

April 13, 2011

The Township Committee met on the above date at 7:30 PM. Mayor Durr called the meeting to order 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 were: John C. Gillespie, Township Attorney and Christopher Trebisky of Environmental Resolutions Inc., and John Maley, Auditor. 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. Hearing none, the Committee continued with agenda items.

#### Consent Agenda

The minutes of March 24, 2011 and the applications by the Chesterfield PTA for a bingo and raffle license were approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

#### Police Department Report

Chief Wilson reported 193 calls for the month of March and outlined the classes and training for the month.

#### Township Engineer

Chris Trebisky presented a proposal for construction management services for the Village Square Park which involves the inspections of the site work, grading, drainage as per the plans and specifications. Mayor Durr asked if there was a way to do this based on time and materials and if the daily inspections could be performed by the Public Works Director? Chris stated that the inspector from ERI is in town every day. He believes the Public Works Director could inspect the site furnishings and other related items. He is most concerned with the drainage and concrete work. Mayor Durr continued that the electrical and building will be inspected by the Township's construction subcodes. Obviously there will be meetings and grades should be checked. Chris stated that the proposal is based on time and materials and can be monitored as the project moves along. The Township can do daily inspections to save money. Mr. LoCascio stated that we don't want to skimp on areas that require specific expertise but if our employees can inspect as they go along, they should. The proposal was accepted with that understanding on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

Mr. Trebisky reported that the DEP permit for the path to the bridge has been received. The plans are complete and he would like approval to go forward with preparing the specifications. Approval was granted on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed. We are still waiting on the DEP permits for the other path.

#### 2011 Municipal Budget

The public hearing on the 2011 municipal budget was opened on a motion by Mr. Hlubik and second by Mr. LoCascio. Mr. Maley reported that the budget is unchanged from introduction. \$38,866 to be raised by taxation represents an increase of \$ 26. to the average taxpayer. Mr. Maley and Mayor Durr met with the Local Finance Board for the CAP waiver request which they approved without question. Hearing no questions from public, the public hearing was closed on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

### Resolutions

Resolution 2011-4-1 was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

#### ***RESOLUTION 2011-4-1***

#### ***RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY GRANT # P 5122-11***

***WHEREAS***, the Township of Chesterfield wishes to apply for funding for a project under the Safe and Secure Communities Program; and

***WHEREAS***, the Chesterfield Township Committee has reviewed the accompanying application and has approved said request; and

***WHEREAS***, the project is a joint effort between the Department of Law and Public Safety and the Township of Chesterfield for the purpose described in the application;

***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:

1. As a matter of public policy, Chesterfield Township wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

Resolution 2011-4-2 was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed. Mr. LoCascio stated that the Township was able to do all we wanted to do with the requests that were made without a significant increase. The rates

for the professionals remained flat and we have shared services for our court and ambulance. It's a responsible budget without compromise.

***RESOLUTION 2011-4-2***

***RESOLUTION AUTHORIZING THE ADOPTION OF THE 2011 MUNICIPAL BUDGET***

***BE IT RESOLVED*** by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the budget set forth herein is adopted and shall constitute revenues and appropriations for the purposes stated of the sums herein set forth authorizations of the following amounts:

Surplus Anticipated	\$ 2,345,000.00
Total Miscellaneous Revenues	\$ 1,391,602.00
Receipts from Delinquent Taxes	\$ 270,000.00
Local Tax for Municipal Purpose	\$ 383,866.00
<b>TOTAL REVENUES</b>	<b>\$ 4,390,468.00</b>
Operating Expenses	\$ 2,827,859.36
Deferred Charges & Other Appropriations	\$ 359,494.64
Capital Improvements	\$ 554,414.00
Debt Service	\$ 147,600.00
Reserve for Uncollected Taxes	\$ 501,100.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 4,390,468.00</b>

Resolution 2011-4-3 was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

***RESOLUTION 2011-4-3***

***RESOLUTION APPOINTING TOWNSHIP ENGINEER FOR THE REMAINDER OF 2011***

***WHEREAS***, the Chesterfield Township Committee appointed Nancy W. Jamanow, P.E. of Environmental Resolutions Inc. to serve as Township Engineer for the calendar year 2011;and

***WHEREAS***, Mrs. Jamanow has retired from the firm; and

**WHEREAS**, Mrs. Jamanow recommended naming Christopher M. Trebisky, also of Environmental Resolutions, Inc. as her replacement to continue the continuity of work assigned to the Engineer; and

**WHEREAS**, the Township Committee is familiar with Mr. Trebisky from his work for Chesterfield Township on behalf of the firm;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield that Christopher M. Trebisky, P.E., P.L.S., C.M.E. of Environmental Resolutions Inc. be and the same is hereby named as the Township Engineer for the remainder of calendar year 2011.

Resolution 2011-4-4 was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

**RESOLUTION 2011-4-4**

**RESOLUTION AUTHORIZING INSERTION OF SPECIAL ITEM OF REVENUE INTO THE 2011 MUNICIPAL BUDGET**

**WHEREAS**, *N.J.S.A. 40A:4-87* provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue into the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriations for equal amount; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:4-87*, the monies received will be inserted into the 2011 Municipal Budget as a special item of revenue as follows:

**REVENUE TITLE:**

Miscellaneous Revenues – Public and Private Revenues Offset  
With Appropriations: 2011 Turnpike Reforestation Grant

**APPROPRIATION TITLE:**

Public and Private Programs Offset by Revenues: 2011  
Turnpike Reforestation Grant

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey hereby

request the Director of the Division of Local Government Services to approve the insertion of an item of revenue into the budget of the year 2011 in the amount of \$304,093.00.

Resolution 2011-4-5 was approved on a motion by Mr. LoCascio and second by Mr. Hlubik. All agreed.

***RESOLUTION 2011-4-5***

***RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR CHESTERFIELD TOWNSHIP MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE REQUIRED BY N.J.S.A. 40A:5-29***

***WHEREAS***, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and

***WHEREAS***, *N.J.S.A. 40A:5-29* provides for receipt of Municipal Alliance on Alcohol and Drug Abuse fund by the municipality to provide for the operating costs to administer this act; and

***WHEREAS***, *N.J.S.A. 40A:4-39* provides the dedicated revenues anticipated from the Chesterfield Township Municipal Alliance on Alcohol and Drug Abuse are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

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

1. The Township Committee does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Chesterfield Township Municipal Alliance on Alcohol and Drug Abuse.
2. The Clerk of the Township of Chesterfield, County of Burlington is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution 2011-4-6 was presented for approval. The Township Engineer explained that the tree planting is excluded as it will be done under the reforestation contract. The amount of the bid in the resolution is incorrect. The lowest bid amount for Command Co. should be \$601,235. The bid includes blue stone, additional drain and widening of the boulevard to add additional parking. The grass strip between the sidewalk and the curb will be eliminated. Joe Landree of 151 Hogback Road asked if there will be additional parking on the other side for student drop off? Mayor Durr replied that's not

the intention as that will require the students to cross the street. The intent is to pick up road width for emergency vehicles. The contractor hopes to start the beginning of May and the project needs to be completed within 60 days as per the contract. There may be some issues that will lengthen that process. It should be done by the start of school with the exception of some of the landscaping. The resolution was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed. Mr. LoCascio stated that he is happy that the bids came in as they did with no out of pocket expenses from the residents for a park that everyone will enjoy.

**RESOLUTION 2011-4-6**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR VILLAGE SQUARE PARK PROJECT**

**WHEREAS**, the Township solicited bids for the Village Square Park Project; and  
**WHEREAS**, at the time and place for opening sealed bids, the Township received eight (8) bids as follows:

<u>Company</u>	<u>Base Bid Plus Alternates 3-6</u>
Command Company	\$ 690,235.00
Precise Construction	\$ 771,415.00
Central Jersey Landscaping	\$ 868,765.95
Herman's Trucking Inc.	\$ 876,255.50
Art Anderson Inc.	\$ 948,470.00
Bud Concrete	\$ 986,902.00
JRI, Inc.	\$1,179,985.00
Land Tech Enterprise	\$1,396,320.00

**WHEREAS**, based on a review by the Township Engineer, the bid submitted by Command Company complies in all respects with the bid specifications making it the lowest responsible bidder; and

**WHEREAS**, funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield that Command Company be and is hereby awarded the contract for the Village Square Park Construction for the base bid and Alternates 3 through 6 according to the bid specifications for an amount of Six hundred ninety thousand two hundred thirty-five dollars (\$690,235.00).

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to execute any and all documents in furtherance of this bid award.

Resolution 2011-4-7 was explained by the Township Engineer. This phase of the reforestation includes the Elementary School and the athletic fields on Fenton Lane. The low bidder is \$100,000 less than the next bidder. He made an error and has withdrawn his bid. The Engineer looked at the next 3 bidders and their alternate bids and is recommending the contract be awarded to Land-Tech at \$292,655 for the base bid and alternates 1-3. This includes 1200 trees, 350 to the school, 300 to Village Square Park and 500 to Fenton Lane. The total bid is \$12,000 less than the funds from State allowing us to carry approximately 200 trees to next year's bank. Mr. Hlubik asked if the bid meets the required percentage of trees from Township businesses? Chris replied that the contractor is aware of the requirement and is looking into it. Bob Schoen of Fenton Lane asked what kinds of trees will be used as a lot of the trees in the development are dying. Buttonwood trees are the only ones surviving – oak trees are not making it. Mr. Gillespie asked when the planting will begin after the contract is awarded and the Engineer replied that the planting will be done during the spring or fall season of this year according to contract. 35-40% in the spring is being anticipated by the contractor. They anticipate starting in the next week or two. Mr. Gillespie continued that the letter from lowest bidder may not satisfy the requirements of withdrawing a bid. He hasn't seen the differences in the prices and is not sure the Township should not award the bid to him. He may breach the contract but the difference in his bid and the next is \$100,000 which the Township could sue for. Mayor Durr stated that if we award him the bid and he doesn't perform and we sue him, the job still does not get done. Mr. Gillespie continued that the Township can award to the second lowest bidder without waiving our rights to call the bid bond of the lowest bidder. The withdrawal was not done correctly. Mr. Hlubik asked if we are obligated to take the lowest bid and Mr. Gillespie responded that we are. Mr. Hlubik pointed out that a local landscaper's bid was not much difference in price. On a motion by Mr. LoCascio and second by Mr. Hlubik, it was decided to modify the resolution and award the bid. All agreed. The Committee will re-address this resolution later in the meeting.

Resolution 2011-4-8 was approved on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

**RESOLUTION 2011-4-8**

**RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF A SHARED SERVICES AGREEMENT AMENDING THE PRIOR INTER-LOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF CHESTERFIELD AND THE COUNTY OF BURLINGTON REGARDING OPEN SPACE CONSERVATION IN THE TOWNSHIP OF CHESTERFIELD ON BLOCK 202.107 LOTS 8 & 10 (Formerly known as the Wilkinson Farm)**

**WHEREAS**, the Township of Chesterfield (the “Local Unit”), in the County of Burlington has determined that there is a need with the Local Unit to acquire property for use as open space, which property is known as the former Wilkinson Farm, and also known as Block 202.107, Lots 8 & 10; and

**WHEREAS**, the County of Burlington (the “County”) has established a Local Open Space Land Grant Program (the “Program”) to assist Local Units within the County in the preservation of open space; and

**WHEREAS**, the Local Unit has determined that it desires to have the County share in the costs of acquiring such property in accordance with the Program and pursuant to the terms and conditions of an Inter-local Services Agreement (the “Agreement”) as amended by the Shared Services Agreement (the “Addendum”) annexed hereto between the Local Unit and the County to be executed and delivered in accordance with the Uniform Shared Services and Consolidation Act (*N.J.S.A. 40A:65-1 et. seq.*);

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

Section 1. Capitalized terms defined in the whereas clauses above are given the meanings ascribed to in the respective WHEREAS clause.

Section 2. The Addendum is substantially the form annexed hereto and presented to the Township Committee is hereby approved and adopted by the Township of Chesterfield.

Section 3. The Mayor and Township Clerk are hereby authorized to execute and deliver the Addendum, and other officers of the Township are hereby authorized to execute and deliver all agreements and documents necessary to effectuate the Township’s obligations under the Agreement and Addendum.

### Ordinances for Public Hearing

The public hearing on Ordinance 2011-10 was opened on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed. Hearing no comments, the public hearing was closed on a motion by Mr. LoCascio and second by Mr. Hlubik. All agreed. Ordinance 2011-10 AN ORDINANCE OF THE TOWNSHIP OF CHESTERFIELD TO FIX SALARIES, WAGES AND COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CHESTERFIELD FOR THE YEAR 2011 was finally adopted on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed.

### Ordinances for Introduction

Ordinance 2011-11 was approved for introduction on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed. Public hearing will be April 28, 2011.

#### ***ORDINANCE 2011-11***

#### ***AN ORDINANCE TO AMEND ORDINANCE 2011-10 FIXING SALARIES, WAGES AND COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CHESTERFIELD FOR THE YEAR 2011***

***BE IT ORDAINED*** that the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey hereby amends Ordinance 2011-10 to fix the salary of the Land Use Secretary for the year 2011.

Land Use Secretary	\$ 3,830.00
--------------------	-------------

***BE IT FURTHER ORDAINED*** that the above mentioned salary is retroactive to January 1, 2011 after final adoption of the 2011 Municipal Budget.

Ordinance 2011-12 was tabled on a motion by Mr. Hlubik and second by Mr. LoCascio. All agreed. According to Chief Wilson, there are issues with the legalities of some of the background checks that need to be addressed.

### Discussion

Clarke Caton Hintz has presented a proposal for inspections services for the Village Square Park project. Mayor Durr stated that he feels the same about this proposal as the proposal from the Township Engineer. He believes that the Township can handle most of the inspections in-house. On a motion by Mr. Hlubik and second by Mr. LoCascio, the proposal from Clarke Caton for inspection services was approved at their 2008 hourly rate as quoted, on an as needed basis. All agreed.

### Payment of Bills

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

Mayor Durr opened the meeting to comments from the public and the committee. Police Chief Wilson stated that the Fenton Lane Athletic Fields are in need of trash cans and recycling containers. It was stated that they were placed at the park earlier this week. Mr. Trebisky stated that the CTAA installed tarps on the backstops and fences. They were

directed to install mesh material, which these are not. They have blown off and the impact on the fencing from continually replacing the tarps will be detrimental. Chris will make a suggestion to the CTAA as to the product they should use.

Chris continued that the Charlotte Rogers Park reforestation plan has been completed and will be left in the Clerk's office for residents to view with another copy for the Environmental Commission.

Mr. Hlubik asked if easements on properties along the turnpike have been given priority in the reforestation plans? Mr. Trebisky responded that those areas are part of Phase 2.

The names for the parks in Old York Village will be given to the Police Chief to correspond with addresses for the parks.

Mayor Durr stated that there will be a Fundraising event for the Fairview lake trip for the Chesterfield Elementary school students on April 21 at the Chesterfield Inn from 4-8pm.

Mr. Gillespie presented the amended version of Resolution 2011-4-7 which was approved on a motion by Mr. LoCascio and second by Mr. Hlubik. All agreed.

***RESOLUTION 2011-4-7***

***RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR  
REFORESTATION PROJECT***

***WHEREAS***, the New Jersey Turnpike Authority is currently expanding the Turnpike from Exits 6 to 9 and said project has caused deforestation within Chesterfield; and

***WHEREAS***, in lieu of litigation against State entities, the Township successfully negotiated a settlement agreement with the New Jersey Department of Environmental Protection and the New Jersey Turnpike Authority to directly receive reforestation funding under the No Net Loss Reforestation Act; and

***WHEREAS***, the Township solicited bids for the reforestation and at the time and place for opening sealed bids, the Township received seven (7) bids as follows:

<u>Bidder</u>	<u>Base Bid Plus Alternates 1-3</u>
Samaan's Hydroseeding & Landscaping	\$ 192,795.00
Land-Tech Enterprises, Inc.	\$ 292,655.00
Central Jersey Landscaping	\$ 294,159.00
Gowers Inc.	\$ 294,215.00
Aspen Landscaping Contracting	\$ 311,535.20
Down to earth Landscaping Inc.	\$ 326,335.00

Turf Construction Co. Inc.

\$ 335,025.35

**WHEREAS**, after the bid opening, the apparent low bidder wrote to the Township Engineer and advised that its suppliers provided it with quotes based upon smaller sized trees than the size the Bidder sought; and

**WHEREAS**, however, the low bidder failed to articulate the nature of the mistake as required by L.2010 c.108, Section 3, codified at *N.J.S.A. 40A:11-23.3*, and therefore the attempted withdrawal is ineffective; and

**WHEREAS**, the apparent low bidder also submitted the request for withdrawal to the wrong municipal official, contrary to the requirements of *N.J.S.A. 40A:11-23.3(b)*; and

**WHEREAS**, the nature of the contract is such that it must be awarded now in order to achieve spring planting, and it is clear that the apparent low bidder cannot be relied upon to perform the contract at the price bid by it; and

**WHEREAS**, the apparent low bidder is in default of its obligations and the purpose of the bid bond is therefore frustrated, and it is appropriate to demand payment under the bid bond; and

**WHEREAS**, the Township will not award the bid to the low bidder because non-compliance with the tree size requirement would jeopardize reimbursement of the cost of this contract from the State; and

**WHEREAS**, the Township Engineer reviewed the bid of the second lowest bidder and determined the same to be compliant; and

**WHEREAS**, funds are available to award this contract;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield that the lowest apparent bidder, Samaan's Hydroseeding & Landscaping of Franklinville, New Jersey, is hereby declared to be in violation of both its bidding and performance obligations under the Local Public Contract Law, and the withdrawal provisions of *N.J.S.A. 40A:11-23.3*, and the bid bond is hereby "called" and payment under same demanded;

**BE IT FURTHER RESOLVED** that Land Tech Enterprises, Inc. be and is hereby awarded the contract for the Reforestation Project for the Base Bid and Alternates 1

through 3 according to the bid specifications for an amount of Two Hundred Ninety-Two thousand, six hundred fifty-five dollars (\$292,655.00);

***BE IT FURTHER RESOLVED*** that the Mayor and the Township Clerk are hereby authorized to execute any and all documents in furtherance of this bid award.

On a motion by Mr. Hlubik and second by Mr. LoCascio, the meeting was adjourned at 8:37 PM. All agreed.

Respectfully submitted,

Bonnie J. Haines, RMC  
Township Clerk