

**REGULAR TOWNSHIP MEETING
MUNICIPAL BUILDING**

**OCTOBER 24, 2006
DELRAN, NJ**

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

The roll was called: Mr. Macey, Mr. Ogozalek, Sr., Mr. Paris, Mr. Chinnici and Mr. Hermansky.

Also present: Mayor Stellwag, Mr. Hatcher, Administrator, Mr. Guest, Solicitor and Mrs. McPhee, Clerk

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.

Mr. Ogozalek, Sr. made a motion, seconded by Mr. Paris to approve the minutes for September 6, September 20 and September 26, 2006

There being no questions, the roll was called.

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

Ayes: 5

Nays: None

Motion Approved

ORDINANCE ON SECOND READING

**TOWNSHIP OF DELRAN
ORDINANCE #2006-14**

**AN ORDINANCE REGULATING THE USE OF
STORAGE CONTAINERS, TRASH DUMPSTERS,
PODS, AND ROLL-OFF CONTAINERS WITHIN THE
TOWNSHIP**

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 questions, the roll was called.

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

Ayes: 5

Nays: None

Motion Approved

ORDINANCES ON FIRST READING

**TOWNSHIP OF DELRAN
ORDINANCE #2006-15**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF
THE TOWNSHIP OF DELRAN CHAPTER 20-52 DIVISION OF POLICE**

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

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

Ayes: 5
Nays: None

Motion Approved

**TOWNSHIP OF DELRAN
ORDINANCE #2006-16**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 12, VEHICLE AND
TRAFFIC CODE OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP
OF DELRAN, 2005" SPECIFICALLY 12.8, SCHEDULE XVIII TRUCKS OVER
FOUR TONS**

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

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

Ayes: 5
Nays: None

Motion Approved

RESOLUTIONS – CONSENT AGENDA

Resolution – Chapter 159 – Recycling Tonnage Grant. #2006-91

Resolution releasing the performance bond for Lenny's Towing. #2006-92

Resolution refunding Planning Board and Zoning Board escrows. #2006-93

Resolution refunding fee for 2006 mercantile license. #2006-94

Resolution approving raffle licenses for St. Charles Borromeo and Church of the Holy Name. #2006-95

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

There being no questions, the roll was called.

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

Ayes: 5

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. Ogozalek, Sr.

There being no questions, the roll was called.

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

Ayes: 5

Nays: None

Motion Approved

Mr. Macey made a motion accepting the report of the Tax Collector/CFO, the certificate of determination and award and the report of Township Clerk. The motion was seconded by Mr. Ogozalek, Sr.

There being no questions, the roll was called.

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

Ayes: 5

Nays: None

Motion Approved

Mr. Ogozalek, Sr. made a motion granting a mercantile license to: Nugen Supply Company, Inc, 1829 Underwood Blvd. Unit 8 LA Moda 4000 Route 130 N. Suite 25 Dipascale's at Bridgeboro Square 88 Hartford Road Suite E. The motion was seconded by Mr. Macey.

There being no questions, the roll was called.

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

Ayes: 5
Nays: None

Motion Approved

Motion Approved

REPORTS

MAYOR

Mayor Stellwag had no report

ADMINISTRATOR

Mr. Hatcher stated as authorized by the Mayor and Council he contacted Riverside and Delanco Townships with respect to entering into an inter-local agreement for the use of the salt dome and both communities have indicated verbally that they are going to participate. We have sent them information with respect to the costs and will report back on the dollar amount and the details.

Mr. Hatcher stated that he attended a meeting on October 18th with respect to the Municipal Excess Liability fund which provides excess insurance to our municipally along with 372 communities and the rate schedule for 2007 has been adopted. The rate schedule appears to be in the area of 4% depending on the size of your town and the growth that the community has received over the previous year. The 4% seems to be pretty manageable for some of the insurance cost increases. The adoption of this budget will take place on November 15th at the Atlantic City convention center during the League of Municipalities Convention.

Mr. Hatcher stated that he also attended a meeting of the Burlington County Joint Insurance Fund of which we received our primary insurance along with the 18 communities in Burlington County. This increase also looks to be in the 4% rate for the 2007 budget. Our community looks to be in a good position as our loss ratio is less than 65% and should drop even more next year.

SOLICITOR

Mr. Guest had no report

MEMBERS OF COUNCIL

Mr. Paris advised the public that he had insured the residents of Ward 2 that he would keep them on in the loop before any decisions are made. He stated that he was the only member of Council who insisted that we meet with the residents of the Bridgeboro section of the town regarding the redevelopment plan. With this being said, a meeting has been scheduled on November 8th at the Municipal Building at 7:00 PM.

Mr. Paris stated that since the rest of Council wasn't interested in supporting his efforts to secure scholarship money from local businesses for Delran students, he has begun a formation of a non-profit organization. The members of the organization will be local citizens that have expressed an interest in this effort. We have contacted an attorney to start the process and will keep you informed on our progress.

Mr. Paris stated that he has spoken with Lynn Jenny, the President of the School Board and assured him that he will encourage the businesses to continue to contribute money to the schools as well.

Mr. Paris stated that several residents have expressed an interest in seeing the minutes for the Sewerage Authority meetings and the contact information for the authority members posted on the Township web site. Since Councilman Ogozalek, Sr. is on the authority, he would like to formally request that he bring this issue to the authority and let him know if and when they will be able to provide that information to the citizens of Delran.

Mr. Paris stated that he is still pursuing the investigation of three issues that have required a lot of his time. He is still concerned about nepotism being allowed in some of the positions although some of his fellow Council members have indicated they do not believe there is a problem but he does.

Mr. Paris stated that he has been stonewalled on his pursuit on the title trail of what is called Section 12 of Summerhill. Tax maps are missing etc. and no one seems to want to assist in this investigation. He stated that he has contacted an attorney to investigate the matter and will await his response.

Mr. Paris stated that every issue that is brought to his attention he will investigate to the best of his ability and will continue to speak his mind and continue to voice the concerns of the residents to this Council.

Mr. Macey stated that he isn't going to take the time to refute Mr. Paris's issue tonight as they are stories as told by Mr. Paris. Mr. Macey stated that the only issue he has with respect to Section 12 that he mentioned and the chain of title, Mr. Paris has yet provided a clue to Council that he has a clue in this matter as to what went on and he would rather than get into a debate with him here tonight, not take up anyone's time. Mr. Macey stated essentially what Mr. Paris is saying is there is a section of condo's being built on Hartford Road which were part of the court award back in 1984, the consent judgment which this township essentially by virtue of the courts was forced to build homes because of the low and moderate income doctrine. Mr. Macey stated that Mr. Paris seems to be hooked on the chain of title, there were a lot of builders that debated ownership, the condominium association Mr. Paris claims may have been in the chain of title he has yet to prove but Mr. Paris keeps bringing it up at the meetings as if there is some sort of cloak and dagger situation going on with this Council which he takes exception to it.

Mr. Ogozalek, Sr. stated that Mr. Paris using the words I, I, I, me, me, me all of the time. Mr. Ogozalek, Sr. stated that he mentioned my name earlier tonight. He stated that Mr. Paris sent him an email which was forwarded to the sewerage authority with Mr. Paris's request, the authority minutes. He stated that the issue of putting the authority minutes on the web site was discussed in depth last night at

the authority meeting. He stated that Mr. Paris does his thing and he thinks he is there all by himself which he is not. He stated that as soon as he received the email, he got the wheels in progress and we are making headway on it. He stated that we will have answer to the issue of the minutes being put up on the web site at the next sewerage authority meeting.

Mr. Ogozalek, Sr. stated that we discussed the meeting on November 8th, and we were all a part of it, so it isn't just you, you, you, it is all of us.

Mr. Chinnici had no report

Mr. Hermansky stated that he wants to dispute Mr. Paris's comment regarding the Bridgeboro development. He stated that the first time the developer came in and spoke about developing the land, the developer indicated that he was willing to meet with the residents of the area so it wasn't a new revelation that Mr. Paris came up with it was brought up prior to him even mentioning it.

PUBLIC PORTION OF THE MEETING

Keith Pogoda 36 Harper Boulevard mentioned the Abrasive Alloy site and the study that was done on the site about clean up expenses. He asked if there was any formal report on the cost of the clean up as he understands that we are giving away the land. Mr. Hermansky stated that he doesn't believe we saw an estimate. Mr. Hatcher stated that the engineer gave an estimate but he doesn't recall if it was verbal or in writing. He stated that the engineer did the first study that identified the areas of pollutes but not the cost. A phase 2 was not ordered on the property. Mr. Paris stated that before he got on council he had questioned this as well and as far as he was concerned when he looked into it, there wasn't written appraisal, apparently only a verbal one. Mr. Paris stated that he believes that the property is owned by someone else now. Mr. Guest stated that the property is still owned by Abrasive Alloys who went into bankruptcy and abandoned the property and it is now in foreclosure. Mr. Guest stated that there is a contract that was entered into for redevelopment of the property. Mr. Pogoda stated that the Township will take ownership of the property and then just turn it over to the developer. Mr. Guest stated that the redevelopment agreement calls for the developer to cleanup the property in exchange for taxes. Mr. Macey stated that he doesn't believe that the Township ever takes ownership of the property. He stated that the property is not a give away, cleanup in the municipal world cost multiples of what it cost in the private sector. There is a building on the property which he believes is semi fenced in, it is a very dangers area and blight on the community. There are a lot of possible reasons why when this was considered, it would nice if we could get someone to redevelop it, take down the building, clean up the land and put a positive tax ratable on the books.

Mr. Guest stated that the clean up is supervised by DEP and they tell them what to do, they have to achieve a residential standard of clean up.

Mr. Pogoda mentioned the development in Bridgeboro and the meeting that is going to be held on November 8th, he asked if the development is going to be age restricted. Mr. Macey stated that there will be affordable units but we haven't given the go ahead as a Council. This is the reason there is a meeting on November 8th that Council decided to have in order to communicate with the residents. There will be two members of Council there as it is not a regular Council meeting. He stated

that if the project were to move forward, some of the things we have spoken about are incorporating the low income component into this project if they get the okay to move forward. It does move forward it relieves us of the obligation to build. Mr. Pogoda asked if the project is age restricted. Mr. Macey stated that it is an age restricted project with affordable units. Mr. Pogoda asked if the age restriction can be enforced or can they sue us for non age restricted. Mr. Hermansky stated that under the Council on Affordable Housing, there are regulations on how many units have to be low or moderate income. Mr. Macey stated that as far as the age restriction, what they are presenting as a development is greater than the current density in that area. Mr. Pogoda asked if the development would be separate homes. Mr. Guest stated the proposal is for 3 separate 3 story buildings but nothing has been approved.

Mr. Guest stated that under the third round of affordable housing, the number is not based only on the number of housing units we have, but on the employment statistics which dictates the number of affordable housing units needed. Mr. Pogoda asked are we saying that we don't have a sufficient number of affordable units. Mr. Guest clarified for Mr. Pogoda that if we build new houses of any type there is a Mount Laurel component that has to be met. If you have increases in employment in the community, there is a Mount Laurel component that has to be met, it is not a matter of meeting the current need, it's the prospective future needs. Mr. Pogoda stated does this mean, whenever we develop homes, there has to be affordable units. Mr. Guest stated not necessarily within the housing development, but within the community. Mr. Macey stated that we can take a contribution from the developer and use the money within the community to rehab low income housing or send it to another community if we collect sufficient funds. Mr. Guest stated that the ruling has been tightened and now we can only send a portion of our requirement. Mr. Pogoda asked if we sent to another community already. He was advised that 5 years ago we sent 56 units to Burlington City at a cost of \$25,000 per unit.

Mr. Pogoda mentioned Mr. Paris's comment about the missing tax maps. Mr. Paris stated that several times he went to Mr. Hatcher, the administrator and the tax assessor's office and asked for tax maps for a specific period of time and tax duplicates and he was told that they were missing and if possible we could go over to the engineer's office in Philly at a cost of \$1,000 to retrieve them. Mr. Hatcher stated that any document in the community has a life, a retention life that we have to have and tax maps only have to be retained for the proceeding year, old tax maps do not have to be kept. We do have most of the old tax maps but we are missing four years worth but we are not required to have those. So in terms, is something missing, we don't have to retain any of them. Mr. Pogoda stated how does an individual research the tax history other than a tax search. Mr. Guest stated that Mr. Pogoda that he just answered his own questions, through a tax search. Mr. Paris stated that this is where he is now.

Mr. Pogoda mentioned Fairview Street and the fact that there are no sidewalks there. He stated that it is a dangerous situation and was wondering if the Township has ever considered sidewalks down to Route 130. Mr. Hermansky stated that it has been discussed in the past but Fairview Street is a County road. Mr. Hatcher stated that the county doesn't do sidewalks. Mr. Pogoda asked if this is some thing we can explore. Mr. Hermansky remarked sure. Mr. Pogoda asked what the process is. Mr. Macey remarked the cost. Mr. Hatcher stated that there is a bigger issue with Fairview Street in that the county required us, if we were going to do sidewalks, that

we re-do the road because of the elevations and we had looked at the possibility of getting a grant as we did get a grant to do almost all of Conrow Road. He stated that for the most part, sidewalks are private property issues and the only time Council did sidewalks in the past was when during a road project. He went on to say that the county wanted us to re-do the county road in order to put sidewalks due to the elevations issue that exists there and it would be more costly than just doing sidewalks with respect to Fairview Street.

Mr. Pogoda mentioned the stop signs in Forest Hill and asked what, is the process to have this happen. Mr. Hermansky stated that stop signs need to be approved by DOT. Mr. Hatcher stated that we did have the police out there and gave out a lot of warnings and mostly to Forest Hill residents. He stated that we have another device to put across street which will give us the mileage of every car that comes through and the time of day, they come through. This will aid in justifying stop signs. Mr. Hatcher stated that the stop signs that have been requested in Forest Hill would not meet the warrants that are required. The warrants are traffic, accidents, and accidents with injuries. Mr. Pogoda asked about speed bumps. Mr. Guest stated that he doesn't believe that DOT would approve speed bumps. Mr. Macey stated that they are difficult to maintain, they create problems when the roads are plowed and it is not something we would consider. He stated that we have had many, many areas of the township who have requested speed bumps. Mr. Guest stated that speed bumps raise liability issues but there are studies that indicates what happens when you put speed bumps, people seem to drive faster between the speed bumps

Mr. Pogoda mentioned the nepotism. Mr. Hermansky stated that this was brought up at one meeting and he recalls telling Mr. Paris to bring to Council what he wants to see in a nepotism ordinance and what he has concerns with and to date we haven't seen anything we just hear about it every month at a meeting. Mr. Paris stated that this isn't true. Mr. Hatcher has put something together for him to review which is he currently doing and it will come to Council. Mr. Hermansky stated that Mr. Paris hasn't brought anything to Council yet for us to review but Mr. Paris keeps saying that we are stonewalling him. Mr. Paris stated that the last time nepotism was mentioned Council said that they didn't know of any. Mr. Paris stated that he will be addressing it at the next work session.

Mr. Pogoda mentioned the vacant Sam's Club building and asked if anyone is looking at the property. Mr. Hermansky commented no one that we are aware of. He also asked about Frank's Nursery. Mr. Macey stated that the property is now owned by KIMCO realty noting that it was purchased at the time the redevelopment of the Target center in the hopes that they would have an overflow. He stated that there has been a lot of talk such as Applebee's and the like but the problem is a liquor license. The Target center has all of the stores leased.

Mr. Pogoda asked about the drainage ditch at Forest Hills. Mr. Hatcher stated that the issue of the ditch is not finalized yet as there is a punch list of items that need to be addressed which includes a report on the detention basin. Mr. Pogoda asked if we are still holding the bond on the project. Mr. Hatcher replied yes.

Mr. Guest stated that there was a fairly recent letter from our engineer to their engineer basically indicating what they have done to date was not acceptable and asked for additional information on their calculation and capacity of the basins.

Mr. Guest advised Mr. Pogoda that he can obtain a copy of the report.

Mr. Paris mentioned the issue of the tax maps and stated that the reason he was looking for the tax maps was, there was a period of time between 2000 and 2003 time frame where taxes may have been paid by two separate entities for the property. As far as the rights to the property, it appears that in 2003, Pulte owned the property and never exercised their option on the property and what happened was Archer and Griener purchased the property at a tax sale and somehow it got back into Pulte hands. Mr. Hermansky stated that properties are not purchased at a tax sale a tax lien is purchased at a tax sale.

Ms. Ibbetson, the Tax Collector stated that there was never a tax lien on the property, the Tax Assessor put the property in Archer and Griener name and they were the entity who was billed the taxes and paid the taxes. Mr. Hermansky asked Ms. Ibbetson if there was a duplicate payment of taxes. She stated that if there was a duplicate payment of taxes and it was not clear cut, or there would have been a refund of the taxes. She stated that the question Mr. Paris has been asking relates to issue of the tax maps and where the line was drawn and it is possible that taxes were paid twice on a tiny piece of property that resulted from the lines therefore it would not have been a clear cut tax overpayment.

Mr. Macey stated that the payment of someone taxes is not an entitlement of ownership, it is a tax lien at best even if you were unaware that you were paying taxes for someone else's property.

Mr. Pogoda asked if we ever received any money from the State. Mr. Hermansky stated that we were awarded \$300,000. Mr. Macey stated that we have to purchase a qualifying piece of property and apply for the funding. Mr. Paris stated that he has spoken to council members in other townships and it may be possible to obtain additional grants. Mr. Pogoda asked where the money would be coming from. Mr. Paris stated the State.

Dolores Cannone 910 Hubbs Street stated that she heard that homes were going to be built on the water company property that comes in off of Fairview Street. She asked if anyone has heard any more on this. Mr. Macey stated that he sits on the planning board and they would have to come to the board with a site plan or zoning if they were looking for greater density and to date he hasn't seen anything on this property. Mr. Hermansky stated that no formal application has been filed for this property. Mrs. Cannone stated that there were surveyors there awhile ago and they put flags up. She stated that 68 Pancoast Boulevard was recently sold and the gentlemen who owned it told our neighbor that a developer came in and they are going to put a road through there. Mr. Macey stated that he hasn't heard anything and no plans have been submitted. She stated that the backyard of 68 Pancoast Boulevard butts against the water company property.

Mrs. Cannone mentioned the \$300,000 and asked if this money could be used to buy up property. Mr. Hermansky stated that it is to be used to purchase open space in the Township. She asked anything is going to be done with the golf course. Mr. Guest stated that this matter is in litigation. Mr. Hermansky stated that the Township is being sued because we changed the zoning in the agricultural zone in that part of town from one home per acre to one home per two acres to try and minimize what happened in the area with Summerhill and the Grande developments.

Gina Reed 157 Oxford Road thanked the Mayor and Council for doing temporary repairs to the street. She then presented the Mayor and Council with a petition asking that Oxford Road be put on the repaving list on the next go around of paving. The petition included photographs of the street prior to the temporary patching. Mr. Hermansky asked Mrs. Reed to report any failures with the temporary patch to Mr. Hatcher.

Joanne Bintliff 186 Forge Road mentioned the issue of sidewalks on Fairview Street, she hoped that the Mayor and Council would consider putting sidewalks as the kids walk from Forest Hills down to Fairview Street to get to the Middle School and it is extremely dangerous. She also mentioned sidewalks for Bridgeboro Road.

Mrs. Bintliff mentioned the \$300,000 for open space and asked how much have we collected from taxpayers over the years because we do pay taxes for open space. Ms. Ibbetson estimated \$325,000 but we are not all the way through the second year. Mrs. Bintliff stated then we should have about million dollars. Ms. Ibbetson replied approximately. Mr. Macey stated that in the very near future, when we designate a property from our list of properties, we would spend multiplies of what we have collected so far in bonding and use the money collected to pay down the debt. Mrs. Bintliff asked what the projection of purchasing the property is. Mr. Macey stated that within the couple of months Council will move on a property based on appraisals and the like. Mr. Guest stated that according to Green Acres, the township needs to obtain two appraisals on the selected property. Mrs. Bintliff asked, when Council makes the decision, how will people be notified. Mr. Hermansky stated that it could be announced at a work session or a public meeting.

Jim Bintliff 186 Forge Road asked about the 2 openings on the Recreation Advisory Committee and asked if any decision has been made based on his resume. Mr. Hermansky stated that we did receive the resume and have asked tonight how many openings we have on the committee. This will be on the next work session for discussion

Joseph LaMonica 16 Navy Drive mentioned the law passed by the State which took effect in January. The law states that every contractor has to register with the State. He went on to say he notices a lot of the white vans noting that if they are licensed in NJ should have a sticker on the van. He stated that we have numerous vans pulling out of Tenby Chase between 5:30 am and 6:30 am. He stated that he called Trenton, the Consumer Affairs office and asked about the vans that are not registered with the State and he was told that it is the municipality responsibility to get involved and get them registered.

Mr. Guest stated that it is the State contractor registration act and this is the first time he heard the State say that it is the municipalities job to enforce a State act.

Mr. LaMonica stated that the white vans are an eyesore. Mr. Guest stated that he will look at the act and this is the first time he heard that it is the municipalities responsibility to enforce a State act.

Mr. Guest again stated that he will research the law. Mr. LaMonica stated that they are breaking the law. Mr. Hermansky stated that we don't have the authority to enforce the law but we will have Mr. Guest find this out for us. Mr. Guest stated that if we find an avenue to enforce it we will.

Mr. Hatcher stated that our fire sub official has advised him of some ordinances that we can pass to try tighten up the regulations up in Tenby. The matter will be presented to the Mayor and Council at the next work session.

There being no further comments from the public, the meeting was closed to the public.

Mr. Ogozalek, Sr. made a motion, seconded by Mr. Chinnici to adjourn the meeting. All were in favor, the meeting adjourned at 8:50 PM

UNOFFICIAL