

**WORK SESSION  
MUNICIPAL BUILDING**

**May 22, 2018  
DELRAN, NJ**

**Sunshine Statement:** Be advised that proper notice has been given by the Township Council in accordance with the sunshine law in the following manner. Notice advertised in the Burlington County Times and Camden Courier Post on January 16, 2018 and posted on the bulletin board on the same date.

**ROLL CALL:** Mr. Burrell, Mr. Schwartz, Mr. O'Connell and Mr. Catrambone were present. Mrs. Kolodi was absent.

**ALSO PRESENT:** Mr. Paris, Mayor, Mr. Grace, Solicitor, Mr. Hatcher, Administrator and Mrs. Dias.

**SEWER DISPUTES**

Block: 184 Lot: 4 – Mr. Hatcher reported that the resident indicated that during the month of January 2017 that the son left the hose on out front and did not notice for days and as a result they consumed 27,000 gallons of water that month. Based upon review of their previous bills that they averaged approximately 6,000 gallons a month during the billing period; therefore, if you wish to make an adjustment Mr. Hatcher recommended adjusting to 18,000 gallons. Council agreed

Block: 46 Lot: 4 - The resident indicated that they had a toilet, hot water heater and faucet running as this is a rental property. A review of the bills in June 2015 through 2016 and 2017 the bills were significantly higher than the average; however, it appears repairs were not necessary and the water was processed by the sewer plant. Mr. Hatcher stated that he does not believe this warrants an adjustment. Mr. Hatcher stated that he will reach out to the homeowner and ask if they have any supporting documentation that a repair was made. Council agreed.

Block: 115 Lot: 27 - The resident indicated there was a leak in the main water supply to the house and they did not know about until the water formed on the lawn in spring of 2017. In reviewing their bills they were averaging between 10,000 to 15,000 gallons a month for all of 2016 all the way through January, February and March 2017 they have been averaging approximately 5,000 gallons a month since that time. The resident indicated that they fixed the leak themselves and had no receipts to show for the repair. Should Council wish to provide an adjustment, he recommended adjusting the usage to 15,000 gallons down from 44,000. Council agreed.

Block: 102 Lot: 2 – The resident indicated there was a leak on the property and provided a receipt dated 03/28/2018; however, the billing from January 2018 shows consumption of about 2,000 gallons or less per month. Prior to that time consumption for the billing period appears to be 25,000 gallons. I am not sure that this makes sense because consumption was down in July 2017 and has not gone up since that time. If you wish to make an adjustment he recommended a reduction to the minimum bill. Council agreed.

Block: 137 Lot: 7 – The resident indicated their bill went up significantly and they provided a work order indicating that the backyard outside hose had been leaking and they had to rebuild the outside faucet to stop the leak. The billing appears to be based on an average

of approximately 31,000 gallons for the previous period. The repair appears to have taken place in April 2017 and prior that time their consumption appears to have been 15,000 gallons. Should Council wish to provide an adjustment, he recommended adjusting the usage to 15,000 gallons down from 44,000. Council agreed.

Block: 23 Lot: 1 - The resident indicated that their water boiler broke and leaked 6 inches of water all over the basement and provided a work report. Should Council wish to provide an adjustment, he recommended adjusting the usage to 11,000 gallons down from 16,000. Council agreed.

Block: 118.06 Lot: 9- The property owner indicated that they had a leak that they self-repaired and; therefore, they did not have or show any receipts for this item. During the timeframe when the original billing took place they utilized 45,000 gallons and the year prior to that they used 17,000 gallons and this year they used 21,000 gallons. Mr. Hatcher recommended we make an adjustment to 21,000 gallons. Council agreed.

Mr. Hatcher stated that a Resolution will be on the agenda for the next public meeting.

### **BID REPORT ANNUAL MAINTENANCE & REPAIR SANITARY SEWER SYSTEM**

Mr. Winckowski reported that this is basically a time and materials contract. The bidder provides unit prices for certain items on an as needed by the Sewer Department. The current contract expires at the end of June and is currently held by Montana Construction. We only received one bid this round from Mac-Rose Contractors which was significantly higher than the previous contract.

Mr. Paris asked if we are okay to award will only one submission.

Mr. Winckowski stated that the Township Solicitor didn't have an issue with the submission but if it outside the budgeted amount, it can be rejected and re-advertised. Mr. Winckowski stated the current two year bid from Mac-Rose Contractors is \$138,659.20 and the prior two year contract price was \$96,934.00

Mr. Hatcher stated that with this contract we are bidding items that could potentially happen. In 2016 there were no charges and in 2017 we spent \$20,646.00. The cost of the labor is going up not the contract. There are sufficient funds in the budget to cover the projected cost. If we were to re-bid the cost could increase. Mr. Hatcher recommended we award this as a one year contract and decide as the year continues whether to extend another year. Council agreed.

### **RANCOCAS CREEK GREENWAY**

Mr. Winckowski stated that this project is sponsored by the County and includes a trail system through Delran along the embankment on River Drive. In front of the Sewer Plant the trail system will extend into the roadway and in order to accommodate that they will be replacing the curb between Alden Avenue and Norman Avenue. Mr. Winckowski stated that concept plans were included in the packet and those plans show resurfacing River Drive from Alden Avenue to halfway between Norman Avenue and Stewart Avenue. They will also be striping the roadway and adding signage along the entire length of River Drive. They are looking for a letter or resolution of support from the Township for the project.

Mr. Paris stated that a resident reached out regarding drainage.

Mr. Winckowski stated that the resident questioned whether the project was including drainage improvements and his response was that with respect to the flooding the answer is no. Isolated ponding or puddles will be addressed with the resurfacing.

Mr. Hatcher stated that he reached out to them because he had a few questions but hasn't heard back. The main question was regarding the disturbance in front of the Sewer Plant as the drawings are difficult to see. We are looking to replace some plantings and he wants to make sure they will not be disturbed.

Mr. Winckowski stated that they are not looking for approval of the construction plan at this point; they are looking for a letter of support.

Mr. Schwartz stated that his main concern is the maintenance of the trail.

Mr. Hatcher stated that he will follow up on the questions and report back.

### **BID REPORT WEIR TANK CLEANING IMPROVEMENTS**

Mr. Winckowski reported that they had some legal questions regarding this issue before they make a recommendation.

Mr. Burrell made a motion to table this discussion, seconded by Mr. Schwartz. All were in favor, motion approved.

### **CAPITAL BUDGET**

Mr. Catrambone asked if anyone has any questions regarding the number or the items previously approved.

Mr. Hatcher stated that there is one error on the second page. Under Public Park Improvements the total for fencing was \$50,000 and the total authorized was \$70,000. The total authorized under Municipal Building Improvements was \$50,000 not \$70,000. The question he has is that before he goes to the Bond Counsel to draft the ordinance, he wants to make sure there will be four Council members present to vote on adoption of ordinance.

Mr. Catrambone stated that he is not sure Councilwoman Kolodi will be here for the June public meeting and Mr. Schwartz indicated at a prior meeting that he would no longer after the July public meeting. That means will we not have the same four members at both meetings. Mr. Catrambone asked if we are having the meeting on July 3<sup>rd</sup>.

Mr. Hatcher stated that he believes the public meeting in July is the 10<sup>th</sup>.

After additional discussion, Councilman Schwartz stated that he will stay on until after the July 10<sup>th</sup> public meeting to be in attendance for the vote.

Mr. Hatcher stated that he will contact the Bond Counsel to prepare the ordinance for introduction at the June public meeting.

## **LITTLE PROJECT LIMITS**

Mr. Catrambone stated that the Engineer provided the updated information requested for the Little project limits.

Mr. Winckowski stated that the additional cost would be \$3,000 to extend across Lot 5 and \$9,000 to extend across Lot 6. We would stop short of the intersection at Smith Street.

Mr. Hatcher stated that if Council agrees to move forward, he will reach out to Riverside to discuss any liability issues.

Mr. Winckowski stated that we would have the contractor name Riverside as part of the bonds and insurance. We will make sure that Riverside understands that after the bond expires, any issues are theirs not ours.

After discussion, Council agreed to extend the scope of the project through Lot 6. Mr. Hatcher will notify Riverside of the intent and discuss any issues.

## **REVIEW RFQ – ETHICS ATTORNEY**

Mr. Catrambone stated that language was changed from the original RFP discussed. Original language stated that investigate and has since been changed to opinion. Mr. Catrambone stated that he would like input from Council on the change.

Mr. O'Connell stated that he has thought about this since the last meeting especially since Mr. Schwartz brought up the issue of sending it to the Ethics Board. Mr. O'Connell stated that he felt we could get an opinion without this becoming public and that hasn't happened with the story in the paper. In the story, it indicated an anonymous complaint was sent to the State. If that has happened, is the RFQ really necessary. Can we piggyback on the current complaint or file our own complaint.

Mr. Burrell stated that we try to justify every dollar that we spend and at this point since it may have been filed is it worth hiring an attorney.

Mr. Grace stated that he is unaware of the contents of the anonymous complaint and he would not advise to piggyback on any complaint that may be filed. If Council feels it necessary to file their own complaint they have the right to do so.

Mr. Schwartz asked how we even know a complaint has been filed.

Mr. O'Connell stated that his feeling was that we were going to do this to get an opinion from an attorney if there was something there. If there was nothing there it ends and instead this is out there in the public and we are going to spend taxpayer's money.

Mr. Burrell stated that the most concerning thing is that even if there is something found it would end up at the Ethic Board and we would have spent money to get to the same place which is concerning.

Mr. Catrambone stated that if we are not going to have an investigation, then all we are getting is another opinion. Mr. Catrambone stated that he doesn't want to waste any money and it seems we have the votes move forward with sending it to the Ethics Board. He asked how we do that. He asked if the attorney writes the complaint.

Mr. Grace stated that if directed to do so then yes. Mr. Grace stated that what was important to him was a level of confidentiality. He agrees that now that there has been an article in the paper regarding this matter and the fact that it is not fully confidential is an issue. He felt it was important because if nothing was found it would remain in house.

Mr. Catrambone stated the Council previously discussed determining whether to file based on the third party opinion. What he is hearing now is that we formed an opinion and there is an opinion in the confidential memo that would be the legal opinion. He asked how we say that is the legal opinion without releasing the memo.

Mr. Grace stated that it may come down to the need for a court order and there may need to be restrictions on the review.

Mr. Paris stated that regarding the legal memo, they have asked five times, including the Township Administrator, for the input that was provided in the memo and it has not been received.

Mr. Catrambone asked if Council would be able to submit the complaint based on the legal opinion and Council's opinion.

Mr. Grace stated that if the decision is to file a complaint with the Ethic Board, there would be directive by Council. If it was directed to him to prepare that document, it would be by Council and submitted. There may be a request by the board for information that led to the complaint. Typically information that is privileged will not be disclosed but if there is a request the disclosure can only be authorized by the client or a court order.

Mr. Schwartz asked if it is the intention of Council to move forward in that direction. Does the Council really have to get involved in filing a complaint.

Mr. Catrambone stated that in light of this conversation it appears we are. His opinion is that we do this as a Council without spending any money. We can have the Township Attorney draft the complaint and file. Mr. Catrambone stated that we need to decide what we want to do.

After discussion, Mr. Schwartz made a motion to table discussion on the RFQ, seconded by Mr. O'Connell.

There being no questions, the roll was called.

Mr. Burrell, Mr. Schwartz, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 4

Nays: None

Motion Approved

Mr. Catrambone asked for a motion to authorize the Township Attorney to create a submission.

Mr. O'Connell made a motion, seconded by Mr. Burrell.

There being no questions, the roll was called.

Mr. Burrell, Mr. O'Connell and Mr. Catrambone voted aye. Mr. Schwartz voted nay.

Ayes: 3

Nays: 1

Motion Approved

## **REPORTS**

**Ms. Dias** – No report.

**Mr. Hatcher** – No report.

**Mr. Grace** – No report.

**Mr. Winckowski** – Mr. Winckowski reported that along with Mr. Hatcher he met with representatives from Jake's Place. They are going to work with the playground designer to bring the cost down and we will look at our budget numbers as well to get the project moving.

**Mr. O'Connell** – Mr. O'Connell thanked the Delran Historical Society for inviting them to attend the County event honoring them for finding the time capsule and the re-burial. They were honored will along with several other groups at the event.

**Mr. Burrell** – No report.

**Mr. Schwartz** – Mr. Schwartz stated that a couple years ago we started a discussion regarding commercial vehicles parking on residential roadways overnight. He received a few complaints over the last few weeks and he is not sure we came to a conclusion because there were some discrepancies in the zoning and traffic ordinance which made it impossible to enforce. He asked that we readdress the wording to make it consistent and enforceable. Council agreed to discuss this at a future work session.

Mr. Schwartz stated that there was an elderly woman in his neighborhood that was having an issue with the new trash collection. She put out a bulk item for trash and it was not collected. She was told it would be placed on the bulk schedule but it would have to be removed from the curb until then. The long story short was that she waited for the trash guy, handed them some money and the item was collected. It seems there has been a lot of discussion on social media about this issue. He is not sure there is anything we can do within the scope of the contract to maximize what can be done without resident having to pay for extra services.

Mr. Hatcher stated that we will clarify how bulk collection works and reach out to the trash company to make sure they are aware that is not something that is acceptable. Mr. Hatcher stated that if residents have any issues, please direct them to Jerry DeSanto, Public Works Superintendent.

Mr. Schwartz stated that he knows there will be some discussion regarding Fair Share Housing and he had a concern related to their concern related to their settlement with Morrestown.

According to the newspaper, there were some areas especially around the mall that if the areas were to be redeveloped for residential it would change the settlement. Three weeks later there was another article stating that the owners of the Moorestown Mall were now building residential high rises. This brings into question whether since was this known beforehand and he has concerns.

**Mr. Catrambone – No report.**

**Mr. Paris** – Mr. Paris congratulated the Delran Historical Society on their recognition.

### **PUBLIC PORTION**

Mr. Burrell made a motion to open the meeting to the public. The motion was seconded by Mr. O'Connell. All were in favor, motion approved.

Paul Buzzi, 4205 Bridgeboro Road, stated that he also had a question regarding what can be placed out for trash. He questioned if there is a home improvement project can that trash be put out for collection.

Mr. Hatcher stated that the ordinance reads that if there is a construction project that is not considered residential trash. Mr. Hatcher stated that we can get him the information on bulk trash collection.

Mr. Buzzi discussed another issue with Council regarding the property at 4200 Bridgeboro Road which is a residential property owned by Flagg's and used for their business. Mr. Buzzi stated that they also rent to McHugh's Landscaping. There are trucks and tractor trailers in and out of the property all day.

Mr. Paris stated that the Zoning Official is aware of the issue.

Mr. Hatcher stated that he will follow up on the issue.

Mr. Buzzi thanked Mayor and Council for their support of the Historical Society.

Linda Gilbert, 75 Stewart Avenue, questioned how the walk will be installed along River Drive in front of the Sewer Plant.

Mr. Winckowski stated that trail will be extended into the roadway.

Mrs. Gilbert questioned where the cars will go.

Mr. Winckowski stated that they will be rebuilding the curbs along the residential side to widen the roadway.

Mrs. Gilbert asked what is being done to address the drainage problems.

Mr. Winckowski stated that as he said before they are not addressing flooding problems. They are not increasing impervious coverage in the area.

Mrs. Gilbert asked what they are doing at the end of Stewart Avenue where there is no bank.

Mr. Winckowski stated that the trail will be built on the grass area between the roadway and the stream.

Mrs. Gilbert stated that there is not much area between the stream and the curb. With all the money the trail will be washed away. What is the point of doing this work if the flooding issues haven't been fixed.

Mr. Gilbert stated that in last 25 years that bank has been cut in half. If it keeps going that way there won't be anything left at the Stewart Avenue.

Mr. Catrambone stated that this is a County project. He doesn't feel this will worsen the flooding issues or solve anything.

Mr. Winckowski stated that as part of the project, we intend to ask them to build up the berm a little in the area but the rest of the trail will not be impacted.

Mrs. Gilbert stated that in regards to the newspaper article this rumor has been going through town since she don't when that Mr. Paris had something to do with Stellwag. In her book this is a waste of time and money when we could be doing something else in this town for the people you work for instead of attacking one man. Mrs. Gilbert feels this is a witch hunt and the whole thing needs to be dropped because nothing is getting done.

Colin Rafferty, 206 Chestnut Street, stated that they had a minor room renovation and the trash company did take most of the items but left small trash bags. He spoke with Mr. DeSanto and they did come back.

Mr. Hatchers stated that he did have a meeting with the trash company and to address some issues and problems and we are trying to get them addressed. We will get some out to clarify what items will be collected.

Mr. O'Connell made a motion to close the meeting to the public, seconded by Mr. Burrell. All were in favor, the motion was approved.

Mr. O'Connell made a motion, seconded by Mr. Burrell to enter into closed session for discussion on the following issues: Contract Negotiations/Shared Services Agreement with Delran School District, Negotiations – Stellwag Farms Redevelopment Plan, Update of COAH Litigation.

Mr. Burrell made a motion to end the closed session and reopen the meeting to the public. The motion was seconded by Mr. O'Connell All were in favor, motion approved.

Mr. Burrell made a motion to adjourn the meeting, seconded by Mr. O'Connell. All were in favor, the meeting was adjourned.

Respectfully submitted,

Jamey Eggers, Township Clerk

