

January 27, 2011

The Township Committee met on the above date. Mayor Durr 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 Lawrence H. Durr, Deputy Mayor Michael J. Hlubik and Committeeman Richard T. LoCascio. Also present was Nancy W. Jamanow, Township Engineer and Brian Guest, Township Attorney. The Open Public Meetings act statement was read and compliance noted.

Mayor Durr opened the meeting to the public for comments on matters not appearing on the agenda. Lori Weatherwalks of 610 Chesterfield-Arneytown Road was present on behalf of the PTA to request approval for use of the grounds behind the new school for the carnival in the Spring. The grounds belong to the Township. They would also like permission to use the Village Square Park as well. Mayor Durr stated that the Park may be under construction and may not be available for use. The PTA should forward dates and times and certificates of insurance to the Township Clerk and coordinate with the Chief for parking. The Committee approves the request with these conditions.

Chris Timmons of 22 Quaker Street would like to erect a fence in his back yard within a 20 ft. easement. The easement is for a storm drain. Mrs. Jamanow stated that Mr. Timmons would need to apply to the Planning Board for a variance. Historically, they have not been granted in drainage easements. She would need to check the plans to see if there is a pipe in the easement and how deep it is.

Mark Russello of 4 Daniel Avenue was present to inform the Committee that, due to the Turnpike bridge construction, the construction vehicles are ruining Daniel Avenue. They are tearing up roadway and creating a lot of dust. Mrs. Jamanow will contact the Turnpike authority with the complaint. Mr. Russello asked if there are options to get the Turnpike to pave the entire roadway. Mayor Durr agreed that was a good idea and Mrs. Jamanow will look into that as well.

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

#### Approval of Minutes

The minutes of December 30, 2010 were approved on a motion by Mr. Hlubik and second by Mayor Durr. All agreed with the exception of Mr. LoCascio who abstained.

The minutes of January 3, 2011 regular and executive session were approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

#### Township Engineer

Mrs. Jamanow presented the cost estimate for the Village Square Park. The cost estimate originally calculated in the Recreation Ordinance for recreation improvements was \$630,000. This amount was used to determine the amount of the recreation contribution per unit built. The present cost estimate is \$900,000. Mrs. Jamanow explained what was included in the site work costs. When the original estimate was prepared, it was assumed

that the developers would do most of the grading work on the lot. Mr. Guest stated that the Township cannot go to bid knowing there is such a huge gap between the budget and the cost estimate. Mrs. Jamanow offered the option of bidding with alternates for different items. Mayor Durr suggested that this be sent back to Mrs. Jamanow and Phil Caton and ask that the project be kept within the budget and expedite it. Mrs. Jamanow will report back on February 24 and possibly ask Mr. Caton to attend that meeting as well.

Saddle Way reconstruction – Mrs. Jamanow asked that this matter be continued until Mr. Gillespie is present. All agreed.

Reforestation – Mrs. Jamanow explained that she was directed to prepare plans for several areas of town and she explained those areas. There are still more areas to be reforested. She was contacted by resident on Ward Avenue and plans were prepared for that area, however, there will be the need for an easement to be prepared. Mark Russello of Daniel Avenue would like some consideration in his area. Mrs. Jamanow stated that generally if there is a sound barrier, there is not reforestation. There are areas that the Turnpike will be reforesting and she will check to see if they have plans for that area. Joe Landree of 151 Hogback Road stated that there is a large open field between the Singleton House and Golden's house which would be a great place to reforest. Mayor Durr explained that it is privately owned and the Township would need to get an easement from the landowner. Mrs. Jamanow suggested adding trees at Charlotte Rogers Park to buffer the residents backing up to the park. Mayor Durr stated that he would prefer to ask the residents if they would like the screening prior to making any plans. The residents will be invited to a special meeting early before next meeting. Mr. Hlubik stated that the Environmental Commission would like to be involved in the selection of the trees for the reforestation. Mrs. Jamanow responded that the list of trees was provided by the Turnpike and was not our choice. The plans have been approved by the State Forestry Division for Hogback Road and the park areas.

Weight limits – The DOT has finally approved the lifting of weight restrictions on Hogback and Sykesville. An Ordinance will be prepared for introduction at the next meeting to be approved by DOT.

Issues with Exiting from Preservation Blvd onto Bordentown-Crosswicks Road – This is an issue that was brought up by Brian Meincke at a recent Planning Board meeting. The County has responded and the intersection was designed in accordance with required standards.

### Ordinances for Public Hearing

The public hearing on Ordinance 2011-1 was opened on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed. Mrs. Jamanow explained the ordinance. Natalka Palovsky of 8 Harness Way explained an area where the snow is not being cleared and asked that the ordinance be enforced. Mrs. Jamanow stated that she believes that area is the responsibility of the developers. The public hearing was closed on a motion by Mr.

Hlubik and second by Mr. LoCascio. All agreed. Ordinance 2011-1 AN ORDINANCE TO AMEND CHAPTER 164 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED "SNOW AND ICE REMOVAL" was finally adopted on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

Ordinances for Introduction

Ordinance 2011-2 was approved for introduction on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed. Public hearing will be February 9, 2011.

**ORDINANCE 2011-2**

**AN ORDINANCE TO AMEND ORDINANCE 2011-1 WHICH AMENDED CHAPTER 164 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED "SNOW AND ICE REMOVAL"**

**WHEREAS**, by Ordinance 2011-1, the Township Committee amended Chapter 164 of the Code of the Township of Chesterfield relating to snow and ice removal and specifically on private streets; and

**WHEREAS**, the Chief of Police has brought to the Township Committee's attention that the period of time within which certain entities are given to remove snow and ice from private streets has a potential negative impact, depending upon the time within which the snow and/or ice accumulate; and

**WHEREAS**, the Township Committee believes that it is in the best interest of the public health, safety and welfare to avoid that situation and to amend the ordinance accordingly.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey as follows:

Ordinance 2011-1, insofar as it amends Section 164-3 is hereby amended, such that Section 164-3(A) shall now read as follows:

A. The owner or owners and/or developers of private sidewalks, bike paths or other paved common areas, in Chesterfield Township, are hereby required to remove all snow and ice from the paved portion of said private sidewalks, bike paths, and other paved common areas, within twelve (12) hours after the same shall fall or be formed thereon, provided that the snowfall is in excess of two inches (2"), as measured on the Chesterfield Township Municipal parking lot, 300 Bordentown-Chesterfield Road, or that sufficient ice or slippery conditions have developed so as to create driving,

walking, or bicycling hazards. The owner or owners and/or developers of private streets in Chesterfield Township are hereby required to remove all snow and ice from the paved portion of said private streets, immediately upon the accumulation or snowfall and/or ice in excess of two inches (2"), as measured described above, or that sufficient ice or slippery conditions have developed so as to create driving hazards. Moreover, where the Chief of Police determines that the private streets create a slippery and/or dangerous condition as a result of snowfall and/or accumulation of ice, regardless of the extent of said accumulation, the Chief of Police shall have the authority to order the owner and/or owners and/or developers of said private streets to clear same of said snow and ice, and to do so within a specified time frame, in order to better protect the public health, safety and welfare. The owner or owners and/or developers, as provided for in this Section, shall include all developers of subdivisions and other residential or commercial developments which have yet to be dedicated and/or accepted by the Township.

B. [NO CHANGE]

C. [NO CHANGE]

## **ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

A. Repealer. Any and all ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

### Resolutions

Resolution 2011-1-30 was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

### ***RESOLUTION 2011-1-30***

### ***RESOLUTION APPOINTING CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY HELPLINE FOR THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND***

**WHEREAS**, the Township Committee of the Township of Chesterfield is a member of the Burlington County Municipal Joint Insurance Fund, hereinafter referred to as “FUND”; and

**WHEREAS**, the FUND has purchased Employment Practices Liability Coverage from XL Insurance Company; and

**WHEREAS**, XL Insurance has arranged for the Fund members to have access to an EPL HELPLINE service; and

**WHEREAS**, the HELPLINE will provide the following services:

- Attorneys will answer specific HR and Employment Law questions  
Confidential and timely responses  
Attorney client privilege  
Via Website/E-mail  
By telephone with written follow up response
- On Line Training  
Managers / Supervisors  
Slides, Audio, File Downloads  
Small Chapters  
Certificates of Completion
- Additional On Line Resources  
Question of the month  
Case of the month  
HR alerts via e-mail and posted on website  
Federal/State news updates  
HR posters  
Model policies/handbook

**WHEREAS**, the FUND requires the Township of Chesterfield to designate specific managerial or supervisory individuals who will have access to the HELPLINE;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield that Glenn McMahon is hereby appointed as the Contact Person and Bonnie Haines as the additional Contact Person for the Employment Practices Liability Hotline.

Resolution 2011-1-31 was approved on a motion by Mr. LoCascio and second by Mr. Hubik. All agreed.

***RESOLUTION 2011-1-31***

***RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
GUARANTEE FOR BENEFICIAL BANK***

***WHEREAS***, Beneficial Bank has posted a performance guarantee to cover certain improvements at their site at 305 Bordentown-Chesterfield Road; and

***WHEREAS***, pursuant to *N.J.S.A. 40:55D-53* of the Municipal Land Use Law, Beneficial Bank has notified the Township Clerk, by letter dated January 6, 2011 that the requirement improvements at the site 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 January 14, 2011 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 the recommendation of the Township Engineer and in conformity with the Municipal Land Use Law, the existing performance bond for Beneficial Bank in the current value of Seventy-eight thousand one hundred seventy-four dollars (\$78,174.00) 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 of the bonding obligation of Beneficial Bank 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 Beneficial Bank first posting a two year maintenance guarantee in the amount of Nine thousand seven hundred seventy-one dollars and seventy-five cents (\$9,771.75) in a form acceptable to the Township Attorney, and the posting of an additional escrow fund in the amount of Three thousand two hundred fifty-seven dollars and twenty-five cents (\$3,257.25) to cover anticipated services during the maintenance period.

Resolution 2011-1-32 was approved on a motion by Mr. LoCascio and second by Mr. Hlubik. Mr. LoCascio and Mr. Hlubik agreed, Mayor Durr opposed.

***RESOLUTION 2011-1-32***

***RESOLUTION AMENDING THE TOWNSHIP'S PERSONNEL POLICY AND PROCEDURE MANUAL AS IT RELATES TO THE TIME CLOCK***

***WHEREAS***, by Resolution 2004-5-5 the Township Committee of the Township of Chesterfield adopted an Employee Manual and Personnel Policy for the employees of the Township of Chesterfield; and

***WHEREAS***, this policy has been subsequently amended from time to time by Resolution of the Township Committee; and

***WHEREAS***, in response to a request from the Chief of Police the Township Committee wishes to once again amend the Policy; and

***WHEREAS***, this amendment would remove the requirement for full-time Police Officers to utilize the time clock as there are numerous other ways that their time is already monitored;

***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 Section Two of the Chesterfield Township Employee Manual and Personnel Policy,

specifically the section entitled "Time Clock and Time Sheets" is hereby amended to read as follows: "There is a time clock on the lower level of the Municipal Building that is to be used by all employees, with the exception of full-time Police Officers."

**BE IT FURTHER RESOLVED** that this amendment does not apply to part-time Police Officers.

Resolution 2011-1-33 was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

**RESOLUTION 2011-1-33**

**RESOLUTION OF THE TOWNSHIP OF CHESTERFIELD AUTHORIZING THE RENEWAL OF THE INTERLOCAL SERVICES AGREEMENT WITH MANSFIELD, NORTH HANOVER AND SPRINGFIELD TOWNSHIPS CONCERNING EXTRA DUTY ASSIGNMENT OF POLICE OFFICERS**

**WHEREAS**, the Townships of Chesterfield, Mansfield, North Hanover and Springfield are neighboring Townships in Northern Burlington County; and

**WHEREAS**, their Police Departments provide traffic control and other off-duty police services to third parties; and

**WHEREAS**, the Townships often rely upon each other for additional officers to provide such services to third parties; and

**WHEREAS**, the Township of Chesterfield has entered into an Interlocal Services Agreement with the aforementioned Townships which requires annual renewal; and

**WHEREAS**, the Township of Chesterfield wishes to renew the Interlocal Services Agreement until December 31, 2011;

**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 Township Clerk is hereby authorized and directed to notify the Townships of Mansfield, North Hanover and Springfield that the Township Committee has elected to renew the agreement for the 2011 calendar year and provide each Township with a certified copy of this Resolution.

Resolution 2011-1-34 was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

***RESOLUTION 2011-1-34***

***RESOLUTION DEFERRING SCHOOL TAX***

***WHEREAS***, the governing body of a municipality is permitted to defer school taxes amounting to not more than 50% of the total school tax levy; and

***WHEREAS***, it is the desire of the Township Committee of the Township of Chesterfield to defer local district school tax amounting to \$3,663,131.00 representing 50% of the 2010-2011 local school district tax levy and to defer regional high school tax amounting to \$1,753,497.63 representing 44% of the 2010-2011 regional high school tax levy;

***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 2010-2011 local district school tax levy be deferred in the amount of \$3,663,131.00 and the 2010-2011 regional high school tax levy be deferred in the amount of \$1,753,497.63.

Discussion

AG Advisory Board – Mayor Durr explained why the AG Board was established. It was noted during the discussion that the Board has not been active for a number of years. Mr. Hlubik stated that a Committee was appointed a few years ago for the purpose of a grant, and he believes it should be appointed to recommend policies to the Township Committee and the Planning Board. Mr. LoCascio stated that the Committee should look at the current ordinance to see if it needs to be fine tuned before we appoint members. Mayor Durr stated that if it were to be utilized for conflict resolution, the membership would need to be restructured. Currently the Code requires that the Board consist of farmers. We need to come up with a list of possible candidates and see if they are interested.

Flag poles in PVD zone – Mayor Durr explained what the code currently states and he feels flagpoles should be allowed and should be limited in height to the distance to the property line. Mr. LoCascio agrees that the height needs to be regulated as to lot size. Mayor Durr entertained a motion to amend the ordinance to allow for freestanding flagpoles with the height of the pole no more than the distance to the property lines plus

10%. Mrs. Jamanow will check the building height restrictions in the PVD zone as well. Joe Landree of 151 Hogback Road asked if the Township is also regulating what can go on flagpole? Mayor Durr stated that we were not. Matt Weismantel of 80 Harness Way asked if we were specifying the size of flag? Brian Guest responded that the size of the flag cannot be regulated. You can limit the size of flags other than America Flags. Brian Guest will prepare a draft ordinance for review and consideration at the next meeting.

Auction of Police Car – this matter will be continued until the Chief is present to provide more details.

Mayor Durr reported that he has appointed Mary Avecedo as an alternate member to the Planning Board and Martha Veselka to fill the unexpired term of John Benton who has resigned.

Request by Electrical Inspector for use of building – Mayor Durr stated that he does not feel this is appropriate if the Inspector is being paid for his services. The Clerk was instructed to get more information.

There will be a presentation of the Northern Burlington County Growth and Preservation Plan at the next Planning Board meeting.

Drug free school zone signs – The Committee suggested that Kyle and Greg get together and order the signs required for the school and parks. A directional sign for the school at the end of Thorn Lane was also approved.

Playground equipment – The School Board is going to dismantle the playground equipment at the old school liability issues. He would like the Township to offer to dismantle it if we could keep the equipment for re-installation at Township Parks. Brian Guest suggested that the Township check with the Joint Insurance Fund prior to doing this for any inspections they might require.

#### Payment of Bills

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

Mayor Durr opened the meeting to the public for comments. James Kinsel of HoneyBrook Organic Farm owns 2 farms in Chesterfield. He advised the Committee that the Planning Board attorney sent a letter to Dan Kennedy at the County suggesting the re-establishment of the Agricultural Advisory Board to look at issues with the right to farm. The Township's Zoning Officer violated the right to farm ordinance. Reactivating the AG Advisory Board should be a constructive effort. Sherry Dudas of 258 Ellisdale Road stated that model ordinances were sent to Brian Kelly when he was Mayor and the Township Committee should follow up. It's a good time to step back and look at agriculture in Chesterfield because it is changing.

Mr. Hlubik stated that he has talked about AG board in the past and fees that it should be re-initiated. Mr. LoCascio agreed that it would be well intended on the part of the Township Committee to re-establish the board.

Hearing no other comments, the Committee approved Resolution 2011-1-35 to enter Executive Session for the purpose of discussing matters related to the acquisition of land on a motion by Mr. LoCascio and second by Mr. Hlubik. All agreed. The Committee went into closed session at 8:50 PM.

The Committee resumed open session at 9:25 PM and on a motion by Mr. Hlubik and second by Mr. LoCascio approved sending a letter to the Board of Education indicating that the Township has no interest in purchasing the old elementary school. All agreed.

On a motion by Mr. LoCascio and second by Mr. Hlubik, the meeting was adjourned at 9:25 PM. All agreed.

Respectfully submitted,

Bonnie J. Haines, RMC  
Township Clerk