

**REGULAR TOWNSHIP MEETING  
MUNICIPAL BUILDING**

**AUGUST 22, 2006  
DELRAN, NJ**

The meeting was called to order with a salute to the Flag by Council President Hermansky at 8:00 PM.

The roll was called : Mr. Macey, Mr. Paris, Mr. Chinnici and Mr. Hermansky were present. Mr. Ogozalek Sr. was absent. Also present: Mayor Stellwag, Mr. Hatcher, Administrator, Mr. Guest, Solicitor. Mrs. McPhee, Clerk was absent.

**SUNSHINE STATEMENT:** Be advised that the Township Council has given proper notice in accordance with the sunshine law in the following manner. Notice mailed to the Burlington County Times and Courier Post on December 20, 2005 and posted on the bulletin board of the same date.

Presentation of Proclamation for Constitution Week to Kathleen Regn. Mr. Macey made the presentation of the proclamation for Constitution Week to Kathleen Regn.

Mr. Macey made a motion, seconded Mr. Paris to approve the minutes for July 6, 2006, July 19, 2006 and July 25, 2006.

There being no questions, the roll was called.

Mr. Macey, Mr. Paris, and Mr. Hermansky voted aye. Mr. Chinnici abstained on the minutes for July 19, 2006 and July 25, 2006.

Ayes: 4  
Nays: None

Motion Approved

**ORDINANCE ON SECOND READING**

**ORDINANCE #2006-12**

**BOND ORDINANCE AUTHORIZING THE  
ACQUISITION OF VARIOUS PIECES OF**

**EQUIPMENT AND APPARATUS FOR THE TOWNSHIP OF DELRAN; APPROPRIATING THE SUM OF \$245,550 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$233,272; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.**

The meeting was open to the public for comments, there being no comments, the meeting was closed to the public.

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

There being no questions, the roll was called.  
Mr. Macey, Mr. Paris, Mr. Chinnici and Mr. Hermansky voted aye.

Ayes: 4  
Nays: None

Motion Approved

**RESOLUTIONS – CONSENT AGENDA**

Resolution accepting letter of credit for Swedes Run Business Center #2006-76

Resolution refunding \$36.00 for mulch delivery. #2006-77

Resolution refunding tax overpayments. #2006-78

Resolution awarding bid for equipment for police vehicles. #2006-79

Resolution setting the tax sale date. #2006-80

Resolution reducing the performance bond for Section 12 of Summerhill #2006-81

Mr. Macey made a motion, seconded by Mr. Chinnici to adopt the above resolutions.

There being no questions, the roll was called.  
Mr. Macey, Mr. Paris, Mr. Chinnici and Mr. Hermansky voted aye.

Ayes: 4  
Nays: None

Motion Approved

### **MOTIONS**

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

There being no questions, the roll was called.  
Mr. Macey, Mr. Paris, Mr. Chinnici and Mr. Hermansky voted aye.

Ayes: 4  
Nays: None

Motion Approved

Mr. Macey made a motion accepting the report of the Tax Collector/CFO and Township Clerk. The motion was seconded by Mr. Paris

There being no questions, the roll was called.  
Mr. Macey, Mr. Paris, Mr. Chinnici, and Mr. Hermansky voted aye.

Ayes: 4  
Nays: None

Motion Approved

Mr. Chinnici made motion granting a mercantile license to:

Lackland Self Storage 4019 Rt. 130 South  
Birds Exotic 1060 Chester Avenue, Suite A

The motion was seconded by Mr. Paris

There being no questions, the roll was called.

Mr. Macey, Mr. Paris, Mr. Chinnici, and Mr. Hermansky voted aye.

Ayes: 4

Nays: None

Motion Approved

## **REPORTS**

Township Administrator Mr. Hatcher had no report and neither did Solicitor Brian Guest.

## **COUNCIL REPORTS**

Mr. Paris reported that he continues to receive a large number of e-mails from concerned citizens regarding issues that concern them, some have been addressed immediately, and some require time to get to the cause of the problem. As far as the Delran Sewer Authority, they reported to Council concerning the issues reported in the Burlington County Times, while much of the report is confidential and personal related information, I assure you that I will continue to monitor the situation until I feel satisfied that the issues related to the Sewer Authority are brought to closure. Mr. Parish also reported that after a number of conversations, two donations were secured from Ott's Laurel Run Tavern for the Township. First, Mr. Parish was happy to turn over a pitching machine to the Delran AA that was donated by Ott's and also Ott's is about to make the first in a series of \$500 annual donations to be a scholarship for the residents of Delran. Mr. Parish reported that he would continue to pursue other businesses and do whatever is necessary to help improve the quality of life for the residents of Delran. Mr. Parish thanked those who came to the meeting and please tell their friends to come out and participate in the meetings.

**Mr. Chinnici had no report**

**Mr. Macey had no report**

**Mr. Hermansky had no report**

## **PUBLIC PORTION**

The first person to speak was Harvey Binning, 108 Lowden Street. Mr. Binning stated he would like to address the Council concerning a problem with the road on Lowden Street. The main cause of the road problems, in his opinion, is a spring that runs down hill about 250 yards in on the left hand side, which has caused numerous potholes but Mr. Binning believes it is undermining the roadbed. The whole road is only ¼ mile long and the whole road is in deplorable condition. Superintendent Ed Bart has been notified several times and he comes out and fills the potholes but nothing is done about the spring or the road itself. Mr. Binning was told to give him name and address to Mr. Hatcher who in turn will ask Mr. Bart to assess the situation and give a report. This is to be put on the next work session at which time Council will talk to the engineer. Mr. Hermansky suggested that the engineer go out and look at Lowden Street before the next work session so he can give his report at that time. Mr. Binning thanked Council for listening to his complaint.

Brian Reed from Forest Hills (52 Cranberry Road). Mr. Reed sent an e-mail voicing his concern about speeding through the community. Mr. Reed is requesting to have someone come out and take a look at the possibility of installing Stop Signs at Cranberry and Harper at both ends because coming off of Silverwood, going to Harper St., it is a raceway. Mr. Parish said that his e-mail was forwarded to Mr. Hatcher and they are going to look at it. Mr. Reed thanked Council for their concern. Mr. Hermansky directed Mr. Hatcher to bring this to the attention of the Police Chief. Mr. Hatcher just received the e-mail this evening but will bring it to the attention of the Police Chief.

Keith Pogodo of 36 Harper Blvd. asked for updates concerning the basins in the Forest Hills development. Have there been any engineering updates? Mr. Hermansky asked Bonnie Zimmerman if we are done to the best of her knowledge. Mrs. Zimmerman said she sees grass growing. Mr. Pogodo was told that when the Engineer was at the last work session of Township Council, he advised that the basins were working properly. Mr. Pogodo stated that he appreciated Township Council helping to get the basins working properly.

Mr. Pogodo then mentioned the protest that took place in Riverside this past weekend as far as illegal immigration. Mr. Pogoda asked what Township Council thinks of this and are there any comments. Mr. Macey answered that the issue was brought up to our Solicitor and

Mr. Macey stated that if you look at the genesis of the Riverside Ordinance, people are afraid of an influx of illegal immigrants in their community. Mr. Macey said he thinks your first reaction is that it is a great thing and "why aren't we and every other community doing it." Mr. Macey said he immediately had a problem with the constitutionality of such an ordinance. Mr. Macey would not as a councilman consider such an ordinance because in order to try to use that ordinance as a law, there is a certain amount of racial profiling that may go into it and certain other issues that are problematic in terms of enforcing it. Mr. Macey stated in his opinion it does not make sense to pass ordinances that do nothing and cause the Township to defend them in the Court, which would cause the Township to spend taxpayers money. Mr. Pogodo agreed with Mr. Macey's answer. Solicitor Brian Guest stated that you should be careful and identify the problem that is causing concern and if you listen to the complaints of Riverside, the major concern is overcrowding in housing. You do not need a new ordinance to address overcrowding in housing; we already have ordinances that address that concern. It really is an enforcement issue. Enforcement takes personnel, time, and money but often the best fixes are not quick fixes. Mr. Pogodo asked what is overcrowding and gave the example of 16 people living in a small rancher. Mr. Guest said it is a violation of municipal code and the owner of the property is liable for the number of people residing in the property and he could be cited for the violation. Most property owners have provisions in their leases for the number of people who could live in the dwelling.

Mr. Pogodo asked on Open Space. Mr. Macey stated we were awarded \$300,000 but were naturally hoping for a lot more. The position it put us in is not having enough reserve for either of the two parcels that we were interested in. However, we have follow-up meeting planned with Joe Augustyn and Jeff Hatcher with intent to meet the County to see what the availability is of the County's contribution, which would help us immensely to be able to acquire one or two on our list of open spaces. The Walton Farm, which is the Creek Road property, they have gotten preliminary and final approval site plan approval to build 44 homes. There are entanglements in terms of their ability to build because of sewer capacity. They have not taken the next step as an alternative route such as septic, etc. Perhaps they are hoping that the pumping station, which we are required to build at the end of Hartford Road, will enable them to meet and draw upon the capacity of our plant. They are in a holding pattern, which is to our advantage while

we work out these issues. We are dealing with a lawsuit for the Klumpp property, which deals with our change in zoning for the property.

Mr. Pogoda also asked if we incurred any fines with regard to the Delran Sewerage Authority. Mr. Macey said we did have someone come in and they talked about a single violation that was issued to the Sewerage Authority for having not having a licensed person on duty for a particular day and not having the proper procedural manual around that they require. Mr. Guest said that the reports that were in the paper some months ago about large spills were inaccurate. That simply did not occur.

Mr. Pogoda also mentioned the speeding on Cranberry Lane and would like to see Stop Signs or speed bumps for that area.

Gary Catrambone 261 Burning Tree Road stated that since we broached the subject of the Sewer Authority, this is month #3 that we have been talking about this and while the information you just released seems that it would make all the problems go away. However, Mr. Catrambone is very concerned with the fact that there were effluent spills and those spills were indeed reported. Mr. Catrambone will follow-up with the DEP and is asking if Council has any official information that could be provided before he has information for Council. Council answered that they were told that the spills did not happen and the Sewerage Authority was not cited for any DEP violations other than the single violation that was reported in March because of not having a licensed person at the plant for a single day and not having proper manuals.

Mr. Catrambone asked if that representation was made by DEP or by the Sewerage Authority. Mr. Macey answered if the Sewerage Authority was cited and fined for a violation, there would be some sort of documentation with evidence that it happened. That apparently does not exist. Council met with the Sewerage Authority Solicitor and a board member and was shocked to find out that these spills did not happen. Mr. Catrambone said he has in his bag what violations were issued from the DEP so he will figure that out shortly and come back to it. Mr. Catrambone then spoke hypothetically of a situation, which Mr. Guest said could not be answered without the proper information. Mr. Catrambone was talking about a settlement agreement made with an employee. Mr. Guest said that it might not be illegal as settlement

agreements are entered into with employees that pay sums of money for a period of time that they are not physically working. This is not in itself illegal. Mr. Paris said that he was at the closed session meeting and going by some notes he has, he feels that this needs to be looked into. Mr. Guest said we could talk about it at the next closed session. Mr. Catrambone said he would have to hire an attorney to review the agreement. Mr. Guest asked if Mr. Catrambone had a copy of the agreement and he answered that he does not. Mr. Guest said if Mr. Catrambone gets a copy of the agreement and Council authorized him to review it, he will be happy to do so. Mr. Catrambone feels that it is not appropriate that we are paying someone and not allowing them to return to their job. Mr. Guest told Mr. Catrambone if he has anything that he feels is relevant for Council to review, he should show them to Council. Mr. Catrambone said that he would like to give a heads up on what is happening at the Sewerage Authority, (Mr. Macey stated that this is how Mr. Catrambone sees it). Mr. Catrambone stated the Director of Operations is not on site and he is the licensed person; however, I believe he had withdrawn his license and the Sewerage Authority has a certain period of time to re-hire someone with a S3C3 license. The Assistant Director is not on site and the next licensed person is working but not signing the Daily Maintenance Reports. An Operator who does not have the appropriate license is handling these reports. Mr. Catrambone stated he would follow this up to the highest level, report it to the DEP, and find out what is happening. Mr. Guest stated that Council appoints members to the Sewerage Authority but has no direct control over their activities.

Sean Tilger 39 Cranberry Lane questioned the common areas and how they are cared. Behind Mr. Tilger's property was a berm erected with a fence and there were trees put in and now the trees are dying and the fence is broken. It looks atrocious and he would like to know what he should be doing. Mr. Tilger was told that it is on the engineer's punch list to be fixed. The engineer will look into the situation. Mr. Hermansky said that Home Depot is not moving as quickly as we would like but they are moving forward slowly. Mr. Hatcher took Mr. Tilger's phone number.

Bonnie Zimmerman 20 Cranberry Lane, Forest Hills development, stated she has a few items she wants to address. One of her small pet peeves is the stop lights at the Hartford Corner traffic areas. Who controls them and whom can she talk to and make sure they work properly. Mr. Macey said that Council has engaged our engineers to

do a traffic study in that area. Mrs. Zimmerman asked about a rumor going around in Forest Hills about a proposed road to start from the Home Depot property that goes all the way to the back of that property and it just stops. The rumor is that road is going to continue to the left and go along the fence line of the homeowners and then out somewhere to Fairview Street. Mr. Macey said there is no formal proposal as far as that is concerned. Mr. Macey said he heard rumor also that the existing property owner might be looking into a development where he takes a road out to Fairview St. but there are no applications and no pending development, nothing before the Planning Board. Mrs. Zimmerman asked if there was something to go back there, would the homeowners be notified. The answer was everyone within 200' of the development would be notified and they could attend the Planning Board and voice their opinion. Mrs. Zimmerman also wanted to mention the speeding issue on Cranberry Road.

Teresa Fabi of 10 Roslyn Drive wanted to mention the traffic at Delran High School. She just wanted to make everyone aware of the children walking around and perhaps all should be a little more careful when dropping off or picking up children at the school.

Bob Kennedy of 18 Silverwood Drive mentioned that one basin out front near the sign has not been completed. All three or four basins were to be done at the same time and they were never finished. Council thought these were complete but Mr. Kennedy said they are staked but not completed. Mr. Hatcher was authorized to contact the engineer. Mr. Kennedy said the contractor who did the spillway on Bridgeboro Road, ruined the garden, and broke a sprinkler. The bills were submitted but they have not been reimbursed to date.

Mr. Kennedy mentioned the basketball court on Faunce Street, which was put up prior to the development being built, and is encroaching on Forest Hills property by 10'. Mr. Kennedy wants the basketball court to be taken out. Mr. Hermansky stated that is between the Homeowners Association and the property owner. Mr. Guest said the Township has no enforcement rights. Mr. Hatcher was authorized to have Mr. Callaway look into this problem. Mr. Kennedy said that he has a petition with 104 names on it concerning the speeding in the development.

There were no further comments from the public; therefore, the public portion of the meeting was adjourned.

Mr. Macey made a motion, seconded by Mr. Paris, for adjournment at 8:45 pm All were in favor.

Respectfully submitted,

Adele Meiluta  
Deputy Clerk

UNOFFICIAL