

September 8, 2010.

Mayor Kelly called the meeting to order 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 Elizabeth Garcia, 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. John Haller of Chesterfield–Arneytown Road was present concerning a letter he received from the zoning officer about vehicles on his property constituting a junkyard. The letter has asked that the vehicles be removed. Mr. Haller is asking for leniency for the truck and boat. He would like to register a couple of vehicles and will remove the tractors. Ms. Garcia stated that it would be fine as an accessory use if the house was occupied. There is no certificate of occupancy for the house. Mr. Haller stated that he is hoping for a temporary CO within a month. Ms. Garcia stated that she will look into it and speak to Glenn prior to the deadline.

Natalka Weismantel of 80 Harness Way had questions about the Regional School Board and how it reflects the population of the sending districts. Currently it does not seem to reflect Chesterfield's increased population. Mr. Hlubik explained that it is driven by census figures and could change after the 2010 census figures have been certified.

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

Approval of Minutes

The minutes of the regular and executive session meeting of August 26, 2010 were approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Police Department Report

Chief Wilson reported 232 calls for the month of August and outlined the Officer's training for the month. The Emergency Management program review for 2009 indicated that the Township met 9 out of 10 requirements. Kyle believed that he met all ten. After speaking with the County he learned that the report is based on a fiscal year and the exercise in 2009 would not be counted until the 2010 fiscal year. Mayor Kelly thanked the Chief for his responsiveness to residents concerns after a meeting with the residents of Crosswicks over traffic concerns.

Township Engineer

Mrs. Jamanow reported that the pedestrian bridge on Harness Way was installed today. The developer will move forward with completing the developments leading up to bridge. Mrs. Jamanow is working on proposals for the other pathways. Chief Wilson and Mrs. Jamanow met with the Board Of Fire Commissioners of District 1 about Saddle Way and the boulevard in Renaissance. The Commissioners are okay with leaving Saddle Way as is in front of the school with the option to remove or reduce the islands near the houses and triplexes. Mrs. Jamanow will present this to the Planning Board next week. The Commissioners suggested a no parking area from Wright to Thorn.

Mayor Kelly asked Mrs. Jamanow to get information on the timing of the bridge replacement on 528 and road closures associated with that project. Mr. Hlubik asked Chief Wilson about the reduced speed limits in the construction areas and are they in effect all of the time or only during the time when construction crews are working. Chief Wilson responded that the reduced speed limits are in effect all of the time due to the decreased road widths in those areas.

Chief Wilson asked about the status and use of the new recreation fields on Fenton Lane. Mrs. Jamanow stated that the CTAA will begin using the soccer fields closest to Fenton Lane. Nothing else should be used until next Spring. Chief Wilson suggested signage indicating fields should not be used at this time. Mrs. Jamanow continued that pick up games won't hurt any thing at this time, however no formal games should be held on the fields. Mayor Kelly stated that the Committee should revisit a

dialogue with the CTAA about a building, roofs on the dugouts, fences n the fields and other issues they have as budget time gets closer.

Resolutions

Resolution 2010-9-1 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-9-1

RESOLUTION APPOINTING EDWARD VINCENT AS A FULL-TIME POLICE OFFICER WITH THE CHESTERFIELD TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Chesterfield Township Police Department has a vacant position; and

WHEREAS, the Township of Chesterfield is a growing community; and

WHEREAS, the Township of Chesterfield hired a police officer, Edward Vincent to temporarily replace an officer who is no longer able to perform his duties; and

WHEREAS, the Chief of Police recommends Officer Vincent be hired as a full time police officer to assist the Township in better serving and protecting the public; and

WHEREAS, Officer Vincent was hired as a temporary officer at the rate of \$50,000.00 per year; and

WHEREAS, the Township and the Chesterfield Police FOP Lodge 114 have agreed that Officer Vincent will be hired as a full-time police officer at the rate of \$50,000 which is between Step 2 and Step 3 in the Collective Bargaining Agreement; and

WHEREAS, the Collective Bargaining Agreement authorizes the Township to place a newly hired police officer into a step in the salary guide depending on the employee's length of service, experience and training; and

WHEREAS, Officer Vincent has several years of experience as a police officer with the Township of Chesterfield and the Township of Lumberton; and

WHEREAS, the Township Committee believes that it is in the best interest of the public to have Officer Vincent appointed as a full-time employee to assist in police duties in the Township of Chesterfield; and

WHEREAS, pursuant to *N.J.S.A. 40A:14-118 et. seq.*, the Township is permitted to appoint qualified persons as full-time police officers; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that Edward Vincent is hereby appointed as a full-time police officer with the Chesterfield Township Police Department; and

BE IT FURTHER RESOLVED that Officer Edward Vincent shall be paid \$50,000 per year for 2010 and this appointment shall be retroactive to June 1, 2010.

Resolution 2010-9-2 was approved on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

RESOLUTION 2010-9-2

RESOLUTION ADOPTING PREMIUM ONLY SECTION 125 PLAN WITH OPT-OUT PROVISION

WHEREAS, in 2010, the New Jersey Legislature passed, and the Governor signed into law, legislation that requires employees to contribute one-and-one half percent of salary toward health benefits; and

WHEREAS, currently, employees of the Township of Chesterfield are paying the one-and-one half percent contribution with after tax dollars; and

WHEREAS, Federal Taxation Law allows employees to pay for medical costs with pre-tax dollars if the employer sets up a Section 125 Cafeteria Plan; and

WHEREAS, the Township wishes to provide its employees with the option of joining the voluntary plan for the above stated reasons.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that the attached Section 125 Cafeteria Plan with Opt-Out Provisions is hereby adopted; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and are hereby authorized and directed to execute any necessary documents to effectuate the Plan.

Resolution 2010-9-3 was presented in two different forms for discussion by the Township Committee. Mr. Durr stated that he believes the policy should specifically state that certain people are responsible for specific times. Ms. Garcia cautioned that the Fair Labor Standards Act is specific about requiring employees to be available and having to pay them to be “on-call”. After a discussion, the Township Committee decided that this matter is better handled by the Public Works Director without need for a written policy. Ms. Garcia will develop a memo for Greg to distribute to the Public Works employees and the Clerk will write a memo to Greg explaining what he will be required to do. No action was taken on the Resolution.

Resolution 2010-9-4 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-9-4

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAX
OVERPAYMENTS**

WHEREAS, LandSafe Real Estate Closing Services made a quarterly tax payment for Block 202.04 Lot 4 in the amount of \$4,507.11; and

WHEREAS, the amount due was \$3,130.72; and

WHEREAS, the tax payment received created an overpayment in the amount of \$1,376.39; and

WHEREAS, LandSafe Real Estate Closing Services has requested in writing the overpayment be refunded to LandSafe Services, LLC;

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 \$1,376.39 to LandSafe Services, LLC.

Discussion

Best Practices Checklist – The checklist and answers were reviewed and discussed with the Township Committee with the Clerk explaining that the responses are at 98% resulting in a loss to the Township of \$512.72. The checklist will be kept in mind when developing the 2011 budget.

Amendments to Fence Ordinance – a letter from Mr. Gillespie suggests sending this matter back to the Planning Board to clear up some confusion and misleading area. Mrs. Jamanow responded that if Section E(9)m is amended to delete the portion from “no limitations on fenceto end”, that should clear up the ambiguity in the current way it is written. Fence types and styles that are not included in Exhibit A shall be approved by the Township Planning Board following review and recommendation by the TRC. Side yard fences will be increased from 3.5 feet in height to a maximum of 4 feet. The sentence concerning yard and patio enclosures will be deleted. Glenn has asked that rear yards with alley access on corner lots only be allowed open picket fences to avoid site distance issues and the Township Committee agreed. A discussion ensued concerning fence colors and placement of fences on property lines. Mayor Kelly suggested putting something in the documents handed out by the Zoning Office or on website concerning the rules about fence placement on property lines and the problems that could occur with pools. Matt Weismantel likes the idea that white is the accent and trim color on all houses so white fences will also accent. Mr. Durr

feels that people should be able to choose the color of their fence. If mandated, white is the worst color. On a motion by Mayor Kelly and second by Mr. Hlubik, all of the changes discussed, along with the fence color of white were approved. Mr. Hlubik and Mayor Kelly agreed. Mr. Durr opposed.

Cell tower bids – The Township has received a 45 day extension from both bidders so no action needs to be taken tonight. Mr. Durr questioned some of the changes and exceptions in the lease agreement. Ms. Garcia provided explanations. Mayor Kelly stated that one agreement contains over 16 changes and questioned when it becomes outside of the bid specifications. Ms. Garcia stated that the bid is awarded based on the price offered and not the lease agreement. Mr. Durr stated that the “flat fee” language needs to be clearer to allow for increases. Ms. Garcia explained that the Township Committee needs to decide which vendor they would like to award to and the lease can be negotiated later. This matter will be continued to the meeting of October 14. In the meantime, Mayor Kelly would like a memo from the attorney’s office so the Township Committee is clearer as to what they are comparing.

September 14 meeting with Planning Board – the Township Committee will hold a special meeting during the Planning Board meeting to endorse the Third Round Housing Element and Fair Share Plan after it is approved by the Planning Board.

September 23 meeting will be cancelled.

Payment of Bills

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

Mayor Kelly opened the meeting to the public once again for comments. Matt Weismantel of 80 Harness Way talked about the placement of the bridge today and the possibility of a dedication and ribbon cutting ceremony. Mrs. Jamanow commented that she would prefer to wait until

all of the pathways are complete. Mr. Weismantel continued that he read the Fair Share Plan and the supporting documentation and visited the websites referred to in the document and thanked Mayor Kelly for his participation on the State TDR committee. The report from that Committee was quite impressive. Mr. Weismantel also commented on the Best Practice Checklist discussed earlier in the meeting and his thoughts that it was geared to municipalities participating in more shared services.

The Clerk asked the Township Committee to introduce the amendments to the fence ordinance, by title only. On a motion by Mr. Durr and second by Mr. Hlubik, the Ordinance amending the fence ordinance was added to the agenda. All agreed. The amendments to the fence ordinance were introduced by title on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. Public hearing is scheduled for October 13.

Hearing no other comments, the Committee approved Resolution 2010-9-5 to enter Executive Session for the purpose of discussing matters related to possible litigation and the attorney-client privilege on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. The Committee entered Executive Session at 9:30 PM.

The Committee resumed open session at 9:45 PM and adjourned the meeting on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Respectfully submitted,

Bonnie J. Haines, RMC
Township Clerk