

August 26, 2010

The Township Committee met on the above date. The meeting was called to order by Mayor Kelly at 7:30 PM and opened with the flag salute and a moment of silence. Roll call was taken showing present: Mayor Brian J. Kelly, Deputy Mayor Lawrence H. Durr and Committeeman Michael J. Hlubik. Also present were Nancy W. Jamanow, Township Engineer and John C. Gillespie, Township Attorney. The Open Public Meetings act statement was read and compliance noted.

Mayor Kelly opened the meeting to the public for comments on matters not appearing on the agenda. Conrad Kraft of 553 Chesterfield-Arneytown Road, who has been a resident for 18 years, has a concern with the property next door. The owner has been building a house for 8 years but doesn't live there and never has. He brought in a boat, a truck and 2 tractors years ago and left them in the yard. He recently brought in 2 more tractors. He would like the mess cleaned up. It is becoming a storage facility and junk yard. He has spoken to the zoning officer who explained that the property is in the AG zone and he's not sure that there is anything he can do. He suggested Mr. Kraft come to the Committee for guidance. Mr. Gillespie asked that Glenn McMahon take pictures of the property and forward them to him and he will look into it.

Matt Weismantel of 80 Harness Way stated that K. Hov. has stopped cleaning the streets on a regular basis and there is broken glass and debris in the streets. He would like the Township to look into the matter. Also, there are houses being built on Recklesstown Way and construction vehicles on both sides of the road and the sidewalks closed off. School children will not be able to pass without going out into street. Mrs. Jamanow will look into both issues.

Hearing no other comments, the Committee continued with agenda items.

Approval of Minutes

The minutes of the regular and executive session of July 22, 2010 were approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Approval of Raffle Licenses

The raffle license applications for Anchor House Inc., two applications for Chesterfield PTA and the Bordentown Community Soccer Association were approved on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

Township Engineer

Mrs. Jamanow stated that she has nothing to report unless the Committee has questions. Mr. Durr questioned the status of the Sports Complex. Mrs. Jamanow stated that final payment is on the bill list for this evening and they will be back to re-seed under maintenance. Mr. Durr stated that the pipe is still exposed. Mrs. Jamanow explained that the contractor fixed the pipe but there are vehicles back in that area all the time and they are damaging the area. The contractor cannot be held responsible for that. Greg Lebak was present and stated that the pipe is along the edge of the driveway and was damaged when trucks went off the driveway. The contractor did repair the problem but it was damaged again. Mayor Kelly stated that it sounds like there is a potential for this problem to be repeated over the years. Mr. Durr stated that he is not satisfied with the area and does not believe the Township should be responsible after contractor is paid. The Committee will go out and look at the area.

Ordinances for Public Hearing

The public hearing on Ordinance 2010-14 was opened on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. Mayor Kelly explained the purpose of the Ordinance. Hearing no comments, the public hearing was closed on a motion by Mr. Durr and second by Mr. Hlubik. On a motion by Mr. Hlubik and second by Mr. Durr, Ordinance 2010-14 AN ORDINANCE SUPPLEMENTING CHAPTER 42 OF THE CODE OF THE

TOWNSHIP OF CHESTERFIELD TO CREATE THE POSITION OF SCHOOL CROSSING GUARD was finally adopted.

Resolutions for Approval

Resolution 2010-8-1 was explained by Mayor Kelly and approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-8-1

RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO ENACT PROPERTY TAX REFORM WITH PASSAGE OF THE "MUNICIPAL TOOLKIT" AND MANDATES RELIEF

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget that cut municipal property tax relief funding by about \$450 million from last year's already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the otherwise devastating impact of the cuts; and

WHEREAS, the Governor's "Took Kit to Meet Today's Fiscal Challenges" was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said “New caps without the toolkit are unworkable”; and

WHEREAS, with the cuts assured in the State’s new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors – from municipalities large and small, and from all around our Garden State – still wait for Trenton policy makers to enact meaningful local government cost containment reforms;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chesterfield in the County of Burlington calls for immediate passage of the “toolkit” reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED that municipal revenues, such as the Energy Tax, which are now collected by and diverted to the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Resolution 2010-8-2 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

**RESOLUTION 2010-8-2
RESOLUTION AUTHORIZING CANCELLATION OF TAXES**

WHEREAS, the Tax Assessor filed an Assessors Petition of Appeal for the following block and lot in 2009; and

WHEREAS, the Burlington County Tax Board issued a Memorandum of Judgment on June 16, 2009 reducing the value of same block and lot; and

WHEREAS, the property remained on the tax rolls for 2010 without the reduction of value due to a clerical mistake; and

WHEREAS, a portion of the property taxes should be cancelled for 2010; and

WHEREAS, the property is identified as follows:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
1002	9.03	\$ 1,757.45

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 Tax Collector is hereby authorized and directed to cancel a portion of the 2010 taxes as listed above.

Resolution 2010-8-3 was presented for approval. Mr. Gillespie explained the affordable housing responsibilities and obligations that the Township faces with COAH's third round rules. Chesterfield LLC has agreed to absorb more affordable housing than in their original plans at no cost to the Township. This resolution memorializes that agreement for the additional units. On a motion by Mr. Hlubik and second by Mayor Kelly, the Resolution was approved. Mr. Durr abstained.

RESOLUTION 2010-8-3

RESOLUTION AUTHORIZING EXECUTION OF AN AFFORDABLE HOUSING AGREEMENT WITH CHESTERFIELD, LLC

WHEREAS, the third round rules adopted by the New Jersey Council on Affordable Housing ("COAH") require that a municipality's third round Housing Element and Fair Share Plan (collectively "Compliance Plan") satisfy a 25% family rental obligation and that at least 13% of the rental units be available to households that have an annual income of 30% of median; and

WHEREAS, Chesterfield, LLC is the owner and developer of the Renaissance inclusionary project in the Township's Transfer of Development Rights ("TDR") receiving district that is responsible for the provision of 18 affordable housing units pursuant to the Township's affordable housing ordinances; and

WHEREAS, Chesterfield, LLC has agreed to construct 15 affordable family rental units in its project and to make 2 of the units available to

households that have an annual income of 30% of median to assist the Township in addressing its 25% rental obligation and its 13% very low income obligation; and

WHEREAS, COAH's rules require that a developer's commitment to provide affordable family rental units be documented in a written Agreement; and

WHEREAS, the Affordable Housing Agreement that is attached hereto and made a part hereof as Exhibit "A" between Chesterfield Township and Chesterfield, LLC documents Chesterfield, LLC's commitment to provide 15 affordable family rental units in the Renaissance project, of which 2 units will be made available to households having an annual income of 30% of median; and

WHEREAS, the purpose of this Resolution is to authorize the execution of the Agreement on behalf of Chesterfield Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield that the Mayor and Clerk of the Township are authorized to execute the Affordable Housing Agreement to enable the Township to complete its third round affordable housing compliance initiatives.

Resolution 2010-8-4 was approved on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

RESOLUTION 2010-8-4

RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE CHESTERFIELD TOWNSHIP MUNICIPAL ALLIANCE GRANT FOR 2011

WHEREAS, the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey

recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Chesterfield Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Chesterfield Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Burlington;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey hereby recognizes the following:

1. The Chesterfield Township Committee does hereby authorize submission of an application for the Chesterfield Township Municipal Alliance grant for calendar year 2011 in the amount of \$13,000.00
2. The Chesterfield Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 2010-8-5 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-8-5

RESOLUTION APPOINTING MEMBERS TO THE CHESTERFIELD TOWNSHIP MUNICIPAL ALLIANCE FOR THE PREVENTION OF SUBSTANCE ABUSE

BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the following be and are hereby appointed as a voting and non-voting members, as noted below, to the Chesterfield Township Municipal Alliance for a term of one year. Membership will focus on prevention efforts of substance abuse.

<u>Name</u>	<u>Representation</u>	<u>Voting/Non</u>
Patricia Bennett	Education	Voting
Michael Mazzoni	Education	Voting
Ellen Hamilton	Resident	Voting
Denise Darmody	Parent	Voting
Edith Sprague	Resident	Voting
Paula Hessinger	Parent	Voting
Patrolman Garry Church	Municipal	Voting
Ellen McHenry	Education	Voting
Edward DeSilva	Faith	Voting

Resolution 2010-8-6 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

**TOWNSHIP OF CHESTERFIELD
RESOLUTION 2010-8-6**

**RESOLUTION AUTHORIZING THE EXTENSION OF THE GRACE PERIOD
FOR 2010 THIRD QUARTER TAX PAYMENTS**

WHEREAS, in accordance with Resolution 2010-1-5, the Township Committee of the Township of Chesterfield has established rates in interest for delinquent taxes; and

WHEREAS, New Jersey Statute requires that tax bills must be mailed at least twenty-five (25) days before the third installment of taxes is due; and

WHEREAS, due to a delay on the part of Burlington County in striking the tax rate, there was a delay in the Township receiving, preparing and mailing the tax bills; and

WHEREAS, the 2010 Final / 2011 Preliminary tax bills were mailed Thursday, August 19, 2010;

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 2010 third quarter tax installments are due August 1, 2010, however, the grace period for payment of third quarter taxes has been extended to the 13th day of September 2010. Payments received after September 13, 2010 will be assessed interest charges that will be calculated from August 1, 2010.

BE IT FURTHER RESOLVED that the certification of mailing of tax bills is attached to this Resolution and made a part thereof.

Resolution 2010-8-7 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-8-7

RESOLUTION AUTHORIZING CANCELLATION OF 2010 TAXES

WHEREAS, New Jersey Turnpike acquired Block 101 Lot 3 in 2009; and

WHEREAS, New Jersey Turnpike is a government entity and thereby exempt from property taxes; and

WHEREAS, the property remained on the tax rolls for 2010 and property taxes should be cancelled for 2010; and

WHEREAS, the 2010 tax amount to be cancelled is \$5,610.24

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 Tax Collector is hereby authorized and directed to cancel the 2010 taxes on Block 201 Lot 3 in the amount of \$5,610.24.

Resolution 2010-8-8 was approved on a motion by Mr. Hlubik and second by Mr. Durr after an explanation by Mrs. Jamanow. All agreed.

RESOLUTION 2010-8-8

RESOLUTION AUTHORIZING CHANGE ORDER # 1 FOR THE CHESTERFIELD TOWNSHIP SPORTS PARK COMPLEX

WHEREAS, on May 28, 2009 the Township Committee adopted Resolution 2009-5-18 awarding a contract to Giberson Plumbing and Excavating Inc. of Shamong, NJ for the Chesterfield Township Sports Park Complex in the amount of Eight hundred twenty-nine thousand one hundred fifty dollars and fifteen cents (\$829,150.15); and

WHEREAS, a change order has been presented which increases certain quantities in the amount of Fifteen thousand seven hundred five dollars (\$15,705.00) and reduces other quantities in the amount of Thirteen thousand seven hundred ninety six dollars and twenty-five cents (\$13,796.25), thus resulting in an increase of One thousand nine hundred eight dollars and seventy-five cents (\$1,908.75) to the original contract amount; and

WHEREAS, the Township Engineer has reviewed said changes and has recommended approval of this change order to the Township Committee; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 5:34-11-1 et. seq.* and the regulations promulgated pursuant thereto, *N.J.A.C. 5:34-1-1 et. seq.* permits the authorization of such change orders in accordance with certain guidelines contained therein; and

WHEREAS, the Township Committee has determined that the provisions of *N.J.A.C. 5:34-4.2(a)* have been met and this Resolution can be adopted;

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 Change Order # 1 for the Chesterfield Township Sports Park Complex as submitted by Giberson Plumbing and Excavating Inc. in the amount of One thousand nine hundred eight dollars and seventy-five

cents (1,908.75) is hereby approved and said change order shall be made a part of and incorporated into the original contract approved by Resolution 2009-5-18.

Resolution 2010-8-9 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-8-9

***RESOLUTION AUTHORIZING REFUND OF PROPERTY TAX
OVERPAYMENT***

WHEREAS, Block 1100 Lot 1 QFARM located on Georgetown Road, is owned by Joseph R. & Christine E. Haines; and

WHEREAS, the 2010 taxes are \$9.52; and

WHEREAS, the property owner paid \$25.30 creating an overpayment of \$15.78; and

WHEREAS, the property owner is owed a refund of the overpayment;

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 Tax Collector is hereby authorized to refund an overpayment in the amount of \$15.78 on Block 1100 Lot 1 QFARM to the property owner Joseph R. & Christine E. Haines.

Discussion

On call policy for Public Works – Mr. Durr explained that occasionally there are incidents after normal working hours and on weekends that require a response by the Public Works Department. Greg Lebak receives the calls and either responds or calls one of the road workers to respond.

Some employees are not willing to give up their weekends to be on call. Greg stated that the department has made it work for the last 30 years. There are more calls now with North Hanover and it is falling on the same people all the time. He has asked the workers to figure out a way to make it fair to everyone but there is opposition. Mr. Gillespie stated that the Committee can create a policy that would become part of the job but can be done in a way that it is fair to everyone. Mr. Durr asked if there is more obligation on the part of the Township to require someone to be on call. Mr. Gillespie responded that it will become part of the personnel policy and therefore, part of their job.

Waiver of construction fees – An Eagle Scout candidate that is repairing the rear porch of Community House has asked for a waiver of the permit fees associated with this project. On a motion by Mr. Hlubik and second by Mr. Durr, the permit fees, with the exception of the state fees are waived for this project. All agreed.

Lighting agreement with BOE – A letter has been received from the school stating that they have an issue with the activation of the lighting which appears in the agreement. They want the parking lot lighting to be activated with the street lights which is not what the Township Committee agreed to. The Committee discussed the issue and will not accept that change. A letter will be sent to the School asking that they explore other options.

County tax board decisions – Mr. Gillespie explained that he was alarmed by size of some of the reductions but has since received an explanation from Glenn and they are now satisfied.

Request for Block Party on Davenport Drive – This request was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Request for Block Party on Saddle Way – The Township Committee supports the idea of the neighborhood having a block party; however,

they cannot formally approve the request as Saddle Way is not yet a Township road.

Electrical Inspector – there was an issue with the Electrical Inspector/Subcode not showing up for work and not calling. The Construction Official spoke to him and told him that the Township needed to make other arrangements to meet the UCC requirements. There is no hearing required but a more formal notification needs to be made. Mr. Gillespie will send a letter stating that he has been terminated as of July 28 because he abandon his position. On a motion by Mr. Hlubik and second by Mr. Durr, Mr. Gillespie was authorized to send the letter.

Amendments to Fence Ordinance – The Clerk stated that the current fence ordinance as it relates to Old York Village needs to be amended to allow four foot high fences in side yards to meet the requirements of the swimming pool code. There are also other amendments suggested by the Planning Board that have never been addressed. Mr. Durr stated that he does not like the suggestion that fences must be white. There is a look alike policy to ensure that houses are not all the same and feels that fences should also be allowed to be colors other than white. Mayor Kelly stated that the fence color is the common thread that ties everything together. The ordinance also requires virgin PVC which may not be as readily available. Mr. Durr suggested that the Township Committee be prepared with these amendments for the September 8 meeting. In the meantime, Mrs. Jamanow will check with Lisa Specca about the availability of different types of fencing. Mr. Gillespie asked the Committee to look at paragraph M. It is misleading and inconsistent. Mr. Gillespie will identify the inconsistencies in the suggestions received from the Planning Board for the September 8 meeting.

Payment of Bills

Mr. Durr questioned if the flow meter recently installed at the pump station is working. Mrs. Jamanow responded that it is, however she does not have the readings with her. The bill list, with the exception of the

check for Giberson Plumbing and Excavating was approved for payment on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Mayor Kelly once again opened the meeting to the public for comments. Peggy Hallion of 76 Chesterfield–Georgetown Road wanted to publicly thank Kyle. She was recently away on vacation and a meter reader left her gate open and her dog got out. Kyle got the dog locked up. Mrs. Hallion also requested contact information for the sod farm. They have been plowing for 7 ½ hours today and stirring up a ball of dust. She understands and respects the farm community, but today was beyond anything she ever imagined. She would like to file a formal complaint. Mayor Kelly suggested that the better approach might be to identify who is responsible and write to them and ask to discuss situation. Mr. Durr stated that formal complaints on preserved farms should be addressed to the County AG Board.

The Committee approved Resolution 2010–8–10 to enter Executive Session for the purpose of discussing possible litigation regarding the turnpike on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. The Committee entered closed session at 8:47 PM.

The Committee resumed open session and adjourned the meeting at 9:35 PM on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Respectfully submitted,

Bonnie J. Haines, RMC
Township Clerk