
Burlington, State of New Jersey, do hereby proclaim October 10, 2009 as *Put The  
Brakes on Fatalities Day*, and call upon everyone to put these lifesaving behaviors into  
practice to improve safety on the roadways in our community and throughout the State.

**ORDINANCE 2009-11**

**MODEL ORDINANCE – REFUSE CONTAINERS/DUMPSTERS**

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

**SECTION I. Purpose:**

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Delanco and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not

- include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
  - c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
  - d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
  - e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

#### SECTION III. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the [insert name of municipality].

#### SECTION IV. Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

#### SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department and/or Code Enforcement Officer of the Township of Delanco.

**SECTION VI. Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum amount allowed by the Delanco Code.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**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 Kate Fitzpatrick to adopt Ordinance 2009-11.

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

**ORDINANCE 2009-12**

**MODEL ORDINANCE – PRIVATE STORM DRAIN INLET RETROFITTING**

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

**SECTION I. Purpose:**

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Delanco so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- f. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch

basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”

- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- i. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

### SECTION III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- 1. *Already meets the design standard below to control passage of solid and floatable materials; or*
- 2. *Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.*

### SECTION V. Design Standard:

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

- 1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department and/or Code Enforcement Officer of the Township of Delanco.

#### SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum amount allowed by the Delanco Code for each storm drain inlet that is not retrofitted to meet the design standard.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**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 Ed Devinney, seconded by Joan Hinkle to adopt Ordinance 2009-12.

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

**ORDINANCE 2009-13**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE OF THE TOWNSHIP OF DELANCO PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES”**

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

**BE IT ORDAINED AND ENACTED BY THE** Township Committee of the Township of Delanco, County of Burlington, and State of New Jersey, that:

Section 1. Section 2 of the Ordinance entitled above to which this Ordinance is an amendment, is hereby amended to provide as follows:

Section 3. The rates of compensation of other officials and employees shall be as follows:

<u>2009</u>	<b>RATE PER HOUR</b>
Municipal Clerk per Shared Services Agreement (Beverly)	\$34.00

Section 4. Salaries listed as Annual shall be paid based on the annual amount listed divided by 52 normal weeks in a year and paid either every week, or divided by 12 months and paid monthly as listed. Salaries listed in another unit of measure (hourly or per session) shall be paid based on actual time documented on approved records based on the time actually worked, and paid either weekly or monthly as listed.

Section 5. The rates of compensation for Township Employees as set forth above are base salaries only and shall be deemed the basis of Overtime. All additional and/or overtime compensation shall be paid in accordance with the Township’s Personnel Practices Manual/Handbook or as provided for in collective bargaining or individual employment agreements

Section 6. Where rates are stated in ranges, the actual pay rate will be determined as provided for in collective bargaining or individual employment agreements or by the Township Committee.

Section 7. This Ordinance shall take effect upon the approval and publication of this Ordinance according to law and shall be effective as of the first pay date in January 2009.

### **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 Marlene Jass, seconded by Mike Templeton to adopt Ordinance 2009-13.

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

### **ORDINANCE 2009-14**

#### **AMENDING CHAPTER 168 GOVERNING "FEES"**

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

WHEREAS, the Township Committee of the Township of Delanco ("Township") has expended funds and will continue to expend funds for the distribution of recycling and/or solid waste containers; and

WHEREAS, the Township desires to establish a reimbursement fee to cover the cost of the replacement of these containers; and

WHEREAS, Chapter 168 of the Township Code governs "Fees."

NOW , THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that Chapter 168 is hereby amended to add the following:

#### Section 1.

#### ARTICLE IV

#### **Reimbursement Fee for Recycling/Solid Waste Containers**

##### **§ 168-7. Fee Established.**

There shall be a reimbursement fee imposed upon any property owner that requires the replacement of a municipally-issued container for recycling or solid waste purposes. The fee shall be the current cost of replacement to the municipality and a \$5.00 administration charge. Upon the payment of the fee, a new container shall be issued. The Township may either deliver the container or make it available to the property owner at the Public Works building or any other location established by the Director of Public Works.

##### **§ 168-8. Inspection.**

As part of the Township's inspection process pursuant to Certificates of Habitability under Chapter 145 of this Code, rental inspections under Chapter 234 of this Code, or upon general inspection by the zoning and code enforcement officer, the inspector shall be authorized to issue a notice of the imposition of the reimbursement fee established herein. No Certificate of Habitability or rental inspection approval shall issue until the fee established herein is paid.

##### **§ 168-9. Exceptional Circumstances.**

In the event of theft or similar exceptional circumstance, the Township Committee may waive the fee required hereunder by way of motion at a public meeting.

Section 2. Repealer. Any Ordinances inconsistent with this ordinance is hereby repealed to the extent of its inconsistency.

Section 3. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

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

Mayor Fitzpatrick opened the hearing to the public.

### **HEARING CLOSED TO THE PUBLIC**

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

Committeeman Mike Templeton questioned the recycling containers and clarified that the blue recycling totes have numbers specifically assigned to each one so if one person loses theirs; they can't take their neighbors.

Motion by Mike Templeton, seconded by Joan Hinkle to adopt Ordinance 2009-14.

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

### **ORDINANCE 2009-15**

#### **AMENDING CHAPTER 58 GOVERNING "FAIR HOUSING"**

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

WHEREAS, the Township Committee of the Township of Delanco ("Township") has a number of active and pending affordable housing projects within its boundaries; and

WHEREAS, affordable housing projects require administration and reporting to the Township and the State relative to affordability controls; and

WHEREAS, the Township desires to exercise reasonable controls over the administration of the projects within the municipality; and

WHEREAS, Chapter 58 of the Township Code governs "Fair Housing."

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that Chapter 58 is hereby amended to add the following:

#### Section 1.

#### **§ 58-16. Approval of Affordable Housing Administrator.**

- A. In any development involving the construction, renovation or rehabilitation of affordable housing units within the municipality, the developer shall submit its proposed administrator of the affordable housing units, including but not limited to an Administrative Agent as set forth under N.J.A.C. 5:96-18, to the Committee for review and approval. In the event that an existing project intends to transfer the administration of its affordable housing units to another administrator, the new administrator shall be submitted to the Committee for review and approval.
- B. In reviewing an administrator for approval, the Committee shall consider the following factors: experience with similar projects, past experience in Delanco Township, any instances of termination from a prior project, and any

other factors that the Township determines are reasonable and appropriate under the circumstances.

C. Submission of an administrator for approval shall occur ninety (90) days prior to the commencement of the administration of the affordable units.

Submissions shall be made to the Township Housing Officer.

Section 2. Repealer. Any Ordinances inconsistent with this ordinance is hereby repealed to the extent of its inconsistency.

Section 3. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

### **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 Marlene Jass, seconded by Ed Devinney to adopt Ordinance 2009-15.

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

### **COMMENTS – PROFESSIONALS**

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

- relative to our COAH – the Courts approved the trust fund distribution relative to Abundant Life and the Zurbrugg Mansion projects – subject to COAH review – there is also a hearing scheduled for December in front of Judge Bookbinder to approve the Township’s third round COAH plan

- asking for a motion from the Governing body regarding the Malik litigation that has been ongoing for about four years

Mayor Fitzpatrick wanted it noted on record that the Township Committee members collectively were not in favor of this and felt that it was distasteful; however, they realize that this has been ongoing for many years and feel that the Township Committee members have to take care of this matter to avoid anymore cost to the Township and its residents.

Motion by Kate Fitzpatrick, seconded by Mike Templeton to authorize the Township Solicitor to enter into the settlement agreement as submitted for the Malik litigation.

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

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

- reported that the Richard Avenue project is essentially complete- pleased with the results – small punch list that remains to be cleaned up – ordered test cores required by the State to make sure the asphalt meets their specifications

- with regard to Walnut Street; they have been in contact with the bonding company

## **COMMENTS - DEPARTMENT HEADS**

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

- reported that they have been quite busy – removed 25 trees – still have about 15-20 more to remove
- removed all of last years leaves out to the County – in the process of removing the wood chips and giving them to the County
- replaced 7 street signs and put up 4 new stop signs – repainted the handicap lines in front of the Municipal Building
- reported that this year they have cut each of the Township properties 23 times and haven't stopped yet – cleaned out 47 storm drains – swept the streets at least two times this year
- reported that residents are still blowing leaves and grass into the streets – will cost \$69.00 a ton to take this to the landfill
- showed the wall at the end of Willow Street to the Township Engineer – agreed that they have to watch this carefully

Mayor Fitzpatrick stated to Mr. John Fenimore that she would like him to be a member of the Emergency Management team and that she would like him to attend the next meeting on Thursday, October 22, 2009 at 7:30 PM at the Municipal Building.

Mayor Fitzpatrick stated that several residents questioned her about brush pick-up and asked how they make the determination as to what is to be picked-up.

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

- received a requests to waive late fees for dog licenses and for commercial unit fee for the 2009 registration

Motion by Joan Hinkle, seconded by Mike Templeton to waive the 2009 dog license late fees as requested and the commercial unit registration late fee for the year 2009 only.

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

## **COMMENTS - TOWNSHIP COMMITTEE**

### **Ed Devinney –**

- attended the Fire Commissioner's meeting – there was a question regarding them needing a truck with a plow for the EMS emergency services

### **Joan Hinkle –**

- attended the Burlington County Chamber of Commerce meeting at the County regarding Real Estate
- had a meeting with the energy audit people and the audit will begin next week
- had a meeting with the Shade Tree Commission and the DEP Community Forest person was in attendance and she will discuss this later in the discussion section of the meeting

### **Mike Templeton –**

- attended a Township JIF Safety meeting and wanted to thank Karen Zimmermann for being the force behind coordinating the meeting
- received some information from the County JIF that they are working towards a health plan option as an alternative to the current State Health Benefits Plan

### **Marlene Jass -**

- DYSA has their sign up for basketball now
- reminded everyone that Oktoberfest (Fall) is Saturday, October 24, 2009 and it is also the re-dedication of the Joseph C. Phile Field

### **Mayor Fitzpatrick -**

- attended a meeting regarding the purpose of reviewing our ordinances in preparation of implementing the Master Plan – set up a sub committee with two Township Committee members to work with the Joint Land Use Board – put emphasis on the parking problem on Burlington Avenue for the Commercial businesses
- attended the Chamber of Commerce dinner with Joan Hinkle regarding the economic conditions of Burlington County
- performed three wedding ceremonies
- attended the Emergency Management meeting – Kevin Tuno and Wayne Comegno attended and gave ideas on how they can reconstruct and get back on line with their plan to get it approved by the County – looking for people who want to be on the team that are from Delanco and want to get involved
- attended the River Line meeting which consisted of Mayors or one representative from eight municipalities – six are moving forward to work with Congressman Adler and Senator Diane Allen to promote a quiet zone in each of these municipalities

Mayor Fitzpatrick is asking the Township Committee members tonight for a resolution to approve a payment for the purpose of paying Delanco's portion of the feasibility study that amounts to \$1,000.00 – Township Administrator will see if the money is available to use for this study

Committeeman Mike Templeton stated that he would like to defer the vote on this because he is concerned about Cinnaminson's level of involvement in the feasibility study.

Mayor Fitzpatrick stated that she will continue the vote until the October 19<sup>th</sup> meeting when the Acting Township Administrator will be present and advise them if the funds are available.

Mayor Fitzpatrick reiterated that the towns involved are sufficient in order for Delanco to approve this.

- she and the Municipal Clerk, Mrs. Janice Lohr attended a meeting with the two ladies from the Census Bureau and they are working on setting up a complete count committee – ladies will be present at Community Day on October 10<sup>th</sup> from 11:00AM to 3:00PM
- commented that the water has been turned off at Gateway Park and she needs it to be turned back on so she can water the plants and for the 5K Run

The Superintendent of Public Works, Mr. John Fenimore commented that he received information that they were going to start preparing the parking lot at the Light Rail Station and he questioned who was going to do the work.

### **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 2009-16**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF DELANCO PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES"**

**1<sup>ST</sup> READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR OCTOBER 19, 2009**

**RESOLUTION 2009-127**

**AUTHORIZING EMPLOYMENT CONTRACT WITH CHIEF OF POLICE**

WHEREAS, the Township Committee has appointed George N. Sacalis as Chief of Police effective October 5, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco that the Township Committee hereby approves the attached employment contract agreement between the Township of Delanco and George N. Sacalis for the period October 5, 2009 – December 31, 2013.

**RESOLUTION 2009-128**

**REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector has determined that the following has overpaid taxes for 3<sup>rd</sup> quarter 2009; and

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

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

Infinity Title Agency

33 E. Main St. Unit 2

Moorestown, NJ 08057

Block 604 Lot 1.01 Amount \$120.75

Block 604 Lot 2 Amount \$123.83

Block 604 Lot 3.01 Amount \$ 54.23

Weichert Title Agency

1909 Rt. 70 E.

Cherry Hill, NJ 08003

Block 2100 Lot 54 Amount \$1,843.31

**PAYMENT OF BILLS**

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$569,238.11
PAYROLL	105,532.37
ANIMAL CONTROL	2,776.62
TRUST	3,486.66

**GENERAL ACCOUNT – OCTOBER 5, 2009**

25533	AMERICAN LAWN IRRIGATION INC	87.00
25534	BURLCO POLICE CHIEFS ASSN	250.00
25535	CRYSTAL SPRINGS	51.12
25536	CERTIFIED SPEEDOMETER SERV INC	280.00
25537	CLEAN RENTAL SERVICES INC	208.73
25538	COLORCRAFT SIGN CO	87.75
25539	CLARKE CATON HINTZ	677.25
25540	COMCAST	105.21
25541	DELANCO TWP BOARD OF EDUCATION	449,675.09
25542	DELANCO FIRE COMMISSIONERS	26,500.00
25543	DELANCO PUBLIC LIBRARY ASSOC	3,000.00

25544	EIC INSPECTION AGENCY CORP	1,528.00
25545	FIRST JERSEY MCPL ASSISTANCE	4,400.00
25546	FILE OF LIFE FOUNDATION INC	735.53
25547	GALLS INC	323.86
25548	HAGAN ROSSI FLORIST	87.95
25549	HOME DEPOT CREDIT SERVICES	2.48
25550	INFINITY TITLE AGENCY INC	298.81
25551	INFINITY TITLE AGENCY INC	1,437.00
25532	JENNIFER L ESPOSITO	30.00
25553	LOWTHERS SMALL ENGINE INC	36.04
25554	LAND ENGINEERING & SURVEYING	10,170.00
25555	MACRO EQUIPMENT CO	115.25
25556	MICHELMAN & BRICKER PC	465.00
25557	MAGLOCLLEN	400.00
25558	NJ AMERICAN WATER CO	759.52
25559	NJ STATE HEALTH BENEFIT PROG	32,830.82
25560	PEDRONI FUEL CO	3,308.60
25561	PITNEY BOWES	168.00
25562	PSE&G	2,099.14
25563	PAYROLL ACCOUNT	7,749.30
25564	RIVERSIDE NAPA AUTO PARTS	102.22
25565	RUTGERS UNIVERSITY	567.00
25566	RAYMOND COLEMAN & HEINOLD LLP	12,989.25
25567	SAFETY AUTO REPAIR	2,040.80
25568	RYAN SEITER	187.97
25569	STEWART BUSINESS SYSTEMS	158.00
25570	TD BANK-ADMINISTRATIVE FEE	907.50
25571	TERMINIX INTERNATIONAL	121.00
25572	TAYLOR DESIGN GROUP INC	1,105.50
25573	THIS & THAT UNIFORMS	70.00
25574	TURF EQUIPMENT & SUPPLY CO	112.53
25575	VERIZON CABS	186.13
25576	VERIZON	414.41
25577	VITAL SERVICES GROUP	100.70
25578	WEICHERT TITLE AGENCY	1,843.31
25579	W B MASON CO INC	464.34
<b>TOTAL</b>		<b>\$569,238.11</b>

**TRUST**

2112	ROBERT W ONEAL	100.00
2113	DELANCO TWP CURRENT FUND	1,417.91
2114	LAND ENGINEERING & SURVEYING	1,968.75
<b>TOTAL</b>		<b>\$3,486.66</b>

**DOG**

1429	TOWNSHIP OF DELRAN	2,776.62
<b>TOTAL</b>		<b>\$2,776.62</b>

## **APPROVAL OF CONSENT AGENDA**

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

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

## **APPROVAL OF MINUTES – 8/17/09**

Motion by Joan Hinkle, seconded by Marlene Jass to the minutes as listed

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

## **MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS**

Mayor Fitzpatrick opened to the meeting to the public.

1. Shirley Rossi, 1118 Burlington Avenue, asked if they are doing an overlay in Delanco on they just dug up the road to put in the gas line. Mrs. Rossi asked if the Township had any influence with the County to change the white lines on Burlington Avenue. Mrs. Rossi stated that it is dangerous from the gas station to her house due to the configuration of the white line striping and she would like to see it changed before something happens.

Mayor Fitzpatrick stated that it is worth looking into to see if they can do something about the striping on Burlington Avenue. Public Service Electric and Gas Company and the County will be contacted to see what can be done about the condition of the roads that were opened to install new lines.

## **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 – Nothing to report**

Mayor Fitzpatrick commented that she did receive one letter from the Acting Commissioner from DCA that indicated that the Zurbrugg properties have received their funds from the DCA. Mayor Fitzpatrick stated that they also received their funds from the County and they will be moving along with their project.

## **DISCUSSION ITEMS:**

### **1. *Green Cities Are Cool Cities* Initiative – Deputy Mayor Joan Hinkle**

Mrs. Hinkle commented that she attended a meeting with the Shade Tree Commission and she thanked Mr. John Fenimore for all the work he has done for the Shade Tree Commission. Mrs. Hinkle commented that the New Jersey Forestry Commission contacted them and wants to give them 100 trees. Mrs. Hinkle stated that the NJ Forestry Commission will plant and look after the trees for a year to make sure they get a good start. Mrs. Hinkle stated that there is an agreement that has to be signed by the Mayor in order to implement this program and she would like this to be signed immediately so they can plant some trees now before the cold season.

Committeewoman Marlene Jass had several questions about the agreement, regarding the office space and asked who was going to be the primary contact for this project. Mrs. Hinkle stated that she and Mr. John Fenimore would be the contacts because they know about trees.

Mr. Fenimore asked if the trees could be planted on the resident's property or if they had to be planted on the planting strip owned by the Township.

Mayor Fitzpatrick stated that she needs a resolution to authorize her to sign the agreement with New Jersey Forestry Commission.

Motion by Marlene Jass, seconded by Joan Hinkle to approve Resolution 2009-129.

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

**RESOLUTION 2009-129**

**AUTHORIZING MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF DELANCO AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR IMPLEMENTATION OF THE *GREEN CITIES ARE COOL CITIES INITIATIVE***

**WHEREAS**, the Township Committee of the Township of Delanco (“Township”) desires to participate the State’s tree planting campaign under the *Green Cities are Cool Cities Initiative (the Initiative)*; and

**WHEREAS**, the New Jersey Board of Public Utilities (BPU) will provide funds from the New Jersey Clean Energy Program in support of the Initiative; and,

**WHEREAS**, the NJDEP staff, under the direction of the New Jersey State Forester, will assist and support the Township in carrying out its responsibilities under this Initiative.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey, that it hereby authorizes the Mayor and Township Clerk, as may be necessary, to execute a Memorandum of Agreement as attached with the NJ Department of Environmental Protection, in accordance with the MOA attached hereto and incorporated herein for the above referenced project.

Deputy Mayor Joan Hinkle reminded everyone that Community Day is Saturday, October 10<sup>th</sup>. Mrs. Hinkle also announced that this Wednesday is the Mock Election and 44 seventh graders will be at the Township Municipal Building for a tour of the Police Department and the Administrative offices and will hold their election after the tour.

**2. Resolution Calling Upon the State Legislature to Address the Inequity on the Court Decision of Homes of Hope v. Township of Eastampton**

Mayor Fitzpatrick is tabling this discussion until the October 19, 2009 Township Committee meeting with Marlene Jass’s approval.

**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, RMC  
Municipal Clerk  
October 5, 2009