

**TOWNSHIP COMMITTEE MEETING – MAY 7, 2007**

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

**ROLL CALL:** Devinney, present; Fitzpatrick, present; Hinkle, present; Templeton, present; Ouellette, present

**Also Present:** Twp. Administrator, Mr. Steven Corcoran; Twp. Engineer, David Denton; Twp. Solicitor Representative, Liz Garcia; Heinold; Municipal Clerk, Mrs. Janice Lohr; Deputy Municipal Clerk, Karen Zimmermann; Supt. Of Public Works, Mr. John Fenimore; Chief of Police, Chief Parsons; Code Enforcement Officer, Mr. Phillip Goffredo

**FLAG SALUTE**

Mayor Ouellette led the flag salute.

**SUNSHINE STATEMENT**

Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner. Written notice has been mailed to the Burlington County Times and the Courier Post and published in the January 2, 2007 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

**RESOLUTION 2007-68**

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE UPON CONDITIONS FOR THE POINT AT NEWTONS LANDING SITE IMPROVEMENTS, BLOCK 2100, LOT 15 (ALLIANCE)**  
(TABLED FROM APRIL 2, 2007 MEETING)

Mayor Ouellette asked if there were any representatives of the Point or an attorney present that would like to be heard.

- Gary Thomas, 12 Charles Circle, president of the Point Condominium Association, stated that there are drainage issues that have not been resolved and he brought pictures of the problems
  - James McKendrick, 6 Charles Circle, stated that he appeared before the Township Committee before and he took the pictures that they presented tonight
- Committeewoman Joan Hinkle conferred that there are some drainage issues at the Point and reported that the Township Engineer took pictures of the problem areas. A discussion ensued.

The Township Administrator, Mr. Steven Corcoran added that the letter dated April 19, 2007 reflects Charles Circle and the three items are part of the conditions of this release.

Motion by Joan Hinkle, seconded by Ed Devinney to adopt Resolution 2007-68

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

**RESOLUTION 2007-68**

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE UPON CONDITIONS FOR THE POINT AT NEWTONS LANDING SITE IMPROVEMENTS, BLOCK 2100, LOT 15 (ALLIANCE)**

**WHEREAS**, Alliance at Newton's Landing has posted performance guarantees for improvements to The Point at Newton's Landing development in Delanco Township; and

**WHEREAS**, Alliance at Newton's Landing has notified the Township in writing and has requested that the performance guarantee posted be released.

**WHEREAS**, Alliance at Newton's Landing has provided a Performance Guarantee and has notified the Township 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 project; and

**WHEREAS**, the Township Engineer has inspected all the improvements of which notice has been given and has filed a report in writing dated March 28, 2007 with the Township Committee and has recommended that the Township Committee approve the request to release the Performance Guarantee and accept the improvements; and

**WHEREAS**, at a public meeting on April 2, 2007, residents of The Point expressed concern about specific performance-related issues; and

**WHEREAS**, the Township Committee requested that the Township Engineer review those issues, and the Township Engineer has done so and provided a letter report dated April 19, 2007; and

**WHEREAS**, the Township Committee has reviewed said request and reports and desires to act favorably, with conditions, with respect to the Engineer's recommendations in accordance with N.J.S.A.40:55D-53.

**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, and conditioned upon compliance with the Engineer's letter report of April 19, 2007, hereby releases the aforementioned Performance Guarantee filed for Alliance at Newton's Landing/The Point at Newton's Landing and accepts the public improvements which are the subject matter of the aforementioned guarantee, said public improvements being particularly described in the estimate attached to the aforementioned Performance Guarantee as set forth in the Engineer's report, provided that Alliance at Newton's Landing posts a two-year Maintenance Bond in the amount of \$364,047.00 and an escrow amount of \$1,000.00 representing final inspection and provided that all applicable other escrow charges are current and posted.

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.

**RESOLUTION 2007-71**

**AUTHORIZING EXECUTION OF SETTLEMNET DOCUMENTS IN MALIK V. STATE LITIGATION**

(TABLED FROM APRIL 16, 2007 MEETING)

Motion by Kate Fitzpatrick, seconded by Mike Templeton to adopt Resolution 2007-71

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

**RESOLUTION 2007-71**

**AUTHORIZING EXECUTION OF SETTLEMENT DOCUMENTS IN MALIK V. STATE LITIGATION**

**WHEREAS**, the Township Committee of the Township of Delanco is currently defending litigation in the Appellate Division as a result of an appeal filed by the Maliks involving violation of a local ordinance; and

**WHEREAS**, the underlying litigation stems from the citation of a violation of Chapter 110-13, which prohibits living fences in excess of three feet in height; and

**WHEREAS**, the citation resulted in a conviction in Delanco Township Municipal Court, which was appealed to Superior Court and upheld, and thereafter appealed to the Appellate Division under Docket No. A-002609-06T5; and

**WHEREAS**, the parties conducted a settlement conference and have reached a resolution to the litigation that will result in conformance with Chapter 110-13; and

**WHEREAS**, the parties have negotiated a Settlement Agreement, which is attached hereto and made a part hereof; and

**WHEREAS**, the Township Committee desires to authorize the necessary officials to execute and file the necessary documents to resolve this matter.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey, hereby authorizes the Mayor, Township Clerk, Township Administrator, Zoning Officer and Township Solicitor to execute the Settlement Agreement and a Stipulation of Settlement with the Court, as may be required, and to execute, file or take any such other actions as may be called for to carry out the terms of the Settlement Agreement, attached hereto.

#### **RESOLUTION 2007-74**

#### **APPROVING REQUEST FOR FINAL RELEASE OF PERFORMANCE GUARANTEE TRADITIONS AT NEWTONS LANDING SECTIONS 1, 2 AND 3, UPON CONDITIONS AND DENYING REQUEST AS TO ACTIVITY COMPLEX**

Mayor Ouellette asked if there were any representative from Newton's Landing present and if they wanted to be heard.

- Vincent Mangini with Stark and Stark representing Pulte Homes stated that they met with Mr. Corcoran, Mr. Heinold and the Newton's Landing Homeowners Association and read through the recommendations of Kathy Elliott from Birdsall in letters dated February 21<sup>st</sup> and April 20<sup>th</sup>. Mr. Mangini stated that Pulte Homes agrees with the terms of the letters. Mr. Mangini asked that Pulte Homes be required to do all the conditions stated on the February 21<sup>st</sup> letter with the exception of items to be done during the maintenance bond period. Pulte Homes would agree to do the listed five prior to release of the bond. Pulte Homes also requested that the conditions of April 20<sup>th</sup> be done during the maintenance bond period. Mr. Mangini stated that he has a representative from Pulte Homes present tonight to answer any questions.

- Jeffrey Apell from the law firm Apell and Detrick representing the Traditions at Newton's Landing Homeowners Association. Mr. Apell stated that he heard Mr. Mangini's comments and generally agrees with them. Mr. Apell stated that his client is concerned with the punch list items that are to be completed during the maintenance period. Mr. Apell stated that they have met with representatives of Pulte Homes and others and it was very productive. However, Mr. Apell stated that there are many items at the Farm House that need to be resolved and they are considering that part of the activity center. Mr. Apell stated that they are looking for more than cosmetic repairs on the Farm

House items. Mr. Apell asked that the general public understand that although sections 1, 2 and 3 bonds are being released, there still is a holdback of \$72,000 for a performance bond for the activity center. Mr. Apell asked that Pulte Homes continues to work with them to complete this project so they can move on.

Committeewoman Kate Fitzpatrick asked the Pulte Homes representative if they were going to take care of problems and issues that some Newton's Landing homeowners have brought to the Township Committee at previous meetings.

Mary Jane Michiels, land development supervisor for Pulte Homes stated that all public sidewalks are covered by the maintenance bond. A discussion ensued.

- Frank Claire, 6 Russ Farm Way asked for an explanation of the performance and maintenance bonds. The Township Solicitor representative, Liz Garcia gave an explanation of both. A discussion ensued.
- Jack Hoefle, 44 Pennington Court, asked about the street marking monuments that are in the bonds to mark the right of way of the Township's trees. Mr. Hoefle asked the Pulte Homes representative, Mrs. Michiels to explain what they are doing with the trees. Mrs. Michiels stated that all monuments, except eight have been set, and they will be replaced.
- Jerry Resnick, 83 Pennington Court, asked for clarification on the maintenance areas of the basins and the Indian mound between the Township and County areas.
- Marlene Jass, 4 McCay Way, stated that she was not clear regarding the trimming of the trees and asked if this was on the maintenance bond. Ms. Jass asked that once the resolution was passed and the Township accepts the streets, would the Township be responsible for trimming the trees. A discussion ensued.
- Mario Napolitano, 54 Pennington Court, questioned who would police and monitor areas in Newton's Landing for the next two years during the maintenance bond.
- Chris Kloss, 15 McCay Way, stated that he has a tree that is dead and felt that this should be covered under the performance bond. Secondly, what assurance exists to the performance bond and the maintenance bond to make sure that any deficiencies are taken care of in a timely manner? Mrs. Michiels explained that they will take care of everything in a timely manner and if it is a safety issue that it will be taken care of immediately.
- Mark Schmitt, 515 Spruce Street, questioned whose budget the money comes out of when it comes to the expense of maintaining the trees. The Township Committee replied that it was the Township budget.

Mr. Apell stated that it is the homeowner's association responsibility to prune the trees and not the responsibility of Pulte Homes.

- Mr. Taraschi, 55 Pennington Court, stated that a tree grows from its top up and the branches that are coming out of its side will stay there until they are pruned.
- Jean Levenson, 47 Pennington Court, stated that he has listened to performance and maintenance contracts and he feels that the first contract has not been fulfilled and does not want the first bond release pushed through.
- Bernard Wisdom, 49 Pennington Court, questioned the drainage issues at Newton's Landing. Mr. Wisdom also said that someone tried to repair the problem and damaged his drain pipe.
- Al Schmitt, 5 McCay Way, asked if there was a standard height that a tree must be

when planted at the curb.

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

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

Deputy Mayor Ed Devinney expressed his concern about accepting unsafe conditions of magnitude at Newton's Landing and has some reservations. Mrs. Michiels stated that Pulte Homes is willing to walk the site with the Township Engineer to determine what a safety issue is.

Mr. Apell stated that he wanted to make it clear to the body that if they were willing to remove # 2 on the April 20<sup>th</sup> list to the maintenance bond period. Pulte Homes is doing everything that is itemized on the February 21<sup>st</sup> and April 20<sup>th</sup> letters of Kathy Elliott. A discussion ensued. The Township Engineer suggested that they provide a separate performance bond for the maintenance bond. Committeewoman Kate Fitzpatrick stated that Kathy Elliott was in the public and asked her is she was willing to issue a separate maintenance bond for the basin. Committeewoman Kate Fitzpatrick felt that it was not right for the Township to accept something perceived to be a safety hazard and has not been evaluated and presents an instant work load that this Township does not need to be doing now.

Mr. Apell asked how they plan to deal with the mosquito issues at Newton's Landing basins. The Township Administrator, Mr. Steven Corcoran stated that this is a County issue.

Committeewoman Kate Fitzpatrick stated that she has some comments regarding the release of the performance bonds.

- knowing that Pulte Homes is going to walk with Kathy Elliott and the trees will be pruned
- some of the other items that have been discussed tonight really fall under the maintenance issue and she feels that Pulte Homes will handle them in a timely manner
- she truly hopes that they restore the Farm House to its original look

Ms. Fitzpatrick stated that with all the discussion tonight and with their assurances, she believes that the Township has the responsibility to release these bonds.

Committeeman Mike Templeton asked the Superintendent of Public Works if he had any comment on the bond release. Mr. Fenimore stated that the trees have to be done now or they will not grow right. Mr. Fenimore stated that if someone knew what they were doing, they could trim all the trees in a day or two. Mr. Fenimore stated that the biggest problem they have now is that the trees were mulched wrong and it is presenting a problem with the root growth.

Committeewoman Joan Hinkle suggested that the chairperson or representative of the Shade Tree Commission go along on the walk with Pulte Homes, the Township Engineer and the Superintendent of Public Works.

Mayor Ouellette stated that after hearing the comments from both sides and being

reassured that the tree issue would be addressed, he was in agreement with releasing the bonds.

The Township Solicitor, Liz Garcia asked that whoever makes the motion makes the condition that Item #2 on the April 20<sup>th</sup> letter will be dealt with in a separate performance bond and that the condition the Township Engineer, John Fenimore and a representative of the Shade Tree Commission will do the tree walk with Pulte Homes.

Motion by Ed Devinney, seconded by Kate Fitzpatrick to adopt Resolution 2007-74 pursuant to the conditions stated by the Township Solicitor, Liz Garcia.

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

**RESOLUTION 2007-74  
APPROVING REQUEST FOR FINAL RELEASE OF PERFORMANCE  
GUARANTEE TRADITIONS AT NEWTONS LANDING SECTIONS 1, 2 AND 3,  
UPON CONDITIONS AND DENYING REQUEST AS TO ACTIVITY COMPLEX**

WHEREAS, the Township of Delanco has received a request for final release of the Performance Guarantees for Sections 1, 2 and 3 and the activity complex for the Traditions at Newton's Landing development from Pulte Homes; and

WHEREAS, the Township Engineer has inspected said development and has filed a written report, dated February 21, 2007, approving the full release of the performance guarantees as to Sections 1, 2 and 3, upon certain conditions, and denying the request as to the activity complex, which report is attached hereto and made a part hereof; and

WHEREAS, following a meeting with the Homeowners Association, the Township and the developer, the Township Engineer issued a supplemental letter dated April 20, 2007, which provides additional conditions to the recommended release.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delanco that the following Performance Guarantees for Traditions at Newton's Landing, Sections 1, 2 and 3, are conditionally released:

Section 1: \$742,595.13 (\$668,335.62 bond/ \$74,259.51 cash)

Section 2: \$213,187.68 (\$191,868.91 bond/ \$21,318.77 cash)

Section 3: \$269,819.40 (\$242,837.46 bond/ \$26,981.94 cash)

BE IT FURTHER RESOLVED that this release is conditioned upon: (1) compliance with the conditions stated in the Engineer's letters of February 21st and April 20th, with the clarification that, as to point number 2 of the latter, Pulte will post a separate performance bond an estimate for which will be prepared by the Township Engineer, (2) the posting of Maintenance Guarantees for Sections 1, 2 and 3, as referenced in the Engineer's letter and required by the Municipal Land Use Law, 3) the payment of all outstanding property taxes and escrows, if any, and (4) a walk through involving a Pulte representative, Kathy Elliott, P.E., Birdsall Engineering, a representative from Delanco Shade Tree Commission, and John Fenimore, Delanco Public Works Department, to determine if any shade trees present a safety issue as determined by the engineer, following which Pulte will address those safety issues. Satisfaction of these conditions shall be determined by the Township Engineer and confirmed by letter to the Township Clerk; and

BE IT FURTHER RESOLVED that the request for release of the Performance Guarantee as to the activity complex is hereby denied, which amount is \$72,906.16 (\$65,615.54 bond/ \$7,290.62 cash).

BE IT FURTHER RESOLVED that a copy of this Resolution, together with the attached Engineer's reports, shall be served on the party requesting release in accordance with N.J.S.A. 40:55D-53.

Mayor Ouellette announced a short recess.

Mayor Ouellette called the meeting back to order at the conclusion of the recess.

**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.")

**ORDINANCE 2007-7**

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

**\*1<sup>ST</sup> READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR MAY 21, 2007**

**PAYMENT OF BILLS**

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$980,014.73
PAYROLL	101,554.44
TRUST	18,861.64
PUBLIC DEFENDER	150.00
HOUSING TRUST	1,680.90

**GENERAL ACCOUNT – MAY 7, 2007**

23396	ALL INDUSTRIAL SAFETY PRODUCTS	15.90
23397	ARCH WIRELESS	22.55
23398	BIRDSALL ENGINEERING INC	3,032.25
23399	BURLINGTON COUNTY TREASURER	373,692.89
23400	BAUR MUNICIPAL SUPPLIES	158.00
23401	BEVERLY BEE	702.28
23402	BURLINGTON FARM HOME & GARDEN	229.60
23403	CERTIFIED SPEEDOMETER SERV INC	102.00
23404	CLEAN RENTAL SERVICES INC	248.56
23405	COLORCRAFT SIGN CO	67.00
23406	COURIER POST	33.39
23407	CLC LOCKSMITHS	542.44
23408	CHERRY VALLEY TRACTOR SALES	72.84
23409	COMCAST	105.22
23410	DELANCO TWP BOARD OF EDUCATION	402,190.00
23411	DELANCO FIRE COMMISSIONERS	21,083.33
23412	DELANCO PUBLIC LIBRARY ASSOC	2,958.66
23413	DELANCO TWP ACCUMULATED	128,912.76
23414	FITZGERALD & CO	750.00
23415	GALLS INC	507.44

23416	GENERAL CODE PUBLISHERS	330.00
23417	GE CAPITAL	339.00
23418	HULSE & GERMANO ESQS LLC	1,080.00
23419	JENNIFER L. ESPOSITO	27.30
23420	KEY TECH	1,165.00
23421	THOMAS LAVERTY	235.00
23422	MORTONS PAINT CENTER	159.60
23423	LENORE MORAIS	75.00
23424	MILL RUNN CLEANERS & TAILORS	228.50
23425	NJ AMERICAN WATER CO	297.41
23426	NJ SHADE TREE FEDERATION	135.00
23427	NJ STATE LEAGUE MUNICIPALITIES	40.00
23428	EDMUND T PARSONS	1,000.00
23429	PEDRONI FUEL CO	3,967.76
23430	PITNEY BOWES	168.00
23431	PSE&G	10,137.58
23432	PAYROLL ACCOUNT	5,795.79
23433	PARKER MCCAY-ATTORNEYS AT LAW	13,626.83
23434	STAPLES INC	604.24
23435	STEWART BUSINESS SYSTEMS	431.52
23436	TRAP ROCK INDUSTRIES INC	71.10
23437	JAMES TOMASETTI	850.00
23438	TOWNSHIP OF DELRAN	2,174.28
23439	TRUEGREEN CHEMLAWN	77.00
23440	TREASURER, STATE OF NJ	378.00
23441	UNITED STATES POSTAL SERVICE	236.60
23442	VERIZON WIRELESS	250.17
23443	VERIZON CABS	189.38
23444	VERIZON	352.51
23445	W B MASON CO INC	141.77
23446	KAREN ZIMMERMANN	23.28
<b>TOTAL</b>		<b>\$980,014.73</b>

**CURRENT**

23393	PAYROLL ACCOUNT	28,668.14
23394	PAYROLL ACCOUNT	43,760.34
23395	PAYROLL ACCOUNT	28,787.96
<b>TOTAL</b>		<b>\$101,216.44</b>

**TRUST**

1891	DELANCO TWP CURRENT FUND	18.72
1892	VOITH & MACTAVISH ARCHITECTS	956.00
1893	PENNONI ASSOCIATES INC	8,662.85
1894	BIRDSALL ENGINEERING INC	3,122.25
1895	PARKER MCCAY-ATTORNEYS AT LAW	3,652.63
1896	BRIAN & SUZANNE IWANICKI	44.44
1897	TAYLOR DESIGN GROUP INC	805.00
1898	HULSE & GERMANO ESQS LLC	1,599.75
<b>TOTAL</b>		<b>\$18,861.64</b>

**HOUSING**

1000	PARKER MCCAY-ATTORNEYS AT LAW	367.50
1001	BANISCH ASSOCIATES INC	1,313.40
<b>TOTAL</b>		<b>\$1,680.90</b>

**APPROVAL OF BUSINESS LICENSES**

2007-21 thru 2007-29; 2007-32 thru 2007-38; 2007-40 thru 2007-59

**APPROVAL OF MINUTES – 4/9/07, 4/12/07, 4/16/07 & 4/23/07**

Mayor Ouellette asked to have the minutes of 4/9/07, 4/12/07 and 4/23/07 removed from the consent agenda.

**APPROVAL OF CONSENT AGENDA**

Motion by Joan Hinkle, seconded by Mike Templeton to approve the consent agenda

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

Motion by Ed Devinney, seconded by Joan Hinkle to approve the minutes of 4/9/07, 4/12/07 and 4/23/07.

**Roll Call:** Devinney, yes; Fitzpatrick, yes; Hinkle, yes; Templeton, yes; Ouellette, abstain

**2007 MUNICIPAL BUDGET ITEMS:**

- **RESOLUTION 2007-75**  
**RESOLUTION OF THE TOWNSHIP OF DELANCO MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:4-45.3 ET SEQ.**

Committeewoman Kate Fitzpatrick questioned the amount the Township is applying for. The Township Administrator, Mr. Steven Corcoran stated that it was \$298,000.00.

Motion by Ed Devinney, seconded by Mike Templeton to adopt Resolution 2007-75

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

**RESOLUTION 2007-75**  
**RESOLUTION OF THE TOWNSHIP OF DELANCO MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A 40A:4-45.3 ET SEQ.**

**WHEREAS**, the Township Committee of the Township of Delanco in the County of Burlington, desires to make application to the Local Finance Board for its approval of a proposed budget cap waiver pursuant to N.J.S.A 40:4-45.3ee, and;

**WHEREAS**, the Township Committee believes that:

- (a) it is in the public interest accomplish such purpose; and,
- (b) the cap waiver is for the health, wealth, convenience or betterment of the inhabitants of the Township of Delanco; and,
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township of Delanco and will

not create an undue financial burden to be placed upon the Township of Delanco.

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

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of Delanco are hereby authorized to prepare such application and to represent the Township of Delanco in matters pertaining thereto.

Section 2. The Municipal Clerk of the Township of Delanco is hereby directed to file a copy of the proposed cap waiver with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote

AYE: Devinney, Fitzpatrick, Hinkle, Templeton, Ouellette

NO:

ABSTAIN:

ABSENT:

• **RESOLUTION 2007-76**

**RESOLUTION INTRODUCING 2007 MUNICIPAL BUDGET AND SETTING THE PUBLIC HEARING DATE FOR JUNE 11, 2007.**

The Municipal Clerk, Mrs. Janice Lohr read the budget resolution 2007-76 for introduction.

Motion by Joan Hinkle, seconded by Ed Devinney to adopt Resolution 2007-76

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

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

• Mrs. Lohr stated that she received a letter dated April 27, 2007 to the Township Committee regarding the resignation of John Fenimore from the Joint Land Use Board.

Mayor Ouellette thanked Mr. Fenimore for serving on the Joint Land Use Board. Mr. Fenimore said he will monitor things and he is just a phone call away.

**MEETING OPEN TO THE PUBLIC**

Mayor Ouellette opened the meeting to the public.

- Jack Hoefle, 44 Pennington Court, commented that there are two additional basins located behind Pennington Court and Russ Farm Way parallel to the Creek that will eventually become part of the Counties property and asked if Pulte Homes was going to do the rest of what the County required. The Township Administrator, Mr. Steven Corcoran stated that Pulte Homes has agreed to all the terms that the County has outlined.
- Marlene Jass, 4 McCay Way, asked how often the rim around the basins will be mowed. Ms. Jass also asked how they go through the process from maintenance until the time of transition to the County. Ms. Jass also asked what the code enforcement height of the grass is before it should be mowed.

- Mark Schmidt, 515 Spruce Street, commented about a broken sewer pipe in his neighborhood. Mr. Schmidt complained about the time process for code enforcement. A discussion ensued. Mr. Schmidt complained about lack of code enforcement in Delanco.
- Ralph McCullough, 308 Buttonwood Street, questioned whether Newton's Landing had been turned over to the Township under the bond performance release. Mr. McCullough stated that there should be signage indicating that there is an emergency road and no signage is present.
- Jack Hoefle, 44 Pennington Court, started to comment on Ralph McCullough's statement and then decided to sit down and made no comment.

Deputy Mayor Ed Devinney thanked Ralph McCullough for his comments and stated that the signage is important and should be given first priority.

The Superintendent of Public Works, Mr. John Fenimore said to let him know what they wanted on the sign and he would have it made.

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

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

### **COMMENTS – PROFESSIONALS**

**Township Solicitor – Liz Garcia** – Nothing to report

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

- in response to emails received from Mr. Devinney and Mr. Corcoran, his office reviewed grants that may be available – next round for roadway improvements – bike trail (need to be submitted by June 29, 2007) – Center of Place Grants (transportation related projects) (deadline by July 6, 2007) – Committeewoman Kate Fitzpatrick stated that the grant is already prepared and needs to be submitted again, and tied into Newton's Landing and the sidewalk along the road – Deputy Mayor Ed Devinney asked for ideas for the bike trail

### **COMMENTS- TOWNSHIP ADMINISTRATOR – Mr. Steven Corcoran –**

- Winzinger update – DEP requested additional information on their application – stated that the site is unacceptable and the Township has served them with a warning letter and summonses to remove the equipment and mounds since they did not get this approved by the Joint Land Use Board
- at the request of residents, he has put together a task force to look at fee structures and services for surrounding towns to see where we can help the budget
- Mansion update – the applicant has been advised that they require a DEP permit for a waterfront permit that would delay the project 6-9 months
- completing the inventory of missing street signs and identify areas and intersections that need signage
- tax maps are done and will be installed on the Township system and will be available to residents to view and print copies of the tax maps
- commented about the last northeast storm that hit Delanco Township – residents had flooding in crawl spaces and basements – Federal authorities identified the storm as a 500 year plus storm

## **COMMENTS – DEPARTMENT HEADS**

### **Superintendent of Public Works – Mr. John Fenimore –**

- leaf pickup is done for March
- mulch is not available for the residents yet
- – removed three truck loads of logs and two truck loads of debris at the boat ramp on Union and Delaware Avenues
- remind residents that you cannot put brush out after the Public Works Department has already picked up in that area
- the Fire Department should get a lot of credit because they were visible everywhere during the storm and helped many residents pump out their homes – residents are fortunate that they have a good Fire Department and Emergency Squad that responds to any situation

### **Code Enforcement Officer – Mr. Phillip Goffredo –**

- received 28 complaints for the month of April
  - posted 11 first warnings
  - mailed out 14 registered letters
  - no summonses were issued
  - performed two rental inspections – complied 20 cases that were reinspected
  - 15 cases pending in non-compliance
  - approved 6 zoning applications – none sent to the review board (due to the ordinance change)
  - approved 3 fence permits
  - Winzinger – first court appearance is June 6, 2007 – two summonses issued
  - lighting issue at Dietz and Watson is being addressed
  - old Municipal building is on notice to keep grass mowed
  - FedEx is under administrative review for a fence permit
  - received list of problems that have been addressed
  - building on 600 Perkins Lane was demolished
  - working on missing house street numbers and has sent notices out to residents that don't have numbers on their homes
  - Committeewoman Joan Hinkle stated that there is a yard on Burlington Avenue that has a boat, two trailers and two trucks
  - working on article for Beverly Bee regarding code enforcement and proper procedures
- Committeewoman Kate Fitzpatrick stated that she does not feel residents should be notified every time their grass needs cutting. Ms. Fitzpatrick feels that they should be put on notice that this is the last letter they will receive and then they will be issued a fine

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

- reported that Troop 19 Boy Scouts picked up about 15 thirty gallon bags of trash and miscellaneous items along the roads in Delanco on April 20<sup>th</sup> and April 29<sup>th</sup> under the Adopt a Highway Program
- reported that feedback on the Spring Townwide Yard Sale was very positive
- thanked the Fire Company for allowing the Boy Scouts to use their facility and grounds to sell food and yard sale items

Committeewoman Kate Fitzpatrick commented that people asked her if the Township could have the yard sale again in the fall and felt it was a good idea. Ms. Fitzpatrick shared a yard sale story with the public. A discussion ensued regarding a Community Day for the Township.

Ralph McCullough, 308 Buttonwood Avenue complained about the high grass at Pennington farm. The Township Committee responded that the property is owned by the County. A discussion ensued.

### **COMMENTS – TOWNSHIP COMMITTEE**

#### **Kate Fitzpatrick –**

- second phase of the Burlington Avenue Streetscape project is almost completed and when it is done they will know how much money they will have left from the grant so they can do a portion of the other side of Burlington Avenue
- received a letter from John Tiemann stating that he would like the Township to purchase his property because he states it is an historic site
- attended the Board of Education meeting and they award a Student of the Month – PTO advised the school that they made over \$13,000 to present to the school with their wish list
- the Women's Club presented a framed copy of the Declaration of Independence to Mrs. Beneke and the middle school for their participation in the election process with the Township Committee
- attended the opening of the Madison Café and stated that it is a magnificent restaurant
- attended the VFW awards banquet and our officer Jesse DeSanto was awarded the Ken Johnson Memorial Award and he was overwhelmed with receiving the award
- announced that the Memorial Day parade is Sunday, May 27, 2007 and starts at 1:30PM and follows the same route as last year – speaker will be Chief Master Sergeant Richard A. Kaiser, Command Chief of the 621 Contingency Response Wing at Maguire Air Force Base
- seniors still have King Tut trip tickets available
- announced that the school is having their Spring Concert at the Walnut Street School on May 17, 2007 and encouraged people to attend

Marlene Jass, 4 McCay Way, added that there were three realtors that spoke about the River Route at their meeting and stated that the two most desirable towns along the River Route are Riverton and Delanco. They are desirable for the cleanliness, safety and flavor and they draw people from New York, North Jersey and Central Jersey.

#### **Mike Templeton –**

- attended a meeting of the EMS and Fire members in preparation for the carnival at the Abundant Life Church and stated that they saved the carnival event with their Fire and EMS coverage
- went to the temporary FEMA office in Lumberton and brought back some material that he put on the bookshelf in the lobby and encourage people to call FEMA if they have any claims
- attended the JLUB meeting and the regular meeting scheduled for May 23<sup>rd</sup> where they will discuss the redevelopment plan for the Mansion – the June 13<sup>th</sup> meeting, they will discuss Savannah Mews hearing
- talked to Green Acres and paperwork is required by the end of this month for retaining the awards that were received last July

#### **Joan Hinkle -**

- has attended many Mansion and budget meetings
- commented that the Shade Tree Commission will have a lot to discuss at their next meeting

- suggested that a proclamation be made and presented to the Fire Company for their efforts during and after the latest storm
- attended the opening of the Madison Café and it is quite awesome
- attended the VFW banquet and it was a pleasure to have our officer honored – they also honored Emerson Lucas

**Ed Devinney –**

- agreed with John Fenimore about the Fire Department – they pumped out scores of basements and responded to a number of emergencies
- attended meeting about the carnival and agree with Mike Templeton about the Fire and EMS coverage at the carnival
- attended the carnival and stated that it was run well
- thanked the people that bought hoagies to help out the Fire Department and EMS Squad and commended the volunteers for their help

**Mayor Ouellette –**

- was involved in the carnival meeting and stated that the Fire and EMS did a great job and thanked everyone involved

Motion by Joan Hinkle, seconded by Ed Devinney to adjourn the meeting.

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

Janice M. Lohr, RMC  
Municipal Clerk  
May 7, 2007