

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 January 12, 2016 and posted on the bulletin board on the same date.

ROLL CALL: Mr. O'Connell, Ms. Pangia, Mr. Schwartz, Mrs. Kolodi and Mr. Catrambone were present.

ALSO PRESENT: Mr. Paris, Mayor, Mr. Long, Solicitor, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

ADIRONDACK ENERGY

Mr. Catrambone stated that Council has been provided with an update report and he asked Mr. Magazzu to present the finding to Council.

Mr. Magazzu stated that since Council has the report they will not do the power point presentation. Ed Iuliano will go over the important points in the report.

Mr. Iuliano stated that there was some data missing from the previous report and they were able to backfill that information. Mr. Iuliano stated that the kilowatt hours run pretty consistent. Under the demand portion, he pointed out that there may be a billing error because of the spike in one of the months. Mr. Magazzu stated that they anticipate the savings to be 10.32%. The total of the system is \$90,504 plus the cost of the electrician. Based on the anticipated savings, they anticipate the system will be paid off in 34 months.

Mr. Catrambone asked what the guarantee will be.

Mr. Magazzu stated in the contract they will guarantee an 8% savings for five period. If they don't met that number but Council is still happy, there is a formula that will give the Township back a percentage of the cost of the system. If the Township is not happy and no longer wants the system, they will buy it back. In the first twelve months, they will monitor the billing.

Mr. Paris stated that any contract should include language to cover the costs and or damages from a box that goes bad.

Ms. Pangia asked if there is a reduction in the number of boxes needed since the Township has made improvements to the plant.

Mr. Iuliano stated that the original proposal included nine boxes, in the update proposal there are seven. The plant is in good shape and he does not believe the installation will be painful in terms of cost and time.

Mr. Schwartz asked what number they used to project the savings. Did they use the 8% or the 10.32%?

Mr. Magazzu stated that they used the 10.32%.

Mr. Schwartz stated that there was an inflation schedule in the report.

Mr. Magazzu stated that he believed 2.5% inflation was used.

Mr. Schwartz asked if there is a reason that number was chosen.

Mr. Iuliano stated that a financial advisor determined that number and he has not changed it in ten years.

Mr. Schwartz questioned the difference in the 15 Year Benefit on page nine and ten of the report. On page nine, it lists the 15 Year Benefit as \$632,904. On page ten, the 15 Year Benefit is \$493,008.

Mr. Magazzu stated that the calculations on page nine are off and the correct number is \$493,008.

Mr. Winckowski asked if the guarantee is based off the first year of energy savings.

Mr. Magazzu stated yes, the first twelve months is the base year. Mr. Magazzu stated that if the Township increases their load by 5%, the guarantee goes away. However, they will perform another fee audit.

Mr. Iuliano stated that there are a number of fees added to the bills that are based on kilowatt hours. Once we reduce those hours, the Township will also see a savings on those fees.

Mr. Catrambone asked how Council determines if they want to move forward. Council agreed that they would like to include this project during the preparation of capital portion of the 2016 budget.

Mr. Catrambone thanked Mr. Magazzu and Mr. Iuliano for attending tonight.

ABANDONED AND VACANT PROPERTY DISCUSSION

Mr. Catrambone stated that based on the prior conversations of Council, the two ordinances have been amended to address the changes.

Mr. Long suggested that Council get these ordinances on the book as soon as possible. Amendments can be made at any time.

After discussion, Council agreed to introduce the two ordinances tonight.

TOWNSHIP OF DELRAN ORDINANCE 2016-02

AN ORDINANCE OF THE TOWNSHIP OF DELRAN ESTABLISHING AN ABANDONED PROPERTY LIST AND AUTHORIZING THE PUBLIC OFFICER TO DESIGNATE QUALIFIED REHABILITATION ENTITIES

Mr. O'Connell made a motion, seconded by Mr. Schwartz to adopt Ordinance 2016-02 on first reading.

There being no questions, the roll was called.

Mr. O'Connell, Ms. Pangia, Mr. Schwartz, Mrs. Kolodi and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

TOWNSHIP OF DELRAN

ORDINANCE 2016-03

AN ORDINANCE OF THE TOWNSHIP OF DELRAN ESTABLISHING REGISTRATION REQUIREMENTS, REGISTRATION FEES, INSPECTION REQUIREMENTS, MAINTENANCE REQUIREMENTS AND INSURANCE REQUIREMENTS FOR VACANT PROPERTIES

Ms. Pangia made a motion, seconded by Mr. Schwartz to adopt Ordinance 2016-03 on first reading.

There being no questions, the roll was called.

Mr. O'Connell, Ms. Pangia, Mr. Schwartz, Mrs. Kolodi and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

Mr. Schwartz made a motion, seconded by Mrs. Kolodi to adopt Resolution 2016-51.

There being no questions, the roll was called.

Mr. O'Connell, Ms. Pangia, Mr. Schwartz, Mrs. Kolodi and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

CDBG PROJECTS

Mr. Winckowski stated that he wanted to bring Council up to speed on these projects. We received a grant from the County in the amount of \$65,000. The projects submitted were ADA ramp improvements on Echo Court and Creek Road Sidewalk Improvements. We have applied for the Echo Court ramp for several years and did not complete the project due to funding. The combined projects exceed the grant funding. He estimates the total cost will be approximately \$100,000 to \$120,000 including engineering.

Mr. Hatcher stated that he does not believe we can wait until the municipal budget is adopted and still meet the timeframe of the grant.

Ms. Pangia stated that she has concerns that we are encouraging the kids to cross at Bridgeboro and Creek Road to use the new sidewalks and there is no crossing guard at the intersection.

Mr. Paris stated that he agrees it is a bad intersection but the kids are probably doing it now and there are no sidewalks.

Mr. Schwartz asked if we chose one project over the other, should that make us ineligible for the grant.

Mr. Winckowski stated that it would not.

Mr. Catrambone asked if we could bid these projects and have one as a deletion item.

Mr. Winckowski stated that he does not believe so because the cost of the projects are similar and a deletion item cannot exceed a certain percentage of the total project. We could bid both and delete a portion of the sidewalk on Creek Road to keep it within the grant amount. Or we could move forward with one project, which would mean we leave a small amount of funding on the table.

Ms. Pangia stated that if we are going to choose one project, we may want to consider the sidewalks to keep if closer to the grant amount.

Mr. Paris asked if there is any push from the school to install the Echo Court ramp.

Mr. Hatcher stated that the request came from a resident not the school.

After additional discussion, Council agreed to move forward with the Creek Road sidewalk project to keep within the grant amount. They will keep Echo Court in mind for future funding.

Mr. Hatcher stated that Council will need to authorize the Bond Counsel to draft an ordinance to move this project forward.

Mrs. Kolodi made a motion, seconded by Ms. Pangia to authorize the drafting of the ordinance.

There being no questions, the roll was called.

Mr. O'Connell, Ms. Pangia, Mr. Schwartz, Mrs. Kolodi and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

PLANNING BOARD REVIEW LETTER – STELLWAG FARMS REDEVELOPMENT PLAN

Mr. Catrambone stated that we have received the review letter from the Township Planning Board and have made some recommendations.

Mr. Long stated that Council is the Redevelopment Entity and they have jurisdiction with regards to the plan and over design. The Planning Board has the right to make comments the Township has the ability to decide what comments, if any, get incorporated into the plan. Council can also reserve the right to incorporate those comments as the plan is developed with the Redeveloper. It is his recommendation that Council pass a Resolution not to incorporate the comments from the Planning Board at this specific time but reserving the right to incorporate those as we move forward.

Mr. Schwartz stated that some of the recommendations have been addressed with Council but he is not sure they were ever resolved. He feels that before everyone spends more time and money moving forward, he feels they should be resolved.

Mr. Winckowski recommended that Council allow them to review the recommendations. There are twelve bullet points in the recommendations and he feels some items do not belong in the plan, as they are design issues. The Planning Board will be able to handle design issues at the board level. Mr. Winckowski stated that once they have the chance to review the recommendation, they can come back to Council with a refined list for Council to review.

Jeff Lucas, representative for Delran Land Investment, stated that they have been going through this process with Council for about a year now. The comments from the Planning Board are very close to what has been discussed. One item that came up in the letter is the COAH requirement. Previously they discussed a payment in lieu of building the required units. They designed this project as all market rate units. If the Township can receive credit for age-restricted units, they would like to discuss with the Planner how they can incorporate those units into the plan. The remaining design issues in the report are not a problem for them.

Mr. Long recommended that Council pass a motion stating that they will be sending the Planning Board recommendations to the Planner for review and further discussion with Council.

Mr. Catrambone asked for a motion.

Mr. O'Connell made a motion authorizing the recommendation to be sent to the Planner for review and report back to Council, seconded by Mrs. Kolodi. All were in favor, motion approved.

VACATION OF A PORTION OF MULBERRY STREET

Mr. Catrambone stated that we have received a report from the Township Engineer on the possible vacation of a portion of Mulberry Street.

Mr. Winckowski reported that the request for the vacation came from the resident of Block 125, Lot 25, which is a single family home. Their driveway access sits within the Township right-of-way on Mulberry Street. The right-of-way is an unimproved gravel surface. The problem here is when a right-of-way is vacated half goes to each adjoining property owner. The property at Block 125, Lot 24 includes one commercial building as well as what appears to be an old savage yard. The property is not a conforming use and is currently vacant. If Lot 24 wanted half of the vacated portion Mulberry Street would create a frontage issue for Lot 24 and a driveway issue for Lot 25. Lot 25 would need an easement from Lot 24 to be able to access their property. If Lot 24 did not want their entitled portion, then all can be given to Lot 25 and there would not be an access issue. If Council wants to entertain the vacation, they will start reaching out to the property owner of Lot 24. If the vacation moves forward and half is given to each property owner, Lot 24 will be left with the required frontage as per the Township Code but Lot 25 will not be left with the required frontage and therefore will be a nonconforming lot.

Mr. Schwartz questioned what happens if the other property owner does not respond.

Mr. Long stated that the only way that the vacation is not split between both property owners is if one owner rejects their share. If there is no response, the adjacent lots split the property and each get 50%.

Charles Eiler, 116 Mulberry Street, asked if the other property owner is not current on their taxes do they have the rights to the property.

Mr. Long stated that it does not have an impact as long as they still have title to the property.

Mr. Eiler asked what the total width is of the unimproved street.

Mr. Winckowski stated that the right-of-way is approximately fifty feet wide.

Mr. Long suggested that the Township reach out to the property owner of Block 125, Lot 24. We will need to draft a pretty comprehensive letter to explain the process. If we do not here anything back from them or they reject the acceptance of the property, Council can then decide if they want to move forward. To vacate the street an ordinance will need to be adopted by Council.

Mr. Paris stated that he would like to see that all expenses incurred be paid for by the property owners and not the Township.

Mr. Eiler stated that in all respect to Mr. Paris, he never came to the Township to ask for money to maintain the Township road.

After additional discussion, Council agreed to have the Solicitor draft a letter to the property owner of Block 125, Lot 24 to determine their position. Council will discuss this issue again once a response is received.

SIMON & SCHUSTER ROAD MORATORIUM WAIVER REQUEST

Mr. Catrambone stated that we have received a request from Simon & Schuster to waive the road moratorium on Third Street. Mr. Catrambone asked Mr. Winckowski to report on this request.

Mr. Schwartz asked Mr. Winckowski when the moratorium expires.

Mr. Winckowski stated that the Resolution states that it expires in 2019; however, the road was paved in 2011. They have agreed to include the street opening as part of their bonded improvements. Mr. Winckowski stated that the opening is needed for installation of a fire suppression system for the new warehouse. There is not an alternate water connection available.

After discussion, Council agreed to adopt a Resolution tonight approving the waiver specific to the Simon & Schuster road opening application.

TOWNSHIP OF DELRAN RESOLUTION 2016-45

RESOLUTION WAIVING THE ROAD MORATORIUM ON THIRD STREET FOR INSTALLATION OF FIRE SERVICE BY NJ AMERICAN WATER COMPANY FOR SIMON & SCHUSTER

WHEREAS, NJ American Water Company submitted a street opening permit for installation of fire service to Simon & Schuster; and

WHEREAS, the permit was denied due to the road being under a moratorium; and

WHEREAS, Simon & Schuster has requested that the road moratorium be waived for the installation of fire service; and

WHEREAS, the engineer has indicated that the installation of the fire service is required for the fire suppression system in the new warehouse and that alternative connections are not available; and

WHEREAS, the work will be covered under the performance and maintenance bonds posted for the project.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Delran hereby waives the road moratorium on Third Street for the sole purpose of the installation of fire service to Simon & Schuster by NJ American Water Company and that the road opening permit be issued.

BE IT FURTHER RESOLVED that road moratorium remains in effect for future opening.

Ms. Pangia made a motion, seconded by Mr. Schwartz to adopt Resolution 2016-45.

There being no questions, the roll was called.

Mr. O'Connell, Ms. Pangia, Mr. Schwartz, Mrs. Kolodi and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

CHIPPING AND LEAF COLLECTION REQUIREMENTS

Mr. Catrambone stated that Mr. DeSanto has provided a photo and they were able to draft a letter to notify the residents of the regulations.

Ms. Pangia asked if this can be included with the sewer bill mailing.

Mr. Catrambone stated that was the intention. Council agreed.

Mr. Hatcher stated that they may want to include that Public Works will be open on the 1st and 3rd Saturday of each month. Council agreed to include that in the letter.

Mr. Long stated that he will prepare an ordinance to amend the code to accommodate the regulations. Council agreed to introduce that ordinance in March.

REPORTS

Ms. Eggers – No report.

Mr. Hatcher – Mr. Hatcher provided Council with the 2016 Budget books. The format has changed a little because we are importing the data from the Edmunds system. For the decision making process, the memo to Council is what needs to be reviewed. All the other data in the book is back up to that information from the Departments. At this time of year there are always items that we do not have because the Auditor has not provided that information. We indicated last year that there would be an increase in debt service due to the aggressive road program over the past few years. In the information provided, Council will see that Debt Service has increased by \$350,000 this year. The surplus and operations from 2015 were outstanding. At year end, we had approximately \$8,000,000 in surplus. Council will have the ability to have a 0% tax increase if that is what they choose moving forward once they review the budget. The same is true for the Sewer Budget. The surplus has increased to \$4,500,000 but there are capital projects that will need to be discussed.

Mr. Catrambone stated that the budget needs to be introduced before March 18th and we will need to decide which meetings will be dedicated for budget discussions and whether an additional meeting is needed.

Ms. Eggers stated the Elected Officials seminar is on March 1st which is the date of the public meeting. If members of Council will be attending the seminar, the public meeting date will need to be changed.

After discussion, Council agreed to move the public meeting to March 8th and then have a budget work session on March 8th after the public meeting. They will advertise the public meeting for 6:30 and the work session will remain as scheduled for 7:00 P.M. The February 23rd work session will also be dedicated to budget discussions. Council agreed to hold a special meeting to introduce the 2016 Budget on Tuesday, March 15th at 7:00 P.M.

Mr. Long – No report.

Mr. Winckowski – Mr. Winckowski reported that he met with representatives from PSE&G regarding the Tenby Chase Swim Club water quality improvements. The individual that they needed to make the decision did not show up but he feels that they will come back to us with a positive outcome.

Mr. Winckowski reported that we will need to bid the Swedes Lake outfall improvement project. He will have plan and specification completed this week and then he will work with Mr. Hatcher to get the project advertised. Council agreed.

Mr. O'Connell – No report.

Ms. Pangia – Ms. Pangia thanked Ms. Eggers for helping to take over some of the events.

Mr. Schwartz – Mr. Schwartz stated that he wanted to discuss something that he feels affects his constituents. He submitted according to our guidelines an item for discussion and it was not included on the agenda due to a policy on background information. He wants to make sure that there is a consistent way that we are handling agenda items. The item was brought to him by the residents of his ward and there was not really any background to provide. It is not unusual for agenda items not to have backup and that policy should not be only for items he brings to the agenda.

Mr. Catrambone stated that much of this was done to accommodate Mr. Schwartz. Council was getting information the day of the meeting and we did not feel it was fair that he did not have the ability to review the information prior to the meeting.

Mr. Schwartz stated that he appreciates everyone for trying to assist in any way they can but this is not about his blindness. He submitted an item according to the guidelines.

Mr. Catrambone stated that he understands that the information was not provided by Adirondack Energy in advance but it was because we asked them to come back in a short timeframe and they were working on the report until the day of the meeting. No decision was made and we asked them to come back again with all the information which was provided in advance of the meeting. Mr. Catrambone stated that he made the decision not to include the item on the agenda because the topic presented by Mr. Schwartz had no explanation of what was going to be discussed. He understands that it appears one sided but it is the same as presenting a new topic for discussion without Council having a chance to review the information. He is not going to have

an item on the agenda and not have Council members have an opportunity to review the information.

Mr. Schwartz stated that then the policy has to be consistent.

Mr. Long stated that Council decides policy but the law is clear that the Council President set the agenda. The code can always be amended to set new policies as long as it does not interfere with state laws.

Mr. Schwartz stated that the he does not believe that it is clear. The code stated that the Council President sets the order of items on the agenda.

Mr. Schwartz stated that he just wants there to be a policy and for it to be consistent.

Mr. Long stated that there is a policy and that is that the Council President sets the agenda. Township code does not change that policy.

Mr. Schwartz stated that he wants the same courtesy as everyone else.

Mr. Catrambone stated that he would just like an explanation on what is going to be discussed so we are prepared.

Mr. Schwartz stated that the reason no background information was submitted is because he really did not have an opinion on the topic. The topic had to do with providing additional information with the agenda posted on the Township website other than just the topic.

Mr. Catrambone stated that what it seems is that Mr. Schwartz wants the public do have background information when he was not willing to give Council background on what he wanted to discuss.

Mrs. Kolodi – No report.

Mr. Catrambone – No report.

Mr. Paris – Mr. Paris reported that the Department Heads did a fantastic job again this year. We did a three cost average to determine the amount allocated. In terms of the surplus, we are in an excellent position but there are many capital projects that need to be concerned. He encouraged Council to be open minded when it comes to the capital items because we have put projects off for many years.

Mr. Paris reported that he met with the County along with Mr. Winckowski regarding the issue with the storm sewers on Chester Avenue that affects two residents. We anticipated the cost to be \$10,000 and the cost estimate came in much higher at approximately \$16,000. At this point he believes the County is going to site the residents but still offer them their services. It was a recommendation that we allocate the \$10,000 between the two residents for any cost they incur.

Mr. Catrambone stated that we do not have to act on this item.

PUBLIC PORTION

Mr. Schwartz made a motion to open the meeting to the public. The motion was seconded by Ms. Pangia. All were in favor, motion approved.

Phaedra Schwartz, 501 Brown Street, stated that she believes it is the right of the public to bring grievances to Council. She wanted to make sure that she understood that it is the right of the Council President to say that an item brought forth by a member of Council will not be on the agenda.

Mr. Catrambone stated that is correct.

Mrs. Schwartz stated that allowing the Council President to have all the power to determine agenda items is really denying the public their right to have their grievances be heard.

Mr. Catrambone stated that he appreciates her comments. If a member of the public came and presented their questions in a public forum then Council would certainly entertain them. What he does have an issue with is if their Council representative wants to add a topic to the agenda for discussion without providing background information to the other members.

Mrs. Schwartz asked what law gives the Council President the power to set the agenda.

Mr. Long stated that local government is covered in Title 40.

Mrs. Schwartz stated that she has attended many meetings over the years and seen many items walked onto an agenda.

Mr. Catrambone stated we have all seem agendas that have nineteen items or more on them and someone has to control them. He tries to do the as judicially as possible.

Mr. Schwartz made a motion to end the public portion of the meeting. The motion was seconded by Mr. O'Connell. All were in favor, motion approved.

Mr. Schwartz made a motion to adjourn the meeting, seconded by Mrs. Kolodi. All were in favor, the meeting was adjourned.

Respectfully submitted,

Jamey Eggers, Township Clerk