

## **TOWNSHIP COMMITTEE MEETING – MAY 3, 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. Fenimore, Supt. of Public Works, absent; Mr. Sacalis, Police Chief., absent; Mr. Goffredo, Code Enforcement Officer, absent; Scott Taylor, Township Planner; Mary Beth Lonergan, COAH planner

### **FLAG SALUTE**

Mayor Fitzpatrick led the flag salute

### **SUNSHINE STATEMENT:**

Please be advised that proper notice of this meeting has been given in compliance with the Open Public Meetings Act in the following manner: Written notice has been mailed to the Burlington County Times and Courier Post and published in the January 5, 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.

### **\*\*SPECIAL PRESENTATION - CONSTRUCTION OF NEW SOCCER FIELDS\*\***

Mayor Fitzpatrick announced that the Township Planner, Mr. Scott Taylor and the Township Engineer, Mr. David Denton are present to give a special presentation with the results of the special sub-committee meeting for the soccer fields at the Pennington Park project.

Mr. Scott Taylor exhibited several architectural drawings of the conceptual park master plan for the “Delanco Community Park” and gave a brief explanation of what they planned to do in the different phases. Mr. Taylor passed out copies of the conceptual plan for Phase I that includes a parking lot and two soccer fields.

Mayor Fitzpatrick added that the Township needs to approve the topographical survey of the property and confirmed with the Township Engineer, Mr. Denton that it was ready for approval.

Committeewoman Marlene Jass asked what would happen if the Marina sale does not go through; and what Mr. Taylor saw in the future as to the next “popular” sport. Mr. Taylor indicated that he does not have a crystal ball but did state that La Crosse is becoming a very popular sport and indicated that La Crosse can be done on rectangular multi-purpose fields.

Committeeman Mike Templeton asked Mr. Taylor if there is a rough way of figuring out the costs for Phase I. Mr. Templeton questioned the irrigation and lighting for the fields. Mr. Taylor stated that Phase I does include lighting for the two fields. Committeeman Mike Templeton suggested to Mr. Taylor that as he proceeds with the project that he work up an annual maintenance cost for utilities and man hours to maintain this property.

Committeewoman Marlene Jass made a suggestion that there may be wells on the property since it was originally farmland, and perhaps they could be used for irrigation. Mr. Taylor stated that they would not use old wells and indicated that they already have plans to drill a new well to service the fields and recreational buildings.

The Municipal Clerk, Mrs. Janice Lohr questioned the ability for emergency vehicles to navigate through the back fields on the paths that are provided.

- Maureen Barrett, 321 Delaware Avenue questioned the lighting and asked if they were considering dark sky standards for the lighting to be environmentally sensitive.
- Peter Fritz, 303 Union Avenue, questioned whether the overflow parking area could double as an emergency helicopter landing area if necessary.
- Jack Hoefle, 44 Pennington Court, asked if the homes were included in the proposed County purchase of the Marina.

Mayor Fitzpatrick reiterated that at the last Township Committee meeting, she mentioned that the Recreation Commission is going to sponsor a contest for naming the fields at the proposed community park. Mayor Fitzpatrick stated that everyone has an opportunity to be included in naming the field.

Motion by Marlene Jass, seconded by Joan Hinkle to approve the Township Engineer's letter of April 9<sup>th</sup> that calls for the topographical survey of the property to go out for bid and not to exceed \$4,500.00.

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

The Township Planner, Mr. Scott Taylor exhibited a drawing of the county's Pennington Park and gave an update on the plans that are being made to the park at the present time.

The Municipal Clerk, Mrs. Janice Lohr asked Mr. Taylor if there would be any other structures besides the trees that would differentiate for the public what is the County Park what is the Delanco Community Park.

- Keith Letizio, 203 Union Avenue, asked Mr. Taylor if he knew where the (13) blue bird houses are that were installed at the Pennington Park location by Troop 19 Scouts three years ago.
- Peter Fritz, 303 Union Avenue, asked if there was any thought to the name Russ Newton for the Park.

Deputy Mayor Joan Hinkle mentioned the name Joe Burke, who used to scull on the Rancocas Creek, to be used to name the small boardwalks at the park.

## **RESOLUTION 2010-65**

### **AUTHORIZING "PAYMENT IN LIEU OF TAX" AGREEMENT FOR AFFORDABLE HOUSING PROJECT BY ZURBRUGG PARTNERSHIP, LLC**

WHEREAS, Zurbrugg Partnership, LLC (hereinafter referred to as the "Sponsor") previously entered into a Redevelopment Agreement with the Township of Delanco (hereinafter "Township") on April 14, 2008 to convert and modify the Zurbrugg Mansion to create 25 age-restricted affordable housing units, to restore the Carriage House, and to construct 8 market-rate townhouse units (hereinafter the "Project") on the perimeter of the property at 531 Delaware Avenue, previously known as Block 1202, Lots 1.01, 1.02 and 1.03 (hereinafter the "Property") and since further subdivided; and

WHEREAS, the 25 age-restricted affordable housing portion of the project (hereinafter "Affordable Housing Component"), including the Mansion at Lot 6 and the common area at Lot 10, is in accord with and consistent with the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated

thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements"); and

WHEREAS, pursuant to the Redevelopment Agreement and the Township's Third Round Affordable Housing Plan, the governing body of the Municipality has determined that there is a need for this Project in the Municipality; and

WHEREAS, the Affordable Housing Component of the Project will be subject to requirements of the following funding sources: New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the County HOME Program; and

WHEREAS, the units in the Affordable Housing Component of the Project will qualify as low or moderate income units under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the regulations of the Council on Affordable Housing ("COAH"), N.J.A.C. 5:96 et seq. and N.J.A.C. 5:97 et seq. and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.; and Delanco Township has included the Project in its fair share plan and has voluntarily submitted to the Superior Court as part of its 2008 Declaratory Judgment filing to address its fair share affordable housing obligation.

WHEREAS, the current assessment on the Mansion (Lot 6) and the common area property (Lot 10) is \$1,505,200 and \$487,400, respectively, totaling \$1,992,600; and

WHEREAS, the Sponsor has filed and has pending tax appeals on the tax assessments for 2009 and 2010; and

WHEREAS, the Sponsor, subject to settlement of the tax appeals, has agreed to an increase in the PILOT in the latter fifteen (15) years of the Agreement from 6.28% to 7.0%, as well as to reduce and fix the tenant utilities that may be subtracted from project revenue, which represents an approximate \$69,000 increase in the overall value of the PILOT to the Township; and

WHEREAS, the settlement of the tax appeals required to obtain this agreement to an increase on the PILOT from the Sponsor is a reduction of the assessed value to a cumulative \$815,000 per year; and

WHEREAS, the Township Committee has concerns with regard to the defense of the assessed value and has consulted with the Tax Assessor, Township Attorney and COAH Planner with regard to valuation issues; and

WHEREAS, the Township's COAH Planner, a former COAH employee, has extensive experience with regard to the assessment of such affordable housing projects and has indicated an opinion that the value upon completion of the project will be approximately \$900,000 based upon the restricted rental income stream; and

WHEREAS, if the Township were unsuccessful in fully defending the current assessed value, it would be required to immediately refund the amount owed with interest; and

WHEREAS, the Sponsor has further agreed, as part of the PILOT and the settlement of the tax appeals, to waive interest and to permit the Township to spread any refund under the settlement across the first ten (10) years of the PILOT; and

WHEREAS, the Sponsor further agrees that, in the event that the calculation for a given year would result in money being credited back to the taxpayer, the taxpayer agrees to accept that as a credit against the next PILOT payment, so that the Township is never required to issue money back to the Sponsor; and

WHEREAS, the Township Committee determines that the settlement of the tax appeals as part of the PILOT is consistent with the valuation of a project of this type, particularly given that the project is only in the construction phase and there is no income being generated from the property at this time; and

WHEREAS, the property, during the 2009 and 2010 tax years was subject to the Redevelopment and Affordable Housing restrictions and could not be put to another use, thereby limiting the value of the property during those years; and

WHEREAS, the effect of the settlement, which results in an approximate \$51,000 reduction for the tax years 2009 and 2010, when compared to the net increase over the life of the PILOT of approximately \$69,000, yields a net increase over the life of the PILOT of approximately \$18,000 in favor of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Delanco (the "Committee") that:

- (1) The Committee finds and determines that the proposed Affordable Housing Component of the Project will meet or meets an existing housing need;
- (2) The Committee finds and determines that the Affordable Housing Component of the Project proposed by the Sponsor meets or will meet all or part of the municipality's low and moderate income housing obligation;
- (3) The Committee has committed to address its third round fair share obligation by including the Affordable Housing Component of the Project in a newly adopted housing element and fair share plan, in accordance with N.J.A.C. 5:96 et seq. and "N.J.A.C. 5:97 et seq., that Delanco Township has voluntarily submitted to the Superior Court as part of its 2008 Declaratory Judgment filing to address its fair share affordable housing obligation.
- (4) The Committee does hereby adopt the within Resolution with the further intent and purpose that from January 1, 2011, the proposed Affordable Housing Component of the Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Affordable Housing Component of the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "A"; and
- (5) The Committee hereby authorizes and directs the Mayor of Delanco Township to execute, on behalf of the Municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "A"; and
- (6) The Committee understands and agrees that the revenue projections set forth in Exhibit "A" to the Agreement are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and the Municipality.
- (7) The Committee further agrees to the settlement of the 2009 and 2010 tax appeals as outlined above and part and parcel to the negotiation and agreement to the PILOT agreement.

Mayor Fitzpatrick asked the Township Solicitor, Mr. Douglas Heinold to give an overview of how the Township has come to this point and an explanation on the project as COAH would agree upon the PILOT.

Mr. Heinold stated that the Township was approached by the developer about nine months ago about a PILOT request. Mr. Heinold stated that there have been many discussions regarding this matter and in March, the Township Committee agreed to enter into negotiations for a PILOT agreement. Mr. Heinold outlined the provisions of the agreement.

Mary Beth Lonergan, Township COAH Planner, gave an explanation of the utilities aspect of the COAH requirements.

- Fern Ouellette, 212 Rancocas Avenue, questioned what was included in the terms for utilities.

Mr. Randy Cherkas from Grapevine Partnership explained that there will be one central bill for the gas and electric and one sewer and water bill. Mr. Cherkas stated that the only amount that is being deducted is the gas and electric bill. They have agreed that it will come to about \$100.00 per unit. Mr. Cherkas indicated that the allowance for utilities will reflect the cost of living increases.

Mr. Ouellette stated that he is also concerned that certain other entities will not get a portion from the PILOT agreement; school, fire department, etc. Mr. Ouellette is concerned that costs continue to rise and the rest of the community has to foot the bill because the PILOTS aren't contributing their portion to the Township.

Mayor Fitzpatrick gave an explanation. Mayor Fitzpatrick also gave a scenario that when there is a tax appeal in the Township and a resident or commercial entity wins their appeal and the Township owes them money; those funds have already been submitted to the County, the schools county library, fire district, etc. Ms. Fitzpatrick stated that the Township reimburses all of that and that the township does not recover any of the reimbursed funds from the other entities.

Committeeman Mike Templeton commented that the Mayors' explanation on the PILOT and how it works and who gets the money and who doesn't is a completely separate issue than the tax appeal issue. Mr. Templeton stated that the total assessment for the Mansion property is currently roughly about 1.5 million dollars and the requested assessment by Zurbrugg Partnership is \$159,900.00. Mr. Templeton stated that he feels like the Township Committee is being chased into a solution and agreeing to something that he really questions the basis for. Mr. Templeton asked the COAH Planner, Mary Beth Lonergan if there are any properties that she is familiar with that have this devaluation. A discussion ensued. Mr. Cherkas commented that some of the figures that Mr. Templeton quoted were not accurate. Mr. Cherkas stated that he felt the Delanco Tax Assessor did not do the appropriate assessment for the property.

The Township Solicitor, Mr. Douglas Heinold commented that for the tax appeal; the Township would be required to pay him to defend the case; hire an expert to do the appraisal reports and pay him to appear at the trial which would probably last at least two days, and that is roughly a \$15,000 expense. Mr. Heinold also stated that any judgment against the Township would be with interest and immediately payable. Mr. Heinold feels that because the Township is able to spread this impact over the life of the PILOT and with the increase in the PILOT at the same time, it effectively makes it a wash and he feels it is a win for the municipality.

Mayor Fitzpatrick commented about the tax exempt status that could have happened at this property, and that she feels that they are protecting the residents of Delanco from a total tax exemption on this property.

- Peter Fritz, 303 Union Avenue, commented that he is a novice at this but stated that it would be interesting down the road to follow what Cinnaminson is doing because Lutheran Social Ministries is doing a similar project with sixty units in a relatively historic building there.

Motion by Joan Hinkle, seconded by Thom Lord to adopt Resolution 2010-65.

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

Mr. Cherkas concluded that, long term, the result of this agreement tonight is that it creates stability for the Township in terms of what they will receive in taxes for the length of this, as long as it remains an affordable housing project, and it creates stability for the budget of the project.

The Township Solicitor, Mr. Douglas Heinold stated that he indicated to the Township Committee that there was a question raised about the rental inspection ordinance. Mr. Heinold stated that there is a \$100.00 fee per unit for rental inspections in Delanco Township. Mr. Heinold stated that the impact on this project and the Abundant Life project would be substantial if charged at the current rate. Mr. Heinold stated that they are going to confer with the rental inspector on how to deal with this issue.

#### **COMMENTS – PROFESSIONALS**

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

- currently preparing plans and specifications for Second Street reconstruction for the DOT Grant between Willow Street and Union Street; also Edgewood and Center Streets
- preparing plans and specs for the Poplar Street sidewalk reconstruction that is a CDBG Grant Deputy Mayor Joan Hinkle questioned whether the reconstruction of the street was included. Mr. Denton indicated that only the sidewalks are included in the grant specifications.
- submitted a request last week for funding from the Bureau of Coastal Engineering for the Zurbrugg Waterfront Stabilization Project

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

Mr. Heinold thanked Mary Beth Lonergan for attending the meeting tonight to help with the explanation of the COAH requirements for the Zurbrugg Mansion project.

The Township Planner, Mr. Scott Taylor gave an update on Newton's Landing.

Committeewoman Marlene Jass asked if the Township could extend the maintenance on the trees and sidewalks for a year at Newton's Landing.

Mr. Heinold reported that Delanco Township has been named in a lawsuit filed by the McFadden's. The McFadden's property was rezoned according to the Master Plan. The McFadden's had applied for a commercial use before the Joint Land Use Board. The application became a D variance and was denied. The McFadden's are now challenging the Board's denial of that variance application and the rezoning. They have also thrown in a third count for a violation of civil rights. Mr. Heinold stated that they have sent the case up to the Township's insurance carrier. The provider has replied indicating that they will provide a defense for the compensatory and civil rights claim but not as to punitive. They will also offer a buyout provision of \$10,000 to the Township. Mr. Heinold indicated that he is representing the Township relative to the ordinance adoption issue. The JLUB Solicitor, Mr. Dennis Germano will represent the case relative to the defense of the JLUB's denial of the application. Mr. Heinold stated that he is in the process of filing a letter demanding withdrawal of the third count

on the basis that it is frivolous.

Motion by Mike Templeton, seconded by Marlene Jass to approve the buyout provision from Delanco's insurance carrier for the \$10,000 and have Mr. Heinold and Mr. Germano to continue to represent Delanco Township in this matter.

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

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

- working on getting the budget ready to introduce at the May 17, 2010 Township Committee Meeting and public hearing in June
- they are amending the personnel policy with minor amendments
- reported that the Public Works union members agreed to a one year contract for 2010 with no wage increases and a minor stipulation regarding safety glasses

**COMMENTS - DEPARTMENT HEADS**

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

**COMMENTS - TOWNSHIP COMMITTEE**

**Thom Lord** –

- DYSA has scheduled June 1<sup>st</sup> and June 16<sup>th</sup> for in person soccer registration at Pearson School – they have on-line registration also
- DYSA is having their Spring fund raiser on June 5<sup>th</sup> at the 45<sup>th</sup> Street Pub in Edgewater Park
- there was a fund raiser for the Library at Newton's Landing last week
- the Library is also having a fund raiser with a basket for the Camden River Shark Game
- School Board discussed budget related material
- attended the Delanco Spring Town Wide Yard Sale and the EMS sold out of hoagies early

**Joan Hinkle** –

- commented that the Shade Tree Commission is well aware of the problems that Marlene Jass mentioned earlier in the meeting and Mr. Matulewicz looked at them
- Shade Tree Commission observed Arbor Day but were unable to plant the tree because it arrived too late – will be planting the tree on Saturday, May 8th on Richards Avenue
- signed final papers for the Energy Audit
- attended the River Line Advisory Meeting
- Town Wide Yard Sale was great and she never saw so many people everywhere in Delanco
- moving along on Boggs Ditch – railroad culvert has been opened – Transportation Department has assumed responsibility and will maintain the area
- the Burlington County Bridge Commission has cleaned the culvert next to the half way houses
- working on a permit from the Wildlife and they will be addressing the beaver problem
- read a letter from Mrs. Robbins thanking the Township for naming the street after her husband

**Mike Templeton** –

- thanked Mr. Denton for his report on the Boggs Ditch and Mrs. Hinkle's work on the problems at the ditch
- thanked Mr. Schwab, Mrs. Lohr and Ms. Zimmermann for their work on the MEL and JIF record reporting

**Marlene Jass** –

- attended the fund raiser for the Library at Newton's Landing and they raised over \$2,000 for the Library
- attended the River Route Meeting at the Loft in Mt. Laurel, NJ – interesting complex with atrium and shows you how thinking outside the box and what you can bring to your community

- changed the date on the Women’s Club Garden Tour to June 13, 2010 from 11 to 3PM
- Mayor Fitzpatrick –**
- met with PSE&G and Chief Sacalis regarding moving some of the street lights in the first section of the Streetscape to the second phase where there are three conduits and no light fixtures
  - have been meeting regularly on the budget and have another workshop scheduled for May 10, 2010 to go over additional items – also working on the school budget
  - Mayor Fitzpatrick and Committeewoman Marlene Jass worked with the CWA negotiations and are very pleased with the negotiations
  - announced that the Delanco Spring Town Wide Yard Sale was a complete success
  - read a letter sent by Eric Rogers commending two Public Works employees for helping his Mother catch her runaway dog
  - received information regarding Clean Communities Grant – Delanco is receiving \$6,017.74
  - received a notice regarding 2010 Adopt a Beach Spring Clean-up scheduled for Saturday, May 15<sup>th</sup> sponsored by the New Jersey Department of Environmental Protection – anyone can volunteer to participate and register online and there is also an email address
  - announced that Sue Compton, a Delanco resident won the Pillsbury Baking Contest and one million dollars and she will be at the May 17, 2010 Township Committee Meeting where she will be recognized for her accomplishment
  - announced that as a result of her nominating Miranda Pawline for the Governors Excellence Award in the environmental field for her Drop Bags project, she has now received the New Jersey State Environmental Ambassador Position – she will be recognized at an awards banquet in Atlantic City on May 27<sup>th</sup> and she is planning to attend

Mayor Fitzpatrick noted that Chief Sacalis was unable to attend the meeting but left his report with the Township Administrator. Mayor Fitzpatrick noted that the Police Department placed in operation Nixle and there is an issue with dual addresses in different towns with the same zip code. Mayor Fitzpatrick stated that they are addressing the problem.

Mayor Fitzpatrick reported that there are white trucks with red lettering going through Delanco on Burlington Avenue and she asked Chief Sacalis to check on this problem. Chief Sacalis reported that the trucks are transporting plastic bottles from the Distributec Warehouse in Delanco to the Ball Plastic facility in Cinnaminson. They are checking the weight of the trucks to make sure they are enforcing the weight control limit.

**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: NEW BUSINESS**

**RESOLUTION 2010-62**

**REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector has determined that the following has overpaid taxes for 2010; and

WHEREAS, the following has 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 a check in the following amount to:

1<sup>st</sup> American Real Estate Tax Service

Attn: Richard Hill  
1 1<sup>st</sup> American Way  
Westlake, TX 76262  
For: 634 Union Ave  
Block 1506 Lot 2 Amount \$664.28

**RESOLUTION 2010-63  
REDUCTION OF PERFORMANCE BOND # 1037298 FOR ABUNDANT LIFE  
FELLOWSHIP/LIVING SPRINGS PHASE I 100 UNIT RESIDENTIAL BUILDING  
(BLOCK 2200, LOTS 2.01 & 3**

**WHEREAS**, Abundant Life/Living Springs was granted preliminary and final major subdivision approval for its Phase I development for Block 2200, Lots 2.01 & 3; and

**WHEREAS**, in accord with said approval procedures and the Municipal Land Use Law, N.J.S.A. 40:55D-53, et seq., Abundant Life/Living Springs posted a performance bond for the installation of certain on-tract and off-tract improvements; and

**WHEREAS**, Abundant Life/Living Springs has requested a reduction of its performance bond and by letter of April 22, 2010 (attached hereto), the Township Engineer reviewed the request for the reduction of the performance bond, and based upon inspection, recommended said reduction.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Delanco, County of Burlington and State of New Jersey that the performance bond posted by Abundant Life/Living Springs is hereby reduced in accord with the Township Engineer's letter of April 22, 2010, subject to the following conditions: (1) posting of a new performance bond as calculated by the Township Engineer, which amount must be approved by the Township Engineer and the form of bond approved by the Township Attorney, and (2) posting of all escrows and property taxes.

**RESOLUTION 2010-64  
ADOPTING AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES**

**WHEREAS**, the Township Committee adopted a set of Personnel Policies and Procedures on December 15, 2008 via resolution 2008-157; and

**WHEREAS**, it has been determined that certain portions of the adopted Personnel Policies and Procedures need to be amended to improve and/or clarify those portions as recommended by the Municipal Excess Liability Joint Insurance Fund to ensure that employees and prospective employees are treated in a manner consistent with applicable laws and regulations

**NOW, THEREBY, BE IT RESOLVED** by the Township Committee of the Township of Delanco that the Personnel Policies and Procedures Manual dated November, 2008 be amended to replace the specified Policies with new Policies, attached hereto, as follows:

General Personnel Policy (revised in part)

Section One : Policies Relating to Employee Rights and Obligations

Americans with Disabilities Act Policy (revised in part)

General Anti-Harassment Policy (revised in part)

Anti-Sexual Harassment Policy (revised in part)

Employee Complaint Policy (revised in part)

Section Two : Workplace Policies

E-Mail ,Voice Mail, Computer and Internet Usage Policy (revised in part)

Section Three : Paid and Unpaid Leave Policies

Family and Medical Leave Act Policy (revised in part)

Section Five: Model Managerial/Supervisory Procedures

Employment Procedure (revised in part)

Background Checks & Procedures for Employees & Volunteers (new provision)

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time by Resolution and at the sole discretion of the Township Committee.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will.”

**BE IT FURTHER RESOLVED** that the Township Administrator and all other managerial/supervisory personnel are responsible for these employment practices.

**RESOLUTION 2010-66**

**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 negotiating 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 2010.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Delanco that the Township Committee hereby approves the attached tentative agreement between the Township of Delanco and the Delanco Public Works Department for the period January 1, 2010 – December 31, 2010, subject to the “No Layoff Pledge” language amendments as provided by the Township Solicitor.

**PAYMENT OF BILLS**

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$968,233.91
PAYROLL	80,434.72
TRUST	15,637.00
UNEMPLOYMENT FUND	627.28

**GENERAL ACCOUNT – MAY 3, 2010**

26078	AMERICAN LEGION AUX UNIT 146	185.00
26079	BURLINGTON COUNTY TREASURER	436,392.09
26080	CLC LOCKSMITHS	98.00
26081	DELANCO TWP BOARD OF EDUCATION	449,675.09
26082	DELANCO FIRE COMMISSIONERS	25,583.33
26083	DELANCO PUBLIC LIBRARY ASSOC	3,357.00
26084	DELANCO SEWERAGE AUTHORITY	162.00
26085	EIC INSPECTION AGENCY CORP	2,624.80
26086	JOHN FENIMORE	42.00

26087	FIRST AMERICAN REAL ESTATE	664.28
26088	GANN LAW BOOKS	90.00
26089	GALLS INC	194.95
26090	GRAND HOTEL	181.50
26091	HAGAN ROSSI FLORIST	58.00
26092	JOHN MILLER	1,040.00
26093	NEW JERSEY PLANNING OFFICIALS	35.00
26094	NJ STATE HEALTH BENEFIT PROG	34,808.06
26095	OCCUPATIONAL TRAINING CENTER	200.00
26096	PAYROLL ACCOUNT	6,300.65
26097	STEWART BUSINESS SYSTEMS	205.10
26098	TREASURER, STATE OF NJ	2,695.00
26099	TAYLOR DESIGN GROUP INC	1,709.75
26100	MICHAEL W THOMPSON	1,040.00
26101	VERIZON CABS	190.08
26102	VERIZON	425.83
26103	W B MASON CO INC	276.40
<b>TOTAL</b>		<b>\$ 968,233.91</b>

**TRUST**

2163	PENNONI ASSOCIATES INC	1,211.25
2164	LAND ENGINEERING & SURVEYING	9,573.75
2165	JOHN RAHENKAMP	4,852.00
<b>TOTAL</b>		<b>\$15,637.00</b>

**UNEMPLOYMENT**

1019	STATE OF NJ-DEPT OF LABOR	627.28
<b>TOTAL</b>		<b>\$627.28</b>

**APPROVAL OF BUSINESS LICENSES**

2010-35, 2010-36, 2010-37, 2010-38, 2010-39, 2010-40, 2010-41, 2010-42, 2010-44, 2010-45, 2010-46, 2010-47, 2010-48, 2010-49, 2010-50

Motion by Joan Hinkle, seconded by Marlene Jass to approve the consent agenda  
**ROLL CALL:** Hinkle, yes; Jass, yes; Lord, yes; Templeton, yes; Fitzpatrick, yes

**OLD BUSINESS:**

Mayor Fitzpatrick asked if there was any old business to discuss. There was not.

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

Mayor Fitzpatrick opened the meeting to the public.

- Phil Jenkins, 413 Third Street, commented that it was wonderful to see Delanco resident Sue Compton in the newspaper and on the TV news. However, Mr. Jenkins is “bummed out” about the news media broadcasting the break-ins in Delanco. Mr. Jenkins expressed his concern for the of Delanco residents. Mr. Jenkins stated that in the past, Delanco had a very pro active Police Department and feels that they are now getting behind the eight ball. Mr. Jenkins feels that Delanco needs more police coverage and this is the time to do it.

- Peter Fritz, 303 Union Avenue, representing the Historic Preservation Advisory Board gave a short update on the board. Mr. Fritz stated that they have straightened out their membership issue and they are back up to twelve members. Mr. Fritz stated that they meet the first Wednesday of every month. Mr. Fritz stated that they are working on designating historic properties and are in the process of doing historic markers at both of the churches in this cycle. Mr. Fritz is talking with Mr. Cherkas about arranging to do a marker at the Zurbrugg Mansion and noted that it is the 100<sup>th</sup> year anniversary of the Mansion. Mr. Fritz also announced that they are doing a special event in the honor of Mr. Ed Diggs, a long time Township resident. The event will be held on June 2, 2010 and the public is welcome to attend. Mr. Fritz reported that he attended a meeting of the Historical Society in Moorestown and they did a wonderful PowerPoint presentation about Mr. Burke and his rowing career. Mr. Fritz also mentioned that the board would like to recognize the Olympians that have come from Delanco in some way at the new park.

Mayor Fitzpatrick added that she spoke to a long time resident, Mr. Allen Wood and he has agreed to be the Grand Marshall in the Memorial Day Parade in Delanco.

- Fern Ouellette, 202 Rancocas Avenue, commented that he understood that Burlington Avenue was going to be repaved in the next month or so, and requested that the striping be addressed so the lines can be put down correctly this time. Mayor Fitzpatrick stated that she will check to see who is doing the striping and make sure it is done correctly this time. Mr. Ouellette also stated that on the river side of Burlington Avenue that the parking should be wider because it is not wide enough now and people's mirrors are being hit by passing cars and trucks.

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

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

**CORRESPONDENCE – Municipal Clerk – Mrs. Janice Lohr – nothing additional**

#### **DISCUSSION ITEM:**

#### **MEETING OPEN FOR COMMENTS ON DEFEATED SCHOOL BUDGET**

Mayor Fitzpatrick asked if anyone in the public would like to make a comment about the defeated school budget. No one from the public had any comments at this time.

#### **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  
May 3, 2010