

December 30, 2010

Deputy Mayor Durr 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: Deputy Mayor Lawrence H. Durr and Committeeman Michael J. Hlubik. Mayor Brian Kelly was not present. The Open Public Meetings Act statement was read and compliance noted.

Deputy Mayor Durr opened the meeting to the public for comments on matters not appearing on the agenda. Peggy Hallion of 76 Chest-George Road apologized for not being clear when calling about snow dumped at the end of her driveway. There was a pile of snow 5-6' high which extended 10' into her driveway and she could not get out. She was looking for emergency help to get out, not for the Public Works Department to plow out her driveway. A snow fence in front of the sod farm was suggested as a possible solution by Mrs. Hallion. She proposed that situations like this be handled before an emergency happens and emergency vehicles cannot get in. She believes that the Public Works Department is very callous. Mr. Hlubik stated that, in defense of the Public Works Department, it is hard to control where the snow lands when clearing the roadway. The Public Works Department can not plow out personal driveways due to liability issues and would never get the roads plowed. Because of the location of the driveway and the sod farm field and the direction the wind was blowing, Hallion's property got the worst of it. Mrs. Hallion feels that she was in an emergency situation. The roadway in that area has consistently been a problem for years because of the open field. Mr. Durr stated that the Township Public Works Department, in this storm and in past years, does a better job than any other department in the State. They work long hours and work until they are done. There was never an impassable or closed roadway. There was a state of emergency declared and no one should have been on the roads. Again, the location of the property to the fields caused the problem with the wind creating drifts. There is a policy in place for snow plows to respond in case of emergency situations at a private residence to get emergency vehicles in.

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

Approval of minutes

The minutes of December 8, 2010 regular and executive session were approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Ordinances for Public Hearing

The public hearing on Ordinance 2010-18 was opened on a motion by Mr. Hlubik and second by Mr. Durr. The Ordinance was explained by Mr. Durr and, hearing no public comments, the public hearing was closed on a motion by Mr. Hlubik and second by Mr. Durr. On a motion by Mr. Hlubik and second by Mr. Durr, Ordinance 2010-18 AN ORDINANCE TO AMEND CHAPTER 130 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED "LAND DEVELOPMENT" was finally adopted. All agreed.

The public hearing on Ordinance 2010-19 was opened on a motion by Mr. Hlubik and second by Mr. Durr. Chief Wilson explained that this Ordinance creates a 4 way stop at that intersection. Hearing no comments, the public hearing was closed on a motion by Mr. Hlubik and second by Mr. Durr. On a motion by Mr. Hlubik and second by Mr. Durr, Ordinance 2010-19 AN ORDINANCE TO AMEND SECTION 182-22 RELATING TO "STOP SIGNS" AND SPECIFICALLY TO ESTABLISH A STOP SIGN AT THE INTERSECTION OF THORN LANE WITH BUNTING DRIVE was finally adopted. All agreed.

The public hearing on Ordinance 2010-20 was opened on a motion by Mr. Hlubik and second by Mr. Durr. Mr. Durr explained that this ordinance raises the construction permit fees to bring them in line with neighboring towns. Hearing no comments, the public hearing was closed on a motion by Mr. Hlubik and second by Mr. Durr. On a motion by Mr. Hlubik and second by Mr. Durr, Ordinance 2010-20 AN ORDINANCE TO AMEND CHAPTERS 94 AND 110 OF THE CODE OF THE TOWNSHIP OF

CHESTERFIELD, SPECIFICALLY SECTIONS 94-2 AND 110-94 RELATING TO UNIFORM CONSTRUCTION CODE FEES was finally adopted. All agreed.

The public hearing on Ordinance 2010-21 was opened on a motion by Mr. Hlubik and second by Mr. Durr. Mr. Durr explained the purpose of the Ordinance. Matt Weismantel of 80 Harness Way stated that residents of Old York Village are not aware of this. Mr. Durr explained that the zoning officer will provide copies of the Ordinance to those residences at issue. Hearing no other comments, the public hearing was closed on a motion by Mr. Hlubik and second by Mr. Durr. Ordinance 2010-21 AN ORDINANCE TO AMEND CHAPTERS 164 AND 170 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD TO CLARIFY RESPONSIBILITY FOR SNOW AND ICE REMOVAL ON SIDEWALKS was finally adopted on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

The public hearing on Ordinance 2010-22 was opened on a motion by Mr. Hlubik and second by Mr. Durr. Mr. Durr explained where the restriction will be lifted and the reason for it. Hearing no comments from the public, the public hearing was closed on a motion by Mr. Hlubik and second by Mr. Durr. Ordinance 2010-22 AN ORDINANCE TO AMEND SECTION 182-26 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED "PARKING PROHIBITED AT ALL TIMES" TO REMOVE CERTAIN RESTRICTIONS ON FENTON LANE was finally adopted on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Resolutions

Resolution 2010-12-7 was explained by Chief Wilson and approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-12-7

RESOLUTION AUTHORIZING THE TOWNSHIP OF CHESTERFIELD TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT FOR THE "BURLINGTON COUNTY DWI TASK FORCE" PROGRAM

WHEREAS, the Townships of Bordentown, Mansfield, North Hanover, Chesterfield, Florence, Burlington and Springfield and the Cities of Bordentown and Burlington are neighboring municipalities with the County of Burlington; and

WHEREAS, their Police Departments provide DWI patrols in their respective municipalities; and

WHEREAS, the municipalities often rely upon each other for additional officers to provide such services; and

WHEREAS, the Township of Bordentown has applied for and been awarded a grant for the “Burlington County DWI Task Force Program”; and

WHEREAS, the Townships wish to enter into an Interlocal Service Agreement to utilize overtime police work to enforce driving while intoxicated laws in the municipalities; and

WHEREAS, said Interlocal Service Agreement has been prepared by the Township of Bordentown and has been found to be acceptable by the Township Committee of the Township of Chesterfield; and

WHEREAS, *N.J.S.A. 40:8A-1 et. seq.*, the Interlocal Service Act, permits this Interlocal Service Agreement;

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 Mayor of the Township of Chesterfield is hereby authorized to execute the Interlocal Service Agreement with the Townships of Bordentown, Mansfield, North Hanover, Florence, Burlington and Springfield and the Cities of Bordentown and Burlington concerning the “Burlington County DWI Task Force Program” grant; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officers and the Municipal Clerks of Mansfield, North Hanover, Florence, Burlington and Springfield Townships and Bordentown and Burlington City.

Resolution 2010-12-8 was explained by Deputy Mayor Durr and approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-12-8

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH NEW JERSEY TURNPIKE AUTHORITY FOR UTILIZATION OF CERTAIN STRUCTURES OWNED BY THE TURNPIKE AUTHORITY FOR TRAINING PURPOSES

WHEREAS, the Chesterfield Township Police Department and the Chesterfield Township Emergency Squad, as well as two (2) Fire Companies are interested in utilizing certain New Jersey Turnpike Authority (“Authority”) owned properties for various training activities; and

WHEREAS, the Authority has acquired these properties which are currently, and will continue to be, unoccupied and “boarded up” as part of its Turnpike Widening Program; and

WHEREAS, the Township Police Department, and the various Emergency Squads and Fire Companies wish to use these structures up until the time of their demolition for various police training purposes such as search and rescue, handcuffing, entry, hostage situations, other police tactics, fire training, emergency squad training, and the like (“training activity”); and

WHEREAS, the Authority, as the owner of the properties, has granted the Township permission for utilization of said structures for these purposes, subject to the Township’s agreement that it will hold the Authority harmless and indemnify it against any claims arising from the use of these structures by these Township Agencies; and

WHEREAS, the Authority has proposed the attached “Indemnification Agreement Between the New Jersey Turnpike Authority and Chesterfield Township”, to accomplish this purpose and memorialize this Agreement, and the Township Committee deems it to be appropriate to enter into said Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey that the attached Indemnification Agreement be and is hereby authorized to be executed by the Mayor and Township Clerk;

BE IT FURTHER RESOLVED that said Agreement cannot be implemented by the Township's public safety agencies, emergency squads and fire companies until such time as the Township's insurance fund approves of the arrangement and agrees to provide insurance coverage for same as required by the Agreement.

Resolution 2010-12-9 was approved on a motion by Mr. Hlubik and second by Mr. Durr after an explanation by the Township Clerk. All agreed.

RESOLUTION 2010-12-9

RESOLUTION CANCELLING GRANT FUNDS

WHEREAS, there are unexpended matching grant funds from various programs and unrealized receivables from the same programs; and

WHEREAS, it is the desire of the Township Committee that the unrealized receivables be cancelled against the related appropriated reserves and the difference be transferred to the current fund;

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 receivables be cancelled against the related reserves and the excess be transferred to the current fund:

| <u>Appropriation</u> | <u>Grants Receivable</u> | |
|------------------------------|--------------------------|-------------|
| 2006 Municipal Drug Alliance | \$ 1,890.46 | \$ 5,998.01 |
| 2007 Municipal Drug Alliance | \$ 3,616.02 | \$ 4,904.34 |
| 2008 Municipal Drug Alliance | \$ 3,405.82 | \$ 5,005.68 |
| 2009 Municipal Drug Alliance | \$ 1,545.69 | \$ 1,682.11 |
| Comm. Dev. Block Grant | \$26,062.75 | \$26,062.75 |

| | | |
|---------------------------------|-------------|-------------|
| Smart Future Farmland Pres. | \$ 71.00 | \$ 23.50 |
| TTF - Sykesville Road | \$20,649.50 | \$ 6,930.61 |
| TTF - Georgetown Road | \$ 6,791.99 | \$ 8,730.24 |
| Green Communities | | \$ 2,302.00 |
| Community Stewardship Incentive | | \$ 101.84 |

Resolution 2010-12-10 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-12-10

***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:

| | |
|--------------------------------|-----------------|
| Police SW | 20,000.00 |
| Envir Comm SW | 1,332.93 |
| Planning Bd SW | 2,107.07 |
| Reassessment OE | 11,515.40 |
| Reserve for Tax Appeal Refunds | <u>2,501.08</u> |
| | \$ 37,456.48 |

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.

Resolution 2010-12-11 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-12-11

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> |
|-----------------------------|---------------------|--------------------|--------------------|
| Planning Bd Special Project | \$ 14,000.00 | | |
| Tax Assessor OE | \$ 5,000.00 | | |
| Emerg Squad OE | <u>\$ 4,700.00</u> | | |
| TOTAL | \$ 23,700.00 | | |
| | | Planning Bd OE | \$ 3,700.00 |
| | | Legal OE | \$10,400.00 |
| | | Engineer OE | \$ 4,700.00 |
| | | Social Security OE | <u>\$ 4,900.00</u> |
| | | TOTAL | \$23,700.00 |

Resolution 2010-12-12 was tabled on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. Mr. Durr does not believe this agreement has been worked out. In the past, the Township Public Works Department plowed the parking lot at the school at no charge. The new school will be more time consuming, more difficult and require different equipment. The Township has budget caps to stay within just as the

school. Much of the snow plowing time is at overtime so the Township is expending money on the school's behalf. The school should at least pay the direct labor costs, the taxpayers have already paid for the equipment. He is not convinced that we should do it for no fee. Perhaps this should be discussed with the school board or the Township accountant to see the best way to approach this.

Resolution 2010-12-13 was explained by Mr. Durr and approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

**TOWNSHIP OF CHESTERFIELD
RESOLUTION 2010-12-13**

**RESOLUTION ESTABLISHING A SCHEDULE OF CHARGES FOR
EQUIPMENT USE AND LABOR AS IT APPLIES TO CHAPTERS 164 AND
170 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD**

WHEREAS, Chapters 164 and 170 of the Code of the Township of Chesterfield entitled "Snow and Ice Removal" and "Streets and Sidewalks" respectively refer to schedules of charges for equipment use and labor; and

WHEREAS, said schedule of charges shall serve as the basis for the reimbursement demand and/or the lien to be imposed upon the owner's property and/or charged against the performance bond; and

WHEREAS, the Committeeman in Charge of Roads, in consult with the Public Works Director has developed the attached schedule of charges;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield that the attached Exhibit A "Schedule of Charges for Equipment Use and Labor" is hereby approved and will be utilized as required for Chapters 164 and 170 of the Township Code.

EXHIBIT A

SCHEDULE OF CHARGES FOR EQUIPMENT USE AND LABOR

EQUIPMENT:

| | |
|---|-------------------|
| < 100 horsepower tractor / loader | \$ 40.00 per hour |
| Tractor / loader / backhoe | \$ 60.00 per hour |
| Walk behind snow blower | \$ 25.00 per hour |
| < 30,000 g.v.w. dump truck with plow & spreader | \$ 70.00 per hour |
| > 30,000 g.v.w. dump truck with plow & spreader | \$ 85.00 per hour |
| Grader | \$ 80.00 per hour |
| John Deere Gator with plow and spreader | \$ 30.00 per hour |

SUPPLIES:

| | |
|------------------|----------------------------|
| Road salt | \$ 80.00 per ton |
| Sidewalk calcium | \$ 50.00 per 100 pounds |

MANPOWER:

| | |
|---|----------------------|
| Per man, including supervisors, from portal to portal | \$ 75.00 per hour |
|---|----------------------|

Resolution 2010-12-14 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-12-14

RESOLUTION TO CANCEL CAPITAL APPROPRIATION BALANCES OF COMPLETED PROJECTS

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

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 unexpended and dedicated balances of General Capital Appropriations be cancelled:

| Ord. # | Project Description | Amount Cancelled | |
|-----------|--|------------------|-------------|
| | | Funded | Unfunded |
| 2005-05 | Fenton Lane Sewer | \$10,000. | \$ 82.74 |
| 2003-02 | Acquisition of Equipment | -0- | \$ 6,308.09 |
| 2002-05 | Acquisition of a Portion of Block 202 Lot 6 | \$ 4,000. | \$76,000.00 |
| 2006-11 | Acquisition of Dump Truck | -0- | \$ 4,320.00 |

Discussion

Mr. Durr asked Mr. Hlubik about the Planning Board and Environmental Commission appointments from the Township Committee. Mr. Hlubik stated he would be happy to remain on the Environmental Commission if Mr. LoCascio would serve on the Planning Board. Mr. LoCascio agreed and will be appointed as a Planning Board member.

Payment of Bills

On a motion by Mr. Hlubik and second by Mr. Durr, the bill list was approved for payment as presented.

Deputy Mayor Durr opened the meeting to the public for comments. Hearing none, Mr. Hlubik stated that he wished Mr. Kelly were present. He has served the Township Committee and the Planning Board well and has done a lot for the Township. Mr. Hlubik feels that should be recognized. Mr. Durr thanked all of the Township employees and feels that the Township runs a very lean operation. There is a minimum amount of personnel who all wear several hats. We have had a difficult year with lawsuits – all of which were thrown out. However, it's unfortunate for the taxpayers to bear that expense for frivolous suits. All of the Township's professionals do a great job and he looks forward to working with Rich in the coming year. Mr. Durr thanked Brian for his service and contributions over the years. This position never goes without criticism. Complaints are heard, but the pats on the back never are.

Hearing no other comments, the meeting was adjourned at 10:40 AM on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

Respectfully submitted,

Bonnie J. Haines, RMC
Township Clerk