

**WORK SESSION  
MUNICIPAL BUILDING**

**JUNE 23, 2015  
DELRAN, N.J.**

**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 23, 2014 and posted on the bulletin board on the same date.

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

**ALSO PRESENT:** Mr. Winckowski, Engineer, Mr. O'Donnell, Solicitor, Mr. Paris, Mayor, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

**TURKISH CULTURAL FESTIVAL**

Mr. Catrambone stated that this will be taken off the agenda because the representatives for the Turkish Cultural Festival could not attend due to the weather. They will be rescheduled for the next available opportunity.

**MAL ANDERSON – HISTORICAL SIGNS**

Mr. Anderson introduced Dianne Dudek as a member of the Historical Society and her husband John. Mr. Anderson stated he was asked to come this evening and present information on Historic Site Markers to be placed on various properties within Delran Township. Mr. Anderson stated that they have identified locations in Delran Township that could use historical markers. Mr. Anderson said they are hoping to develop some sort of brochure that can present expanded information about the site. Mrs. Dudek stated that they would like to have a map with more information on the Historical Society web site since the marker can only hold about thirty words.

Mr. Anderson stated that the Historical Society hopes that Council will back them in developing this program. Mr. Anderson stated the signs would be approximately \$57.50 for a 30 x 30 sign. They would be ordered from the Department of Corrections.

Mr. Anderson stated that the property owners have not yet been notified of the proposed historical markers.

Mr. O'Donnell stated that he drew up an agreement for the property owners but Council asked him to modify it. Mr. O'Donnell has a one page agreement for Council to look at and make recommendations. The new agreement will be reviewed by Council.

Mr. Catrambone stated that Council seems to be in agreement with the project and once they get the agreement finalized then the Historical Society could start reaching out to the properties and if they need assistance then Mr. Catrambone said he would be willing to help. Mr. Catrambone stated that he feels this project would have a positive impact on the community.

Mrs. Kolodi asked if the Historical Society would consider investigating Native American/American Revolution sites in Delran.

Mr. Anderson said they are open to all suggestions.

### **MANAGEMENT BENEFIT PACKAGE**

Mr. Hatcher explained that we made changes to explain that certain benefits only apply to full-time employees and since we never had part-time department heads, and now we do, we wanted to make it clear that the benefits are for full-time employees. There is a change in sick time as it is a Civil Service regulation that everyone gets sick time. However, the Management Benefits Package now states that sick time is pro-rated depending on how many hours the employee works. It does not change any benefits but makes it clear going forward.

There will be a Resolution at the public meeting to ratify the updated Management Benefit Package.

### **BULK STORAGE CONTAINER ORDINANCE**

This is POD type containers and has nothing to do with clothing drop-off containers. Mr. Catrambone asked Mr. O'Donnell to explain the changes to the ordinance.

Mr. O'Donnell stated that the first change is in Section 102.6 "any interested parties" was removed and 102.7 clarifies as soon as the permit expires, the Township can send out a notice that they are in violation. After the ten days the POD can be removed.

Mr. Paris asked "who can remove it".

Mr. O'Donnell said it gives the Township the option to remove it and charge for it.

Mr. Paris asked if we remove the POD, do we have a liability if something gets damaged.

Mr. O'Donnell said that potentially there could be a liability. The Township does not have to remove the POD if they chose not to, it just is an option. The ordinance covers the person using the POD and the owner of the property that the POD is on. Mr. O'Donnell said there is nothing preventing the Township from writing a letter to the company owning the POD telling them to remove it. There is also an option that the owner of the POD can go to the Construction office and request an extension for the permit, if the work is not complete.

This ordinance will now be put on the agenda for first reading at the public meeting.

### **FIRE COMMISSIONER'S SEWER BILLING**

Mr. Hatcher explained that the Sewer Department found that the Fire Commissioner's billing is different than the rest of the billing in the Township. They have a special provision that was granted to them by the Sewer Authority which carried forward when the Township took over. The agreement is that they do not get billed until after they exceed 21,000 gallons. They were previously billed correctly in 2013 but in 2014 they were overcharged by \$1744.60. Mr. Hatcher asked for Council's permission to either offer them a credit or ask if they want a reimbursement which would take a resolution.

Mr. Catrambone stated that it was our mistake and we need to fix it. He recommended sending a letter to the Fire Commissioner's asking them which option they want – refund or credit. If they want a refund, the Resolution can go on the next meeting.

### **NJEIT**

Mr. Hatcher stated that we had our financial professionals review the NJEIT funding versus regular funding which is essentially bonding and they did not find a significant cost difference. Actually \$19.64 was the difference between the two options. Over time it could be more but that would be offset by some of the costs involved during construction because NJEIT has a lot more administrative work in terms of engineering and certifications and also a little more involvement by the Auditor which would all add to the costs. We went that direction last time because there was a significant saving, this time there is not a significant savings. Mr. Hatcher stated that it is Council's call as to which direction they want to go. The decision does not have to be made tonight as there is still time. NJEIT has approved us if we do want to go with them.

Mr. Catrambone stated that the prior NJEIT loan had problems but there was savings to the Township; however, in this case there are no savings.

Mr. Hatcher said that NJEIT requires a lot of paper work from the engineer.

Mr. Winckowski asked if that number included the engineering fees as well because the engineering fees would certainly be more than \$19.64.

Mr. Hatcher also stated that NJEIT requires a lot of documentation before they release the funds. The Township would probably have to do some temporary borrowing before the funds were released so the contractor could be paid on time.

Mrs. Kolodi asked how come last time it was in our best interest to go with NJEIT.

Mr. Hatcher answered that last time we had a little more forgiveness with interest free money and there is not that much of that any more. That option is still there but less money is now interest free.

Mr. Paris asked Mr. Winckowski for his opinion on which way to go for the funding.

Mr. Winckowski stated that in talking with members in his firm, he feels that NJEIT money is really meant for multi-million dollar projects where you would definitely see a savings with the interest. On a small scale, the administrative costs outweigh the savings.

Mr. Hatcher agreed and stated that a decision does not have to be made tonight. Mr. Hatcher stated that a Capital Ordinance was done already.

Mr. Catrambone feels that Council should go ahead with the Bond Ordinance and should not use NJEIT for this project. Council agreed to move forward with regular bonding.

Mr. Winckowski will check the cost of analysis for sand filter versus disc filter.

## **BASKETBALL COURTS**

Mr. Catrambone stated that we do have an ordinance that prohibits basketball nets in the street or on the Township right-a-way and past Councils have not always chosen to enforce this ordinance. Currently police ask residents to remove basketball apparatus when it is located in an unsafe location/in the winter months for snow removal and the Chief's opinion is that basketball equipment in the street creates an unsafe condition and the ordinance should be strictly enforced.

Mr. O'Connell asked Chief Parente if when they ask a resident to remove the equipment, do they remove it.

The Chief answered that they usually move it to the right-a-way which does not stop the kids from playing in the street.

Mrs. Kolodi asked if a basketball net is in a court as opposed to a busy road.

The Chief stated that if enforced, it has to be enforced for everyone. This has been discussed several times over the years and this equipment has been in the street for the past twenty-five years which is as long as the Chief have been here. Chief Parente stated that if Council thinks it is an obstruction for vehicles, then you have to keep them off the street and if you feel it is unsafe for the kids to play in the street, then you have to ban them entirely. Chief Parente stated that in his opinion brush should not be in the street either.

Mr. Catrambone asked how many injuries or damage to property have been reported from these basketball courts.

Chief Parente stated maybe one or two injuries.

Mayor Paris stated that children can also be injured riding their bikes in the street.

Mr. Catrambone stated that he feels past Councils were wise in their decision as this will create a controversy and at the end of the day we address safety issues when there is a concern. Mr. Catrambone stated that he has a neighbor with a basketball court and the children play constantly. He would rather see the kids playing basketball then hanging out somewhere and not being in front of their own house. Mr. Catrambone feels in the cases where they are obstructing traffic or impacting the ability to remove snow or other debris, absolutely they need to be moved but we are not doing anyone any favors by enforcing this ordinance.

Chief Parente stated that they have them move them when they are close to intersections.

Mr. Catrambone stated since we have the ordinance, if it is in a dangerous position then by all means enforce the ordinance. Mrs. Kolodi agreed with that decision. Mr. Schwartz stated that he was approached by a resident about the basketball courts in the street and he will tell the resident that we have an ordinance and it is being managed. All of Council agreed.

## **CME PROPOSALS ON TAR PROPERTY AND STEWART AVENUE OUTFALL**

Mr. Hatcher stated that we will start with the Stewart Avenue Outfall. CME provided an estimate of 5,000 to 10,000 to get a permanent fix to the outfall. However, Jerry DeSanto has suggested

the possibility of taking the sign that used to be in the streets before we put the 25 mph on the streets and putting that on the pipe mounted with a brace and see if that would work for a while. Mr. Winckowski agreed with that suggestion.

The second subject was on the TAR property. Mr. Hatcher stated that as you will recall, we were going to take a look to see if we could get some Green Acres reimbursement for the purchase of the property and it would require some further environmental work by CME for \$24,100 for the next step which is a physical survey and environmental findings.

Mr. Paris asked what Green Acres would be allotting us.

Mr. Winckowski stated that Green Acres pays for half.

Mr. Hatcher stated that he thinks it is approximately 50% of the assessed value and the appraisal came in about \$300,000.

Mr. Winckowski stated you can add on to that the survey cost and the environmental study.

Mr. Paris asked Mr. Winckowski if there will be additional studies after the initial phase.

Mr. Winckowski stated it depends on what they find. Phase I will be done by a licensed remediation professional. They will look at the history of the property and develop a list of "areas of concern" or AOC. They will check historic maps and look for things like possible contamination, underground storage tanks, etc. They did find some staining on concrete which could have been from an above ground storage tank. Once the AOC list is complete then Phase II would begin. This would consist of a site investigation where you take samples and have them lab tested and from there it would be determined if further site investigation would have to be done. If a sample was hot with some sort of containment, you would have find out the extent of it. To date only a survey of the lot has been completed. We have paid for the Green Acres survey and a preliminary assessment which is a Green Acres stipulation.

Mrs. Kolodi asked what would happen if we did nothing. Mr. Winckowski said then they will not reimburse you for 50% of the purchase cost and 50% of the professional costs.

Mrs. Kolodi asked if they find an environmental nightmare, will we have a choice to do nothing.

Mr. Winckowski stated that you would be put on notice that you would have to follow up and do the investigation.

Mr. Hatcher stated that there is still an issue with the Myers Tract and Green Acres had indicated they would give us \$800,000. To date we have received \$400,000 and the other \$400,000 is waiting on the fact that they went through their inventory and found a piece of property that was missing and probably sold back in the 70's. It was essentially a housing lot which at one point was on the Green Acres inventory and somehow the Township sold it. Part of the idea was to possibly use the TAR property to make up for that missing piece of Green Acres property. The TAR property is larger than the property that was sold and perhaps we could do that exchange to get that other property taken off and put this one on and hopefully would help to get us that additional \$400,000 that they still owe us.

Mr. Catrambone stated it is not just the \$150,000 but the other \$400,000 if we could do the exchange. We would have to have Green Acres accept the TAR property first as Green Acres and then accept it in exchange for the missing property.

Mr. Paris asked if we are willing to spend \$25,000 to find out the severity of the situation and if there would be a major problem, it could exceed the price that we would receive for the property. The question is do we want to do the initial investment of \$25,000 and then continue on from there.

Mr. Winckowski stated that they were authorized to do the initial Green Acres survey and the preliminary survey. Now the Phase II work needs to be done for the environmental study. We have spent about \$7500 to date on these studies.

Mr. Catrambone said we already spent \$7500 so do we stop or is it worth spending the additional money to continue with this pursuit.

Mr. Hatcher asked Mr. Winckowski if he could reach out to Green Acres and see if they will accept the TAR property for the missing piece of Green Acres property. Mr. Winckowski said he will reach out to Terry Caruso, the project manager for DEP Green Acres, who is handling our project.

Mr. Catrambone stated that he does not see any reason not to continue with the study for \$24,000 unless Green Acres says that the property cannot be exchanged for the missing property.

Mr. Winckowski stated Green Acres has accepted the fact that they will reimburse Delran for the purchase price. We already know that but we do not know if they will accept the exchange.

Mr. Catrambone stated that we should move on with the environmental study. However, after we get the results, they may not be favorable. Mr. Catrambone stated that we should do the report and identify if there are any areas of concern.

Mr. Winckowski said that it is a difficult decision because there is so much unknown. Mr. Winckowski said that he needs a decision to go ahead with the rest of the study for \$24,000.

Mr. Paris asked Mr. Hatcher if he knows what was on the original TAR property in the past.

Mr. Hatcher stated that it was the water company well. The well was shut down probably fifteen years ago.

Mr. Catrambone stated that since we do not know, our choices are to walk away after spending \$12,000 or move forward and take our chances.

Mr. Catrambone asked if anyone has an objection to moving forward.

Mr. Schwartz asked if there is a point where we can't push the stop button.

Mr. Winckowski said he does not know what Delran's liability would be or what DEP would do if some sort of contamination was found. Mr. Winckowski said he could get some guidance from DEP if something was found with the site investigation and what would Delran be forced to do by DEP.

Mr. Catrambone again said do we move forward or not. Council agreed to move forward.

### **DELRAN AA EQUIPMENT ROOMS**

Mr. Hatcher reached out to see if there was any room for the Historical Society. There is quite a bit of equipment in there and there is more to come with baseball and spring soccer equipment coming back to be stored. Mr. Hatcher cannot think of any other area but will keep looking for some room for the Historical Society.

### **REPORTS**

**Chief Al Parente** – no report

**Mr. Hatcher** – Mr. Hatcher reported that we have been denied the grant for Abrasive Alloys but there may be another avenue that can be pursued. Mr. Hatcher will meet with Mr. Winckowski and look into this other possibility. DEP agreed that we did have a need but that we would probably not get approved in that program. There may be some other programs that would be better suited.

**Mr. Winckowski** - Mr. Winckowski ran through his report dated June 4<sup>th</sup>.

Community Park – still trying to get the close out paper work. The map is resolved. Payments are being worked out. We are still under budget.

Brown Street – This is complete with the corrective work.

Swedes Lake – waiting for a response on revised plans and permit application.

Fairview Street Sidewalk – looking to close it out. There is paper work between DOT and the Contractor that is floating around.

Road Program – The contractor is 99% done. However, there is a street tree in front of Mrs. Olivo's house and the sidewalk replacement work went in front of it and nicked a portion of the tree and some roots that were disturbed. Mrs. Olivero is concerned about the health of the tree however, the tree is in bad condition. Mr. Winckowski offered to take the tree down at no charge. Mrs. Olivo does not want the tree taken down. Mr. Winckowski asked Council for direction on what to do about this tree. Should we take it down because there is a liability issue as the person who looked at it said they cannot guarantee it will not fall down because of the root disturbance.

Mr. Catrambone stated that the options are take it down or not take it down and what would be the cost.

Mr. Winckowski stated that the cost would be included in the budget. The tree is at the corner of 5<sup>th</sup> and Ithaca. It is not the Township's policy to put tree between the curb and sidewalk.

Mr. Catrambone stated that we could say that she has to take the tree down since it is a risk. We have taken street trees down in the past and we have not replaced them. Mr. Catrambone said we are setting a bad precedent by offering her a new tree.

Mr. Winckowski stated that he will ask the contractor to take the tree down but replace it with another tree on her property with her permission. If this does not work, the tree will be removed.

Mr. Winckowski reported that at 5<sup>th</sup> and Ithaca there is a storm sewer that runs underneath the intersection and the pipe is deteriorated and causing a sink hole so they do not want to repave the intersection until that is rectified. Mr. Winckowski is trying to investigate this pipe and pretty soon a decision will have to be made about resurfacing this intersection. After that storm sewer is investigated, Mr. Winckowski will come back with a plan of action.

Route 130 sidewalks – Their goal is to have the plans submitted to DEP by the 4<sup>th</sup> of July.

Phase II - Lighting for Community Park - A change order for security and some of the work. Some of it had to be redesigned. It is all justified and well within the contract budget.

Mr. Winckowski reported that we did not receive funding for the bikeways and still have not heard from the Safe Street to School which is a federal grant and may take a while.

Burlington Park Grant – We received \$250,000 for the rest rooms and in the next few meetings we will start moving forward on how it is to be built. This item be put on the agenda in an upcoming work sessions for discussion.

Mr. Winckowski reported that our application is still pending for the buy outs in Riverside Park.

TAR property – Needs a resolution for Phase II for the environmental study.

Check Valve at the Waste Water Treatment Plant – Mr. Winckowski asked if we are good to authorize this. Mr. Hatcher said 20 days after it was advertised after the June 2 meeting.

Fifth Street Pump Station – CME is ready to advertise and their engineer's estimate project cost is around \$340,000 which is \$120,000 less than the original budget. Mr. Winckowski is asking for an okay to advertise once he has plans and specs. Jeff Williams has been involved in the design and is familiar with everything. The bid opening would be sometime at the end of July.

Mrs. Kolodi made a motion to authorize CME to advertise the bid for the 5<sup>th</sup> Street pump station with the availability of funds which was seconded by Mr. O'Connell. All were in favor and the motion carried.

The 2015 Road Program will be discussed at the next work session.

The developer for Walton Farms will start soon.

Starke Lane has submitted a plan for sewer but there are still issues as a licensed engineer did not prepare the plans. By looking at the plans there are clearly design problems.

Willow Brook Golf Club will be submitting a plan to the Planning Board for 108 age restricted homes.

**Mr. O'Connell** – no report

**Mr. Schwartz** – no report

**Mrs. Kolodi** – Mrs. Kolodi had meeting with a group of people who are interested in fund raising for the Community Park. They went over pricing for sponsorships and there were some good ideas

that came out of the meeting. Mrs. Kolodi passed out flyers that were made for sponsorship opportunities from \$500 to \$15,000. The Delran AA will not be handling any of the money as the checks will be made out to Delran Community Park and come to the Township. Mrs. Kolodi stated that she had a group of people who are going to solicit the businesses because as a Councilperson she does not feel that she should be soliciting funds. Mrs. Kolodi will administer the fundraising as to all the checks being recorded and coordinate the volunteers who will be soliciting donations as well as making sure that thank you letters are sent. Mrs. Kolodi also had a flyer with bullet points as to what the park will be home to and the benefits of the park. They will make up packets with the flyers and the committee of about fourteen people will distribute and or mail the packets. The group will be divided up as to what business they will call upon and anyone who has connections and knows people will solicit from them. They hope by the fall of this year they have some commitments. The VFW has promised to pay for the moving and replanting of the flag pole which is approximately \$2,000. The flag will have a plaque dedicating it to all of the veterans of VFW Post 3020. They will pay for the entire project. Mrs. Kolodi stated that some of the questions that were asked at the group meeting was could private contractors be involved in some of the work at the Community Park.

Mr. Hatcher said the concession stands at Summerhill were built by private contractors but it can get complicated.

After some discussion it was decided that perhaps private contractors could do the dug outs but would have to use our specs so they would be uniform.

Mrs. Kolodi asked about charging for use of the park.

Mr. Hatcher stated since it is Green Acres, we cannot charge because if we do, then we have to charge everybody even residents and the Delran AA.

Mr. Schwartz asked Mr. Hatcher to check those regulations again.

Mrs. Kolodi stated that there was some discussion as to where the donor wall will be.

Mr. Winckowski said that decision should not be made yet.

Mrs. Kolodi will get pictures of a donor wall in Mt. Laurel as that is one she was told was very nice.

Mrs. Kolodi said she will tell her group of people they can start soliciting.

Mrs. Kolodi said that the park should have a Facebook page and also can the part go on the Delran Township web site. Mr. Catrambone said that Delran Township would have to have administrative rights to the site and that it would not be privately owned. Someone could volunteer to administer the Facebook page but someone from the Township should oversee it.

Mr. Catrambone also suggested a "Go Fund Me" page.

Mrs. Kolodi will check into that also.

Mr. Catrambone and Mr. Hatcher will discuss how best to handle the Facebook page as everyone thought it was a good idea as long as the Township has control over it.

**Mr. Catrambone** - Mr. Catrambone stated that he had one item that has just come up as Dean Buono has been put on the list for state judge and therefore had to resign as our Prosecutor. We need to do a replacement for him as court is scheduled for the first Wednesday in July. Mr. Catrambone suggested Adam Malamut to be appointed as temporary prosecutor. Mr. Catrambone gave some background of the firm and feels that he would be a good choice. Council agreed with the urgency and suggested that Mr. Malamut be appointed until December 31, 2015 and when the other professionals are appointed the decision to re-appoint Mr. Malamut or not can be made. Mr. Catrambone stated that he will e-mail Council Mr. Malamut's resume and biography.

Mr. O'Donnell said that Council will need a resolution to appoint Adam Malamut as the current conflict prosecutor and the prosecutor after the resignation of the current prosecutor to end no later than December 31, 2015.

This will be Resolution 2015-82A

**TOWNSHIP OF DELRAN  
RESOLUTION 2015-82A**

**APPOINTING ADAM MALAMUT AS TOWNSHIP PROSECUTOR**

Mr. O'Connell made a motion to approve the resolution and Mrs. Kolodi seconded it.

Roll Call: Mr. O'Connell, Mr. Schwartz, Mrs. Kolodi and Mr. Catrambone voted Aye.

Ayes: 4

Nays: 0

**PUBLIC PORTION**

Mr. O'Connell made a motion to go into public session and Mr. Schwartz seconded it. All were in favor, motion approved.

Mr. Anderson, Edgewater Park, mentioned the hoagie sale going on as a Historical Society fundraiser. Mr. Anderson also mentioned his disappointment in naming the Anderson Farm "Laurel Run" since the name of the farm was "Rainbow Meadow Farm, Mr. Anderson felt that the County should have somehow kept that name.

Mr. O'Connell made a motion to come out of public and Mrs. Kolodi seconded it. All were in favor, motion approved.

The Mayor brought up for discussion a matter that was deemed to be a matter of possible litigation; therefore, it will be discussed in closed session. The closed session Resolution 2015-81 needs to be amended to include potential litigation. Mr. Schwartz made a motion to amend Resolution 2015-81 which was seconded by Mrs. Kolodi.

Roll Call: Mr. O'Connell, Mr. Schwartz, Mrs. Kolodi and Mr. Catrambone voted aye.

Ayes: 4  
Nays: 0

Motion Approved

Mr. O'Connell made a motion to go into Executive Session which was seconded by Mrs. Kolodi to discuss the following: personnel issue and potential litigation-Chester Avenue storm drain. All were in favor, motion approved.

Mr. Schwartz made a motion to end the closed session and reopen the meeting to the public. The motion was seconded by Mrs. Kolodi. All were in favor, motion approved.

After the Executive Session, Mr. Catrambone stated that he would like to authorize a Resolution to allow the Mayor and possibly the Engineer if needed to negotiate with the County to address the issues surrounding the storm water and wastewater intersection on Chester Avenue impacting the two homes.

This will be Resolution 2015-83A

**TOWNSHIP OF DELRAN  
RESOLUTION 2015-83A**

**BE IT RESOLVED** by the Township Council of the Township of Delran that the Township Council does hereby authorize the Mayor to negotiate with the County of Burlington to address the issues surrounding the storm water and waste water intersection on Chester Avenue impacting two private homes.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to utilize the professionals to complete the negotiations.

Mr. Schwartz made a motion to adopt Resolution with an amendment to authorize the Mayor to utilize any professionals he would need. Council agreed and Mr. O'Connell seconded the motion.

All were in favor. Motion approved.

Mr. O'Connell made a motion to adjourn which was seconded by Mrs. Kolodi. All were in favor and the meeting was adjourned.

Respectfully submitted,

Adele Meiluta