

**WORK SESSION  
MUNICIPAL BUILDING**

**March 5, 2008  
DELRAN, NJ**

**PRESENT:** Mr. Macey, Mr. Ogozalek, Sr., Mr. Hermansky, Mr. Paris and Mr. Chinnici.

**ALSO, PRESENT:** Mayor Stellwag, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

**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 mailed to the Burlington County Times and Camden Courier Post on December 21, 2006 and posted on the bulletin board on the same date.

**COAH - ROUND THREE REGULATIONS**

Ron Morgan, from Parker McCay, discussed with Council proposed round three COAH obligations. Mr. Morgan briefly discussed the first two rounds and stated that we have fulfilled our obligations under the prior two rounds. The third cycle was to start in 2000 but COAH delayed until 2004. The third cycle should have gone from 2000-2010 but because of the delay, it will go from 2000 to 2014. The rules were adopted in December of 2004. COAH adopted a growth share method and under those rules, the township would have to plan for one affordable unit per eight market rate units that were anticipated from 2000 to 2014. The township would also have to plan for one new housing unit for every twenty-five new jobs created through new commercial development during that period. There were many issues with the Third Round Rules and in January 2007 COAH abandoned those rules and was directed to adopt new rules by June 2007. Under the new rules, they changed the growth share to one affordable unit for every four market rate units and one affordable for every sixteen jobs created through commercial development. One other change was that under the old rules municipalities could take credit for demolitions, under the new rules that does not apply. One of the reasons that the appellate court struck down the original rules was that it allowed municipalities to adopt growth share ordinances to require developer to set aside affordable units. The courts stated that if a municipality had a growth share ordinance a municipality must provide compensation to the developer. The new rules require that if a township has a growth share ordinance for every additional lot that the township requires for low to moderate income housing the township must offer one additional market rate lot plus additional financial incentives. The development community does not believe that this offers any compensation. The new rules also state that if a municipality is going to force a growth share obligation on a commercial development they would also need to offer compensation by way of increased floor area ratio, reduced parking standards or increase height. The commercial developers are also upset with these rules. The appellate division struck down the concept of filtering under the original third round rules which invalidated 88,000 filtering credits. The estimated housing need when the original rules came out was just under 53,000 units, under the new rules they increased that to 115,656 units. In order to meet those numbers they hired an outside consultant who looked at the Department of Labor and Workforce to see how municipalities have grown over the last thirty years. The only problem is

that it is impossible to believe that Delran will continue to grow through 2018 the same way it has over the last thirty years. The new round three obligations is between 278 and 328 units. The Department of Labor and Workforce has estimated that 1,013 new residential units will be built and 805 new jobs will be created in Delran between now and 2018. Burlington County has been out in the first tier and will have to file by September 30, 2008. If a community believes that, those numbers are too high they can do a downward adjustment which can be excessive and expensive. Mr. Morgan stated that there is a good chance that the appellate division will offer a stay. Judge Sweeney entered an order stating that he will determined when we have to abide by the third round rules. We do not have to abide by the September 30<sup>th</sup> deadline. Mr. Morgan suggested that Mayor and Council keep their eyes and ears open for upcoming projects because we will have an obligation.

### **LOSS CONTROL POLICY**

Mr. Hatcher stated that as a member of the Burlington County Joint Insurance Fund we need to update our Loss Control Policy. If no one has any problem with the policy, we will adopt it by resolution at the next meeting. Council agreed.

### **CHILDREN AT PLAY SIGNS**

Mr. Hatcher stated that Bob Kennedy of the Forest Hills Homeowners Association requested that the Township put "Children at Play signs in their complex. Council requested that Mr. Hatcher get the resident to sign off on allowing the Township to place the signs in front of their houses.

### **OVARIAN CANCER AWARENESS MONTH**

Mr. Hatcher stated that he has received a request form Mrs. Griffin concerning Ovarian Cancer awareness month. She is asking that the Township pass a Proclamation and allow teal ribbons to be place within the township during the month of September. Council agreed.

### **RICKY'S ARMY NAVY STORE**

Mr. Hatcher stated that he received a telephone call from Mr. Joseph stating that he had a national chain interested in going into Ricky's Army Navy. However, the chain has some objection to the tank that is located in front of the store. Mr. Joseph is asking the township to issue a letter indicating that they are in favor of retaining the tank. Council decided that they will not get involved with this issue.

### **DON DUETSCH FIELD – MR. JIMENEZ**

Mr. Hatcher stated that he has received a letter form Mr. Jimenez's attorney. Mr. Guest stated that letter requests that children over the age of twelve not be able to play on the soccer fields. Because this site is a Green Acres site, it must be open to residents of the Township regardless of their age and affiliation as long as the fields are not previously scheduled. Mr. Jimenez is also stating that his fence gets

damaged. Council requested that Mr. Hatcher send him a letter stating that we cannot stop residents from using the field.

### **DISCUSSION 2008 BUDGET**

Mr. Hatcher reported that the governor certified the state aid for the Township. The actual number was cut an excess of \$240,000. The net affect on the township is \$184,000 and the affect on our budget because we anticipated certain cuts prior to the Governor certifying those numbers is \$114,000 on the revenue end. Mr. Hatcher stated that we can either revisit the expenditures or take it from surplus. The budget that we generated would have returned 2.9 million in surplus; we used 2.3 million last year. We anticipated approximately returning 2.9 million in surplus at year end this year if we used a little over 2.3 million. If we take the \$114,000 from surplus, we will start next year down \$114,000 which is approximately three-quarters of a cent. Mr. Macey stated that we will be forced into using bond anticipation notes to pay our bills in January if start to utilize our surplus. Mr. Paris stated is nervous about utilizing our surplus. He asked if we thought about combining the Planning and Zoning Boards. Mr. Macey stated that we can not because we are too large of a town. Mr. Macey stated that it would not save the town that much money because most is paid through escrows and the portion that is not it would be more work for one professional. Mr. Paris asked if the township has talk to towns to see what they have done as far as shared services and to see what they saved. Mr. Hatcher stated that they have a shared service forum that the towns attend. Mr. Paris asked if we go out for bids on everything. Mr. Hatcher stated we bid everything over \$17,500 and anything over \$2,650, we get quotes. Mr. Macey stated that in his conversation with Mr. Hatcher he believes that we do not have an alternative we can not pass this onto the taxpayers. Mr. Chinnici asked the other member of Council what their decision is. All of Council agreed to take the \$114,000 from surplus. Mr. Hatcher stated that we should introduce the budget on March 19<sup>th</sup>.

### **ENGINEER**

#### **Stormwater Regulations**

Mr. Callaway stated that at the request of Public Works he contacted Burlington County to schedule GIS data gathering of the remaining outfalls.

### **NJDOT FY 2007 MUNICIPAL AID APPLICATION**

Mr. Callaway stated that he contact the DOT regarding the traffic signal loops in Haines Mill Road. NJDOT states that jurisdiction for highway maintenance and control lies with Delran at this intersection and replacement of the loops would fall to Delran. He has requested a site meeting with the DOT to review the conditions.

#### **2007-2008 Road Program**

Mr. Callaway stated that he submitted to the township the plan of proposed tree removal along Jacqueline Avenue. He stated that there are approximately fifteen

trees and the cost would be about \$10,000. Mr. Hatcher stated that we should start notifying the residents.

### **Waterford Drive**

Mr. Callaway stated that there is no record of any Wetland General permits or Stream Encroachment Permits at the Whitesell Property.

### **Hartford Corners**

Mr. Callaway stated that he was asked to take a look at the basins. They were constructed according to the plan. He believes that it is a maintenance issue and Mr. Curley will be handling this issue.

### **Safe Routes to School**

Mr. Callaway stated that he has been contacted by a company that will submit the grant on behalf of the township and the cost will be paid by the Bridge Commission. The deadline is April 18<sup>th</sup>.

### **Summerhill - Section 12**

Mr. Callaway stated that a letter has been sent regarding the installation of the fountain and he has not heard back. Mr. Macey stated that he has spoke to the developer and they will install the fountain in the spring.

Mr. Callaway stated that we have three new daycares coming into town.

### **Public Portion of the Meeting**

Mr. Hermansky stated that there was a letter to the editor commending one of our police officers and he stated that he should bring him into one of the public meetings.

Ms. Eggers asked Council if they were okay with releasing the performance bond for Simon & Schuster and reducing the bond for the Home Depot. Council agreed and this will be on for the next public meeting.

Mr. Macey stated that he was contacted by a resident about a sink hole. Mr. Hatcher stated that he will look it.

Jeff Kahn asked if a fence will be put at the basin in Summerhill. Mr. Callaway stated that there is no plan for a fence. Mr. Hermansky stated that they need access to the basin in an emergency.

## **TOWNSHIP OF DELRAN RESOLUTION 2008-19**

### **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 conference meeting of March 5, 2008 for the following reason:

1. Litigation – Delran Towne Center  
Waterford Drive  
Klump

**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. Hermansky to adopt Resolution 2008-19.

There being no questions the roll was called.

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

Ayes: 5

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. Hermansky to adjourn the meeting. All were in favor, the meeting adjourned.

Submitted,

Jamey Eggers  
Municipal Clerk