

**REGULAR TOWNSHIP MEETING
MUNICIPAL BUILDING**

**June 26, 2007
DELRAN, NJ**

The meeting was called to order with a salute to the Flag by President of Council Hermansky.

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

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

Mr. Ogozalek, Sr. made a motion, seconded by Mr. Paris to approve the work session minutes for May 16 2007 and June 6, 2007.

There being no questions, the roll was called.

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

Ayes: 4
Nays: None

Motion Approved

Mr. Macey made a motion, seconded by Mr. Paris to approve the minutes for May 22, 2007.

There being no questions, the roll was called.

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

Ayes: 3
Nays: None
Abstained: 1

Motion Approved

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ORDINANCES ON SECOND READING

**TOWNSHIP OF DELRAN
COUNTY OF BURLINGTON**

ORDINANCE NO. 2007-7

**AN ORDINANCE ESTABLISHING A POLICY WITH
RESPECT TO THE HIRING OF RELATED
INDIVIDUALS**

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.

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. Paris to adopt the ordinance on second reading.

There being no question, the roll was called.

Mr. Macey and Mr. Paris voted aye. Mr. Hermansky and Mr. Ogozalek voted nay.

Ayes: 2

Nays: 2

Motion Defeated

TOWNSHIP OF DELRAN

ORDINANCE #2007- 9

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 150,
SECTION 6 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP
OF DELRAN**

WHEREAS, the Township Council has determined that it is appropriate to amend certain fee provisions for applications and related matters under the uniform construction code;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED as follows:

SECTION ONE. Chapter 150, Section 6 of the revised general ordinances of the Township of Delran is hereby amended to read as follows:

§150-6. Uniform Construction Code.

- A) The basic construction fee shall be the sum of the parts computed on the basis of the volume or cost of construction; the number of plumbing fixtures and pieces of equipment; the number of electrical fixtures and devices; the number of sprinklers, standpipes and detectors (heat and smoke); the number of lift devices and their appurtenances; and shall be calculated at the unit rates provided herein plus any special fees. The fee for plan review shall be twenty (20) percent of the amount to be charged for a new construction permit. Plan review fees are not refundable. The minimum fee for a basic construction permit covering any or all of building, electrical, plumbing, fire protection or elevator / lift / escalator work shall not be less than \$46.00 for each subcode. All fees shall be rounded to the nearest dollar and paid in full prior to the issuance of a construction permit.
- 1) The building volume or cost: The fees for new construction or alterations are as follows:
 - a) Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The construction fee shall be in the amount of \$0.046 cubic foot of volume for structures of all types of construction and use groups as classified and defined in Chapter 3 and Chapter 4 of the International Building Code, except that:
 - (1) Structures of use groups A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1 and S-2 the construction fee shall be in the amount of \$0.030 per cubic foot of volume; and
 - (2) For auxiliary structures on farms including commercial farm buildings under N.J.A.C. 5:23-3.2(D), the fee shall be in the amount of \$0.004 per cubic foot of volume with the maximum fee for such farm structures not to exceed \$500.00.
 - b) Fees for renovations, alterations, repairs and rehabilitation, or site construction associated with pre-engineered systems of commercial farm buildings, pre-manufactured construction, and the external utility connections for pre-manufactured

construction shall be based upon the estimated cost of the work. The fee shall be in the amount of \$24.00 per thousand dollars of cost to \$50,000.00; from \$50,001.00 to \$100,000.00, the fee shall be \$20.00 per thousand dollars of cost; above \$100,001.00 the additional fee shall be in the amount of \$16.00 per thousand dollars of cost. For the purpose of determining estimated cost the applicant shall submit to the department such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The department shall make the final decision regarding estimated cost.

- c) Fees for additions shall be computed on the same basis as for new construction for the added portion.
- d) Fees for combination renovations and additions shall be computed as the sum of the fees calculated separately in accordance with (1 b and 1 c) above.
- e) Fees for modular homes shall be a flat fee of \$250.00
- f) Fees for mobile homes shall be a flat fee of \$250.00
- g) Fees for temporary structures shall be as follows:
 - (1) Garden type utility sheds which are 100 square feet or less, 10 feet or less in height for residential (R-3, R-5) properties are not required to have a permit. All other use groups are required to obtain a permit and pay a flat fee of \$42.00.
 - (2) Garden type utility sheds which are larger than 100 square feet, but not more than 200 square feet, 10 feet or less in height for residential (R-3, R-5) properties shall be a flat fee of \$42.00. All other use groups shall be a flat fee of \$75.00.
 - (3) The fee for fabric shelters, sheds, or accessory structures of use group "U" larger than 200 square feet, or more than 10 feet in height shall be calculated as in 1.(a) above but shall not be less than \$75.00 for all use groups.
- h) Fees for tents 1600 square feet or larger, or more than 40 feet in any one direction shall be a flat fee of \$92.00.

- i) Fees for tower or dish antennas greater than 24 inches in diameter shall be a flat fee of \$42.00.
- j) Fees for fences higher than six feet shall be a flat fee of \$42.00.
- k) Fees for signs 15 square feet or less per side shall be a flat fee of \$15.00. Signs larger than 15 square feet per side shall be calculated at the rate of \$2.00 per square foot of the sign computed on one side only, but shall not be less than \$75.00. Fees for a temporary sign shall be a flat fee of \$50.00.
- l) The fee for a storable swimming pool, fishpond or similar structure shall be a flat fee of \$46.00.
- m) Fees for swimming pools above ground and not more than four feet six inches in depth shall be a flat fee of \$100.00.
- n) Fees for swimming pools other than those covered in subsection A(1)(m) above shall be a flat fee of \$150.00.
- o) Fees for reroofing or residing on structures of use group R-3, R-5 shall be a flat fee of \$46.00 each. All other use groups shall be calculated as per 1 b) above.
- p) Storage tanks: The fee for removal of an R-3 or R-5 use group storage tanks shall be \$46.00; All other tank removals shall be \$75.00. The fee for installation of a storage tank shall be \$250.00, except that use groups R-3 and R-5 shall be a flat fee of \$46.00.
- q) The fee for a demolition permit shall be \$46.00 for temporary structure less than one hundred square feet and less than ten feet in height. All other demolition permits for temporary structures shall be \$75.00.
- r) The fee for a demolition permit shall be \$125.00 for a structure less than five thousand square feet in area and less than thirty feet in height as well as farm buildings including commercial farm buildings under N.J.A.C./5:233.2 (d). For all other structures, the fee shall be \$250.00.
- s) The fee for the demolition of a pool shall be \$46.00

- 2) The fees for electrical equipment and fixtures shall be equal to state fees as stated in N.J.A.C. 5:23-4.20(c)2iii with subsections and N.J.A.C. 5:23-4.20 (c) 10.
- 3) The fees for plumbing equipment and fixtures shall be equal to state fees as stated in N.J.A.C. 5:23-4.20(c)2iii with subsections.
- 4) The fees for fire protection and hazardous equipment, standpipes, sprinklers, heat and smoke detectors, pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators, and crematoriums shall be equal to state fees as stated in N.J.A.C. 5:23-4.20 (c)2.vi with subsections.
- 5) The fees for mechanical inspection in a structure of use group R-3 or R-5 by a mechanical inspector shall be equal to state fees as stated in N.J.A.C. 5:23-4.20(c)9, except that the fee for the first device shall be \$46.00.
- 6) The plan review fees and inspection fees for elevators and associated equipment shall be equal to state fees as stated in N.J.A.C. 5:23-4.20 (c)6, (c)7, (c)8 as well as N.J.A.C. 5:23-12.
- 7) For certificates and miscellaneous items, the fees are as follows:
 - a) The fee for a certificate of occupancy shall be a flat fee of \$28.00
 - b) The fee for a certificate of occupancy granted pursuant to a change of use group shall be a flat fee of \$120.00
 - c) The fee for a certificate of continued occupancy shall be a flat fee of \$120.00.
 - d) There shall be a fee for a temporary certificate of occupancy of \$30.00.

Exception 1: There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at the time when the permit is first issued.

Exception 2: Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by the permit (such as uncompleted work required by prior approvals from

state or municipal agencies) no renewal fee shall be charged.

- e) There shall be no fee for a certificate of approval or a certificate of compliance.
 - f) The fee for a plan review of a building for compliance under the alternate systems and non- depletable energy source provisions of the energy sub-code shall be \$270.00 for one and two family homes (use group R-3 and R-5) as well as light commercial structures having the indoor temperature controlled from a single point. For all other structures, the fee shall be \$1,365.00
 - g) The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$600.00 for class I structures, and \$150.00 for class II structures, and \$75.00 class III structures. The fee for re-submission of an application for a variation shall be \$200.00 for a class I structure \$60.00 for a class II and \$30.00 for III structures. The fee for an application for a variation in a one family structure (use group R-3, R-5) less than 5000 square feet in area and less than thirty feet in height shall be \$50.00.
 - h) The fee for a permit for lead hazard abatement work shall be \$140.00. The fee for a lead abatement clearance certificate shall be \$28.00.
 - i) The fee for a permit for an asbestos hazard abatement work shall be \$75.00. The fee for an asbestos related certificate of occupancy shall be \$28.00.
 - j) In addition to the fees specified above, a surcharge fee of \$0.00265 per cubic foot of volume shall be charged for new construction or additions. A surcharge fee of \$1.35 per \$1000.00 of the cost of construction shall be charged for alterations, renovations and repairs. The surcharges shall be collected for training, certification and technical support programs as required by the Uniform Construction Code Act.
- B) The construction official shall determine the fee(s) for special services and/or conditions not specifically provided for in subsection "A" above. Additionally, the construction official shall, with the advice of the subcode officials, prepare and submit to the council biannually a report recommending a fee schedule based on the operating expenses of the

enforcing agency and any other expense of the State Uniform Construction Code Act.

- C) The local enforcing agency fee schedule for the various subcodes shall be deleted and the current state fee schedule inserted in its place in the event that the work is contracted for by a third party agency. In addition to the state (D.C.A.) fees, an administrative surcharge of 15% shall be added thereto.
- D) Waiver of fees:
- 1) In the case of construction by the Township of Delran, the Delran Board of Education, the Delran Fire Department, the Delran Sewer Authority and the Delran Emergency Squad, all construction, inspection, plan review or other fees of whatever nature set forth in this chapter may be waived by the construction official. The waiver of such fees is limited to the fees which represent income to the Township of Delran; such a waiver shall not include payments to third party inspection agencies or other fees that are mandated by the State of New Jersey.
 - 2) Such waiver as set forth in subsection DI above shall be effectuated by request, in writing, to the construction official. The Construction Official shall give that waiver once satisfied that the request is consistent with the terms of this section.
 - 3) No fee shall be collected for work that may be required on a primary structure located on any lot or premises as a consequence of a natural disaster recognized or declared by the Township Council.

SECTION TWO. All ordinances, codes or part of the same, inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency. All other sections of the Code not modified by this amending ordinance shall remain in full force and effect.

SECTION THREE. This ordinance shall take effect twenty days after final passage and publication in the manner prescribed by law.

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. Ogozalek, Sr. to adopt the ordinance on second reading.

There being no question, the roll was called.

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

Ayes: 4

Nays: None

Motion Approved

ORDINANCE ON FIRST READING

TOWNSHIP OF DELRAN ORDINANCE 2007-10

AN ORDINANCE OF THE TOWNSHIP OF DELRAN AMENDING CHAPTER 150 "CODIFICATION OF FEES AND COSTS OF THE TOWNSHIP OF DELRAN" SPECIFICALLY SECTION 150-3 TOWNSHIP CLERK

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

There being no questions, the roll was called.

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

Ayes: 4

Nays: None

Motion Approved

RESOLUTIONS – CONSENT AGENDA

Resolution 2007-37 Resolution Governing Body Certification of Annual Audit

Resolution 2007-38 Renewing 2007-2008 Liquor Licenses

Resolution 2007-39 Releasing Planning and Zoning Board Escrows

Resolution 2007-40 Authorizing NJDOT Resolution, Application, and Agreement for State Aid for Centers of Place Program

Resolution 2007-41 Refunding Tax Overpayments

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

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr., Mr. Paris voted aye. Mr. Hermansky abstained on Resolution 2007-38 and voted aye on the other resolutions.

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. Ogozalek, Sr.

There being no questions, the roll was called.

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

Ayes: 4

Nays: None

Motion Approved

Mr. Ogozalek, Sr. made a motion, seconded by Mr. Macey 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. Paris and Mr. Hermansky voted aye.

Ayes: 4

Nays: None

Motion Approved

REPORTS

Mayor – Mayor Stellwag had no report.

Mr. Hatcher - Mr. Hatcher reported that Council needs for adopt a resolution allowing the cleanup of 3 Hunter Drive.

Mr. Macey made a motion, seconded by Mr. Paris to adopt the following resolution:

RESOLUTION 2007-42

TOWNSHIP OF DELRAN

WHEREAS the Township of Delran has identified 3 Hunter Drive as a public health hazard due to the lack of grass cutting and yard maintenance; and

WHEREAS Township Council has previously authorized the Township to undertake cleaning up the property and the Township would like to have the cleanup cost become part of a lien against the property at 3 Hunter Drive to include an initial cleanup as follows:

Landscaping crew	\$200	
Public Works Labor	Maximum \$100	
Back Hoe Operation		40
TOTAL	\$340 for initial cleanup	

WHEREAS in order to provide for compliance with Public Safety Health and Welfare requirements, the Township will need to provide on a bi-weekly basis a contracted grass cutting contract and that the Township would like to be authorized to spend an additional \$50 every two weeks to maintain this property moving forward.

NOW THEREFORE BE IT RESOLVED that Township Council hereby approved this cost and authorized the continued lawn maintenance, which will become a lien against the property.

There being no questions, the roll was called.

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

Ayes: 4
Nays: None

Motion Approved

Mr. Hatcher also reported on the Audit and stated that the DOT is looking at the stop lights on Route 130.

Solicitor - Mr. Guest had no report.

Members of Council

Mr. Paris – Congratulating the 2007 Students. Also thanked the Relay for Life participants and stated they raised over \$154,000. Mr. Paris stated that he attended the Sterling Bank Grand Opening which was a beach party theme. He also stated that the Police have stepped up patrols since the recent attempted sexual assault. He stated the Pancoast issue will be on the Planning Board meeting of July 5, 2007. Finally Mr. Paris stated he will continue to pursue the Nepotism Ordinance.

Public Portion of the meeting

Tom Tartaglia discussed with council the tennis courts and the donation of \$36,000 that is given to the AA. Mr. Tartaglia stated that the DGSA has recently asked for a donation and they were turned down by Council. Mr. Macey stated that the money given to the AA has been in the budget for a long time before this Council and there is no additional money at this time for other organizations.

Dolores Kanoon, stated that the Pancoast issue would be on July 12, 2007.

**TOWNSHIP OF DELRAN
RESOLUTION 2007-42A**

CLOSED MEETING RESOLUTION

WHEREAS, N.J.S.A. 10:4-6 et seq. (Open Public Meeting Act) provides for the exclusion of the public from public meeting for certain reasons; and **WHEREAS**, it is necessary to close the meeting of June 26, 2007 for the following reason:

1. Litigation (Hunter's Glen)

NOW, THEREFORE, BE IT RESOLVED that the meeting is closed for the reasons above in accordance with the Open Public Meeting act.

Mr. Macey made a motion, seconded by Mr. Paris to adopt Resolution 2007-42A.

There being no questions the roll was called.

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

Ayes: 4

Nays: None

Motion Approved

At this time, Council went into closed session and stated that they will reopen after they have finished their discussion.

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

Submitted,

Jamey Eggers
Municipal Clerk