

November 10, 2010

The Township Committee met on the above date at 7:30 PM. Mayor Kelly called the meeting to order and opened with the flag salute and a moment of silence. Roll call was taken showing present: Mayor Brian J. Kelly, and Committeeman Michael J. Hlubik. Deputy Mayor Lawrence H. Durr was not present. Also present was Township Solicitor John C. Gillespie and Township Engineer Nancy W. Jamanow. 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. Hearing none, the Committee continued with agenda items.

Approval of Minutes

The minutes of the regular and executive sessions of October 28, 2010 were approved on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

Police Department Report

Chief Wilson reported that there were 217 calls during the month of October and outlined the departmental training for the month. Kyle reported on the Project Lifesaver program funded through the Sheriff's department that we are now participating in.

Township Engineer

The Engineer reported that the Turnpike Authority will be realigning a portion of Bordentown–Crosswicks Road near Route 528. They have acquired the five (5) houses in that area in order to straighten out the curve. Landscaping and vegetation have been included to provide a buffer in that area.

Village Square – the original schedule is being pushed back as K. Hovnanian will perform the improvements rather than contribute funds, this necessitating an amendment to the plans. It is anticipated that the Township will advertise and award the bid prior to end of year.

Suggested ordinance revisions for next meeting – Mrs. Jamanow reported that there are RSIS amendments which need to be addressed. Instead of amending the Township Code each time the RSIS is amended, the Code will refer to the latest version of the RSIS.

Mr. Hlubik questioned the status of Black Road and Mrs. Jamanow responded that it is progressing with no problems.

Ordinances for Public Hearing

The public hearing on Ordinance 2010–16 was opened on a motion by Mr. Hlubik and second by Mayor Kelly. Mayor Kelly explained the ordinance. Matt Weismantel of 80 Harness Way asked about watering of the trees and the responsibility of the developers to do that. Mr. Gillespie explained that it is not addressed in the ordinance but if the developers do not want to replace the trees with larger trees, it is in their best interest to keep them watered and alive. Mrs. Jamanow added that it is also in the best interest of the homeowners to water the street trees in front of their property. Brian Meincke of 13 Bullock Way asked if grass is addressed? Mrs. Jamanow responded that it is not but those areas are still covered under the bond. Mr. Meincke asked that, after the bonds are released, is it the Township’s responsibility to run the irrigation systems in those areas to keep grass alive? Mrs. Jamanow replied that irrigation systems were not required, it was the developer’s choice to install those and it is not the Township’s responsibility. Mr. Meincke continued with asked if the Township has begun to look at maintenance issues in Old York Village after it becomes township property. Mr. Hlubik explained that Mr. Durr has discussed those issues with the road department but a concrete plan has not been put in place. . The public hearing was closed on a motion by Mr. Hlubik and second by Mayor Kelly and Ordinance

2010-16 AN ORDINANCE OF THE TOWNSHIP OF CHESTERFIELD AMENDING SECTION 130-115 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED "GUARANTIES AND INSPECTIONS" was finally adopted on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

The public hearing on Ordinance 2010-17 was opened on a motion by Mr. Hlubik and second by Mayor Kelly. Mayor Kelly gave a brief explanation of the Ordinance and, hearing no comments, the public hearing was closed on a motion by Mr. Hlubik and second by Mayor Kelly. Ordinance 2010-17 AN ORDINANCE SUPPLEMENTING CHAPTER 66 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED "ALCOHOLIC BEVERAGES" was finally adopted on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

Resolutions

Resolution 2010-11-1 was approved on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

RESOLUTION 2010-11-1

RESOLUTION AUTHORIZING GRANT AGREEMENT BETWEEN THE TOWNSHIP OF CHESTERFIELD AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township Committee of the Township of Chesterfield desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$3,000.00 to fund the update of the Township's Community Forestry Management Plan which will expire December 31, 2011; and

WHEREAS, the grant requires the Township to provide one-half (\$1,500.00) of the grant amount in in-kind services;

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 Brian J. Kelly, or the successor to the Office of Mayor be authorized to:

- (a) make application for such a grant
- (b) execute a grant agreement with the State, awarded
- (c) execute any amendments thereto which not
increase the Grantee's obligations

BE IT FURTHER RESOLVED that the Township of Chesterfield agrees to comply with all applicable Federal, State and Municipal laws, rules and regulations in its performance pursuant to the agreement.

Resolution 2010-11-2 was explained by Chief Wilson and approved on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

RESOLUTION 2010-11-2

RESOLUTION APPOINTING MARK FARREN AS A PART-TIME POLICE OFFICER

WHEREAS, a Township Police Officer will be on an extended leave for an indefinite period of time; and

WHEREAS, the Chief of Police has requested the Township Committee appoint a part-time Police Officer to alleviate the scheduling burdens created by this extended leave until such time as the officer returns or the situation changes; and

WHEREAS, the Township Committee believes it is in the best interest of the public to have a part time Police Officer to assist in police duties in the Township;

WHEREAS, Mark Farren possesses all of the qualifications required by State Statute and Township Ordinance;

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 Mark Farren is hereby appointed as a part-time Police Officer for the Township of Chesterfield, effective November 11, 2010 and until such time as the above described situation changes;

BE IT FURTHER RESOLVED that Mark Farren will be compensated at an hourly rate of \$ 12.00 per hour and will receive all benefits as outlined in the Township's Employee Handbook and Personnel Policy for part-time employees.

Resolution 2010-11-3 was presented for approval. Chief Wilson suggested an hourly rate of \$12.00 per hour be inserted into the Resolution and the Committee agreed. On a motion by Mr. Hlubik and second by Mayor Kelly, the Resolution was approved.

RESOLUTION 2010-11-3

RESOLUTION TO AMEND RESOLUTION 2010-6-2 AUTHORIZING SALARIES OF CERTAIN MUNICIPAL EMPLOYEES

WHEREAS, the Township Committee of the Township of Chesterfield approved Resolution 2010-6-2 authorizing the 2010 salaries of certain municipal employees; and

WHEREAS, since that time, the Township Committee has appointed a new employees as a part-time police officer; and

WHEREAS, the Township Committee wishes to amend the salary for a part time officer listed in Resolution 2010-6-2;

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 following salary is authorized for the employee serving in that position as of the date of their appointment;

Part-Time Police Officer	\$ 12.00 per hour
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Resolutions 2010-11-4 and 2010-11-5 were both approved on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

RESOLUTION 2010-11-4

RESOLUTION AUTHORIZING REFUND OF PROPERTY TAX OVERPAYMENT

WHEREAS, Everhome Mortgage Company made a quarterly tax payment for Block 202.07 Lot 18 in the amount of \$2,731.64; and

WHEREAS, the quarterly payment was already paid by a title company; and

WHEREAS, the tax payment received created an overpayment in the amount of \$ 2,731.64; and

WHEREAS, Everhome Mortgage Company has requested the overpayment be refunded to them;

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 the overpayment in the amount of \$2,731.64 to Everhome Mortgage Company.

RESOLUTION 2010-11-5

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAX
OVERPAYMENTS**

WHEREAS, Wells Fargo made quarterly tax payments for Block 202.17 Lot 3 and Block 302 Lot 11.06 in the amounts of # 2,180.94 and \$2,102.58 respectively; and

WHEREAS, the quarterly payments were already paid; and

WHEREAS, the tax payments received created overpayments in the amounts of \$1,565.28 on Block 202.17 Lot 3 and \$2,101.58 on Block 302 Lot 11.06; and

WHEREAS, Wells Fargo has requested the overpayment be refunded to them;

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 the overpayments in the amount of \$3,666.86 to Wells Fargo Real Estate Tax Services, LLC.

Resolution 2010-116 was presented for approval. Mr. Gillespie explained the events of the past few months concerning the re-forestation and TDR issues with the Turnpike widening project and the agreement that was reached in the past few days. Mr. Hlubik thanked Mr. Gillespie and Mrs. Jamanow for their assistance in dealing with the State agencies and Mayor Kelly for the time spent on this matter to the benefit of the Township. Mayor Kelly added that he is happy that the situation has been resolved. Brian Meincke asked if there will be any auditing or proof of expenditures required with these monies and Mr. Gillespie responded that there will be both audits and inspections. Matt Weismantel asked if these monies along with the work that is being performed by K. Hovnanian on the Village Square complete the funding for that project? Mrs. Jamanow explained that it will not. On a motion by Mr. Hlubik and second by Mayor Kelly, the Resolution was approved.

RESOLUTION 2010-11-6

**RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT
MEMORANDUM WITH NEW JERSEY TURNPIKE AUTHORITY AND STATE
OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the New Jersey Turnpike Authority has undertaken a project familiarly known as the “New Jersey Turnpike Widening Project: Interchanges 6 to 9” (“Project”), involving properties in municipalities in Burlington, Mercer and Middlesex Counties; and

WHEREAS, said Project has required the Authority to undertake the acquisition of certain properties which are encumbered by farmland preservation restrictions under Chesterfield’s “Transfer of Development Rights” legislation, and the Authority is desirous of compensating the Township for the lost of 2.25 “TDR Credits” associated with the acquired property; and

WHEREAS, the Project also requires the deforestation of certain trees and other vegetation along the turnpike both on publicly-owned and privately-owned properties, which deforestation triggers the provisions of the New Jersey No Net Loss Reforestation Act”, *N.J.S.A. § 13:1L-14.52 et. seq.*; and

WHEREAS, the Township of Chesterfield is a municipality impacted by the Project, and lands in Chesterfield have been subject to deforestation, and therefore are eligible for reforestation; and

WHEREAS, the Township has been in discussions with both the New Jersey Turnpike Authority and the NJDEP regarding compensation to the municipality for the lost TDR Credits, and the deforestation of property within the municipality; and

WHEREAS, the Township Committee has successfully negotiated a resolution to both the TDR issue, and the reforestation compensation issues, which agreement is reflected in the document attached hereto and

made a part hereof entitled "Reforestation and TDR Funding Agreement"; and

WHEREAS, the Township Committee determines it to be in the best interests of the Township of Chesterfield to enter into said Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that the Mayor is hereby authorized to execute the attached "Reforestation and TDR Funding Agreement".

Resolution 2010-11-7 was presented for approval. Mr. Gillespie explained the agreement while Mrs. Jamanow explained the development for the benefit of the residents. On a motion by Mr. Hlubik and second by Mayor Kelly, the resolution was approved.

**TOWNSHIP OF CHESTERFIELD
RESOLUTION 2010-11-7**

**RESOLUTION AUTHORIZING DEVELOPER'S AGREEMENT WITH K.
HOVNANIAN HOMES FOR A PROJECT KNOWN AS CROSS CREEK,
PHASE II AT BLOCK 202 LOT 32**

WHEREAS, by Resolution 11-2007, the Chesterfield Township Planning Board granted final major subdivision approval, with bulk variances, for certain property known as Block 202, Lot 32 on the tax maps of the Township of Chesterfield; and

WHEREAS, said property is owned by K. Hovnanian at Chesterfield, L.L.C.; and

WHEREAS, the property received final subdivision approval for twenty-three (23) residential units and three (3) open space lots; and

WHEREAS, the approval granted by the Chesterfield Township Planning Board, for this residential subdivision, requires that the applicant enter into a Developer's Agreement with the Township Committee; and

WHEREAS, the Township and K. Hovnanian have agreed to the form of the Developer's Agreement, which is attached hereto and incorporated

herein, for the purpose of establishing certain rights and obligations relating to the development of this property, including, but not limited to, infrastructure improvements, affordable housing contributions, easements and recreation improvements;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey that the Mayor and Clerk be and are hereby authorized and directed to execute the attached "Developer's Agreement" with K. Hovnanian at Chesterfield, LLC for the Cross Creek Section 2 Subdivision (Block 202 Lot 32), further subject to first obtaining execution of the document from representatives of K. Hovnanian at Chesterfield, LLC;

BE IT FURTHER RESOLVED that prior to the execution of this Agreement, the Township Solicitor must first receive copies of all deeds of dedication, easement documents, and other legal documents referred to in the Resolution of Approval adopted by the Chesterfield Township Planning Board. The Township Solicitor must also first approve same before this Agreement can be signed by the Township of Chesterfield;

BE IT FURTHER RESOLVED that prior to the execution of the Agreement, the Township Engineer shall confirm any specific plans, facts and calculations set forth in the Developer's Agreement and concur with final approval by the Township Solicitor.

Resolution 2010-11-8 was approved on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

RESOLUTION 2010-11-8

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 2010 budget in accordance with the following schedule:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>	<u>AMOUNT</u>
Roads OE	\$ 12,000.00		
Utilities OE	\$ 3,300.00		
Celebration of Public Events	\$ 3,000.00		
Planner	\$ 1,294.44		
DCRP	\$ 1,000.00		
Buildings/Grounds OE	\$ 898.75		
Animal Control OE	\$ 500.00		
TOTAL	\$ 21,993.19		
		Planning Board OE	\$ 1,294.44
		Insurance-Health	\$ 20,698.75
		TOTAL	\$ 21,993.19

Resolution 2010-11-9 was presented for approval. Chief Wilson explained that the Crossing Guards will be located at the intersections of Thorn Lane and Saddle Way; Collington Street and Recklesstown Way; and Saddle Way and Recklesstown Way. He would like to appoint six (6) people for these three (3) positions. Mandatory classroom training is being held Monday and 20 hours of supervised training will be done in Bordentown City. Brian Meincke questioned one of the locations and Kyle responded. On a motion by Mr. Hlubik and second by Mayor Kelly, the Resolution was approved.

RESOLUTION 2010-11-9

RESOLUTION TO APPOINT CROSSING GUARDS

WHEREAS, the Chesterfield Township Elementary School intends to open its new school in January 2011; and

WHEREAS, the location of the new school in Old York Village will allow students to walk to school, thus creating the need for Crossing Guards; and

WHEREAS, the Township's Police Chief has collected resumes and has recommended the following individuals be appointed to these positions: Adelaide Napoleon of 118-B Chesterfield-Georgetown Road in Chesterfield, Anjanette Downey of 6 Hutchinson Drive in Chesterfield, Maria Oko of 27 Thorn Lane in Chesterfield, Silvia Williams of 29 Springfield Road in Wrightstown, Delores Domowicz of 23 Bonnie Lane in Bordentown and Vivian Cacace of 32 Birmingham Drive in Columbus; and

WHEREAS, the Police Chief has determined that these individuals possess the required qualifications as outline in Ordinance 2010-14;

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 Adelaide Napoleon, Anjanette Downey, Maria Oko, Silvia Williams Delores Domowicz and Vivian Cacace are hereby appointed as Crossing Guards for the Township of Chesterfield, effective November 15, 2010, for a term not to exceed one (1) year, at a salary of \$15.00 per shift.

BE IT FURTHER RESOLVED that these appointments are conditioned upon the candidates successfully completing the mandatory training required for this position.

Discussion

JIF Dividend - the Committee decided to use the dividend as a credit toward next year's assessment.

Park Names - Mayor Kelly asked Matt Weismantel if he had reviewed these suggested names and Mr. Weismantel spoke about the list of names he had suggested. Mayor Kelly suggested asking the Planning Board and Environmental Commission for suggestions. Brian Meincke suggested "adopt a park" for future maintenance issues. Mrs. Jamanow stated that some of the developers are required to post signage at their parks so some of the names will be needed rather soon.

RFP's for professionals - The Committee agreed that proposals should be sought for all professional positions once again this year.

Club License application – Mr. Gillespie stated that he has reviewed the application. The attorney for the Crosswicks Education and Preservation Foundation is here this evening. She stated that they are not seeking approval from the Township on the club license at this time, only a sign-off on the waiver request being sent to ABC. Mr. Gillespie pointed out that the application calls for a restaurant being operated separately from the alcohol sales. The Certificate of Occupancy for the building was issued based upon the removal of the kitchen as the Inn Keepers could not complete it. Grace Power of Sterns and Weinroth stated that she is unable to get in touch with representatives of the Foundation concerning the kitchen issue but that can be resolved at a future date. The Committee agreed, on a motion by Mr. Hlubik and second by Mayor Kelly that there is no objection to the waiver request.

Payment of Bills

The bill list was approved for payment as presented on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

Mayor Kelly once again opened the meeting to the public for comments. Nataalka Weismantel of 80 Harness Way stated that she had a comment at the last meeting but was not allowed to speak due to the length of other comments that evening. She thanked the Committee for all of their hard work on issues throughout the year. She questioned the existence of leash laws and any requirement for dog owners to clean up after their dogs. She would like signage in areas throughout Old York Village where this is a problem. Anthony Marano of 157 Recklesstown Way had a repetitive problem with dogs and he put up his own signs in his yard and is constantly outside in his yard. This seems to have curbed the problem.

There being no need for an Executive Session, the meeting was adjourned at 8:30 PM on a motion by Mr. Hlubik and second by Mayor Kelly. All agreed.

Respectfully submitted,

Bonnie J. Haines, RMC
Township Clerk