

**REGULAR TOWNSHIP MEETING
MUNICIPAL BUILDING**

**NOVEMBER 27, 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. Macey, Mr. Ogozalek, Sr., Mr. Paris, Mr. Chinnici and Mr. Hermansky.

Mr. Hermansky made a motion, seconded by Mr. Paris to approve the minutes for the September 25, 2007 Regular Meeting.

There being no questions, the roll was called.

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

Ayes: 5
Nays: None

Motion Approved

Mr. Hermansky made a motion, seconded by Mr. Paris to approve the minutes for the work session of October 3, 2007.

There being no questions, the roll was called.

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

Ayes: 5
Nays: None

Motion Approved

Mr. Paris made a motion, seconded by Mr. Hermansky to approve the minutes for the work session of October 17, 2007.

There being no questions, the roll was called.

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

Ayes: 5
Nays: None

Motion Approved

ORDINANCES OF SECOND READING

TOWNSHIP OF DELRAN COUNTY OF BURLINGTON

ORDINANCE NO. 2007-18

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, it is the policy of the Township Council that individuals shall not be appointed to any full-time or part-time position which would create a supervisor/employee relationship within any one department between two individuals who are related or share close personal relationship outside the workplace; and

WHEREAS, it is further the policy of the Township Council that employees or the Township should be hired, promoted and transferred based on an individual's merit and in a manner that avoids the suggestion of favoritism or discrimination; 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 recognizes that on occasion, on merits alone, the best qualified person for a given position may be a relative or domestic partner of a person who serves in a supervisory capacity, but that in order to avoid the perception of favoritism or bias, certain policies need to be in effect; and

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

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, including supervisors, employed by the Township in a full or part time position 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 or siblings. This term shall also include parents, children or siblings of domestic partners.
- 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. Except as set forth in Section Four below, 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 under direct or general supervision of 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.

- D. No employee shall be assigned, transferred, promoted or demoted to any position or to any other department where said employee would then be supervised by a relative or where a relative would in any way have control over his/her work assignments.
- E. No person with supervisory responsibility or authority shall hire or advocate for hiring a relative for a job in the Department in which he/she is employed.

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

There being no question, the roll was called.

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

Ayes: 5
Nays: None

Motion Approved

ORDINANCES OF FIRST READING

TOWNSHIP OF DELRAN COUNTY OF BURLINGTON

REVISED ORDINANCE NO. 2007-14

AN ORDINANCE AMENDING CHAPTER 12, "TRAFFIC" OF THE GENERAL REVISED ORDINANCES OF THE TOWNSHIP OF DELRAN, ESTABLISHING WEIGHT LIMITS, AND ADDING ECHO AVENUE, COOPER STREET AND ONEDA AVENUE TO THE LIST OF COVERED STREETS

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

Ayes: 5
Nays: None

Motion Approved

RESOLUTIONS – CONSENT AGENDA

Resolution 2007-90 Approving Raffle License # 341 for the Church of the Holy Name

Resolution 2007-91 Approving Raffle License # 342 for the Rotary Club

Resolution 2007-92 Approving Raffle License # 343, 344, 345, 346 for the Delran Middle/High School PTA

Resolution 2007-93 Appointing Richard Andronici as Municipal Court Judge until 10/31/10

Resolution 2007-94 Refunding Tax Overpayments

Resolution 2007-95 Budget Transfers

Resolution 2007-96 Refunding Planning/Zoning Board Escrows

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

Ayes: 5

Nays: None

Motion Approved

MOTIONS

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

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

Mr. Ogozalek, Sr. made a motion, seconded by Mr. Macey to accept the report of the Tax Collector/CFO including the Certificate of Determination and Award and the Township Clerk.

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

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

1. Infotrieve, 1816 Underwood Blvd.
2. Elite Motors, 207A-1 Carriage Lane
3. Tuttle Motors, 207 A-3 Carriage Lane

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

REPORTS

Mayor - Mayor Stellwag had no report.

Administrator – Mr. Hatcher report that MEL has adopted their budget with a 5% increase form last year. Mr. Hatcher also report that the Welcome to Delran signs have been ordered. The RFP's are due the first week of December for the survey work and environmental assessment on the two properties we are interested in acquiring for Green Acres. Mr. Hatcher thanked Mr. Guest and his office for helping with the RFP's.

Solicitor – Mr. Guest had no report.

Members of Council

Mr. Paris – Mr. Paris first congratulated the Delran Pee Wee Cheerleaders and coaches on winning the Pop Warner Eastern Regional Championship and wished them success on their upcoming competition in Disney World. Mr. Paris mentioned that we have received several complaints regarding the lack of busing and sidewalks along Bridgeboro Road. This is a safety hazard for our children walking to and from school. This is especially troubling in the mornings, when it is dark, or during the winter when it snows. Since we have not been able to get the school to re-address the busing issue, we have requested that Mr. Sharpe, the School Superintendent and Mr. Hatcher to draft a letter to Mr. Jim Wujick, Director of the County Freeholders, in an attempt to get them to add sidewalks since this is a county road. We have been asked to step up police presence on the following roads: Conrow, Haines Mill, Tenby Chase and Bridgeboro. We have also placed a couple of speed limit markers along these roads to remind drivers to slow down in these residential areas. This is in response to complaints concerning the safety of young children and how dangerous it is for residents pulling out of their driveways. Mr. Paris stated that much to his dismay, at the last Planning Board meeting, the six unit single family development was approved. This issue affects many of the residents on Pancoast Blvd. and the surrounding community. While we cannot predict the next step for TAR Construction, he fears that it is to bring this proposal to Council for a waiver from a five year moratorium regarding the opening of a newly paved street. His hope is that his fellow councilmen stick to the ordinance and leave no option for this project but to either, wait until the five year period expires prior to developing the area or drop their plan. He reported that he has been assisting the President of the Summerhill Home Owners Association and their property management company regarding the basin that exists in the new section of Summerhill. It was supposed to be a detention basin by the Master Plan and documents provided to the county. Yet it is functioning as a retention basin. They are attempting to get the developer to install some type of fountain to keep the water circulating and not become stagnant. He reported that for the last couple of months he has asked that Delran Sewerage Authority to investigate the complaints of foul odors at the intersection of Hartford and Bridgeboro Roads. The request included taking video of the lines. We are still awaiting the results.

At the last work session, it was mentioned to council that a developer is inquiring about the possibility of building an office complex on Hartford Road next to Pizza Amore. It was stated that this developer could assist the Township with the purchase of a traffic light at Conrow and Hartford Road. While he is all for the traffic light, he feels we should look at the impact regarding increased traffic volume in this area prior to even considering this project. He also requested that if any member of Council is approached by any developer that they should be directed to the entire Council. Mr. Paris thanked his fellow councilmen who supported the nepotism ordinance. It shows that we, as a municipal government,

want the best functioning body that we can have representing the residents of Delran.

Mr. Ogozalek, Sr. – Mr. Ogozalek, Sr. congratulated the cheerleaders for their success. He also stated that he understands the VFW donated \$3000. He could not match that amount but stated that he would like to donate one month of his Council salary to the organization and he wished them good luck in Florida.

Mr. Hermansky – Mr. Hermansky wished the Cheerleaders good luck in Florida. Mr. Hermansky also addressed Mr. Paris's statement on a potential development on Hartford Road. Mr. Hermansky stated that a developer called him and asked if the township was interested in developing the property. From time to time members of council receive inquiries.

Mr. Macey – Mr. Macey stated that he would comment on the six house development but he does not want to seem argumentative towards Mr. Paris. Also, he would not go on record with request to a developer for a road and a light before the request has been made. He also stated that there is a Planning Board meeting on December 6, 2007 and at this time, there are no applicants.

Public Portion of the meeting

Tom Tartaglia, 58 Springcross Drive, thanked Council for recognizing the achievement of the cheerleaders. He stated that he sent an e-mail to Mayor and Council requesting a donation from the township. He received one e-mail back stating that it is inappropriate due to the fact it is taxpayers money. He stated that he understands that but he is only asking for about \$1,000. He stated that these girls have worked extremely hard since August to get where they are today. Parents have put out hundreds of dollars. Mr. Guest stated that under past advice governing bodies are prohibited from making donations. Mr. Tartaglia feels that this is a unique situation. Mr. Guest stated that there is nothing that prohibits the town from helping the organization to raise money.

Joe LaMonica, 16 Navy Drive, discussed with Council a new state law that the state is cracking down on NJ residents with vehicles registered out of state. The law gives them, 60 days to register the vehicle in NJ. They can also be subjected to a \$250 fine for the first offense and \$500 for the second. He stated that he called motor vehicle and that it is up to each police department to enforce this law. This past Sunday there were 114 vehicles at Tenby Towne Apartments with out of state tags. He asked Council how we are going to pursue this. Mr. Hermansky stated that we will talk to the Chief about this law at the work session. Mr. Guest will also look into the law. Mr. LaMonica also stated that the Fire Marshall has still not addressed the parking issue at Tenby Towne Apartments. Mr. Hatcher will get an update.

Lenny Mongo asked if Council would specify what emergency vehicles would be exempt under the weight limit ordinance. Mr. Guest stated that it would be emergency vehicles responding to an emergency situation. Mr. Macey stated that this would not exempt him because parking his tow truck at his residence is not responding to an emergency situation. Mr. Mongo stated that he is on call and needs to respond to police calls. Mr. Guest stated that he is not exempt from the ordinance in regards to parking his commercial vehicle at his residence.

Gloria Stephens, 67 Janeway, stated that Governor Corzine passed a law capping the tax increase at 4%. She asked how Delran Township is coming along with this law. Mr. Macey stated that we have been dealing with caps in the past and he assumes that only a portion of the budget will be affected with this new cap. If it is a strict 4% cap then it would force municipalities to start laying off employees. Mr. Hatcher stated that most of the guidelines are not in place for this law. There are many items not included in this cap. Mr. Hatcher stated that many services will be reduced with this law. We are still working with the same state aid that we were twenty years ago. Gloria stated that she hopes she does not see a 10% increase in taxes next year. Mr. Hatcher stated that we were always dealing with an expenditure cap now we will deal with the tax cap. Gloria stated that Governor Corzine put into the bill that, if townships meet certain criteria then he would give more money to those townships. Mr. Hatcher stated that we are aware of that.

Dave Moitozo, 46 Ashley Drive, discussed the issue of requiring businesses to maintain the grass on their properties. He stated that Council was looking into amending the property maintenance ordinance to include the maintenance of grass. After discussion, Council decided that they will have Mr. Guest look into how other towns deal with this issue.

Mary Parento, 25 S. Bridgeboro Street asked what the township is storing at Lackland Storage for \$2200 a month. Mr. Hatcher stated that they are planning documents and Lackland does have a secure facility. Mr. Hatcher stated that is a yearly cost. Mary Parento asked how long before we need additional storage. She also stated that there are services that would store the documents and bring them to you as needed. Mr. Macey stated that they are probably more expensive then \$2200. Mrs. Parento was directed to contact Mr. Hatcher in order for him to answer her questions.

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

Submitted,

Jamey Eggers
Municipal Clerk