

## **TOWNSHIP COMMITTEE MEETING – DECEMBER 29, 2009**

7:00 PM MUNICIPAL BUILDING, 770 COOPERTOWN ROAD., DELANCO, NJ 08075

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

**Also Present:** Mr. Schwab, Acting Twp. Administrator; Mrs. Lohr, Municipal Clerk; Ms. Zimmermann, Deputy Municipal Clerk; Mr. Sacalis, Police Chief; Mr. Goffredo, Code Enforcement Officer

### **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.

### **MOMENT OF SILENCE –**

Mayor Fitzpatrick asked for a moment of silence in memory of Eunice Emery who passed away on Saturday.

Mayor Fitzpatrick asked the public to keep Deputy Mayor Joan Hinkle in their thoughts and prayers due to her surgery.

### **ORDINANCE 2009-18**

#### **VACATING UNIMPROVED PORTION OF DELAWARE AVENUE**

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

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

Mayor Fitzpatrick opened the hearing to the public.

1. Mr. Theodore Vigilante and Amy Fox, 323 Delaware Avenue, voiced their objection. Mr. Vigilante stated that he felt this went on without including them. Mr. Vigilante stated that they were never properly served and the action went ahead without notifying or asking them. Mr. Vigilante stated that there is action to make another road access to his home and he stated that his address was on Delaware Avenue and not on Second Street. Mr. Vigilante feels that this change will render his property with much less value. Mr. Vigilante stated that he will not be able to get services through Delaware Avenue and he takes objection to that. Mr. Vigilante stated that he does not accept the easement and he will continue to use Delaware Avenue.

Mayor Fitzpatrick explained the Township's position. Mayor Fitzpatrick stated that the Township came to a settlement that they felt was in the best interests of the residents of Delanco in order to vacate the eminent domain action. Mayor Fitzpatrick stated that Mr. Vigilante has every right to pursue an action against the Malik's if they want to.

2. Rich Malik, 325-327 Delaware Avenue, thanked the Township for settling this. Mr.

Malik stated that Mr. Vigilante knew there were problems with the property when he purchased it from the previous owners. Mr. Malik stated that he welcomed a law suit.

Mr. Vigilante asked the Township Committee what Mr. Malik gave the Township in return for the property.

Mayor Fitzpatrick stated that the information requested is part of the confidential settlement and it is confidential at this point and until everything is finalized by the courts; then it will be made public.

### **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 Ed Devinney, seconded by Kate Fitzpatrick to adopt Ordinance 2009-18

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

### **ORDINANCE NO. 2009-18**

#### **VACATING UNIMPROVED PORTION OF DELAWARE AVENUE**

**WHEREAS**, the Township Committee of the Township of Delanco (“Township”) previously adopted Ordinance 2001-8 accepting a 50’-wide portion of Delaware Avenue that is unimproved and contains a dirt cartway of limited width; and

**WHEREAS**, thereafter the Township determined that additional land was required to complete Delaware Avenue from the end-point of Delaware Avenue as accepted by the 2001 Ordinance to its intersection with the last house on Delaware Avenue, 323 Delaware Avenue, Block 1208, Lot 6; and

**WHEREAS**, the Township filed litigation under Delanco Township v. 325 Delaware Avenue, LLC, BUR-L-3609-05 in order to obtain this additional land; and

**WHEREAS**, the Township and 325 Delaware Avenue, LLC settled the litigation on terms to provide emergency access to the Township and to provide alternative access to 323 Delaware Avenue by means of a 20’ wide access easement; and

**WHEREAS**, as part of that settlement, the Township agreed to vacate its interest from a portion of the unimproved section of Delaware Avenue, specifically commencing along the Northern property line of 327 Delaware Avenue at Block 1208, Lot 4 and along the remainder of Delaware Avenue to the South, as reflected on Exhibit “A” attached hereto.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Committee of the Township of Delanco as follows:

Section 1. The Township of Delanco hereby vacates a portion of the unimproved section of Delaware Avenue specifically commencing along the Northern property line of 327 Delaware Avenue at Block 1208, Lot 4 and along the remainder of Delaware Avenue to the South, as reflected on Exhibit “A” attached hereto.

Section 2. This Ordinance is contingent upon the simultaneous filing with the County Clerk of an Access Easement by 325 Delaware Avenue, LLC in favor of the owner of 323 Delaware Avenue, which easement shall run with the land and inure to the property owner of 323 Delaware Avenue and its successors in interest.

Section 3. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 4. 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 5. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

**ORDINANCE 2009-19**

**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**

**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 2009-19

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

**ORDINANCE 2009-19**

**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”**

**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 2. The rates of compensation of an employee shall be payable as follows as per negotiated contracts:

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

School Traffic Guards will be paid monthly according to the following pay scale based on continuous service:

<b><u>2009 Rate Per Hour</u></b>	<b><u>YRS 1-2</u></b>	<b><u>YRS 3-5</u></b>	<b><u>YRS 6 &amp; OVER</u></b>
School Traffic Guard	\$11.04	\$12.67	\$14.34

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.

The Municipal Clerk, Mrs. Janice Lohr stated that for the record; Ordinance 2009-18 had three votes in the affirmative and one no and one absent; the motion did carry to adopt. On Ordinance 2009-19; there were four votes in the affirmative and one absent; the motion did carry to adopt.

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

- wanted to make everyone aware that the Coalition for Animal Services is disbanding and it will be effective February 1, 2010 – the Animal Control Officer will be receiving his layoff notice from Delanco, Delran and Riverside. In order to meet the needs of Animal Control Services, the Township has put together requests for proposals that will be put out next week and due by January 27, 2010 and the award for a contract could take place at the February 1, 2010 meeting – is working with the administrators of the other towns on the proposals

Mr. Schwab asked the Township Committee for authorization to advertise the request for proposals.

Motion by Ed Devinney, seconded by Mike Templeton to approve the Township Administrators proposal to request bids for the Animal Control Services contract.

All the Township Committee members present agreed to authorize the Township Administrator to request the bids for Animal Control Services.

**COMMENTS - DEPARTMENT HEADS**

**Zoning and Code Enforcement Officer – Mr. Phil Goffredo  
Report for month of November**

- received 25 complaints – 24 are in compliance – 1 outstanding
- received 1 administrative review – tenant is vacating January 31<sup>st</sup>
- approved 2 fence permits

A discussion ensued regarding temporary tent structures.

- reported that there were no problems with recycling on Trout Trail

Mayor Fitzpatrick suggested that when the rental inspections are performed that the inspectors supply the tenants with the recycling and trash schedules and Township calendar.

- received one administrative review that was approved – vacating by January 31, 2010
- two fence permits were approved

**COMMENTS - TOWNSHIP COMMITTEE**

**Ed Devinney –**

- Mr. Devinney stated that this is his last meeting as a Township Committee person and he wanted to thank all the volunteers and members of the Washington Fire Company and the EMS Squad. Mr. Devinney also thanked the people from the Library Committee for their diligence.

Mayor Fitzpatrick thanked Committeeman Ed Devinney for his service to the Township and said that she would miss him.

**Mike Templeton –**

- thanked Committeeman Ed Devinney for his last four years of service – also thanked all other volunteers for their service to the Township – wished everyone a Happy New Year

**Marlene Jass –**

- thanked Committeeman Ed Devinney for his service.
  - thanked all the volunteers for their service and stated that they always need volunteers
  - reported that the Recreation Commission had the carriage rides and they were successful
  - the Historical Advisory Commission met and they would like to be notified when the Pennington Field will be completed so they can help with the naming of the fields
- Mayor Fitzpatrick stated that she received an email from the Recreation Commission and they stated that the ultimate decision for the name will be with the Recreation Commission.
- reported that the Historical Society is working on different displays and they are moving forward with the Mr. Diggs presentation this May
  - reported that the River Route had an excellent year and they feel they contributed to the River Line Towns – gave some facts and figures for construction amounts for Delanco Township
  - reiterated to keep Deputy Mayor Joan Hinkle in their thoughts and prayers

**Mayor Fitzpatrick –**

- attended the Seniors Christmas Lunch at the Kove II and some of the senior ladies performed a dance skit that was very good
- attended the carriage rides and assisted with all the residents getting on and off the carriages
- attended Wreaths Across America that is a service done at the Beverly National Cemetery – three hundred services took place at 12:00 Noon all over the United States to honor those men and woman who serve and served our Country
- attended a special meeting with the Emergency Management Coordinator and his deputy and Wayne Comegno to plan how they can come up to speed with the Township’s Emergency Management Plan – deadline is March 2010
- attended the ground breaking ceremony for Zurbrugg Partnership property and she was very proud to be representing the Township and its residents
- announced that January 4, 2010 is the Delanco Township Reorganization Meeting and they will honor Committeeman Ed Devinney at that meeting

**CONSENT AGENDA ITEMS:**

(“Consent Agenda items are considered to be routine and will be enacted with a single motion. Any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.”)

**CONSENT AGENDA:**

**RESOLUTION 2009-148**

**2009 BUDGET APPROPRIATION TRANSFERS**

WHEREAS, there are certain 2009 budget appropriations of the Township of Delanco which are insufficient to meet the requirements of the Township affairs; and

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

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

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

TO:

Operations within “CAPS”

Streets OE	\$ 4,000.00
Recreation S&W	1,540.54

Administrative S&W	701.00
Township Clerk S&W	3,000.00
Financial – S&W	531.00
Financial- OE	18.35
Auditing Services	1,000.00
Computerized Data Service	1,817.75
Tax Collector S&W	658.00
Legal Services	20,000.00
Joint Land Use Board S&W	2,000.00
Construction Code OE	4,761.34
Other Insurance Premiums	6,595.60
Municipal Prosecutor S&W	222.00
Streets S&W	10,000.00
Solid Waste/Landfill Fees	10,000.00
Utilities – Telephone	4,000.00
Utilities – Gasoline & Diesel	3,000.00
Public Building & Grounds S&W	<u>248.93</u>
Total	<u>\$74,094.51</u>

FROM:

Operations within “CAPS”	
Administration – OE	\$ 7,726.10
Recreation – OE	1,540.54
Engineering Services	20,000.00
Planning Services – OE	12,000.00
Construction Code – S&W	4,761.34
Police Dept. - S&W	14,000.00
Employees Health Insurance	4,000.00
Public Building & Grounds –OE	6,817.60
Solid Waste Collection – OE	3,000.00
Assessment of Taxes – OE	<u>248.93</u>
Total	<u>\$ 74,094.51</u>

**RESOLUTION 2009-149  
GRANTING VETERAN’S TAX DEDUCTION FOR YEAR 2009**

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

BE IT RESOLVED that the Tax Collector has determined that the following has qualified for a Veteran’s property tax deduction in the amount of \$250.00 for 2009 and is due a refund of said amount.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
2100	1521	Calvin Garner 1 Osmond Way Delanco, NJ 08075	\$250.00

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the township Treasurer and the Township Tax Collector.

**RESOLUTION 2009-150  
REFUND OF TAX OVERPAYMENTS**

WHEREAS, the Tax Collector has determined that the following has overpaid taxes for 2009; and

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

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

Quicken Loans Inc  
20555 Victor Parkway  
Livonia MI 48152  
For: 533 Franklin St  
Block 1406 Lot 2                      Amount \$814.91

Service Link  
4000 Industrial Blvd  
Aliquippa PA 15001  
For: 225 Lilac Lane  
Block 802 Lot 4                      Amount \$1,541.18

**RESOLUTION 2009-151  
REFUND OF TAX OVERPAYMENTS FOR HOMESTEAD REBATES RECEIVED IN  
THE DELANCO TAX OFFICE**

WHEREAS, the Tax Collector has determined that the following has overpaid taxes for 2008 as a result of Homestead Rebates received by the Delanco Tax office; and

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

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

Marianne Previch  
415 Illinois Ave.  
Delanco, NJ 08075  
Block 404 Lot 9                      Amount \$545.48

Marie Reese  
224 Union Ave.  
Delanco, NJ 08075  
Block 1109 Lot                      Amount \$484.04

William Preston  
631 Hickory Street  
Delanco, NJ 08075  
Block 1511 Lot 7                      Amount \$1,250.00

**RESOLUTION 2009-152**

**RESOLUTION AUTHORIZING EMPLOYEMENT CONTRACT WITH THE DELANCO PUBLIC WORKS DEPARTMENT REPRESENTED BY THE COMMUNICATIONS WORKERS OF AMERICA LOCAL 1036**

WHEREAS, the Township Committee has been in the process of negotiation a new contract with the Delanco Public Works Department as represented by the Communications Workers of America Local 1036; and

WHEREAS, an agreement has been reached for the year 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 the Delanco Public Works Department for the period January 1, 2009 – December 31, 2009.

**RESOLUTION 2009-153**

**SPECIFYING THE SALARIES OF EMPLOYEES WITHIN THE DELANCO TOWNSHIP**

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

Section 1. Based on contract negotiations between the Township of Delanco and bargaining units for various employees of the municipality and based on determinations made by the Township Committee to set the salary of those employees not covered by a bargaining agreement, the Township Committee does hereby establish for the year 2009 the salary rates for the employees specified on the following Schedules. Salary rates for employees covered by collective bargaining agreements are governed by those agreements and are listed below with their regular compensation. Additional compensation for irregular items such as shift differential, where applicable, is not included below.

Section 2. The Township Clerk is hereby directed to forward a copy of this resolution to the Chief Finance Officer/Treasurer of the Township of Delanco in order that he may be made aware of salary rates herein supplied and pay the appropriate amounts, retroactive to January 1, 2009.

**SCHEDULE A** HOURLY RATE

Thomas vanEmburch	Heavy Equipment Operator	\$23.07
Robert Crabtree	Heavy Equipment Operator	\$23.07
Kenneth Shedaker	Heavy Equipment Operator	\$23.07
Ryan Pippin	Heavy Equipment Operator	\$23.07
Ryan Seiter	Heavy Equipment Operator	\$19.91

**RESOLUTION 2009-154**

**AUTHORIZING THE APPOINTMENT OF AN INTERIM ACTING TOWNSHIP ADMINISTRATOR AND AUTHORIZING CONTRACT EXTENSION WITH FIRST JERSEY MUNICIPAL ASSISTANCE, LLC**

WHEREAS, the Township Committee of the Township of Delanco (hereinafter “Township”), desires to contract for interim Acting Administrator services, and;

WHEREAS, Richard Schwab of First Jersey Municipal Assistance, LLC is currently under contract as Acting Township Administrator for Delanco Township; and

WHEREAS, the Township Committee wishes to retain the services of Mr. Schwab as Acting Township Administrator for an additional period from January 1, 2010 to February 28, 2010, and;

**WHEREAS**, this individual will work as an independent contractor and not as an employee of the Township; and

**WHEREAS**, funds for this contract will be provided and budgeted sufficient to cover the cost of these services.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that the contract with First Jersey Municipal Assistance, LLC is hereby extended under the same terms for the period of January 1, 2010 to February 28, 2010.

The Mayor and the Township Clerk are hereby authorized to execute said contract on behalf of the Township of Delanco.

**BE IT FURTHER RESOLVED** that Richard B. Schwab is hereby appointed as Acting Township Administrator for the Township of Delanco for a term from January 1, 2010 to February 28, 2010.

**PAYMENT OF BILLS**

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$ 65,838.45
PAYROLL	124,343.24
CAPITAL	325.00
TRUST	13,411.25
DOG TRUST	1,444.00
PUBLIC DEFENDER	333.00
ACCUM. ABSENSES	9,042.00

**GENERAL ACCOUNT – DECEMBER 29, 2009**

25724	ALL INDUSTRIAL SAFETY PRODUCTS	99.90
25725	BURLINGTON TIMES-CALKINS MEDIA	538.24
25726	BEVERLY BEE	1,350.00
25727	CRYSTAL SPRINGS	60.77
25728	CLEAN RENTAL SERVICES INC	228.96
25729	COURIER POST	86.13
25730	CLARKE CATON HINTZ	714.35
25731	COMCAST	105.11
25732	CONTINENTAL FIRE & SAFETY INC	79.80
25733	DELANCO TWP RECREATION ACCT	4,458.46
25734	EIC INSPECTION AGENCY CORP	1,292.80
25735	FIRST JERSEY MCPL ASSISTANCE	4,000.00
25736	GRIFFIN SIGNS INC	69.60
25737	CALVIN GARNER	250.00
25738	HULSE & GERMANO ESQS LLC	1,019.25
25739	LAWMEN SUPPLY CO OF NJ INC	675.00
25740	SUSAN J LANSER	73.00
25741	NJ LEAGUE OF MUNICIPALITIES	110.00
25742	OAKWOOD UNIFORM & EQUIP INC	107.50
25743	OLD DOMINION BRUSH CO	357.65
25744	PEDRONI FUEL CO	4,676.93

25745	PETTY CASH-ADMINISTRATIVE	396.79
25746	PSE&G	8,736.09
25747	PARKER MCCAY-ATTORNEYS AT LAW	3,144.30
25748	PETTY CASH-POLICE DEPARTMENT	400.00
25749	WILLIAM PRESTON	1,250.00
25750	MARIANNE PREVICH	545.48
25751	QUICKEN LOANS INC	814.91
25752	RIVERSIDE NAPA AUTO PARTS	383.40
25753	RUTGERS UNIVERSITY	175.00
25754	RYAN HOMES	1,435.00
25755	RAYMOND COLEMAN & HEINOLD LLP	7,912.75
25756	MARIE REESE	484.04
25757	SAFETY AUTO REPAIR	2,994.87
25758	SAFEGUARD BUSINESS SYSTEMS INC	157.53
25759	SERVICELINK	1,541.18
25760	STAPLES INC	446.98
25761	STALKER RADAR APPLIED CONCEPTS	5,672.00
25762	STEWART BUSINESS SYSTEMS	170.21
25763	KEVIN L SCIBILIA	475.00
25764	THIS & THAT UNIFORMS	1,638.00
25765	TRASH PRO	1,500.00
25766	UNITED STATES POSTAL SERVICE	3,000.00
25767	VERIZON WIRELESS	511.19
25768	VERIZON CABS	185.14
25769	W B MASON CO INC	225.10
25770	XTEL COMMUNICATIONS INC	1,289.04
<b>TOTAL</b>		<b>\$65,838.45</b>

**TRUST**

2134	PENNONI ASSOCIATES INC	455.00
2135	LAND ENGINEERING & SURVEYING	7,918.75
2136	HULSE & GERMANO ESQS LLC	992.25
2137	TAYLOR DESIGN GROUP INC	417.75
2138	BIRDSALL ENGINEERING INC	527.50
2139	US BANK-CUST/SASS MUNI V DTR	3,000.00
2140	US BANK-CUST/SASS MUNI V DTR	100.00
<b>TOTAL</b>		<b>\$13,411.25</b>

**CAPITAL**

1536	WATCHGUARD DIGITAL INCAR VIDEO	325.00
<b>TOTAL</b>		<b>\$325.00</b>

**DOG**

1430	TOWNSHIP OF DELRAN	1,011.00
1431	MGL PRINTING SOLUTIONS	433.00
<b>TOTAL</b>		<b>\$1,444.00</b>

**PUBLIC DEFENDER**

1084	PAYROLL ACCOUNT	183.00
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1085	JAMES FATTORINI ESQ	150.00
<b>TOTAL</b>		<b>\$333.00</b>

**ACCUM ABSENCES**

1010	PAYROLL ACCOUNT	9,042.00
<b>TOTAL</b>		<b>\$9,042.00</b>

**APPROVAL OF MINUTES – 10/19/09**

**APPROVAL OF DEPARTMENT REPORTS**

**APPROVAL OF CONSENT AGENDA**

Motion by Ed Devinney, seconded by Mike Templeton to approve the consent agenda

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

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

Mayor Fitzpatrick opened the meeting to the public.

1. Steve Schofield, 400 Burlington Avenue, asked that as of right now, does he still have access to the Malik’s property at 323 Delaware Avenue through Delaware Avenue and when approximately will he not be able to do that anymore.

Mr. Schofield brought up the issue of an ice cream parlor application to the Planning Board.

Mr. Schofield asked if the Police Department could be pro-active and look at the traffic pattern and perhaps put up some no parking signs specifically on the creek side between the driveway and Burlington Avenue. Mr. Schofield also suggested putting a no parking sign on Burlington Avenue back a certain distance on the park side.

2. Rich Malik, 325-327 Delaware Avenue, stated that the Township Solicitor, Mr. Douglas Heinold explained to him that there are two separate issues; the eminent domain case that was dropped and the vacating of the road. Mr. Malik stated that he gave a notice to Chief Sacalis to give to Mr. Vigilante as he was leaving tonight; it was the easement and notice that he will be closing Delaware Avenue off at Mr. Vigilante’s property line and not where it is vacated yet because the issue is not done yet. Mr. Malik stated that the notice is instructing Mr. Vigilante to remove the cinder block walls on his property.

Mayor Fitzpatrick stated that this should be worked out through the attorneys and not the individuals because it hasn’t been resolved until everything falls into place.

3. Steve Schofield, 400 Burlington Avenue, asked whose responsibility it would be to put the driveway in where the easement is going to be and who maintains that property. Mr. Schofield stated that he does not understand why no one will be able to use the road anymore.

Committeeman Mike Templeton suggested that Mr. Schofield ask the Township Solicitor, Mr. Douglas Heinold for an explanation at the next Township Committee Meeting.

Mayor Fitzpatrick wanted it put on record that this is public record and there is a part of the ordinance that is contingent upon the simultaneous filing with the County Clerk of an access easement by 325 Delaware Avenue LLC in favor of the owner of 323 Delaware Avenue; which easement shall run with the land and inure to the property owner of 323 Delaware Avenue and its assessors and interest.

Mr. Malik added that he will be recording the easement tomorrow morning at the County level. A discussion ensued regarding the recording of the deed.

### **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 letter from Martin Livingston, the Traffic Engineer with Burlington County regarding the previous request from the Delanco Police Department for the County to review the need to close the passing zones in the vicinity of 1000 Coopertown Road for Dietz and Watson's Distribution Center. The County has completed their review and determined that there is no justification to close the passing zone at this time.
- received a letter from Mary Jo Horton, Girl's State Chair Person for American Legion Auxiliary Unit 146 requesting that Delanco Township sponsor a junior high school girl for next year's program. – cost is \$240.00 and they need to have the check by January 26, 2010 – the Township Committee members agreed to sponsor the girl

Motion by Ed Devinney, seconded by Marlene Jass to approve sponsoring the high school girl for the New Jersey Girl's State program and be put on the January 11, 2010 check list.

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

Committeeman Ed Devinney commented that he attended the ground breaking for the Zurbrugg Partnership project and it was a very nice event and the project is being well supported. Mr. Devinney commented that all parties took risks in this project including Delanco Township.

Mr. Malik, 325-327 Delaware Avenue stated that last week the County approved a project for the parks in the amount of 2.6 million dollars for improvements to Pennington Park.

### **ADJOURNMENT**

Motion by Ed Devinney, seconded by Marlene Jass to adjourn the meeting.

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

Janice M. Lohr, RMC  
Municipal Clerk  
December 29, 2009