

**REGULAR TOWNSHIP MEETING
MUNICIPAL BUILDING**

**AUGUST 28, 2007
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, 2006 and posted on the bulletin board on the same date.

ROLL CALL: Mr. Ogozalek, Sr., Mr. Paris, Mr. Chinnici and Mr. Hermansky. Mr. Macey was absent.

ALSO PRESENT: Mayor Stellwag, Mr. Guest, Solicitor, Mr. Hatcher, Administrator, and Ms. Eggers, Clerk.

Mr. Hermansky made a motion, seconded by Mr. Paris to approve the work session minutes for July 18, 2007.

There being no questions, the roll was called.

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

Ayes: 5
Nays: None

Motion Approved

Mr. Hermansky made a motion, seconded by Mr. Paris to approve the minutes for July 18, 2007 Special Meeting.

There being no questions, the roll was called.

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

Ayes: 5
Nays: None

Motion Approved

ORDINANCES ON SECOND READING

**TOWNSHIP OF DELRAN
COUNTY OF BURLINGTON
ORDINANCE 2007-11**

WHEREAS, the Township Council of the Township of Delran has

identified concerns with the hiring of individuals who are related or share close personal relationships outside of the workplace which may affect the morale and performance of Township employees; and

WHEREAS, the Township Council recognizes that the majority of Township employees live in the community and that such a close knit community will naturally lead to a certain portion of the workforce who are related to one another; and

WHEREAS, the Township Council wishes to avoid circumstances that could lead to the perception of favoritism or bias in the workplace; and

WHEREAS, the Township Council wishes to establish clear policies with respect to such employment situations to avoid such perceptions;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Township Council of the Township of Delran in the County of Burlington and State of New Jersey as follows:

Section One. This Ordinance shall be known as the “Anti-Nepotism Policy of the Township of Delran” and shall apply to all full or part-time employee positions except as set forth below.

Section Two. Definitions.

- A. “Elected Official” means any person holding an elected position in the Township including any person appointed to such position for purposes of completing an unexpired term.
- B. “Domestic Partner” means any adult person sharing a habitation with another adult person as a single housekeeping unit whether or not such relationship has been solemnized by a marriage or civil union ceremony.
- C. “Employee” means any person employed by the Township in a full or part time position, except for seasonal or temporary part-time employment, for which the Township reports the individual as an employee for tax purposes.
- D. “Housekeeping Unit” means two or more persons who share a habitation in the manner of a traditional family unit through the collective sharing of domestic chores and expenses. Such term shall not include persons renting space in the manner of a tenant or boarder from another occupant of the residential unit.
- E. “Relative” means a person related by blood, marriage, or civil union to the degree of spouses, parents, children, siblings and grand-children.
- F. “Supervisor” means any Township employee whose duties

include supervisory powers and duties over another employee or employees within a department of the Township.

Section Three. Restrictions. The following restrictions shall apply to the hiring and promotion of employees in the Township unless covered by one of the exceptions set forth below:

- A. No person shall be considered for employment by the Township for a position where that person would be the supervisor of or be supervised by a relative or domestic partner.
- B. Applications for employment by persons who are relatives or domestic partners of Township employees holding current supervisory positions will not be accepted for employment in the same department in which the supervisor works or where, through promotion, such a situation could exist.
- C. No person who is a relative or domestic partner of an elected official shall be considered for employment with the Township. However, no person who is a Township employee at the time that their relative or domestic partner becomes an elected official in the Township shall be required to resign their position or otherwise have their continued employment impacted by such election.

Section Four. Exceptions. The foregoing policy shall not apply in the following circumstances:

- A. To any employee subject to the testing, rules, and regulations of the Department of Personnel, commonly referred to as the Civil Service Rules.
- B. To persons who are employed by the Township on the effective date of this Ordinance. It is the intention of this Ordinance that it apply prospectively only.
- C. To persons assisting or otherwise aiding the Township in volunteer positions for which no compensation is received.
- D. To seasonal or temporary part-time employees.

Section Five. Other Requirements. All local government employees and local government officers, as those terms are defined in *N.J.S.A. 40A:9-22.1 et seq.*, shall at all times act in compliance with the provisions of the New Jersey Local Government Ethics Law and other applicable rules and regulations governing their conduct.

Section Six. Severance. If any portion of this ordinance is found to be unconstitutional or otherwise unenforceable, the remainder of the Ordinance

shall remain in full force and effect.

AND BE IT FURTHER ORDAINED AND ESTABLISHED that this Ordinance shall become effective upon adoption and publication in accordance with law.

Mr. Paris made a motion to postpone public hearing and adoption of Ordinance 2007-11, seconded by Mr. Chinnici.

There being no question, the roll was called.

Mr. Ogozalek, Sr. and Mr. Hermansky voted nay. Mr. Paris and Mr. Chinnici voted aye.

Ayes: 2

Nays: 2

Motion Defeated

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

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

There being no question, the roll was called.

Mr. Ogozalek, Sr. and Mr. Hermansky voted nay. Mr. Paris and Mr. Chinnici voted aye.

Ayes: 2

Nays: 2

Motion Defeated

RESOLUTIONS – CONSENT AGENDA

Resolution 2007-60 Releasing Planning and Zoning Board Escrows

Resolution 2007-61 Extending Due Date for 3rd Quarter Taxes

Resolution 2007-62 Setting Date for Tax Sale

Resolution 2007-63 Transfer funds from Trust Account to Road Material

Resolution 2007-64 Release Maintenance Bonds for Beazer Homes

Resolution 2007-65 Chapter 159 "Click it or Ticket 2007" Grant

Resolution 2007-66 Chapter 159 Alcohol Education Rehabilitation Fund

Resolution 2007-67 Chapter 159 Clean Communities Grant

Resolution 2007-68 Agreement with NJDOT for Maintenance of Route 130
Jughandles

Resolution 2007-69 Approval of Raffle License 336, 337 and 338 for Holy Cross
PTA

Resolution 2007-70 Chapter 159 Over the Limit Under Arrest Grant

Mr. Hermansky made a motion, seconded by Mr. Paris to adopt the resolutions.

There being no questions, the roll was called.

Mr. Ogozalek, Sr., Mr. Paris, Mr. Hermansky and Mr. Chinnici voted aye.

Ayes: 4

Nays: None

Motion Approved

MOTIONS

Mr. Hermansky made a motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement. The motion was seconded by Mr. Ogozalek, Sr.

There being no questions, the roll was called.

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

Ayes: 4

Nays: None

Motion Approved

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

There being no questions, the roll was called.

Mr. Ogozalek, Sr., Mr. Paris, Mr. Hermansky and Mr. Chinnici voted aye.

Ayes: 4
Nays: None

Motion Approved

Mr. Ogozalek, Sr. made a motion granting the mercantile licenses listed below.
The motion was seconded by Mr. Hermansky.

Wheels Enterprises, 150G Carriage Lane

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

Ayes: 4
Nays: None

Motion Approved

REPORTS

Mayor – Present Proclamation for Constitution Week

Administrator – Mr. Hatcher reported that we received a check from FEMA in the amount of \$5,092 which will be used to offset some of the expenses from the April 14, 2007 flooding. Mr. Hatcher thanked Walt Bauer for efforts as Emergency Management Coordinator in applying for the reimbursement.

Solicitor – No report

Members of Council

Mr. Hermansky – Mr. Hermansky stated that on the nepotism ordinance that did not pass tonight, he does not have a problem with the nepotism ordinance but he feels we are trying to do more with this ordinance and does not agree with portions of the ordinance. Mr. Hermansky stated that Mr. Paris had sent out an e-mail with a definition of nepotism that stated that it is the hiring of individuals related to public officials in the town. Mr. Hermansky stated that he would support any ordinance that sticks to that definition.

Mr. Paris - Mr. Paris stated that he is very disappointed with Mr. Hermansky and Mr. Ogozalek, Sr. for not approving the nepotism ordinance. Mr. Paris stated that Council seems to be going around and around and that it seems they can not get all five people together at any given meeting which they should be in attendance. Mr. Paris updated everyone on the progress of the business

association. He stated that they had their first two meetings and he is very pleased with their progress and the reception that they are getting from other businesses to become part of the association. Mr. Paris stated that he went out this weekend and got eight new businesses. Mr. Paris stated that the Delran Business Association will help with having Delran Days and 4th of July events. The association has ideas to contribute to the EMT and Police Department maybe for bullet proof vests which will hopefully have an impact on our taxes. The old Burger King is taking shape as a new diner. The Lonestar is in the process of being sold and has become an eye sore, Mr. Paris has contacted Mr. Hatcher and they are trying to get the owners to clean up the property. Mr. Paris reminded everyone that the development of land between Harper and Pancoast is on the Planning Board agenda for September 6th. Mr. Paris asked everyone to be careful as school opens next week and enjoy the holiday.

Mr. Hermansky – Mr. Hermansky asked Mr. Paris that if he would like to get the nepotism ordinance started he would make a motion to eliminate section a and b from the existing ordinance. Mr. Paris stated that he does not want to remove it right now and we will deal with it at a work session.

Mr. Ogozalek, Sr. – Mr. Ogozalek stated that if you are familiar with anti-nepotism it means that no relative of Mayor and Council shall be hired by the Township. Mr. Ogozalek, Sr. stated that he has no problem with that. Mr. Ogozalek, Sr. read the nepotism ordinance which he would like to adopt from Burlington County Board of Freeholders. The ordinance reads that any person who is a relative of Mayor, Council or Executive or Unclassified Supervisory Employee shall not be appointed, hired, employed or permitted to work for the Township of Delran in any unclassified position. Mr. Ogozalek, Sr. stated that he is not against anti-nepotism, but Mr. Paris does not listen to his suggestions. Mr. Ogozalek, Sr. stated that there is a hole in the ordinance that states “If any portion of this ordinance is found to be unconstitutional or otherwise unenforceable, the remainder of the Ordinance shall remain in full force and effect”. When an attorney gets a hold of the ordinance and finds anything wrong with it, the whole thing will be thrown out. Mr. Ogozalek, Sr. stated that Mr. Paris speaks about scholarships and the first person to get one was a family member of his. This is why Mr. Paris is supporting this.

Mr. Paris – Mr. Paris stated that this is getting personal and he does not want to get personal. He stated his daughter has worked very hard to earn that scholarship and was ranked number one in her class.

Public Portion of the meeting

Mr. Chinnici stated that if any of the public is here to discuss the roads he wants to let everyone know that the budget has been certified by the state and the Engineer is working on the estimates for the ten roads provided by the Public

Work's Superintendent. The Engineer will have those estimates for the September 19, 2007 work session.

Gina Reed, 157 Oxford Road, encouraged the audience to get a copy of the nepotism ordinance and to contact, write or call Mr. Hermansky and Mr. Ogozalek, Sr. to find out why they do not want to pass the ordinance. Gina stated that the ordinance makes sense. Mr. Paris stated that Mr. Guest has reviewed the ordinance and if there was anything wrong with the ordinance, he would have found it. Gina stated that with any ordinance someone could find a loop hole. Gina Reed stated that she is ashamed of Mr. Ogozalek for his comments about a young person who works hard for a scholarship and he is trying to tie that into this nepotism ordinance.

Diane Zierler, 128 Jacqueline Avenue, stated that she is very pleased that Council has recognized their group and hopes there is a positive outcome for their road. She feels there is one issue that needs immediate attention between 132 and 134 Jacqueline Avenue. There is a hole in the road which is about a foot deep and they can see the pipes. Mr. Chinnici stated that Ed Bart will be out there tomorrow.

Dan O'Malley, 134 Jacqueline Avenue stated that the area around the hole in the street is bellying and he is afraid to park his car there.

Joseph Carita, 179 Westover Drive, asked Council to consider Westover Drive for repaving. He stated that the manholes are all elevated and water sits in certain areas of the street. Mr. Carita stated that he was on the Zoning Board in 1999 when Ott's got their approval to build a deck. They were also required to pave and stripe the parking areas. It has been eight years and nothing has been done. Mr. Paris stated that it appears they are moving the parking bumpers back and looks like they added additional stone. Mr. Carita stated that they were not to use stone and were to pave the parking lot. Mr. Hatcher will ask Mr. Callaway and Mr. McCurley to take a look at the plan.

Constance Snowden, 137 Jacqueline Avenue, thanked the Mayor for driving out to Jacqueline Avenue and taking an interest in their road.

Joe Stathius, 150 Jacqueline Avenue, asked who makes the decision on which roads are repaved. Mr. Chinnici stated that Council will make the decision based on the Engineer's estimates.

Ron Slominski, 67 N. Chester Avenue, asked Council if they have heard from Riverside about the water issue on N. Chester Avenue. Mr. Hermansky asked if the residents attended a Riverside meeting. Mr. Slominski stated that they did attend a meeting and they stated that they will look into the issue. Mr. Slominski has not heard anything back. Mr. Hatcher stated that he will contact Riverside.

Mr. Slominski stated that they pay taxes to Delran Township and Council should go to bat for them.

Mr. Vajapey, 18 Stoneham Drive, stated that the article about Mr. Ogozalek's son in the Cindel Times was fantastic. He stated that if no one has read it they should. In the same paper, he stated that he read an article about Mr. Paris starting a business association to help the schools. He feels that is a great effort. He feels that it is a shame there is personal bickering. He stated that they recently got a breakdown of the taxes. He stated that municipal allocation was usually around 18% now that has increased to 22%-23%. The school has decreased from 60% to 57%. He would like to know why the funds have been cut. Mr. Vajapey suggested that only one or two member should attend the League of Municipalities Convention since the cost is around \$10,000. This would help save taxpayers money. Mr. Ogozalek, Sr. thanked Mr. Vajapey for his comment about his son. On the second comment, Mr. Ogozalek stated that he will take heed of what he said. Mr. Ogozalek, Sr. stated that he is not sure how it looks in the audience but when someone uses his name in vain and he knows there is something wrong that is when he relates back and that is where the bickering comes in.

John Friel, 7 Woodrush Court, asked if anyone has found out who owns the tree at the corner of Hartford Road and Summerhill Drive. Mr. Hatcher reported that a letter has been sent by Public Works to the owner. Mr. Friel stated that he has an e-mail for Jack Connors and asked Council to explain the expenditure of \$500,000 over three years for Storm Water Management. Mr. Hatcher explained that this is part of the Federal and State mandates for townships to reduce the amount of pollutants that enter our system. We have completed some of the work but have a significant amount of work left. The \$500,000 was based on an estimate of the work remaining. Mr. Friel stated that he also does not believe that the taxpayers should be paying for reservations at casinos for the League of Municipalities Convention. He stated that he is not spending our money and we should not spend his. He stated that the tax bill that he received is ridiculous. He wanted to know where the money went from the reassessment two years ago when the taxes sky rocketed. Now it is two years later and they sky rocketed again. He stated that New Jersey is ranked 15th among foreclosures. Ten years ago, he was paying \$2300 now he is paying \$5300. He has a family of five on a single income and asked how he is supposed to afford that. He stated that if you want to have fun at Caesars have some fundraisers instead of taking our money. Mr. Friel asked where the relief is from the businesses. Mr. Paris stated that he hopes the Delran Business Association will help bring some money in for this issue. Mr. Friel stated that we spend \$21,000 in clothing maintenance for workers. Mr. Friel asked if they contribute. He stated that we pay for boots, clothing and health insurance and he can not afford it. Mr. Friel stated that his taxes went up \$500.00 and he received \$1,000 back in tax relief. Mr. Paris stated that it is affecting a lot of people. Mr. Paris stated that there are many houses up for sale and he does not like to see that. Mr. Hermansky stated that

he would like to address some of the issues. Mr. Hermansky said that getting the \$1,000 back in tax relief is a step in the right direction. Many of the increases were contractual increases that the township has limited control over. The five members of Council went over the budget and this was the best they could come up with unless we start cutting services. Mr. Friel stated that his street already does not get plowed. Mayor Stellwag stated that the township reimburses the association for the streets that they plow. Mr. Friel stated that he pays both the town and the association for trash pickup. Mr. Hermansky stated that he should not be paying Summerhill. Mr. Friel stated that there was a charge for trash in the notice that was sent from the association. Mr. Hermansky stated that he should ask the association. Mr. Hermansky stated that if anyone would like to stay after, he would be more than happy to go over any issues. Mr. Friel stated that he would like to because he feels there is mismanagement and there are things that could be cut like clothing. Mr. Hermansky stated that is contractual and he will discuss this with him. Mr. Ogozalek, Sr. stated that a big increase was the pension obligation which the town does not control. This issue is affecting the entire state. Mr. Friel stated that he pays into his own pension and his own benefits.

Tom Cerrito, 143 Jacqueline Avenue, stated that when there is a reassessment his understanding was that there should be a leveling. Older homes assessment will come up and newer homes will be assessed less. The township is not supposed to get more money. He has never heard of anyone's taxes going down. There have been instances where taxes have decreased. Mr. Guest stated that usually during a reassessment about one-third of the properties go up, one-third go down and about one-third stay the same. In order for the taxes to decrease, the budget would have to remain level and the budget usually increases. This would be a question for the tax assessor, he could give specifics.

Bill Stricker, 516 Main Street, stated that he has lived here five years and when his property was reassessed; his taxes went up \$960. In five years, his taxes have increased from \$4400 to \$8700. He stated that Cinnaminson has a yearly process for repaving their roads which is done by the municipal workers, in five years he has never seen a road repaved in Delran. He asked when the last time a road was repaved was. Mr. Hermansky stated that he could list 30 roads which were done in the last ten years. We spent a bunch of time of on Haines Mill and Waterford Drive. Mr. Stricker stated that he hopes the increase is a one time thing.

Christina Mechado, 102 Lowden Street, stated that her street is in bad shape. She stated the trash truck and recycling trucks have to back out of the street and an ambulance had to turn around in a driveway. Mrs. Mechado also expressed her concerns about a halfway house located behind her house. Mr. Hermansky stated the township does not have any control over the halfway house. She stated that she heard there was a possibility of cutting the street through. Mr.

Paris stated that the parking issue is similar to the issue in Summerhill that the street is not wide enough for emergency vehicles to access. Mrs. Mechado stated that her road does not get plowed. She feels the house on the corner should be condemned. Mr. McCurley was out to the house and the person that cleaned up the property threw screws in the street which are now in her tires. Mr. Paris stated that we should discuss the parking issue at the next work session. Mrs. Mechado stated that in 2006, the neighbor across the street paid \$2700 in taxes and she paid \$6,800. Mr. Hermansky stated that she should speak to the tax assessor. Mr. Mechado stated that he was told by the tax assessor that if his property was on another street it would be worth \$350,000 to \$450,000. She stated that she went on line to check the taxes on the property across the street and they paid \$2700. Mr. Hatcher stated that our information is not available on line and she should come into the assessor's office. Mr. Hermansky stated that if the house is assessed at \$290,000 their taxes can not be \$8300 and to come in and check. Donna Ibbetson, Tax Collector, stated that if they are not satisfied with the assessment they can appeal to the county. Mrs. Mechado stated they were told to get an appraisal. Donna Ibbetson stated that she does not believe it is a requirement but that it would help. Her biggest issue is getting the road repaved.

Judy Carroll, 92 Pancoast Blvd., stated that the group home is located at 108 S. Bridgeboro Road. She was not sure who approved that site. Mr. Hatcher stated that group homes do not need approval from the township. Mrs. Carroll stated that she attended the Earth Fair and several towns are starting a rigid recycling program for plastics. She feels we could see some money come back to the township.

Diane Zierler, 128 Jacqueline Avenue, asked exactly what a halfway house is. Mr. Guest stated that halfway house is a very generic term and there are several types. Mrs. Zierler asked what types we have in Delran and how many we have. Mr. Hatcher stated that we have all types in just about every neighborhood. Mrs. Zierler asked what restrictions we have for these homes. Mr. Hatcher stated that they are protected under the law and we are not allowed to ask what type of home it is. Mrs. Zierler asked could neighbors call and ask about a specific property. Mr. Hatcher stated that as far as the township goes is to tell if the property is registered as a group home. Mrs. Zierler asked if there are restrictions on the number of people. Mr. Guest stated that the number of people is controlled by the state.

Tom Cerrito, 143 Jacqueline Avenue, asked the audience if anyone's taxes went down. Mr. Hassel stated that his son's taxes went down. Mr. Hatcher stated that if no entity raised their tax rate and we did a reassessment then it would be tax neutral. If the residential market would have been the only factor then you would have some go up and some go down. At the time of the reassessment, the residential market was up and the commercial market did not increase. What we saw was that the commercial rate went down and not the residential. Mr. Cerrito

stated that his property was reassessed three times and his taxes never went down. Mr. Hatcher reported that if any area went down they were in the Riverside Park area.

Tom Morrow, 94 Pancoast Blvd., stated that they have a group home on Pancoast and they have not had a problem. Mr. Morrow stated that in front of McDonald's there is a pit from road work done recently. Mr. Hatcher reported that they have contacted the DOT. Mr. Morrow reported that the bus stops on Fairview are in a dangerous location and maybe we should contact NJ Transit. Mr. Morrow stated that as long as we continue to allow housing the taxes are going to be impacted. Development puts a burden on the township. The High School is small and he feels we will be hit with an increase in school taxes very soon. He stated to the residents to keep coming out and expressed his appreciation to Council.

Dan O'Malley, 134 Jacqueline Avenue, stated that many people are complaining about services and taxes. He stated that he understands that townships use tax deferments to lure businesses into town, but when will we see the benefits from the businesses. Mr. Hermansky stated that we are seeing the benefits because without them it would be worse. There is only one business that was given an abatement and that was Target. It was a five year abatement and they are in year two. Mr. Hermansky stated that the state aid has not increased over the years. Ten years ago, the state aid accounted for about 26% of the budget and now it is about 13%.

Judy Carroll, 92 Pancoast Blvd., stated that group homes do fall under the Fire Department's jurisdiction. If they are a rehab of any sort, they are a life hazard unit. Mr. Guest stated that they are also subject to the building codes. They are exempt from the township zoning regulations.

Ziggy Baczynski, 131 Jacqueline Avenue, thanked Council for considering Jacqueline Avenue for repaving. He also discussed traffic concerns at the corner at Conrow Road and Hartford Road. Mr. Paris stated that we will be discussing this at the next work session.

Mr. Vajapey, 18 Stoneham Drive, stated that in the past the tax increase has been about 6.5%. That means that if you are paying \$5000 now in five years you will be paying \$7000, if you are paying \$8000 dollars now in five years you will be paying \$11,000. That is without changing anything.

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

Submitted,

Jamey Eggers
Municipal Clerk