

**ACTION MEETING
MUNICIPAL BUILDING**

**February 14, 2017
DELRAN, NJ**

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 11, 2017 and posted on the bulletin board on the same date.

ROLL CALL: Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone were present. Mr. Schwartz was absent.

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

ORDINANCE ON SECOND READING

**TOWNSHIP OF DELRAN
BURLINGTON COUNTY, NEW JERSEY
ORDINANCE 2017-02**

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF CERTAIN ROADS IN AND BY THE TOWNSHIP OF DELRAN, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY; APPROPRIATING \$1,840,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,752,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DELRAN, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Delran, in the County of Burlington, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$1,840,000, said sum being inclusive of a down payment in the amount of \$88,000 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets, temporary or permanent, as applicable, of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$1,840,000 appropriation not provided for by application hereunder of said \$88,000 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$1,752,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$1,752,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the reconstruction of portions of Fox Chase Drive and Main

Street, and Whitemarsh Way, Oxford Road, Drexel Avenue and Greenbriar Road, including but not limited to, as and if required, removal and replacement of, as applicable, sidewalks, concrete curbing, curb ramps, driveway aprons, regrading, landscaping, excavation, pavement striping, installation of traffic calming devices, resetting manholes and inlets, drainage improvements, and various other curb, sidewalk and roadway maintenance.

(b) The above improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,752,000.

(d) The estimated cost of said improvements or purposes is \$1,840,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$88,000 available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Burlington make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Burlington. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Burlington shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget, permanent or temporary, as applicable, of the Township is hereby amended, as necessary, to conform with the provisions of this bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Municipal Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Municipal Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,752,000, but such amount shall constitute a deduction from gross debt to the extent permitted by law, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$240,000 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,752,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the

later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Mr. O'Connell made a motion to open the meeting to the public, seconded by Mrs. Kolodi. All were in favor, motion approved.

Susan Hill, 2 Holyoke Drive, ready the following statement:

I have to admit that when I read the statement made by Mr. Catrambone in the Burlington County times that residence of Drexel Ave. have been petitioning for many years and that it was not until the condition warranted that it be included in the road program. My heart sank for several reasons. First, over many years I have "petitioned" the town by speaking to anyone who came to my home to campaign for office concerning the condition of my street, curbs, and sidewalks that are uneven due to tree roots. Mr. Burrell who was running for town council at the time when I first spoke to him will attest to my petitioning for Holyoke! We have had two such conversations in addition to this he has pictures of the condition of the nonexistent curbs in front of my house.

Second, that it had to be in the condition to warrant being included in the road program. And what if fact warrants this, what is the criteria to be included in the tier. It was mentioned to me that amount of traffic (use) and condition were factors. This all determined by an engineering firm. I was told drainage would have be a problem if curbs were to be done. Also, heard loud and clear all the roads in Delran are in poor condition and need paving.

Yesterday, my husband and I did a little research of our own to determine the condition of the roads listed in the paper and to compare them to Holyoke. We noted:

Fox Chase: curbs in good condition

Road poor bumpy and cracked severely

It appeared that some driveway aprons and curbs had been replaced at 134 and others a portion of the street has been grated to be paved this street was very long

Oxford Rd:

Cracked and fairly large pot holes Curbs good

High traffic? Short street

Greenbriar Rd:

Corner at joint of Haines Mill Rd extremely poor condition pot holes some cracking and small pot holes noted on the street. Short street.

Drexel Ave:

Numerous patches at sides of the street possibly due to sewer repairs. Curbs were generally good but there were some at 806? 817 and 836 that were in very poor condition at corner of Baylor and Drexel large pot holes This was a very long and winding street

Main Street:

Work has been done on the 100, 200, and 300 blocks It appears that curbs and sidewalk sections have been done

331 new drive way apron

No trees between sidewalk and curb were noted 500 block new homes and street good condition

In observing these streets I felt that they are really in need of paving. However, are they in worse condition than Holyoke? Do they have drainage problems as does Holyoke? Do they have more traffic than Holyoke?

Holyoke Dr.:

Holyoke is exactly 2/10 of a mile long. (if my odometer is accurate)

There are 8 trees between the sidewalk and the curb that have pushed up the sidewalks. In addition to this there is a stump that has been left and is also pushed up the sidewalk panels. Perhaps the most pressing issue is that there are three homes that have drainage issues when it rains continuously (for a few days) as it often does in the winter and spring water will come up to within about a foot of the homes. One of these homes has had damage due to this "moisture". One of the residents has had to dig trenches and tried other means to redirect the water. THE CURBS in front of these homes is approximately 2-3 inches high offering no direction to water draining down the hill.

There are cracks up and down Holyoke that allow grass and weeds to grow through the street 30 years ago Holyoke was repaved. Curbs were not included at that time.

There are a number of patched pot holes at the bottom of the street. The resident at the bottom of the street on the corner of Suburban and Holyoke reports that he has had to ask repeatedly to have the pot holes filled and they are not done properly. Curbs up and down the street have been disintegrating for 31 years.

We are asking that:

Given that our community has proposed a \$1.84 million bond ordinance to repair about 6 township streets. We would like to have part of this money allocated to repave Holyoke Drive. In addition we would like to have curbs replaced and any driveway aprons that need to be replaced.

Now, in saying all this I would like to say the streets/roads in this town are indeed all in need of repair and/or repaving. Now, not in an X number of years plan. They have all been left for far too long. I do not blame this current town council.

Question: I was told that main arteries such as Haines Mill are in some way subsidized by the state. Is there money from the state or federal government that would assist in this effort? Are there grants that can be obtained?

Mr. Catrambone stated that there are grant program available but they are not typically grants for neighborhood roads.

Mrs. Hill provided Council with a petition signed by all residents of Holyoke Drive with the exception of one. She also provided Council with a copy of her statement.

Mr. Catrambone stated that to answer some of her questions, he wanted to advise her that typically curbs, sidewalks and aprons are the responsibility of the homeowner. When the Township paves a road the Engineer will look at the curbs, sidewalks and aprons to determine if they will have any impact on drainage. Currently, Holyoke Drive is not on our tier list but it will be reevaluated. This year, because we never seem to move off the Tier 1 roads, we combined the 2016 and 2017 Road Program to try and get all Tier 1 completed. We will look at getting the road Engineer and Public Works Superintendent to reevaluate all the roads.

Mrs. Hill stated that she understands and this forced her to look at all the roads in town. She is glad that this Council is paying attention but for thirty years the roads were ignored.

Mr. Catrambone stated that we are absolutely trying to catch up. He appreciates all the input from Mrs. Hill.

Mrs. Hill stated that now she is on a mission for all of Delran.

There were no other questions.

Mr. Burrell made a motion to close the public portion, seconded by Mrs. Kolodi. All were in favor, motion approved.

Mrs. Kolodi made a motion, seconded by Mr. O'Connell to adopt Ordinance 2017-02 on second reading.

Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 4

Nays: None

Motion Approved

RESOLUTIONS

TOWNSHIP OF DELRAN RESOLUTION 2017-49

RESOLUTION OF THE TOWNSHIP OF DELRAN AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE FOR SEWER IMPROVEMENTS AT PROPERTY KNOWN AS 1003 OAK AVENUE

Mr. O'Connell made a motion, seconded by Mrs. Kolodi to adopt Resolution 2017-49.

There being no questions, the roll was called.

Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 4

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN
RESOLUTION 2017-50**

**REFUNDING DUPLICATE MERCANTILE LICENSE
PAYMENT FOR BILLOWS ELECTRIC**

Mr. Burrell made a motion, seconded by Mrs. Kolodi to adopt Resolution 2017-50.

There being no questions, the roll was called.

Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 4

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN
RESOLUTION 2017-51**

**APPROVING RAFFLE APPLICATION 515
FOR HOLY CROSS HIGH SCHOOL PTA**

Mrs. Kolodi made a motion, seconded by Mr. O'Connell to adopt Resolution 2017-51.

There being no questions, the roll was called.

Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 4

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN
RESOLUTION 2017-52**

**APPROVING RAFFLE APPLICATION 516
FOR ST. CHARLES BORROMEO PARISH SCHOOL**

Mr. Burrell made a motion, seconded by Mrs. Kolodi to adopt Resolution 2017-52.

There being no questions, the roll was called.

Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 4

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN
RESOLUTION 2017-53**

**AUTHORIZING ENGINEERING FOR 2016-2017 ROAD PROGRAM
IN AN AMOUNT NOT TO EXCEED \$220,000**

Mrs. Kolodi made a motion, seconded by Mr. Burrell to adopt Resolution 2017-53.

There being no questions, the roll was called.

Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 4

Nays: None

Motion Approved

MOTIONS

Mr. O'Connell made a motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement. The motion was seconded by Mr. Burrell.

There being no questions, the roll was called.

Mr. Burrell, Mrs. Kolodi, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 4

Nays: None

Motion Approved

At this time, Council proceeded with the regularly scheduled work session.

Submitted,

Jamey Eggers
Municipal Clerk