

**WORK SESSION
MUNICIPAL BUILDING**

**May 2, 2012
DELRAN, NJ**

SUNSHINE STATEMENT: Be advised that proper notice has been given by the Township Council in accordance with the sunshine law in the following manner. Notice advertised in the Burlington County Times and Camden Courier Post on December 23, 2011 and posted on the bulletin board on the same date.

ROLL CALL: Mrs. Kolodi, Mr. Schwartz., Ms. Pomeranz, Mr. Morrow and Mr. Catrambone were present.

ALSO, PRESENT: Mr. Paris, Mayor, Mr. Hatcher, Administrator, Mr. Long, Solicitor and Ms. Eggers, Municipal Clerk.

MOTION TO ENTER INTO EXECUTIVE SESSION

Mr. Catrambone stated that we need to enter into executive session before the meeting begins to discuss a potential litigation issue.

Mr. Morrow made a motion, seconded by Mrs. Kolodi to enter into executive session. All were in favor, motion approved.

Mr. Morrow made a motion to end closed session and reopen the meeting to the public. The motion was seconded by Mrs. Kolodi. All were in favor, motion approved.

Mr. Long read the following into the record.

**TOWNSHIP OF DELRAN
RESOLUTION 2012-54**

**A RESOLUTION OF THE TOWNSHIP OF DELRAN TO ACCEPT THE MOTION
FOR SELF CENSURE BY COUNCILWOMAN POMERANZ
ACKNOWLEDGING HER INADVERTENT TRANSMISSION OF
GOVERNMENT RECORDS CONTAINING PERSONALLY IDENTIFYING
INFORMATION IN VIOLATION OF NEW JERSEY'S OPEN PUBLIC RECORDS
ACT AND IN VIOLATION OF SECTION 20-80 OF THE TOWNSHIP CODE**

Ms. Pomeranz made a motion, seconded by Mr. Morrow to adopt the Resolution 2012-54.

There being no questions, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pomeranz, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5
Nays: None

Motion Approved

COAH DISCUSSION

Jennifer Beahm, CME Associates, updated Council on the COAH plan. There are a number of things that we need to discuss. The Township maintains a CTM system that accounts for the Trust Fund money and monitored through the Department of Community Affairs. We were notified that the expenditures out of the administration portion of the fund had exceeded the 20% cap in the amount of approximately \$137,000. If that was an actual accounting, we would have had to put those funds back into that account. What we have found was that the funds logged in the system were not coded properly. We have been working to rectify this issue and we have reduced the overage down to approximately \$14,000. Also, we feel the \$14,000 will be rectified in the next few months.

The next issue is that the balance of the Trust Fund money as of July 17, 2008, needs to be committed by July 17, 2012. First, we are required to produce a spending plan and second commit the funds. As of July 17, 2008, we had \$636,472 in the Trust Fund. We are recommending that you allocate \$15,000 per unit for the twenty-five rehabilitation units provided for in the plan. That would provide for \$375,000 for the rehabilitation program. Second, the Township is required to provide affordability assistance. We have identified \$290,000 for that program. That would bring us to the number we need to commit. This will protect us until 2018 and can be amended as we move forward with the third round plans. The next issue is how we commit the funds. We have an agreement with TRIAD Associates to administer the rehabilitation program and that is enough to commit those funds. We recommend that the Township expand the contract to include the affordability assistance program. We can then go to the court to bless the program. Council would need to adopt a Resolution tonight to agree to expand the contract. Council agreed to adopt the following Resolution.

**TOWNSHIP OF DELRAN
RESOLUTION 2012-55**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DELRAN
COUNCIL REQUESTING REVIEW AND APPROVAL OF A MUNICIPAL
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN FROM THE
DEPARTMENT OF COMMUNITY AFFAIRS LOCAL PLANNING SERVICES**

WHEREAS, the Township of Delran received approval of its Affordable Housing Development Fee Ordinance ("Fee Ordinance") by the Honorable John A. Sweeney on October 3, 2003; and

WHEREAS, on June 9, 2011, the Township of Delran was granted a Second Round Declaratory Judgment of Compliance and Order of Repose from Litigation and Stay of Third Round Proceedings by the Honorable Ronald E. Bookbinder, A.J.S.C.;

WHEREAS, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs (“DCA”), effective August 29, 2011; and

WHEREAS, as a result of the Reorganization Plan, No. 001-2011, the review formerly to be conducted by COAH is now conducted by the DCA or “the Department”, Local Planning Services unit; and

WHEREAS, Council for the Township of Delran has found it to be in the best interests of the residents of the Delran Township to petition to the DCA for the approval of a Municipal Affordable Housing Trust Fund Spending Plan;

WHEREAS, the funds deposited into the Municipal Affordable Housing Trust Fund are obtained through development fee obtained through an associated development fee ordinance that authorizes the Township of Delran to collect affordable housing trust funds through development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds and/or proceeds from the sale of affordable units;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;

5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of Delran has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Township Council for the Township of Delran, Burlington County requests that DCA's Local Planning Services review and approve Delran Township's spending plan.

Mr. Morrow made a motion, seconded by Mrs. Kolodi to adopt the Resolution 2012-55.

There being no questions, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pomeranz, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5
Nays: None
Motion approved

SEWER ADJUSTMENT REQUESTS

133 Windmoor Road – Mr. Hatcher stated that consumption increased 3,000 gallons raising the bill by \$5.00 be quarter. The homeowner provided no proof of a leak or any repairs.

53 Princeton Drive – Mr. Hatcher stated that the usage went up and increased the bill \$15.00 per quarter. Both of the homeowners are now deceased and there is no one in the property. We took a look at the usage for this year and it appears the usage is up again. Either someone is living in the house or there is a significant leak.

Mr. Paris suggested that we provide 53 Princeton Drive with the information on the usage and then we can revisit the issue.

Mr. Morrow made a motion to make no adjustment on the sewer bill for 133 Windmoor Road or 53 Princeton Drive. The motion was seconded by Mr. Schwartz. All were in favor, motion approved.

CLARIFICATION ON 2012 ROAD PROGRAM

Mr. Hatcher stated that at the last meeting we discussed moving forward with Tenby Chase Drive and committing next years funds to Brown Street. Before the Engineer moves forward with designing the project, they wanted to make sure we all were committed to the roads.

Council agreed that they wanted to move forward with the remainder of Swedes Run Drive and Tenby Chase Drive. They also agreed that Aqua to Parry is the first priority. The Engineer will design the project from North to Aqua.

ABRASIVE ALLOYS

Jim Winckowski, CME Associates, stated that Pennoni Associates provided a report that showed the areas of concern within the property. Before we can begin demolition on any of the buildings, we need to catalog the contaminants. This site investigation will be approximately \$35,000.

Ms. Pomeranz asked if we could use funds under the Clean Communities Grant.

Mr. Winckowski stated that he can look into whether we can use those funds.

Mr. Paris asked if we can use Open Space funds for this property.

Mr. Hatcher stated that we can, if we deem the property as Open Space.

Mr. Winckowski stated that he will research if there is any additional information out there on the property and also whether there are any grants available. They will then formalize the proposal to Council.

GRASS CUTTING AT VARIOUS PROPERTIES

Mr. Hatcher asked that Council authorize the grass cutting at the addresses provided. Public Works will then reach out to the contractor to begin the work. The addresses are: 103 Green Briar Road, 17 Heather Glen Lane, 4006 Bridgeboro Road, 4209 Bridgeboro Road, 217 Sharrow Vale Road and 182 Saw Mill Court

TOWNSHIP OF DELRAN RESOLUTION 2012-56

WHEREAS, Chapter 89 of the Code of the Township of Delran provides that all properties shall be clear of weeds and high grass in order to provide better health protection; and

WHEREAS, when the property owners shall refuse or neglect to clear such high grass and weeds as required by 59-1 within ten days, the Township has determined to take action to declare this a "health hazard" and immediately authorize the Public Works Department to arrange for the cutting of the grass at these properties and to put a lien on taxes in the amounts attached to this Resolution for the initial cleanup as well as the follow-up costs for providing grass cutting during the season to insure that the health hazard does not return during the course of the year.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Delran does authorize the Public Works Department to take the necessary action to provide for the cutting of the grass at the following properties as attached to this resolution and provide for this information to be forwarded to the Tax Office in order to put a lien on these properties until such time as they are maintained by the owners or responsible parties.

Mrs. Kolodi made a motion, seconded by Ms. Pomeranz to adopt the Resolution 2012-56.

There being no questions, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pomeranz, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

FEE ORDINANCE FOR WOOD CHIPS

Mr. Hatcher stated that we have been charging for the delivery of wood chips for the past several years. We realized the fee was not in the code book. We would like to add the fee of \$40.00 for the delivery of wood chips.

Ms. Eggers stated that the Registrar would also like to increase the fee for certified copy of a vital record to \$20.00 for the first copy and \$10.00 for each additional copy. The Tax Collector is also requesting that we add a \$5.00 fee for a duplicate copy of a tax bill to the fee ordinance. Ms. Eggers also provided Council with a draft copy of the fee ordinance increasing the mercantile license fee for their review. Ms. Eggers asked that we include the additional fee amendment into that ordinance.

Mr. Long stated that he will amend the draft ordinance to include all the fee changes in one ordinance.

BURLINGTON COUNTY MULTI-DISCIPLINE WORK GROUP

Mr. Hatcher stated that the Police Department received a grant for \$25,000 for the purchase of an automatic license plate reader. At the next meeting, we would need to adopt a Chapter 159 Resolution to provide for those funds in the budget. Council agreed.

TULIP INSURANCE PROGRAM

Mr. Hatcher stated that if the Township endorses this program it will allow organizations to receive an insurance policy for different events. The Township will have no involvement or liability in the issuance of the insurance. Organizations wishing to use this program will go directly to the website to fill out the application. If Council wishes to endorse the program, Mr. Hatcher will send them a letter to begin the process. Council agreed. Mr. Morrow made a motion to participate in the program. The motion was seconded by Ms. Pomeranz. All were in favor, motion approved.

SIGN AND FLAGPOLE REGULATIONS

Mr. Catrambone stated that he wanted to have Council review this ordinance and have an open discussion. Several business owners along Route 130 would like to be more proactive with advertising business.

Frank Wigmore, the owner of Breeze Motors, thanked Council for everything they do and taking the time to review the ordinance.

Mr. Catrambone stated that one thing that stood out to him is the area in the ordinance that states that signs do not include flags or an emblem of a nation. There are other flags that may have stars and stripes on them but they are not considered an American flag. He feels that there is discretion being used and we may need to give some direction. Mr. Catrambone stated that he had some discussion with Mr. Wigmore about what he can do to draw attention to his business. Mr. Catrambone asked Council to review the ordinance and we can

discuss this at a future meeting. We may want to meet with the Delran Business Association to see what ideas they may have.

Mr. Paris stated that he has no problem modifying the ordinance but wants to make sure we still have parameters.

Mr. Morrow agreed that we need to be business friendly in a tasteful manner to keep the beauty of our Township in place. We should take some time to review this and come back with some recommendations.

Mr. Wigmore stated that he thinks it is a great idea to meet with the Delran Business Association.

Mr. Schwartz stated that as we review the ordinance we need to make the language as clear as possible.

REPORTS

Mr. Hatcher – Mr. Hatcher stated that he provided Mr. Long with a police report from the incident at the range. Once he has a chance to review it he will report back to Council.

Mr. Winckowski – Mr. Winckowski stated that notice to bidders for the Myers Tract- Phase I, Westover Drive Storm drain Improvements and the Improvements to Hartford & Conrow Road has been advertised. The bid openings are scheduled for May 16, 2012. The Shore Protection Grant was submitted this past weekend.

Jennifer Beahm discussed with Council the RFP's for the Solar Energy Project. She recommended that at this time we do not award the project since the one proposal we received would only result in an extremely small savings. The energy credits are at the lowest possible point and can only go up. If we entered into the power purchase agreement now, we would be locked in for fifteen years. With Council's approval, she will contact the provider and notify them that we will not be entering into an agreement. Council agreed.

Ms. Pomeranz – Ms. Pomeranz stated that when she called into the building today and noticed that the message still lists the Sewer Authority.

Ms. Pomeranz asked if we have approved the Sewer Budget.

Mr. Hatcher stated yes we approved it with the Township Budget.

Mr. Morrow – Mr. Morrow stated that he would like to see if we could put some park benches out in Faunce Street Park. There is only one bench in the entire

park. He stated that during tee-ball games, residents are parking all over the grass inside the park. We need to address some of these issues with this park.

Mr. Morrow stated that he had a resident complain about smoking on the fields. He asked if the Township can adopt an ordinance prohibiting smoking in the area where the kids are playing sports.

Mr. Long stated that Council can adopt an ordinance prohibiting smoking on any Township owned property.

Ms. Eggers stated there is a current ordinance that prohibits smoking but not all parks are included.

Council agreed to amend the ordinance to include all parks.

Mr. Schwartz – No report.

Mrs. Kolodi – Mrs. Kolodi stated she had a resident contact her on Lowden Street stating that people are now driving on lawns to avoid potholes.

Mr. Catrambone – Mr. Catrambone stated that he has no report tonight but wanted to apologize for missing the public meeting last month.

Mr. Paris – Mr. Paris stated that we received a letter from Senator Diane Allen congratulating us on the \$25,046.13 for the Clean Communities Program. We also received a letter from Assemblyman Singleton that he will have a floating mobile office that will travel from town to town. He is asking when will be a good time to be in Delran.

PUBLIC PORTION

Mr. Schwartz made a motion to open the meeting to the public for comments, seconded by Mr. Morrow. All were in favor, motion approved.

Mary Parento, 25 S. Bridgeboro Street, stated that Ms. Pomeranz sent her an e-mail asking if there are any upcoming events through the RAC. Mary stated that the only thing is the summer camp in August.

Harry Fox, 15 Clay Street, asked if the Tenby Chase Drive project is a full reconstruction.

Mr. Winckowski stated that the rough numbers are for a full reconstruction and also storm sewer repairs. If a full reconstruction is not needed then we will be able to extend the limits of the project.

Mr. Hermansky, 84 Springcross Drive, stated that a few years ago they formed a hockey league. The boards are being continually damaged by other individuals using the rink and they are very expensive to replace. They would like to talk in the future about the possibility of using some of the Open Space funds for improvements on the rink.

Mr. Paris stated that Mr. Hermansky can set up a meeting to discuss the improvements.

Mr. Morrow made a motion to end the public portion. The motion was seconded by Mrs. Kolodi. All were in favor, motion approved.

Mr. Morrow made a motion to adjourn the meeting, seconded by Mr. Schwartz. All were in favor, the meeting was adjourned.

Respectfully submitted,

Jamey Eggers, Township Clerk