

TOWNSHIP COMMITTEE MEETING – MARCH 1, 2010

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

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

Also Present: Mr. Schwab, Acting Twp. Administrator; Mr. Denton, Twp. Engineer; Mr. Heinold, Twp. Solicitor; Mrs. Lohr, Municipal Clerk; Ms. Zimmermann, Deputy Municipal Clerk; Mr. Sacalis, Police Chief.

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, 2010 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 commented that there was a nice letter to the editor in the Burlington County Times and she wanted to take the opportunity to read it to the public regarding the Public Works Departments plowing of the snow during the last storm.

ORDINANCE 2010-1

AN ORDINANCE AMENDING AND SUPPLEMENTING ZONING CHAPTER 110 IN VARIOUS NAMED SECTIONS OF THE ORDINANCES ENTITLED PART II LAND USE PROCEDURES OF THE TOWNSHIP OF DELANCO TO IMPLEMENT 2009 MASTER PLAN RECOMMENDATIONS 2ND READING AND PUBLIC HEARING

WHEREAS, the Planning Board adopted a comprehensive revision to the Master Plan in February 2009;

WHEREAS the Township Committee of the Township of Delanco ("Township") seeks to implement certain recommendations in that Master Plan related to amending the Zoning Chapters of the Land Development Regulations to improve the appearance of the Township and for the betterment of the community;

WHEREAS the Township Committee of the Township of Delanco seeks to ensure compatibility of uses and provide for appropriate uses in keeping with the character residential locations throughout the Township where all uses are provided for in appropriate locations outside of residential districts; and

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

Section 1. §110-29 D(2) shall be stricken so that principal uses permitted in the C-1 District shall no longer be permitted in the R-6 District and (3) & (4) shall become "(2) & (3)"

REPORT ON CONSISTENCY FINDINGS BY PLANNING BOARD

The Municipal Clerk, Mrs. Janice Lohr stated that the Joint Land Use Board reviewed the ordinance at its February 2, 2010 meeting and did find it to be consistent with the Delanco Township Master Plan.

The Township Solicitor, Mr. Douglas Heinold stated that the terms of Ordinance 2010-1 are clear and notice was sent to all residents in the zone and within 200 feet of the zone. Mr. Heinold stated that this is an amendment to the R6 zone to remove the C1 uses as conditionally permitted uses in the zone in accordance with the Master Plan that was adopted in 2009.

HEARING OPEN TO THE PUBLIC

Mayor Fitzpatrick opened the hearing to the public.

- Michael Sullivan, 511 Ash Street, commented that he doesn't understand this. The Township Solicitor explained Ordinance 2010-1.
- Frank Fisher, 200 Ash Street, questioned how this Ordinance 2010-1 would affect his property in respect to when he sells his property. A discussion ensued regarding the boundaries of the zone.
- Mary Ward, 201 Buttonwood Street, commented that she resides next to the Fisher property and she wants the property to remain commercial and does not want to see condominiums at that location. Mrs. Ward stated that she has never had any problems with the Fisher business located next to her residence.
- Barbara McFadden, 750 Rancocas Avenue, asked if this being done because her son wants to put an ice cream parlor in his house. Mrs. McFadden stated that she is having a problem with the fact that there are a lot of issues that the board and the professionals are not answering or are unable to answer. Mrs. McFadden asked if she could put a small business in her house on her property. A discussion ensued regarding permitted uses and variances.
- Robert Wickward, 432 Buttonwood Street, owns a property that is currently C1 and asked how that would be affected.
- Fred McQuade, 734 Rancocas Avenue, questioned what good it would do for him and what harm would it do for him. A discussion ensued regarding the resident's property.
- Tom McFadden, 409 Rancocas Avenue, disagreed with the previous analogy to a grandfather clause. A discussion ensued regarding the grandfather clause definition. Mr. McFadden asked why the three buildings mentioned by Mayor Fitzpatrick are not getting changed to R6 because two of them are being used as residences. Mr. McFadden stated that when he purchased his property it was zoned commercial. Mr. McFadden asked if this board is taking into consideration the fact that they can be causing a lawsuit; and instead of fighting the lawsuit they could have enough money to hire ten people for five years.

Committeewoman Marlene Jass gave an explanation of the Joint Land Use Board process and the Master Plan and stressed that the JLUB meetings are open to the public and encouraged people to attend the meetings.

- Steve Schofield, 400 Burlington Avenue, asked for an explanation as to why on Burlington Avenue from the Bridge up to the curve; the decision was made not to remove C1 from that area. Mr. Schofield stated that he does not know the McFadden's but he happened to attend the Joint Land Use Board Meeting the first night that they applied for the Ice Cream Parlor and stated that there was no discussion that night about a change in the zoning. Mr. Schofield stated that it wasn't until the second meeting that it was announced from the lawyers for the Land Use Board that there was a change in place and it was his suggestion not to hear the case. Mr. Schofield also suggested that for the next time there is a change; for the people where there are exceptions, that it would be nice if the counsel was better prepared for those people's questions.

- Mary Ward, 201 Buttonwood Street, stated for the record that she was definitely against putting a business at the Rancocas Avenue location and feels it would cause a lot of problems.

- Joanne Paragoy, 216 Buttonwood Street, stated for the record that she was against putting an Ice Cream Parlor at the Rancocas Avenue location.
- Tom McFadden, 409 Rancocas Avenue, stated that he agreed with a previous resident about notification of a zoning change. Mr. McFadden stated that his property was C1 when he bought it and he didn't know it was changed to R6 until the Zoning Officer stopped him and told him he couldn't do what he was doing.

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 Thom Lord, seconded by Joan Hinkle to adopt Ordinance 2010-1.

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

ORDINANCE 2010-2

CALENDAR YEAR 2010

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

2ND READING AND PUBLIC HEARING

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Delanco in the County of Burlington finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$37,003.51 excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Delanco, in the County of Burlington a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Delanco shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5% amounting to \$129,512.28 and that the CY 2010 municipal budget for the Township of Delanco be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

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 Joan Hinkle to adopt Ordinance 2010-2.

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

ORDINANCE 2010-3

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF DELANCO, NEW JERSEY.

2ND READING AND PUBLIC HEARING

BE IT ORDAINED BY THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF DELANCO, as follows:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Town" or "Municipality" is the Township of Delanco, County of Burlington, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Burlington, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, *et seq.*
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.

- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board with a 10-year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such

trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.*
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.*
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).*
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.

- b. The Company shall provide Total Preferred cable television service at no cost on one (1) outlet to the Township Municipal Building, each police, fire, emergency management facility and public library in the Municipality, provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.
- c. The Company shall provide free basic Internet service, via high-speed cable and modem, to one (1) non-networked personal computer in each qualified existing and future school in the City, public and private, elementary, intermediate and secondary, at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students and not for administrative use only.
- d. The Company shall provide free basic Internet access via high-speed cable and modem on one (1) non-networked personal computer in each qualified existing and future public library at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet shall be installed on a personal computer that is accessible to library patrons and not for administrative use only.
- e. Within twelve (12) months of receipt of a Renewal Certificate of Approval, the Company shall provide the Township with a one-time technology grant in the amount of Eleven Thousand Five Hundred (\$11,500) dollars for the Township's cable and technology related needs.

SECTION 15. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 16. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 17. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 18. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 19. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 20. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 21. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

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.

Committeeman Mike Templeton had a question on Ordinance 2010-3. Mr. Templeton referenced page 4 for this section and questioned the distance criteria mentioned and if it would affect the Township School and Library.

Motion by Thom Lord, seconded by Marlene Jass to adopt Ordinance 2010-3

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

COMMENTS – PROFESSIONALS

The Township Solicitor – Mr. Douglas Heinold – Nothing to report

COMMENTS – TOWNSHIP ADMINISTRATOR – Mr. Richard Schwab

- reminder that next Monday, March 8, 2010 at 7:00 there will be a preliminary budget meeting with an energy audit report discussion

Township Engineer – Mr. David Denton

- reported that last week they submitted the grant applications to Congressman Adler’s office for the Zurbrugg Waterfront stabilization and the Pennington Park improvements and the Light Rail Station parking projects

- with regard to Walnut Street; the performance bond company has recommended a contractor and he will be meeting with on Friday to review the work to be done

COMMENTS - DEPARTMENT HEADS

Police Department – Chief George Sacalis

- supplied the monthly report for January to the Township Committee members

Municipal Clerk – Mrs. Janice Lohr –

- announced that during the month of March the Census forms will be mailed out and everyone is encouraged to complete them

- reported that the snow storm of December 19th and 20th, 2009 has been declared an emergency and municipalities in Burlington County are eligible to apply for up to 75% reimbursement under FEMA.

COMMENTS - TOWNSHIP COMMITTEE

Thom Lord –

- reported that at the last School Board on the 24th, Tom Lowenduski resigned and they installed

Cindy Wagstaff as a new member

- the School Board was told by the State to use \$650,000 of their surplus and told that there would be an estimated reduction of 15% in school State aid
- questioned a Purchase Order for parts for the School generator
- attended the DYSA meeting – March 21st is the Rutgers certification day for all coaches
- DYSA is requesting base pass in the T-Ball field and he will talk to Mr. Fenimore about it

Deputy Mayor Joan Hinkle –

- attended the anniversary dinner for the EMS and Fire at the Washington Fire House and it was very heartwarming to see all the dedicated volunteer people in Delanco Township
- attended the Shade Tree Commission Meeting and they received a grant – awarded the 2009 Business Stimulus Fund in the amount of \$6,800.00 – they are grateful to Mr. Matulewicz for working on the grant

Mike Templeton -

- distributed a hand out to the Township Committee Members on the JIF regarding requirements that they are asking member townships to comply with – early May deadline for compliance
- received a letter from PSE&G that they are performing a replacement of mercury vapor fixtures with a different type of light through a stimulus program project
- sent a email to Ann Moore at the County Recycle Office and passed the information on to Committeeman Thom Lord that Recycle Bank had rescinded the awards program for non-profits
- awaiting a response from Matt Johnson at the County in regard to the Rancocas Trails – he would like to refer the Bond issue to the March 15th meeting because he hasn't heard from the County yet

The Township Solicitor, Mr. Douglas Heinold stated that an attorney for Pulte Homes was present and she may be able to address this issue.

Committeeman Mike Templeton stated that there were two connector trails in the original agreement with Pulte Homes, but apparently they were deleted at a later point along with the proposed dock. A discussion ensued.

Melissa Vallette, an attorney at Stark and Stark and representing Pulte Homes; is here primarily to discuss the release of the performance bond with respect to the activity center and farmhouse. The Township Solicitor questioned whether the bonds at issue relate to the trail area, activity center and farmhouse. A discussion ensued.

Marlene Jass –

- attended the EMS and Fire Departments annual award dinner at the firehouse – good seeing all the volunteers and rewards for their efforts to help Delanco residents
- attended the River Route re-organization meeting and they are moving forward with a ten year Master Plan
- had the Recreation Skating Party and the Flower Show this week and both were well attended
- reported that Delanco Township belongs to New Jersey SEM and they went out to bid for natural gas and the lowest bid came in at \$8.84 per decatherm. This contract will be from April 1, 2010 thru March 31, 2011. The executive committee is working on submitting all the accounts for electric and they will be going out to bid for that

Mayor Fitzpatrick –

- attended the Fire Commissioner's meeting and they were happy to have a Township Committee representative present at their meeting – they asked her about the generator at the Pearson School and they were not happy to know that it was still not in operation
- attended the banquet at the Firehouse recognizing the Fire Commissioners, the firemen, the volunteers, the EMS Squad and a new group, the Explorers – there were about twenty Explorers-

present and they are training to be volunteer fire people or EMT's and they recognized them – it is a great experience to see that Delanco Township is training these young volunteers for the future of Delanco

Mayor Fitzpatrick thanked the Township Engineer, Mr. David Denton and his assistant Kathleen Babb for the three projects that they submitted to Congressman Adler's office.

Mayor Fitzpatrick also wanted to thank Mr. Bill Matulewicz and Joan Hinkle from the Shade Tree Commission because it is always nice to receive a letter that they are getting funds.

Mayor Fitzpatrick commented that she sent the picture she had of the Sacalis family and she received a thank you note from them that she wanted to share with the public.

Mayor Fitzpatrick stated that she received a letter from the American Red Cross and she wanted to do a proclamation for them. The American Red Cross asked to have an American Red Cross Month for Delanco. Mayor Fitzpatrick read a revised version of the proclamation.

Motion by Joan Hinkle, seconded by Mike Templeton to adopt the proclamation to adopt March 2010 as American Red Cross month.

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

Proclamation of American Red Cross Month

America has always been a place of humanitarian action and compassion—a place where people take care of each other, and are always willing to reach out and take care of others in need, whether they are down the block or around the globe. The American Red Cross Burlington County Chapter is a true reflection of that character.

For more than 94 years, the Red Cross in Burlington County has been the place where citizens join together, and the generosity and compassion of the American people finds purpose. It's been the place where someone who may not know you will still give you their blood, save you from drowning or provide you with shelter. Never has this been more evident than this past year, when hurricanes pounded the East Coast, and a deadly earthquake struck Haiti. The Burlington County Chapter responded swiftly and generously, and in overwhelming numbers chose their Red Cross as the place to turn their caring into action.

The American Red Cross Burlington County Chapter assisted 56 families following disasters in Burlington County in 2009. Our Red Cross and its Corp of 104 volunteers is among the first on the scene, providing food, shelter, grief counseling and more.

Burlington County turns to the American Red Cross for many of the things that make this county stronger and safer. Nearly half of our critical blood supply is collected by the Red Cross. Last year, 15,464 people chose the Red Cross as the place to donate the gift of life. More than 19,980 people also turned to the Red Cross to learn lifesaving skills such as first aid and CPR.

The Red Cross continues to provide support and comfort to our military families. Last year, they served 13, 927 reserves and National Guard troops. The Red Cross taught the service members and their families how to access Red Cross services and connected loved ones separated by war and conflict.

In America, we may not all look the same, dress the same or sound the same, but we share a common spirit that binds us together when times are tough and unites us in action when someone is suffering. Like a mirror on America, the Red Cross shows us the best possible reflection of ourselves. In celebrating

American Red Cross Month, we are celebrating the humanitarian and volunteer spirit here in Burlington County, New Jersey and all across America.

NOW, THEREFORE, I, Mayor Kate Fitzpatrick, by virtue of the authority vested in me by Delanco Township, NJ, do hereby proclaim March 2010 as American Red Cross Month. I urge all Americans to continue to give blood, volunteer their time, and give generously to the American Red Cross and its local chapter. Burlington County, NJ is a place where we take care of each other.

Mayor Fitzpatrick recognized Sandy Welch and Shirley Rossi as being present in the audience. Mayor Fitzpatrick commented that Sandy Welch had approached her and asked the Township to do a proclamation for Rare Disease Order Day on February 28, 2010. Delanco Township had previously adopted the proclamation and sent the information to Diane Allen's office and to Governor Christie.

PAYMENT OF BILLS

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$578,830.81
PAYROLL	108,453.86
PUBLIC DEFENDER FUND	333.00
TRUST	10,361.50
CAPITAL	15,800.00

GENERAL ACCOUNT – MARCH 1, 2010

25894	AM PM SERVICES	99.00
25895	BURLINGTON TIMES-CALKINS MEDIA	727.82
25896	B & C FIRE EQUIPMENT	422.65
25897	BOB THE BUILDER	300.00
25893	BURLCO MCPL COURT ADMIN ASSN	50.00
25899	CRYSTAL SPRINGS	57.51
25900	COLORCRAFT SIGN CO	54.00
25901	COURIER POST	162.69
25902	CLARKE CATON HINTZ	1,102.30
25903	CLC LOCKSMITHS	90.00
25904	COMCAST	105.27
25905	CUSTOM BANDAG INC	976.00
25906	DELANCO TWP BOARD OF EDUCATION	448,675.09
25907	DELANCO FIRE COMMISSIONERS	25,583.33
25908	DELANCO PUBLIC LIBRARY ASSOC	3,357.00
25909	DENNIS P MCINERNEY LLC	500.00
25910	DRAEGER SAFETY DIAGNOSTICS INC	224.95
25911	DIGIULIOS FOOTWEAR PLUS	118.99
25912	EJA & ASSOCIATES INC	4,115.40
25913	FEDERAL EMPLOYEES BENEFIT ASSN	380.20
25914	GALLS INC	845.84
25915	GENERAL CODE PUBLISHERS	10,194.90
25916	HOME DEPOT CREDIT SERVICES	119.35
25917	HULSE & GERMANO ESQS LLC	114.75
25918	INTERNAL AFFAIRS ASSOCIATION	50.00
25919	LAWYERS DIARY AND MANUAL	84.25
25920	LOWTHERS SMALL ENGINE INC	748.99

25921	LAND ENGINEERING & SURVEYING	3,520.93
25922	MUNICIPAL CAPITAL CORP	600.00
25923	MILLER FORD	984.96
25924	MICHELMAN & BRICKER PC	2,864.89
25925	LENORE MORAIS	75.00
25926	PEDRONI FUEL CO	4,705.39
25927	PSE&G	11,824.60
25928	PAYROLL ACCOUNT	6,748.28
25929	PARAMOUNT ENTERPRISES NJ INC	15,270.57
25930	REGISTRARS ASSOC OF NJ	50.00
25931	RIVERSIDE NAPA AUTO PARTS	102.04
25932	RYAN HOMES	2,568.00
25933	RAYMOND COLEMAN & HEINOLD LLP	10,382.00
25934	SAFARILAND LLC	109.23
25935	SOUTH JERSEY SANITATION	7,568.88
25936	STAMP FULFILLMENT SERVICES	255.60
25937	TRUST ACCOUNT	7,914.70
25938	TCTA OF BURLINGTON COUNTY	50.00
25939	TREASURER-STATE OF NEW JERSEY	1,050.00
25940	TUCH ELECTRICAL CONTRACTING CO	85.00
25941	VERIZON CABS	188.11
25942	VITAL SERVICES GROUP	383.72
25943	ROBERT T WINZINGER INC	225.00
25944	W W GRAINGER INC	316.60
25945	W B MASON INC	727.03
TOTAL		\$578,830.81

TRUST

2148	HULSE & GERMANO ESQS LLC	189.00
2149	PENNONI ASSOCIATES INC	158.75
2150	LAND ENGINEERING & SURVEYING	10,013.75
TOTAL		\$10,361.50

CAPITAL

1538	WINNER FORD OF CHERRY HILL	13,400.00
1539	DOMENIC'S AUTO BODY & TOWING	2,400.00

PUBLIC DEFENDER

1087	PAYROLL ACCOUNT	183.00
1088	JAMES FATTORINI ESQ	150.00
TOTAL		\$333.00

Motion by Mike Templeton, seconded by Marlene Jass to approve the bills for payment

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

APPROVAL OF MINUTES

11/9/2009, 12/29/2009

(Eligible to approve: Jass, Templeton & Fitzpatrick)

Motion by Marlene Jass, seconded by Mike Templeton to approve the minutes for 11/9/2009 & 12/29/2009

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

11/23/2009, 12/7/2009

(Eligible to approve: Hinkle, Jass, Templeton & Fitzpatrick)

Motion by Joan Hinkle, seconded by Mike Templeton to approve the minutes for 11/9/2009 & 12/7/2009

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

1/4/2010

(Eligible to approve: Jass, Lord, Templeton & Fitzpatrick)

Motion by Thom Lord, seconded by Mike Templeton to approve the minutes for 1/4/2010

ROLL CALL: Jass, yes; Lord, yes; Templeton, yes; Fitzpatrick, yes

****PROCLAMATION – READ ACROSS AMERICA & READ ACROSS AMERICA-NJ****
Mayor Fitzpatrick read the proclamation to the public. Mayor Fitzpatrick encouraged everyone to read to a child on March 2, 2010.

The motion to adopt the Proclamation – Read Across American & Read Across America-NJ was unanimously voted for approval by all members of the Township Committee.

WHEREAS, the citizens of the Township of Delanco stand firmly committed to promoting reading as a catalyst for our students’ future academic success, their preparation for America’s jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Township of Delanco has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community’s well being and long-term quality of life; and

WHEREAS, NEA’s *Read Across America*, a national celebration of reading, will be conducted on March 2, 2010, which would have been the 106TH birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in participation with the New Jersey State League of Municipalities, the New Jersey Library Association and their local affiliates across the state, to promote reading and adult involvement in the education of our community’s students:

NOW, THEREFORE, BE IT PROCLAIMED that the Township Committee of the Township of Delanco calls on the citizens of the Township of Delanco to assure that every child is in a safe place reading together with a caring adult on March 2, 2010.

BE IT FURTHER PROCLAIMED that this body enthusiastically endorses *NEA’s Read Across America and Read Across America-NJ*, and recommits our community to engage in programs and activities to make America’s children the best readers in the world.

Melissa -- from Stark and Stark stated that she spoke with Mr. Vincent Mangine and he said that there was a meeting in December that discussed the trails and that they are part of the Tri-Party

Agreement. Melissa -- asked for the release of the performance bonds.

The Township Solicitor, Mr. Douglas Heinold returned to the meeting and explained the information that he found regarding the activity complex file. Mr. Heinold concluded that the issue with the paths is not covered by this bond.

OLD BUSINESS:

RESOLUTION 2010-44

RELEASE PERFORMANCE GUARANTEE FOR NEWTONS LANDING ACTIVITY CENTER AND FARMHOUSE

WHEREAS, a Performance Guarantee has been posted for certain improvements and renovations for the Activity Center and Farmhouse at the Traditions at Newton Landings project subject to certain terms and conditions including, but into limited to, the filing for Third Party Performance Guarantees guaranteeing the satisfactory installation of certain on-tract and off-tract public improvements; and

WHEREAS, the Township has been notified in writing and in accordance with the procedures set forth in N.J.S.A. 40:55D-53.d that the required improvements have been completed which are the subject matter of the aforementioned and has requested the release of said Performance Guarantee for said section; and

WHEREAS, the Project Engineer has inspected all the improvements of which notice has been given and has filed a report in writing with the Township Committee and has recommended that the Township Committee approve the release of said Performance Guarantee as per the Project Engineer's letter dated January 11, 2010; and

WHEREAS, the Township Committee has reviewed said request and report and desires to act favorably with respect to the Engineer's recommendations.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delanco, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby releases the aforementioned Performance Guarantee filed for the Activity Center and Farmhouse at Newton's Landing as set forth in the Engineer's report letter dated January 11, 2010, provided that all applicable property taxes and other escrow charges are current.

2. That the Township Committee, for the aforementioned reasons, hereby declares that the release of the Performance Guarantee is subject to the payment of all outstanding professional review and inspection escrow fees and the posting of a two-year Maintenance Guarantee in the amount of \$30,377.57, which is 15% of the original construction cost estimate.

Motion by Marlene Jass, seconded by Thom Lord to adopt Resolution 2010-44

ROLL CALL: Hinkle, yes; Jass, yes; Lord, yes; Templeton, abstain; Fitzpatrick, yes

MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS

Mayor Fitzpatrick opened the meeting to the public.

• Steve Schofield, 400 Burlington Avenue, questioned whether the grant that was just received had anything to do with the Shade Tree Commission's previous planting of trees.

Mr. Schofield asked for an update on the Malik issue.

Mr. Schofield made a comment about the minutes on the Township Website for the Shade Tree Commission and the Recreation Commission and asked if the minutes could be updated.

• Peter Fritz, 303 Union Avenue, reported that the information for the Township volunteer organizations is out of date on the Township website.

Mr. Fritz asked if anyone knew if there was an official Delanco flag. A discussion ensued regarding the flag and the Township logo.

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

ADJOURNMENT

Motion by Joan Hinkle, seconded by Thom Lord to adjourn the meeting.

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

Janice M. Lohr, RMC
Municipal Clerk
March 1, 2010