

December 30, 2009

The Township Committee met on the above date for the closing meeting. Mayor Hlubik called the meeting to order at 10:00 AM and opened with the flag salute and a moment of silence. Roll call was taken showing present: Mayor Michael J. Hlubik, Deputy Mayor Brian J. Kelly and Committeeman Lawrence H. Durr. Also present were John C. Gillespie, Township Attorney and Nancy W. Jamanow, Township Engineer. The Open Public Meetings Act statement was read and compliance noted.

Mayor Hlubik opened the meeting to the public for comments on matters not appearing on the agenda. Hearing none, the Committee continued with agenda items.

Consent agenda

The minutes of December 9, 2009 regular and closed session were approved on a motion by Mr. Kelly and second by Mr. Durr. All agreed.

Police Department Report

Chief Wilson reported 227 calls for the month of December and outlined the training that took place during the month. Under Emergency Management, Chief Wilson reported that he is currently putting numbers together for possible funding from FEMA for the recent snow storm.

Board of Health

The Board of Health portion of the meeting was opened on a motion by Mr. Durr and second by Mr. Kelly. Resolution 2009-12-8 was approved on a motion by Mr. Durr and second by Mr. Kelly. All agreed.

RESOLUTION 2009-12-8

RESOLUTION APPOINTING REGISTRAR OF VITAL STATISTICS

WHEREAS, Bonnie J. Haines was appointed as Registrar of Vital Statistics on January 2, 20007; and

WHEREAS, said term expires December 31, 2009; and

WHEREAS, the Township is required by *N.J.S.A. 26:8-11 et. seq.* to appoint a Registrar of Vital Statistics, said Registrar to be appointed by the Township Board of Health; and

WHEREAS, the term of office of the Registrar of Vital Statistics, by statute, shall be three (3) years;

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chesterfield in the County of Burlington and State of New Jersey that Bonnie J. Haines be and is hereby appointed as Registrar of Vital Statistics, for a term of three (3) years, said term expiring December 31, 2012.

The Board of Health meeting was closed on a motion by Mr. Kelly and second by Mr. Durr. All agreed.

Township Engineer

Mrs. Jamanow presented the map received from the Turnpike Authority indicating the placement of sound barriers within the Township. Further discussion is needed to request moving the barriers to other locations and the possible addition of barriers. She will contact John Keller of the Turnpike Authority. During that meeting, the easements to plant trees on private property as part of the re-forestation plan will be discussed. Mr. Kelly questioned whether the Turnpike Authority ever updated their maps to reflect the Township's receiving area and density of housing that now exists. Mrs. Jamanow will check on that as well.

Resolutions

Resolution 2009-12-9 was approved on a motion by Mr. Durr and second by Mr. Kelly. All agreed.

RESOLUTION 2009-12-9

RESOLUTION TRANSFERRING USE OF EMERGENCY MANAGEMENT RADIO TO POLICE DEPARTMENT

WHEREAS, a portable Motorola radio was purchased by the previous Emergency Management Coordinator for the Township from funds allocated for Emergency Management use; and

WHEREAS, that radio is no longer needed for Emergency Management use but is needed in the Police Department; and

WHEREAS, the Chief of Police has made a request to have the radio programmed for Police Department use, which request was denied as the radio was not purchased with Police Department funds; and

WHEREAS, the Township of Chesterfield would prefer the Police Department utilize the radio as opposed to purchasing an additional radio;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the Motorola XTS 5000 radio, Serial # 353060732 be transferred from the Township's Emergency Management Office to the Chesterfield Township Police Department; and

BE IT FURTHER RESOLVED that Burlington County is hereby authorized to make whatever modifications are necessary in order for the radio to be used by the Chesterfield Township Police Department.

Resolution 2009-12-10 RESOLUTION IN SUPPORT OF THE CONSTRUCTION OF NOISE BARRIERS ALONG CERTAIN PORTIONS OF THE NEW JERSEY TURNPIKE AS PART OF THE INTERCHANGE 6 TO 9 WIDENING PROGRAM was tabled on a motion by Mr. Kelly and second by Mr. Durr until a meeting is set up with the Turnpike Authority to discuss this. All agreed.

Resolution 2009-12-11 was approved on a motion by Mr. Kelly and second by Mr. Durr. All agreed.

RESOLUTION 2009-12-11

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR
DOUGLASS TAVERN – CROSSWICKS INNKEEPERS LLC**

WHEREAS, Crosswicks Innkeepers LLC, the developer of a project originally known as Douglass Tavern and now known as Crosswicks Pub has posted a performance guarantee to cover improvements at the site; and

WHEREAS, pursuant to *N.J.S.A.40:55D-53* of the Municipal Land Use Law, Crosswicks Innkeepers LLC has notified the Township Clerk that the required improvements to the site of the Crosswicks Pub have been completed, and has requested to be released from all liability under the performance guarantee being held by the Township; and

WHEREAS, Nancy W. Jamanow, P.E., P.P., of Environmental Resolutions Inc., Township Engineer, has reported to the Township Committee, by letter dated November 30, 2009 that the previously bonded improvements have been satisfactorily completed and has indicated that the bond may be released;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey, upon recommendation of the Township Engineer and in conformity with the Municipal Land Use Law, the existing performance bond for the Crosswicks Innkeepers LLC in the current value of One hundred thirty-four thousand, nine hundred sixty two dollars and ninety-two cents (\$134,962.92) may be released and the required cash portion of the bond may be returned;

BE IT FURTHER RESOLVED by the Township Committee that the release in the bonding obligation of the Crosswicks Innkeepers LLC is conditioned upon the payment of all fees incurred by the Municipality to the Township Engineer or other

professionals in connection with any inspection and report concerning the improvements covered by said bond; and if there be a sufficient sum held in escrow by the Township for the purpose of payment for said inspections and report, said escrow may be utilized for that purpose, and in the absence of sufficient escrow, said fees shall be paid by the obligor directly, pursuant to *N.J.S.A. 40:55D-53(h)*;

BE IT FURTHER RESOLVED that the release of the aforementioned performance bond is further conditioned upon Crosswicks Innkeepers LLC first posting a two year maintenance guarantee in the amount of Sixteen thousand eight hundred seventy dollars and thirty-seven cents (\$16,870.37) in a form acceptable for the Township Attorney, and the posting of an additional escrow fund in the amount of Eight hundred forty-three dollars and fifty-two cents (\$843.52) to cover anticipated services during the maintenance period.

Resolution 2009-12-12 was presented for approval. Mr. Kelly stated that he feels any Resolution needs to allow District 1 the opportunity to assist with EMS services, with coordination ahead of time. Mr. Durr stated that the purpose of the Resolution is to establish the authority and eliminate any confusion. After a brief discussion and the understanding that the District 1 Fire Commissioners will be attending the January 28 meeting to discuss this, Resolution 2009-12-12 RESOLUTION NAMING CHESTERFIELD EMERGENCY SQUAD AND MANSFIELD TOWNSHIP AMBULANCE CORPS AS CHESTERFIELD TOWNSHIP'S DESIGNATED EMERGENCY AMBULANCE SERVICE PROVIDER was tabled on a motion by Mr. Durr and second by Mr. Kelly. All agreed.

Resolution 2009-12-13 was approved on a motion by Mr. Durr and second by Mr. Kelly. All agreed.

RESOLUTION 2009-12-13

RESOLUTION AUTHORIZING APPROPRIATION TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the Treasurer be and the same is hereby authorized to make transfers among the 2009 budget in accordance with the following schedule:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>	<u>AMOUNT</u>
Bd. Of Health OE	\$ 146.42		
Recycle OE	\$ 355.58		
Tax Collector OE	<u>\$ 1,433.61</u>		
TOTAL	\$ 1,935.61		
		Municipal Clerk SW	\$ 53.76
		Finance OE	\$ 810.75
		Planning Board SW	\$ 999.88
		Bd. of Health SW	\$ 71.02
		Tax Assessment SW	\$ 0.12
		Recycle SW	<u>\$ 0.08</u>
		TOTAL	\$ 1,935.61

Resolution 2009-12-15 was added to the agenda on a motion by Mr. Kelly and second by Mr. Durr. All agreed. The Resolution was approved on a motion by Mr. Kelly and second by Mr. Durr. All agreed.

RESOLUTION 2009-12-15

RESOLUTION CANCELLING CURRENT FUND

BUDGET APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-60 provides for the cancelation of unexpended budget appropriation balances to budget operations prior to the end of the year; and

WHEREAS, the following Current Fund budget appropriation balances remain unexpended:

Administrative & Executive OE	\$5,000.00
Mayor/Council OE	399.70
Planner	2,500.00
Construction Official SW	5,000.00
Construction OE	3,800.00
Insurance OE	2,274.00
Police OE	30,000.00
Emergency Management OE	4,925.00
Road Repairs & Maintenance SW	6,950.73
Public Building & Grounds SW	4,871.92
Building & Grounds OE	6,600.00
Vehicle Maintenance	11,000.00
Environmental Commission OE	654.34
DCRP	1,000.00
Police SW	20,000.00
Fuel	<u>28,000.00</u>
	\$132,975.69

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the above listed unexpended balances of the Current Fund be canceled.

Discussion

AT&T cell tower – Scott Pilecki, site acquisition consultant for AT&T was present to discuss leasing space on Township property for a cell tower. They are proposing a 160 foot monopole which could eventually accommodate multiple carriers. The area they

are looking at is a portion of the adjacent recreation field near the road materials storage area. The compound area is 80' x 80' maximum with the lease area being 12' x 20'. Mrs. Jamanow stated that this is a permitted use on Township property but would still require site plan approval. Mr. Kelly stated that other companies have made this proposal in the past and he is not convinced of the need. Mrs. Jamanow replied that the Ordinance requires that proof be submitted with the application. She is concerned that the property may be on the Township's Recreation and Open Space Inventory list and would need to check that. Mayor Hlubik and Mr. Durr would be in favor of this proposal if allowed. Mr. Kelly stated that he is not a fan of the idea but would be more amenable if the tower were disguisable. Mrs. Jamanow and the Clerk will check the ROSI list and get back to Mr. Pilecki.

Lothar Ehrich/amendment to TDR deed restriction – Lothar Ehrich was present to request the Township amend the current TDR deed restriction on his property to allow wedding, banquets, etc. His current primary use is for a landscape design office but he has received numerous requests for use of the facility for events. He would like to amend the use to allow for a more public use. Mr. Durr stated that the Township's deed restriction does not allow for an exception area which exists in the County Preservation program. Mrs. Jamanow provided a history of property, explaining that Mr. Ehrich received land use approval on an appeal of his TDR credit allocation, he has enrolled and sold TDR credits on both parcels and received site plan approval for the office use on the property. Mayor Hlubik stated that to change the deed restriction would open the box for so many other issues on other parcels. Mrs. Jamanow continued that Mr. Ehrich owns two separate parcels and he had the option to preserve one parcel and create the public use on the other parcel. Mayor Hlubik stated that if the use is considered "agritainment", it would be allowed anyway. This would encompass hay rides, corn mazes, etc. Weddings and banquets are something else entirely. Mr. Gillespie stated that hayrides and fall festivals and those types of events would be an allowed agricultural use, however, an amended site plan may be required for those uses as they were not anticipated with the original site plan approval. Additional parking would be required for these uses. Mr. Kelly stated that he would not support changing the TDR restrictions for a single application. In a policy discussion he would also be opposed to an overall change. Mayor Hlubik stated that he would also not be in favor of a change.

Use of office space by Census Bureau – the Clerk informed the Committee that the Census Bureau has requested use of the courtroom between March 19 and April 19 for

resident assistance with completing the census forms. The Committee okayed this request.

Orloski Subdivision – the Orloskis have requested the return of their preliminary sewer connection fee as they are no longer going forward with the subdivision approval. The Committee agreed that unless and until they apply to the Planning Board for a rescission of their approvals, the preliminary payment will not be returned. Mrs. Jamanow stated that they never perfected their final approvals so they don't technically have final approval. Mr. Gillespie pointed out that the permit extension act would extend their approval to 2011 but feels that a record of removing the approval from the land needs to be established. Mr. Durr asked if other developers have relied on the Orloski subdivision for the layout of streets, etc. Mrs. Jamanow replied that it actually worked the other way. There was a land swap between Orloski and American Properties. Mr. Gillespie continued that the solution lies with the Planning Board on how to accomplish this. The Township Committee should only entertain the return of the preliminary sewer connection fees if the approvals are rescinded.

Budget meetings with employees – the Township Committee agreed to meet with employees about budget concerns after the Reorganization meeting.

Creation of Deputy Tax Assessor position – Mr. Gillespie stated that this is not required in order to “promote” to Tax Assessor however, he would recommend creating the position and appointing Glenn McMahan because he does currently testify in tax court on appeal matters. This is a four year appointment which takes effect July 1 next following the appointment. Mr. Gillespie will prepare an Ordinance amendment to be introduced at Reorganization.

Tracking of Septic Systems – the Clerk has been made aware of a seminar offered by the County to introduce the software used for the septic system tracking and asked if the Township Committee would be entertaining the idea of requiring this tracking. Mr. Gillespie stated that the Township is not legally required to do this. Municipalities are a creature of the State, not the County. The County is delegating this responsibility to the municipalities. The Committee does not believe they will require this but asked the Clerk to attend the seminar.

Payment of Bills

The bill list was approved for payment on a motion by Mr. Durr and second by Mr. Kelly. All agreed.

Mayor Hlubik opened the meeting to comments from the public and the Committee. Mr. Durr updated the Committee on the ongoing discussions concerning a shared service with North Hanover Township for Public Works. The big concern seems to be snow removal. North Hanover will issue a private contract for snow removal and Chesterfield would be responsible for overseeing the operation. We would agree to mow their roads three times per year and ride the road once a week to observe any issues that need to be addressed and take care of potholes and routine maintenance. Greg Lebak would serve as the Joint Public Works Director. We need to determine the cost to mow the roads and decide on an amount to charge.

The Clerk informed the Committee that we currently do not have an ordinance which requires sidewalks to be cleared of snow within a certain amount of time. There is a sidewalk maintenance ordinance which does address safety issues and requires homeowners to keep their sidewalks in a safe condition for passage.

The Committee approved Resolution 2009-12-14 to have a closed session meeting to discuss matters related to litigation and to review proposals submitted for Township Professionals on a motion by Mr. Durr and second by Mr. Kelly. All agreed. The Committee entered Executive Session at 12:07 PM.

The Committee resumed open session and adjourned the meeting at 12:45 PM on a motion by Mr. Durr and second by Mr. Kelly. All agreed.

Respectfully,

Bonnie J. Haines, RMC
Township Clerk