

**WORK SESSION
MUNICIPAL BUILDING**

**September 25, 2018
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 16, 2018 and posted on the bulletin board on the same date.

ROLL CALL: Ms. Parejo, Mr. Burrell, Mrs. Kolodi and Mr. O'Connell. Mr. Catrambone was absent.

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

PSE&G ROAD RESTORATION

Mr. Winckowski reported that PSE&G completed a main replacement project in the Delcrest section of town. The streets included in the project were Baylor, Fordham and Edgewood Avenue. They also included Howard Street and portions of Main Street and Leon, Lake Street and Melrose Avenue. As a condition of the road opening permits that were issued they were required to mill and overlay half on the roadway. Mr. Winckowski stated that he met with them last week and they have completed the project and are ready for the mill and overlay. An option, which he has seen done in other municipalities, would be to have them do the full width of certain streets and have the Township focus of the other as part of a future road project. Mr. Winckowski stated that they broke out the streets as follows: PSE&G would resurface the full width of Fordham, Howard, Edgewood and Melrose and the intersection of Baylor/Fordham. The Township would take on all of Baylor, a portion of 8th Street, Lake Street and a small portion of Brown Street.

Mr. Paris stated that he feels it is a good idea but would like to see Baylor Street included in next year's road program.

Mr. Winckowski stated that we included a place holder in the 2020 road program.

After discussion, Council agreed with the recommendation.

Mr. Platt stated that he will draft a memorandum of understanding to delineate the roads.

Mr. Winckowski stated that he feels this is the best option moving forward.

Mrs. Kolodi made a motion authorizing the attorney to draft a memorandum of understanding between the Township and PSE&G. The motion was seconded by Mr. Burrell.

There being no questions, the roll was called.

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

Ayes: 4

Nays: None

Motion Approved

CRIMINAL BACKGROUND CHECK ORDINANCE

Mr. Platt stated that this a policy decision for Council and they have outlined the policy decisions that Council needs to determine in the memo provided in the agenda packet. Mr. Platt stated that Council also discussed including the loss of a license for administrative purposes as a disqualification for the use of Township fields.

Mr. Paris stated that he feels this is an important ordinance to have in place. Mr. Paris stated that Ms. Eggers questioned whether the ordinance would extend the use of all municipal facilities including the municipal building.

Mr. Hatcher stated that the draft ordinance provided by the Attorney included all municipal facilities so it would extend to anyone using the municipal building. Council agreed to keep that language in place.

Mr. Burrell asked if RAC and their volunteers would be subject to this policy.

Mr. Hatcher stated that in most of the sample ordinances, if it is a Township sponsored event, the Township would cover the cost of the criminal background check. That is a decision that Council will need to make.

Mr. O'Connell asked, because of confidentiality, whether the Chief or Mr. Hatcher would keep the records.

Mr. Hatcher stated it would have to be either him or the Chief.

Mr. O'Connell stated that he feels all appeals should come to Council and as for the penalty he feels they should be disqualified from working with children.

Mr. Hatcher stated that looking at the sample ordinances; it would be unusual for them to appeal to Council. Most have a review board to hear appeals.

Mr. Hatcher stated that in most cases it is the Administrator, Chief and the head of Recreation Department. Council agreed.

Mr. Burrell stated asked how the Police Department will know who is permitted on the fields.

Mr. Platt recommended that the individuals receive identification cards.

Mr. Hatcher stated Council needs to make a decision on the frequency of the criminal background checks. In most of the samples it is every three years. Council agreed. There is also a self-reporting provision in ordinance.

Joe Parento, RAC Chairman, brought up an issue of coaches on narcotics and coaching. We have an ordinance in place prohibiting alcoholic beverages on the fields.

Mr. Platt stated that in his opinion this should be part of the code of conduct for the associations.

Mr. Paris recommended that Mr. Parento speak with Mr. Kennedy, President of the Delran AA.

Mr. Platt will make the necessary changes to ordinance as discussed tonight for introduction at a future meeting.

312 ARCH STREET

Mr. Hatcher reported that we had issues with the property at 312 Arch Street a few years ago. The case went to court and the Judge ordered that the property be cleaned up and a lien be placed on the property. Two cars were removed and brought to the municipal building. We didn't have proper authorization to do anything with the cars. He has been talking with Mr. Platt to find a path for getting the cars off Township property and move to do something moving forward with the property under the vacant/abandoned property ordinance.

Mr. Platt stated that we can't sell or dispose of the vehicles because we do not own them. We would love to have the owner remove them but that is not an option. The only way he can see moving this forward is to take it Superior Court to get a court order to remove the vehicles as the Township sees fit.

Mr. O'Connell stated that before this goes to court he would like for us to try and make one last effort to contact the owner or family members.

After discussion, Council agreed to move forward with Superior Court if we are unable to contact the owner or family member to have them removed.

Mr. Hatcher stated that he will report back after he tries to make contact.

REVIEW JANITORIAL BIDS

Mr. Hatcher stated that after the review by the Township Solicitor, the low bidder, Best Cleaning Services, Inc. did not provide the necessary mandatory documents and therefore was disqualified. The second low bidder was CNS Cleaning Co., Inc. in the amount of \$34,500. Mr. Hatcher stated that if Council agrees to move forward he will check on the reference prior to the next meeting.

After discussion, Council agreed to have a Resolution on the next agenda for approval pending a check on the references.

REQUEST FROM OTT'S TAVERN TO EXTEND OPERATING HOURS

Ms. Eggers stated that she received a request from Ott's Tavern on September 20th requesting permission to open at 8:00 am on Sunday, October 28th for the Eagles game. Our ordinance currently allows them to open at 10 am.

Mr. Platt stated that the only way to amend an ordinance is through another ordinance and there is not sufficient time for that to take place. Mr. Platt stated that this issue is going to come up again with future events and some towns are adopting ordinances to allow for expanded hours for recent reasons.

PET PHOTO FUNDRAISER – DELRAN HISTORICAL SOCIETY

Ms. Eggers stated that the Delran Historical has request to hold a pet photo fundraiser on October 6th from 1-3 PM during the Rabies Clinic.

After discussion, Council agreed.

Mrs. Kolodi made to approve the pet photo fundraiser for the Delran Historical Society. The motion was seconded by Mr. Burrell. All were in favor, motion approved.

REPORTS

Ms. Eggers –

Mr. Hatcher – No report.

Mr. Winckowski – Mr. Winckowski stated that Diamond Construction is currently working the sidewalks along Route 130. The project should be completed in the next few weeks.

The road program contractor is currently working on Lichtenthal and has most of the concrete work complete with paving to follow. They will then move to Litle and continue to Windmoor, Antietam and Hartford Road.

Mr. Winckowski reported that the municipal building roof project is nearly complete. The only working remaining is the sky light.

Mr. Burrell – No report.

Ms. Parejo – No report.

Mrs. Kolodi – Mrs. Kolodi stated that we discussed holding a Veteran's commemoration this year and asked if the Council was still willing to hold the event and if so what day would work for everyone. Mrs. Kolodi stated that she was hoping to hold a small reception in the community room after the event.

Mr. Hatcher stated that due to the League of Municipalities Convention, we will have to discuss moving the public meeting for November.

Mrs. Kolodi asked if she was okay to begin planning the event with a tentative date of November 8th. Council agreed.

Mr. O'Connell – Mr. O'Connell stated that we are coming to the end of branch collection October 1st. Beginning October 8th we will start collecting leaves.

Mr. Paris – Mr. Paris handed out information that was on social media last week. It is basically the Council President stirring up people to come out and rebel against him. Mr. Paris stated that he wants to put an end to all this and read the following statement:

I would like to address the most recent accusations made by President Catrambone in both the press and online forums in an effort, yet again, to ruin my reputation over the Stellwag property. Let me explain again that first in this form of government, the Faulkner Act, I have no vote. So I did not on anything nor do I have the authority to. Second, I have no interest financially or otherwise in the property or the redevelopment. Third, I didn't negotiate anything. The Council negotiates all development and projects. It was their decision, they all voted. I didn't do anything wrong, I didn't push the project along. The Township Solicitor knew all about Jeff Lucas's participation. I fully vetted the residing Solicitor and relied on his advice. He told me there was no problem what so ever which he has the correspondence.

Mr. Paris asked Mrs. Kolodi if she has seen the correspondence.

Mrs. Kolodi stated yes.

Mr. Paris continued. Now I realize I should have never relied on what the Attorney said. I was not told that it could appear unethical. That is why I recused myself from this matter when it was in question. I wasn't involved with the decision or the abatement. It was a Council decision. Another item that needs to be clarified is that I wrote to the Department of Communities Affairs about the issue and provided them all the pertinent information before Council President Catrambone decided to contact them. I was being totally up front and transparent with them as well. To date they never said I did anything wrong. This is a political witch hunt orchestrated by Gary Catrambone because he always wanted to be Mayor. He tried desperately to get me to step down by politicians as well as by Council members. They even tried to negotiate deals for Gary Catrambone to be Mayor this year as there is a strong feeling that the democrats are going to take over Burlington County and he would have an easier time winning since he would have to run this November if I were to have vacated my seat.

Mr. Paris asked Mr. Burrell and Mrs. Kolodi if they remember the conversations.

Mrs. Kolodi responded yes.

Mr. Paris continued: Gary Catrambone and Herb Conaway, our wonderful Assemblyman, even went to remove my wife and I after we served twelve from the Delran Democratic Committee.

Mr. Paris asked Mr. O'Connell if he knows that to be true.

Mr. O'Connell stated that he does not know whether they were looking to remove them.

Mr. Paris asked if he wanted Mr. O'Connell to play the recording.

Mr. O'Connell stated that first of all if Mr. Paris recorded his conversations he never let him know. What he was told was that Assemblyman Conaway, having moved to Delran, had always been on County Committee and wanted to continue. As far as removing Mr. Paris and his wife that is something done at the party level and he has nothing to do with that.

Mr. Paris continued. I am the Mayor that was elected by the residents of Delran. They voted for me for a third term and I serve in their best interest. I will continue to serve as the Mayor of Delran for the remainder of my term. One other item of interest is that when I submitted the budget this year there was no proposed increase in the 2018 Delran municipal taxes. Mr. Catrambone wanted to raise the taxes when we didn't need to and it was supported by Council. Be careful for what you ask for because President Catrambone wants to have the complete control of the Delran governing body as well as the Delran schools. I can only urge the Delran voters to vote smart. Both parties should have representation on this Council. Currently there are no checks and balances in place.

Mrs. Kolodi stated that regarding the taxes, we thought we were working with a fair proposal from the School Board to help the children of Delran. She takes exemption with the issue because she doesn't feel we raise the taxes unnecessarily. Unfortunately, the School Board didn't live up to their end of the bargain. We did not want to raise taxes but when they came to us to have Class III officers in the schools, we went above for the School Board and she doesn't feel they operated in good faith. After our budget was approved they decided to go another way. If they had moved forward with the Class III officers we would have helped pay for those

officers which would have been a good thing for the Township to do to protect the children of Delran. Yes the taxes were raised, but they were not raised unnecessarily. They were raised in good faith with an agreement we felt we had with the school until the Superintendent of Schools decided he wanted to change the agreement and still have the Township pay a portion. The Township does not pay for private security and she would not have voted for that. Mrs. Kolodi stated that for the eight years she was been on Council, we have all done a great job with the budget.

Mr. Platt stated that he wanted to make it clear that when the Mayor is referencing the Township Solicitor, he is not representing him or his firm.

Mr. Paris stated that is correct.

Mr. O'Connell stated that for the record, Mr. Platt was not the Attorney of record at the time.

Ms. Eggers – No report.

Mr. Hatcher – Mr. Hatcher reported that Conrow Park is being dismantled so the work is in progress. Once the removal is complete, we will follow up with the installation of the new equipment.

Mr. Hatcher reported that Jake's Place had volunteers lined up for the October build. With the build being postponed they have offered those volunteer to help when the equipment is delivered to the Township. The equipment will need to be tarped and tied down and he wanted to make sure Council is okay accepting the volunteers. Council agreed.

PUBLIC PORTION

Mr. Burrell made a motion to open the meeting to the public. The motion was seconded by Mrs. Kolodi. All were in favor, motion approved.

June Paris, 31 Teaberry Lane, stated that she wanted to say a few things tonight. Everyone needs to realize that the unfounded and senseless accusations made by Council President Gary Catrambone and his lackeys against my husband, she doesn't want to involve Mr. Paris, but his entire family. We are a very a very tight knit and supportive family. Anything that can affect us, those decisions we make together. Back in February, when some of the main players of the Democratic Party summoned Mr. Paris to meeting, they basically told him he would step down and be a team player. Basically, take one for the team and let Mr. Catrambone be Mayor. In return, once the Democratic Party took over the County, he could be offered a job in the County. If he chose not to step down, he was told that the Stellwag issue would be used as a tool of perception to smear and try to ruin him. He was told all this back in February so we were prepared. When she and her daughter learned of this they both had the same reaction and told him there is no way he should ever consider such a thing. The rest of their family all felt the same. You see we all know the truth no matter how much it is twisted to meet political opponent's needs, the truth is the truth and it is on our side. We stand firm in our beliefs and our values. We have nothing to hide or run from. Gary Catrambone made his plan with the politicians and told the Council to expect a change but to keep quiet about it. The rest of the Council, blind, misguided didn't even have the decency to come and talk to Ken about the issue that Gary was secretly trying to use against him. Now no one even bothers to acknowledge

how Gary is continuing on with his ridiculous escapades. Seriously anyone with an ounce of common sense would realize that if Ken did do something wrong why would he stay as Mayor in the spotlight and let himself and his family continue to be the target of political and social media bullies. Over the years, many family, friends and neighbors have come to Ken asking for favors. His answer was and always will be no that he can't and won't put himself in that position. Many times this caused hard feelings with family, friends and others. If he won't do a small thing like make a phone call for a family member why would he do anything for a person he really doesn't know or associate with. Why would he put himself in that position. Quite frankly, you wouldn't what would he have to gain. As far as the Facebook bullies go, not one has ever reached out to Ken to talk to him or meet with him to ask him questions and discuss the matters with him. These trolls sit and wait to get their directions, stir the pot and do the dirty work of others. They assume that the people that live in town aren't smart enough to realize what they do. Many people have told us they won't comment on the site because people get attacked when they voice their opinions, so sad. And we wonder why there is an epidemic of bullying in our schools. So to my husband, Aubrey and I are very proud of you and always will be. We know your true character and how you always made sure things were done right and for the right reasons. You have been the checks and balances that this Council currently lacks. We know how much time and effort you have given to all the residents and that you will continue to give for the remainder of your two years.

Pat Pomeranz, 21 Alden Avenue, stated that she may not have understood but when Council talked about people that will use Township facilities they were going to do background checks on the volunteers. Ms. Pomeranz stated that Calvary Church does a lot with the Township and she asked if they are going to do background checks on all those volunteers.

Mr. Paris stated that he would treat everyone equal. Unfortunately, the way things are today, everyone has to be protected.

Mrs. Kolodi asked if Calvary Church has a policy in place for the volunteers.

Ms. Pomeranz stated that they did a background check on her because she worked in the nursery.

Ms. Pomeranz asked what kind of background check the Township will be doing and what they are looking for.

Mr. Platt stated that this would be a criminal background and done through the fingerprinting process. We also discussed tonight expanding the check to include anyone that has lost a professional license/certificate issued by a governmental agency within the State of New Jersey.

Ms. Pomeranz asked if the Township will cover the costs.

Mr. Hatcher stated that we will cover the costs for the Township sponsored events.

Mr. Burrell stated that this ordinance will only apply to individuals working with children

Ms. Pomeranz stated that in regards to the Ott's request she feels that it people are at Ott's until 2:00 am and they are going to open again 8:00 am we are going to have a lot of drunks on the road and we don't need that at 8:00 am. She would never give them permission to open at 8:00 am on a Sunday morning.

Ms. Pomeranz asked what will be built on the Stellwag property.

Mr. O'Connell stated that it will be an over fifty-five community with a mix of single family homes and townhouses.

Ms. Pomeranz asked how many.

Mr. Hatcher stated that it is in the area of 115 units but he can get the exact number.

Ms. Pomeranz stated that at two cars per household, we are at two hundred and thirty cars. Hartford is a nightmare now at Hartford and Bridgeboro. What do you think adding another two-hundred and thirty cars to that intersection will do. Ms. Pomeranz also asked if she has been given the right information that they are receiving a tax abatement and how it will work.

Mr. Hatcher explained that it is a five year tax abatement. When the property receives a certificate of occupancy, they will pay no taxes on the improvements in year one. In year two, it increases to 20%, Year 3 40%, Year 4 60%, Year 5 80%. It will differ because houses will receive co's at different times.

Mr. Paris stated that Hartford will be repaved.

Mr. Burrell stated that he speaks for himself, but he doesn't think anyone here goes out and solicits developers to build things. We can't tell a developer that they can't build on a piece of private property. The Mayor and Council, along with prior Council, have been meticulous about limiting the number of new homes in town and take into account the impact it has.

Ms. Pomeranz stated that with all due respect, when the Fairview project was out there, they were going to build five houses and Mr. Catrambone stated that the Township was going to buy the property because we can't take any more kids in the school and the traffic it will put on Fairview Street. That was five houses and now we are talking about 115 homes and some of those could have children going to our schools and they are getting a tax abatement.

Mr. O'Connell stated that it is an over fifty-five community so the impact to the school will be minimal.

Mrs. Kolodi stated that she felt the same way. When Ms. Pangia was on Council they went around to every fifty-five and over community in the area. Mrs. Kolodi stated that she would have loved for it to stay a farm but it is private property. We were able to get them to decrease the amount of units. We were also able to get them to install pocket parking within the project. There will be street parking on one side. Mrs. Kolodi stated that they tried to get the project to be manageable and the builder did agree to lot of our requests. Mrs. Kolodi stated that she hasn't seen the final plans yet.

Mr. Platt stated that all the site issues will be addressed at the Planning Board.

Ms. Pomeranz stated that Summerhill has been a fiasco with the parking and a safety concern with the fire trucks.

Mrs. Kolodi stated that all that was considered.

Ms. Pomeranz asked if we have the final plans yet.

Mr. Winckowski stated that there is a conceptual plan used to develop the zoning but it still has to go to the Planning Board for approval as well as the County because there is frontage on a

County road. They will also look at the traffic signal and the impact. Mr. Winckowski stated that there is more than sufficient on and off street parking.

Anthony Ogozalek, Jr., 25 Silverwood Drive, stated that one of the reason he is here, as everyone he is running Council. Allegations came out about Gary Catrambone and he is not going to give his opinion one way or the other, but what he is here to ask is if Council is going to take the same action that they did when investigating the Mayor. We all know it's politics but the one thing we have to be in the Township is fair and to be fair he feels that the Township Council should take the same action that did with the Mayor.

Mr. Ogozalek recommended that Mrs. Kolodi reach out to Todd Epperly, Regional Commander, for help with a speaker for the Veterans Commemoration.

Colin Rafferty, 206 Chestnut Rafferty, stated that with regards to the criminal background check, the Diocese of Trenton completes them every three years for coaches, teachers and employees.

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

Mr. Burrell made a motion, seconded by Mrs. Kolodi to enter into closed session for discussion on the following issues: Litigation – NJAW Tax Appeal

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

Mr. O'Connell asked for a motion to adopt to the following Resolution.

**TOWNSHIP OF DELRAN
RESOLUTION 2018-180**

**RESOLUTION APPROVING SETTLEMENT OF PENDING TAX APPEAL LITIGATION
REGARDING BLOCK 9.06, LOT 5, LOCATED AT 213 CARRIAGE LANE**

WHEREAS, New Jersey American Water, Co. ("NJAW") is the owner of the real property located at 213 Carriage Lane, which property is designated as Block 9.06, Lot 5 on the Delran Township Tax Map (the "Property"); and

WHEREAS, NJAW filed successive tax appeals with the Tax Court of New Jersey seeking a reduction in the assessed value of the Property for the 2017 and 2018 tax years; and

WHEREAS, the Township filed counterclaims in the 2017 and 2018 tax appeals upon information and belief that the Property was under-assessed; and

WHEREAS, the parties engaged in settlement negotiations during which NJAW produced a draft preliminary report of valuation prepared by a qualified appraisal expert; and

WHEREAS, as a result of those settlement negotiations, all controversies between NJAW and the Township have been resolved by and through an agreement of the parties regarding the 2017 and 2018 tax appeals and the property valuation for the 2019 and 2020 tax years; and

WHEREAS, the Township is aware that the cost and expense of trial relating to valuation of this special purpose property, including expert fees and attorney's fees, would likely far exceed the financial impact the Township will realize from the settlement reached by the parties; and

WHEREAS, the Tax Assessor has recommended the settlement to the Governing Body; and

WHEREAS, the Governing Body is of the opinion that the settlement is in the best interests of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Delran for the reasons set forth above that settlement of NJAW's 2017 and 2018 tax appeals in the manner described below is hereby approved and authorized:

Tax Years: 2017 and 2018 – NJAW's Complaints and Township's Counterclaims to be withdrawn;

2019	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Agreed Upon 2019 Assessment</u>
Land	\$ 1,776,500	N/A	\$ 1,776,500
Improvements	\$24,523,300	N/A	\$24,023,300
Total	\$26,299,800	N/A	\$25,799,800

2020	<u>Agreed Upon 2019 Assessment</u>	<u>County Board Judgment</u>	<u>Agreed Upon 2020 Assessment</u>
Land	\$ 1,776,500	N/A	\$ 1,776,500
Improvements	\$24,023,300	N/A	\$23,523,300
Total	\$25,799,800	N/A	\$25,299,800

BE IT FURTHER RESOLVED that the above-referenced settlement shall be and is expressly subject to all terms and conditions set forth in the Stipulation of Settlement attached hereto as Exhibit "A," which document is hereby authorized to be filed with the Tax Court; and

BE IT FURTHER RESOLVED that the Township Solicitor is hereby authorized to implement this Resolution by executing any documents necessary in connection therewith, including but not limited to the attached Stipulation of Settlement.

Mr. Burrell made a motion, seconded by Ms. Parejo to adopt Resolution 2018-180.

There being no questions, the roll was called.

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

Ayes: 4
Nays: None

Motion Approved

Mr. Burrell 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