

January 28, 2010

Mayor Kelly called the January 28 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 was John C. Gillespie, Township Attorney and Nancy W. Jamanow, Township Engineer. 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. Susan Gallagher of Quaker Street was present representing the CTAA and asked that the CTAA be included in the planning of the concession stand. Mrs. Gallagher also asked for a status update on the recently constructed athletic fields. Mrs. Jamanow stated that the fields should not be used in the Spring as they should have an additional growing season. Mrs. Gallagher questioned the construction of the passive recreation portion of the parcel and asked that the recreation committee be re-convened to discuss this parcel. The status of the fields at the new school were questioned and Mrs. Jamanow stated that the school will be developing those fields. Mrs. Gallagher questioned the status of the existing school and the Township's acquisition. Mayor Kelly stated that it depends on the appraisal they receive and the purchase price they decide on. There have been no discussions at this time.

Mark Russello of Daniel Avenue was present to inform the Committee that the turnpike is seeking a slope easement on this property at the corner of Daniel Avenue and Route 528. Route 528 will be elevated approximately 2 feet at that intersection when the widening is completed. Currently, Daniel Avenue slopes and drains into the inlet at Route 528. The proposed sloping will cause water to dump into his driveway which is in close proximity to his septic system. Mrs. Jamanow will check on this and get back to Mr. Russello.

Bill Morgan of Route 545 owns property on Ward Avenue which is TDR preserved land. The Turnpike wants to take a small piece and Mr. Morgan is questioning if that will be a problem. Mr. Gillespie responded that it will be an issue because Mr. Morgan will lose any remaining credits unless the Turnpike condemns the land.

Consent Agenda

The minutes of the Regular and Executive Session of December 30, 2009 as well as the minutes of January 4, 2010 were approved on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

Township Engineer

Mrs. Jamanow brought up the proposed pathways through portions of Old York Village to the new school. The pathway from Cross Creek through Chesterfield Greene is relatively easy, however, the pedestrian bridge from Matzel & Mumford to the school is more involved. There are DEP permits involved and Mrs. Jamanow has suggested that, since the school has all of the plans and has already received permits to discharge in that area, they should amend those permits to include the path. The bridge is to be constructed by M & M, however, they will need permits to grade in the wetlands and this cannot be accomplished in time for the start of school in September. Mayor Kelly stated that the developers need to be pushed to get this process started. Mr. Durr questioned how important this is to the

school. Is it a necessity or important for aesthetic reasons only? Will this route, even though it would be the shortest route, create other issues? Mayor Kelly stated that a meeting with the school to have these discussions may be necessary. In addition, the parents and students need to be educated on the safest routes to the school. Mrs. Jamanow added that the developer is willing to make a contribution to the Township in lieu of constructing the bridge. Mr. Gillespie asked why the developer hasn't done it yet and Mrs. Jamanow replied that they really don't want to. Their development is almost finalized and there has been a constant turnover of employees with the switch from M & M to KHovnanian. Mr. Gillespie suggested holding up building permits if the Township wants them to begin the process. Mayor Kelly will speak to the school to see if this is a necessity.

Natalka Weismantel of Harness Way stated that her family moved to that development because it is a pedestrian development. If the bridge is not constructed, more parking areas will be needed because more students will be driven to school. Mr. Durr commented that the number of kids using that bridge to get to the school is very small - the majority of the development will not be using it.

Village Square Park - Mrs. Jamanow stated that the Township does not own all of the property required for the Village Square Park at this time. It was hoped to have the park constructed by the opening of school. There is still a portion owned by K. Hovnanian which would typically be turned over at the release of the Performance Guarantee. They are currently using the area for staging and storage of materials. Mrs. Jamanow will contact them about turning over that area to the Township sooner rather than later.

Ordinances for Introduction

Ordinance 2010-2 was approved for introduction on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. Public hearing will be scheduled for February 10.

ORDINANCE 2010-2

AN ORDINANCE TO AMEND CHAPTER 130-83(E)(9) RELATING TO FENCES IN THE PLANNED VILLAGE DISTRICT

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

ARTICLE I. AMENDED SECTION.

Section 130-83(E)(9)(c), relating to fences and masonry walls in the rear yards of residential lots within the Township's Planned Village District, is hereby amended by changing the last sentence of said paragraph from:

“In rear yards with alley access, fences or walls may be no closer to the alley than the closest point of the garage to the alley cartway in order to maintain adequate sight distance.”

To the following new language:

“In rear yards with alley access, fences or walls may be no closer than ten (10) feet to the alley right of way.”

The balance of the preceding text within this Section shall remain in full force and effect; only the sentence changed herein shall be revised.

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.

Ordinances for Public Hearing

The public hearing on Ordinance 2010-1 was opened on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. Mr. Gillespie explained the purpose of the Ordinance and, hearing no public comments, the public hearing was closed on a motion by Mr. Durr and second by Mr. Hlubik. All agreed. Ordinance 2010-1 AN ORDINANCE TO AMEND SECTION 39-6 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED "TAX ASSESSOR" AND SPECIFICALLY TO PROVIDE FOR THE TITLE OF "DEPUTY TAX ASSESSOR" was finally adopted on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

Resolutions

Resolution 2010-1-27 was explained by Mr. Gillespie as allowing us to secure more funding for the Recreation Fields - an increase of \$500,000. The Resolution was approved on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

RESOLUTION 2010-1-27

RESOLUTION AUTHORIZING AMENDMENT TO GREEN ACRES PROJECT AGREEMENT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and / or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Chesterfield has previously obtained a grant from the State to fund the following project(s): Project No. 0307-02-066 (October 22, 2004), "Recreation Field Acq.", Acquisition of Block 202.107, Lots 8 and 10 and Block 203, Lots 12.01 and 43; and

WHEREAS, the State and the Township of Chesterfield intend to increase this Green Acres funding; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Addendum of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey:

1. That Brian J. Kelly, Mayor of the Township of Chesterfield, is hereby authorized to execute an Amendment to the Agreement increasing funding to \$900,000; and
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$900,000.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
5. That this Resolution shall take effect immediately.

Resolution 2010-1-28 was approved with the addition of Mr. Durr as the additional representative on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

RESOLUTION 2010-1-28

RESOLUTION AUTHORIZING PARTICIPATION IN THE BURLINGTON COUNTY SHARED SERVICES FORUM

WHEREAS, the forty municipalities within Burlington County are interested in providing cost effective and efficient delivery of governmental services to their citizens; and

WHEREAS, it is believed that jointly sharing services provided by various municipalities and school districts will be cost effective and efficient; and

WHEREAS, there is a need to facilitate shared 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 the Township of Chesterfield does actively support discussing and researching possible new and enhanced Shared Services between one or more municipalities, Burlington County and / or local school districts; and

BE IT FURTHER RESOLVED that the following two representatives of Chesterfield Township, Bonnie J. Haines, Township Clerk and Lawrence Durr, Deputy Mayor are hereby authorized and encouraged to participate in all meetings of the Burlington County Shared Services Forum and / or its subcommittees for the purpose of reaching a consensus on the best opportunities for Shared Services among these governmental agencies; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Burlington County Board of Chosen Freeholders and the Burlington County Bridge Commission.

Resolution 2010-1-29 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-1-29

RESOLUTION APPOINTING TOWNSHIP PLANNER FOR THE TOWNSHIP OF CHESTERFIELD FOR THE YEAR 2010

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., requires that the Resolution authorizing the award of contracts for "Professional Services", without competitive bidding must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey assembled 28th day of January 2010 at the Chesterfield Township Municipal Building, 300 Bordentown-Chesterfield Road in Chesterfield Township that Philip B. Caton of Clarke Caton Hintz be and the same is hereby appointed as Township Planner for the Township of Chesterfield for the year 2010;

BE IT FURTHER RESOLVED that this contract has been awarded to Clarke Caton Hintz based on the merits and abilities of Clarke Caton Hintz, and specifically Philip Caton, to provide the goods or services as described herein. This contract was awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et. seq. As such, Clarke Caton Hintz does hereby attest that their subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in Chesterfield Township if a member of that political party is serving in an elective public office of Chesterfield Township when the contract is awarded, or to any candidate committee of any person serving in an elective public office of Chesterfield Township when the contract is awarded.

BE IT FURTHER RESOLVED that the required "Notice of Contract Award" shall be published in the Burlington County Times, designated as the official newspaper of the Township of Chesterfield, as required by law.

Discussion

Application for Soil Removal / CBJ Farms - Michelle Blasig was present representing CBJ Farms along with Todd Sarrett, a consultant from TRC Engineers requesting permission to remove soil from the excavation of an irrigation pond for the farm. This application also needs approval from the Burlington County AG Board and already has State approval. Developers in the Township were contacted, along with the contractors for the new school and they do not need any of the dirt. The most likely recipient would be a contractor working on the Turnpike widening project. There is 60,000 - 70,000 cubic yards of dirt which would be approximately 10-40 trucks per day. Mr. Durr stated that the neighbors will be affected and would like this done as quickly as possible. Mr. Sarrett stated that it would likely take a couple of months if the operation were to take place every day of the week. He will get back to the Committee with a time frame. The application was conditionally approved on a motion by Mr. Hlubik and second by Mr. Durr. The applicant will be required to return to the Committee to work out the logistics of the removal after receiving approval from the County.

Cell Tower Bid Specs – Mr. Gillespie reported that there is an industry standard for the space required. Mr. Kelly asked about alternative designs and Mr. Gillespie responded that it could be required in the bid specs that alternative designs that are appealing to an agricultural community are offered. The bid spec will also permit co-location. Mr. Gillespie will prepare the specifications and distribute them to the Committee for review.

Increase of Off-Duty Employment Fees – The Police Department is requesting an amendment to the current ordinance to increase the fees for off-duty employment. Chief Wilson stated that the rate for the police car should also be adjusted to \$75.00 per day. Mr. Durr stated that he believed this should wait until after contract negotiations have been completed. This matter was tabled on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

Fire District # 1 EMS Engine Response – Steve Murza was present representing the Fire Commissioners of District 1 and stated that this subject has been discussed in the past but the Commissioners feel strongly enough about it to bring it up again. The EMS response would assist in saving lives without any additional costs. District # 1 has all of the equipment, will arrive sooner to provide aid and turn over control to EMS when they arrive. They will need to be dispatched by Central. Mayor Kelly stated that there has been past discussions about this with a decision against it so he was very surprised by the letter from the Commissioners stating that it would begin in a few days. It did not appear to be a coordinated effort with anyone. Mr. Hlubik stated that he would like to hear from the Chesterfield and Mansfield Squad about their concerns. Lynn Mathews, Captain of Chesterfield Emergency Squad stated that this has been brought up to the membership of the squad in the past and unanimously voted down. The paid staff is on duty from 6am – 6pm and there has been a drastic change in response time. She has consulted with Chief Wilson who feels that more emergency equipment on the roadways is unnecessary and not a good idea. The Squad needs help during the evening hours – not during the time District # 1 is offering their assistance. Steve Murza responded that District # 1 cannot provide service at night but feels they could beat the response time of MTAC during the day. Mr. Durr asked why the Commissioners have come to the Township Committee and not to the Emergency Squad, who are responsible for the decision. Mr. Murza replied that the Commissioners felt that the Township Committee should know what the Commissioners were requesting. Mayor Kelly asked how the dispatch is decided and Chief Wilson explained. Ryan Lewis, Chief of MTAC stated that there is no benefit of an EMS engine during the daytime hours. The average response time of MTAC, anywhere in the Township, is 6 minutes and 20 seconds. The maximum response time during 2009 was 18 minutes for a call to assist with lifting a patient. The Township's Police Department are the first responders. An EMS engine benefits volunteer emergency squad response, not career response. Mr. Lewis stated that representatives of District # 1 have made false accusations against MTAC in the past and this type of behavior does not benefit anyone. Mr. Murza stated that Lt. Palombi does not represent the District # 1 Fire Commissioners. Mr. Lewis continued that an automatic response of an EMS engine compromises safety when it may not be necessary. If it is necessary, it can be requested at any time. Dick Archer, Chief of MTAC stated that he could challenge the abilities of the EMT's that would respond with the fire truck to provide ALS care. There is always an operating expense when an emergency vehicle is put on the road. Stan Lewis, Fire Commissioner of District # 1 stated that the Fire Commissioners have developed SOP's which outline everything. Rob Mathews, President of Chesterfield Emergency Squad stated that the Squad met with the career staff of District # 1 7 months ago to discuss this and perhaps the result of that meeting was not relayed to the

Commissioners by the staff. If a second ambulance is needed, the career staff should come to the squad building and get that ambulance. An EMS engine on location that cannot transport a patient is not helping. Chief Wilson stated that what the Commissioners are proposing is not the best service to the Township. If they are truly committed to patient care and the well being of the residents, then they would provide the care when needed with an ambulance, not a fire truck. Mayor Kelly stated that there needs to be a discussion of the criteria that may apply for an EMS engine response. There is no point in duplicating services but there may be gaps in service that need to be filled. Mayor Kelly suggested that Chief Wilson should continue the discussions. Chief Wilson stated that he has had conversation in the past with representatives of the Fire Department and questioned who he should be speaking to now. Steve Murza stated that the Fire Commissioners are in charge. Mr. Hlubik commended the Fire Commissioners for wanting to assist the Township. Lynn Mathews stated that the conversation should be between the Fire Commissioners, the Emergency Squad and the EMS provider, not the Police Department. Chief Wilson agreed. Mr. Durr stated that he is glad to hear that the Commissioners are aware of the past communication problems with their staff. Mr. Durr asked if the ambulance is tied up and response will be prolonged, could an EMS engine then be dispatched. Ryan Lewis responded that Central Communications will not take the responsibility of making that decision but that will always be the case if a resident will be benefitted. Mr. Durr continued that the Township Committee can only act as a sounding board and is not responsible for making this decision. Stan Lewis reported that the Fire Company has received a FEMA grant in the amount of \$64,838 for Scott Packs.

Concession Building at Sports Park – Mr. Durr suggested getting the CTAA in a meeting and working on a plan to get started on this building. The CTAA needs to take some responsibility for the operation and maintenance of the building.

Development of Passive Recreation Area – Mr. Durr asked if the Township should extend the farmland lease on this parcel or work on building that section of the park. He's not sure it's the right time to spend money on this type of project. After a brief discussion, it was decided to put off the development of the passive recreation area and re-bid the farmland lease.

Payment of Bills

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

Comments from the Public and the Committee

Mr. Hlubik stated that when a plan has been finalized for the placement of the trees from the Turnpike, the Environmental Commission is willing to help in any way they can.

Steve Murza of the Fire Commissioners of District # 1 stated that they have still not worked out the payments for the fire hydrants with the water company. When they receive the bill, they are paying 57% of the cost and the water company keeps rolling over the balance. The bills are not itemized and the water company has not responded to any of the calls or letters sent by the Fire Commissioners.

Hearing no other comments, the Committee approved Resolution 2010-1-30 to enter into Executive Session for the purpose of discussing matters related to the Sewer Plant at Wagner, the Turnpike widening project and a Shared Services agreement on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. The Committee entered into Executive Session at 10:05 PM.

The Committee resumed open session at 10:55 PM and adjourned the meeting on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

Respectfully submitted,

Bonnie J. Haines, RMC
Township Clerk