

**REGULAR TOWNSHIP MEETING  
MUNICIPAL BUILDING**

**November 25, 2008  
DELRAN, NJ**

**CALL TO ORDER**

**SALUTE TO THE FLAG**

**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 21, 2007 and posted on the bulletin board on the same date.

**ROLL CALL:** Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone were present.

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

Mr. Moran made a motion seconded by Mr. Macey to approve of the work session minutes for September 17, 2008.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5

Mr. Moran made a motion seconded by Mr. Morrow to approve of the regular meeting minutes for September 23, 2008.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**ORDINANCES ON SECOND READING**

**TOWNSHIP OF DELRAN**

**ORDINANCE 2008-10**

**AN ORDINANCE OF THE TOWNSHIP OF DELRAN AMENDING CHAPTER 43  
ENTITLED "PURCHASING" OF THE TOWNSHIP CODE THEREOF**

**ENACTING AND IMPOSING “PAY TO PLAY” REFORMS WHICH WILL  
DISALLOW CONTRACTS BETWEEN THE TOWNSHIP OF DELRAN AND  
PROFESSIONAL BUSINESS ENTITIES MAKING CERTAIN POLITICAL  
CONTRIBUTIONS AND WHICH WILL WHOLLY DISALLOW  
PROFESSIONAL/BUSINESS ENTITIES UNDER EXISTING CONTRACTS  
FROM CONTRIBUTING POLITICALLY OR SOLICITING CONTRIBUTIONS AT  
THE MUNICIPAL LEVEL AND ESTABLISHING A FAIR AND OPEN PROCESS  
FOR THE AWARD OF PROFESSIONAL SERVICES AGREEMENTS**

**WHEREAS**, Professional entities are exempt from established New Jersey Public bidding laws, specifically said exception being set forth under N.J.S.A. 40A:11-5; and

**WHEREAS**, Delran Township has recognized that there is a need for a fair and open process for the awarding of professional service contracts where other contracts and agreements which are not subject to public bidding, in order to address the concerns of taxpayers regarding political contributions and to engender trust in the process of local government and to insure that quality public services are received;

**WHEREAS**, the State of New Jersey has enacted N.J.S.A. 19:44A-20.5 which bars any municipality, agency or instrumentality thereof from entering into a contract in excess of \$17,500.00 (See N.J.S.A. 40:A:11-3) with business entity that has made a political contribution reportable pursuant to N.J.S.A. 19:44A-1 et. seq. to any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded unless said contract is awarded pursuant to a fair and open process.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Delran, County of Burlington and State of New Jersey, that the Township of Delran enact an Ordinance to be known as an Ordinance Establishing a Fair and Open Process for the Award of Professional Service Agreements, and said Ordinance shall read as follows:

**An Ordinance Establishing a Fair and Open Process for the Award of Professional Service Agreements**

**Prohibition Awarding Certain Public Contracts**

**A.** Any other provision of the law to the contrary notwithstanding, the Township, or any agency or instrumentality thereof, shall not enter into a contract having an anticipated value in excess of \$15,000.00 as determined in advance and certified in writing by the Township, agency or instrumentality with a business entity that has made political contribution that is reportable by the receipt under N.J.S.A. 19:44A-1 et seq. to any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded; and

A business entity that has entered into a Contract having an anticipated value in excess of \$15,000.00 with the Township or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution reportable by the recipient under N.J.S.A. 19:44A-1 et seq., to any municipal committee of a political party in the Township if a member of that political party is serving in an elective public office of the Township when the Contract is awarded or to any candidate committee of any person serving in an elective public office of the Township when the Contract is awarded, during the term of that Contract.

**B.** When evaluating whether or not a person or business entity has made a contribution the following will be considered: If made by a natural person, a contribution by that person's spouse or child shall be deemed to be a contribution by that person; made by a business entity, a contribution by any person or other business entity having an interest in said business entity shall be deemed to be a contribution by the business entity.

**C.** When using the terms "business entity" and "interest" the following definitions shall be utilized:

**(1)** The term "business entity" shall mean any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any legal commercial entity organized under the laws of this State or any other State or foreign jurisdiction.

**(2)** The term "interest" shall mean the ownership or control of more than 1% of the stock, assets, or profits of any public held company and any percentage interest of a privately held or closed corporation.

**Fair and Open Process**

**A.** Any professional service entity or other business entity providing services to the Township of Delran shall be subject to a fair and open process. That fair and open process shall be set forth in subsection B below which shall establish a criteria for the fair and open process.

**B.** The fair and open process established by the Township of Delran shall require the following:

**(1)** Any professional position or service contract not subject to bidding that shall expire as of June 30 of that calendar year shall be advertised by the Mayor's office, appointing authority or Board as the case may be, in the official newspaper of the Township of Delran for publication of notices, and published on the Township's website, not later than June 10. The published notice shall set forth the name of the position or contract which is to become open, and set forth the criteria to be considered and materials required to be submitted by the applicant.

**(2)** Should the applicant be a professional requiring licensure in the State of New Jersey, said applicant shall be licensed for a period not less than 3 years.

**(3)** The applicant shall submit a "Certificate of Good Standing" or other similar document evidencing that the professional's license is not presently suspended or revoked.

**(4)** The applicant shall submit a resume which shall set forth information including, but not limited to the following (as applicable to a business entity or individual professional):

- (a) Full name and business address;
- (b) A listing of all post high school education of the applicant;
- (c) Dates of licensure in the State of New Jersey and any other State;
- (d) A listing of any professional affiliations or memberships in any professional societies or organizations, with an indication as to any offices held therein;
- (e) The number of licensed professionals employed by/affiliated with the business entity or the business entity which employs the applicant;
- (f) A listing of all special accreditations held by the individual licensed professional or business entity;
- (g) A listing of all previous or current public entities served by the business entity or licensed professional, indicating the dates of services and position held.

**C.** The Mayor, appointing authority or Board shall thereafter select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law or Ordinance.

**Limitations of Certain Contributors**

**A.** Notwithstanding the above establishing a fair and open process, the municipality, any of its Boards or independent authorities shall not enter into an agreement or otherwise contract to procure professional, banking, insurance coverage services or any other consulting services from any business entity if said business entity has made any contribution of money or a pledge of a contribution, including in-kind contribution, to any Delran Township candidate or holder of a public office having ultimate responsibility to award a contract, or to a campaign committee supporting such candidate or office holder, or to any Delran Township Party Committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections or municipal parties in excess of the thresholds specified in section B below within one (1) calendar year immediately preceding the date of the contract or agreement.

**B.** Any business entity may annually contribute a maximum of \$300.00 each for any purpose to any candidate for Mayor or Council, or any other elected office that serves the citizens or Delran Township and \$300.00 to the Delran Township Party Committee and \$500.00 to the County of Burlington Party Committees, or to a PAC referenced in this Ordinance without violating section A of this subsection above. However, any group of individuals meeting the definition of a business entity under this section, including principles, partners and officers of the entity in the aggregate may not annually contribute for any purpose in excess of \$2,500.00 to all Delran Township candidates and office holders with ultimate responsibility for the award of the contract, and all Delran Township political parties and PAC's referenced in this Ordinance combined, without violating section A of this subsection.

**C.** For the purpose of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

(1) The Township Council if the contract requires approval or appropriation from Council; or

(2) The Mayor of Delran Township, if the contract requires approval of the Mayor, or of a public officer who is responsible for the award of the Contract is appointed by the Mayor; or

(3) A Planning Board or Zoning Board if the contract requires approval or appropriation by the Board since Council would be required to approve an appropriation, and the Mayor appoints members of said Boards.

**D.** It shall be deemed a breach of the terms of the Delran Township Professional Services Agreement for a business entity to make or solicit a contribution in violation of this Ordinance, directly or indirectly through any third parties, intermediaries, or lobbyists. Any business entity found to violate this Ordinance shall be disqualified from being awarded any Delran Township violation, or the date that the violation is discovered.

**E.** It shall be the obligation of each business entity executing a public services agreement, that an authorized representative of said business entity sign a certification representing that the individual or business entity, as defined by this Ordinance, has not made a contribution in violation of this Ordinance. This provision is enacted so as to make the business entity responsible to the Township for such disclosure.

**F. Due Process Hearing**

Should it be determined that a violation of this Ordinance has occurred, the person or business entity as defined herein shall receive written notice of the violation as provided under Article 1 or Chapter 6(A) of the Delran Township Code, General Provisions. However, should the violator request a hearing as provided under Article 1, the hearing officer as provided under Chapter 6(D,E) shall be a retired judge of the Superior Court of the State of New Jersey, designated by Township Council.

**Severability**

If any of the provisions of this Ordinance, or the application of this Ordinance shall be found invalid, the remainder of this Ordinance, to the extent that it can be given effect or application, shall remain in full force and effect.

**Effective Date**

Nothing in this Ordinance shall be constructed as effecting the ability of any business entity to perform a public contract if that entity made a contribution to any committee during a period of one (1) year immediately preceding the effective date of this Ordinance.

**BE IT FURTHER ORDAINED**, that this Ordinance will take effect after adoption and publication according to law.

The meeting was open to the public for comments.

There being no comments the meeting was closed to the public.

Mr. Moran made a motion, seconded by Mr. Macey to adopt the ordinance on second reading.

Mr. Macey, Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye. Mr. Ogozalek, Sr. abstained.

Ayes: 4  
Nays: None  
Abstained: 1

Motion Approved

### **ORDINANCES ON FIRST READING**

#### **TOWNSHIP OF DELRAN**

#### **ORDINANCE 2008-12**

**AN ORDINANCE OF THE TOWNSHIP OF DELRAN,  
IN THE COUNTY OF BURLINGTON, NEW JERSEY,  
PROVIDING FOR VARIOUS CAPITAL  
IMPROVEMENTS IN AND FOR THE TOWNSHIP OF  
DELRAN AND APPROPRIATING \$131,000,  
THEREFOR, AND PROVIDING FOR THE  
ISSUANCE OF \$124,450 IN GENERAL  
IMPROVEMENT BONDS OR NOTES OF THE  
TOWNSHIP OF DELRAN TO FINANCE THE SAME**

Mr. Morrow made a motion, seconded by Mr. Ogozalek, Sr. to adopt the ordinance on first reading.

There being no question, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5  
Nays: None

Motion Approved

### **RESOLUTIONS – CONSENT AGENDA**

Resolution 2008-125 Authorizing Mayor to execute the Addendum to the 2007-2008 Road Program Contract

Resolution 2008-126 Resolution releasing Road Opening Escrow for permit 2040 in the amount of \$943.75

Resolution 2008-127 Emergency Appropriation in the amount of \$20,362.79

Resolution 2008-128 Approving Raffle License #359 for the Rotary Club of Delran, Riverside and Delanco

Resolution 2008-129 Approving Raffle License # 360, 361, 362, 363 for Delran Middle & High School PTA

Resolution 2008-130 Refunding Tax Overpayments

Resolution 2008-131 Chapter 159 Body Armor Replacement Fund Program

Resolution 2008-132 Chapter 159 Secure Our Schools Grant

Resolution 2008-133 Budget Transfer

Resolution 2008-134 Appointing Contact Person for the Employment Practices Attorney Consultation Service

Mr. Ogozalek, Sr. made a motion, seconded by Mr. Macey to adopt the resolutions.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5  
Nays: None

Motion Approved

## **MOTIONS**

Mr. Macey made a motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement. The motion was seconded by Mr. Moran.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5  
Nays: None

Motion Approved

Mr. Moran made a motion, seconded by Mr. Morrow to accept the report of the Tax Collector/CFO and the Township Clerk.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5  
Nays: None

Motion Approved

Mr. Moran made a motion, seconded by Mr. Morrow to reject the bids for the purchase of an ambulance.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5  
Nays: None

Motion Approved

Mr. Moran made a motion, seconded by Mr. Morrow to authorize the township to re-advertise the bid for the purchase of an ambulance.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5  
Nays: None

Motion Approved

Mr. Morrow made a motion, seconded by Mr. Moran to appoint Ron Taylor to the Zoning Board as Alternate No. 2 for a term to expire June 30, 2010 and Paul Hejnas to the Zoning Board for a term to expire June 30, 2009.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Morrow, Mr. Moran and Mr. Catrambone voted aye.

Ayes: 5  
Nays: None

Motion Approved

## **REPORTS**

**Mayor-** Mr. Paris congratulated Mr. Morrow on his election as a member of Council.

Mr. Paris stated that he and Mr. Hatcher have begun to work on the budget and they are hitting it pretty hard. We are cutting out wasteful spending and will be making cuts wherever they feel they can.

**Mr. Hatcher** – Mr. Hatcher stated that we received notice from the Department of Health and Senior Services for a commitment for a \$5,000 grant for Hepatitis B shots.

On November 17<sup>th</sup>, the JIF introduced their budget and it will go up 4.25%. The operating budget went up 1.55%, the loss funds 6.79%, general liability 2%, auto liability less than 2% and property 3%. Mr. Hatcher thanked Council for attending the training in Atlantic City which will save the township money.

The MEL introduced their budget on November 19<sup>th</sup> and the increase will be 2.8%.

Mr. Hatcher stated that he has heard some concern from residents and Council on Green Acres funding. He has spoken to Green Acres and has been notified that the \$300,000 funding is still available for Delran. They have also submitted an application for additional funding of \$350,000, we have not been notified if we will receive those funds.

**Mr. Long** – Mr. Long stated that there have been some concerns regarding Title 39 in the Grande and Summerhill. He wanted to notify everyone that there has been a bill that has passed through the Senate and the Assembly that would take Title 39 jurisdiction from the state and place it into the hands of the municipality. That bill is on the Governor's desk for signature. He stated that he believes that the bill will be signed by the end of the year. Once that is done, we can apply to the DOT to enforce Title 39 ourselves. He stated that this Council has been very proactive and has sent our Engineer out to do the necessary inspections instead of waiting for the DOT.

Mr. Moran asked if we can start enforcing Title 39 before the Governor signs the bill.

Mr. Long stated that we can not.

**Mr. Morrow** – Morrow stated thanked everyone for coming out tonight and for the resident support during the election. He has had the opportunity to speak to many residents and is trying to get them involved in the township. Ron Taylor, who we appointed tonight to the Zoning Board, was one of those residents. Mr. Morrow wished him luck in his position.

Mr. Morrow stated that as we look at the 2009 budget we will look at the best interest of all the residents. The safety and welfare of the residents will remain our top concern. He encouraged everyone to come out as we go through this process and voice his or her opinions.

**Mr. Moran** – Mr. Moran congratulated Mr. Morrow on his election and thanked Ron Taylor for stepping up and taking the position on the Zoning Board.

Mr. Moran stated that we received a county newsletter in the mail regarding recycling. For those of you who do not know the recycling pilot project began this month. The front page of the newsletter talks about junk mail and also states that if you can tear it we can recycle it. The article also goes on to say that if everyone recycled his or her junk mail towns could save over \$500,000 a year. Mr. Moran stated that for the people that live in the pilot area they do not have to put the container out every other week and can put it out once a month. We need to do this as an entire community and we need to keep focused on the goal of recycling more which will help save us money on tipping fees.

**Mr. Macey** – Mr. Macey stated that he believes that the new recycling bins are a good idea. We receive a grant for the amount of our recycling. His only concern with this project was the size of the containers.

Mr. Macey congratulated Mr. Morrow and stated that he is looking forward to working with him for the next year and a half.

Mr. Macey wished everyone a Happy Thanksgiving.

**Mr. Catrambone** – Mr. Catrambone stated that the county picked the area for the pilot recycling program.

Mr. Catrambone stated that when the budget meetings take place we will have the information available on the website.

Mr. Catrambone wished everyone a Happy Thanksgiving.

## **Public Portion**

David Curzie, 20 Moreland Drive, stated that he would like to discuss the back gate of Holy Cross High School. He stated that the residents would like to declare this gate a public nuisance. There has been nothing but traffic problems and someone is going to get seriously injured or killed. Just recently, he notified the police of speeding and careless driving.

Mr. Macey asked if the issue is kids.

Mr. Curzie stated that it is kids and parents. He has been notified by the High School that this entrance is an emergency exit. The residents have notified the schools about the problem and the response has been that they will fix the problem. They have not heard anything yet. They would like to see that back gate as an emergency entrance only.

Mr. Macey stated that maybe Council could write a letter stating the resident concerns.

Mr. Catrambone asked Mr. Long what our options are.

Mr. Long stated that we should get the Engineer involved in some traffic calming study.

Mr. Curzie stated that there are also no sidewalks on the street and two cars can barely fit down the street.

Mr. Long stated that the last thing we want is to get into a legal battle. We need to get the professionals involved. He also feels that a letter to the school is a good idea.

Mr. Catrambone stated that Council will take steps from here and they will keep the residents posted on the subject.

Mr. Long stated that he agrees with Mr. Macey and we should send a letter and put them on notice that we are getting complaints.

Wayne Slaughter, 16 Moreland Drive, stated that in support of what Mr. Curzie said the traffic in the morning is coming from Fairview Street. That means most of the people are coming from Route 130 and taking the short cut. He can not let his grandkids play during afternoon hours when the school lets out.

Tom Grieco, 17 Moreland Drive, stated that he has been there for twelve years. Right now, he has noticed side by side racing. Many residents have driveways that slope towards the street. This happens during day time, night time and

during games. He has had confrontations with kids. When they come around the bend, he can hear them roaring their engines. He stated that the police have sent people out to monitor the speeding.

Mr. Paris stated that he will notify the police about the situation.

Louis Kennedy, 17 Yansick, stated that he has been here eight years. The neighborhood does not have any sidewalks and people need to walk in the street. That makes the situation more dangerous. He feels that it is not just the high school kids it is during different events. He also stated that the neighborhood is also very shaded. He thanked Council for their support for this issue.

Brian Croly, 13 Yansick Drive, stated that one other issue is that there is a bus stop there. He stated that his wife has also witnessed side by side racing. He has notified the school and asked them to put out a notice asking kids to take it easy and he was told to call the police. With the new drug store opening having that entrance closed would alleviate traffic on Fairview Street.

Dolores Cannone, stated that she walks the dog and stated that she notices a lot of cardboard in the trash. She asked if we could notify the residents to maybe help the situation.

Mr. Hatcher stated that we will notify the trash company not to pick up the cardboard.

Chetan Vajapey, 18 Stoneham Drive, asked what if we move the recycling day to the same day as trash.

Mr. Hatcher stated that the county picks up recycling on the same day and we have trash collection four days a week.

Mr. Vajapey asked if there is something stronger that the residents can do to support the issue of closing the gate, such as having a petition signed by the residents.

Mr. Long stated that he feels that is a good idea.

Mr. Paris stated that the township Council is supporting this and he feels that the Mayor and Council should try to handle this.

Mr. Vajapey asked what the yield of bond is on the \$131,000 that the council approved tonight.

Donna Ibbetson stated that they will not know this until they go out for the money. Council only approved the issuance.

Ron Craft, 23 Moreland Drive, stated that he is in support of everything said tonight. He also stated that the way to get the message out about recycling is through the schools.

Tom Grieco, 17 Moreland Drive, stated that one of the things that trigger him to get into recycling is actually seeing the county dump. He feels that something visual would be helpful.

Rich Pattanite, 409 Brown Street, he would like to open the lighting up on the tot lot. He stated that we need the lighting on for safety. Kids are running through there all hours on the night. His house has been vandalized several times. These kids are not always from the neighborhood. He also stated that there are speeding issues on Brown Street.

Mr. Macey stated that if this Council was going to take action we could poll the residents.

Jeff Schofield, 34 Yansick Drive, stated that it is like a NASCAR speedway. His neighbor ended up with a car on his front lawn. A lot of the kids that come off the bus have to walk in the street. A big problem is once they pass that turn it is like a speedway and you can hear their engines. We have also been told by Holy Cross that it is not their problem and to notify the police.

A resident stated that he has lived there for twenty-four years and that gate has been open ever since.

Ron Taylor stated that he would like to thank everyone for the quick start at getting the parking issue completed at Notre Dame Drive. The biggest issue is getting people to use the parking lot. Mr. Taylor stated that at the corner of Stevens and Conrow there is a sight issue.

Mr. Macey made a motion, seconded by Mr. Ogozalek, Sr. to adjourn the meeting. All were in favor, the meeting adjourned.

Submitted,

Jamey Eggers  
Municipal Clerk

