

**REGULAR TOWNSHIP MEETING
MUNICIPAL BUILDING**

**February 26, 2013
DELRAN, NJ**

CALL TO ORDER

SALUTE TO THE FLAG

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 December 28, 2012 and posted on the bulletin board on the same date.

ROLL CALL: Mrs. Kolodi, Mr. Schwartz, Ms. Pangia, Mr. Morrow and Mr. Catrambone were present.

ALSO, PRESENT: Mr. Marmero, Solicitor, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

Mr. Morrow made a motion seconded by Ms. Pangia to approve the minutes for January 8, 2013.

There being no questions, the roll was called.

Mr. Schwartz, Ms. Pangia, Mr. Morrow and Mr. Catrambone voted aye. Mrs. Kolodi abstained.

Ayes: 4
Nays: None
Abstained: 1

Motion Approved

Mrs. Kolodi made a motion seconded by Mr. Schwartz to approve the minutes for January 22, 2013.

There being no questions, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pangia, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5
Nays: None

Motion Approved

ORDINANCES ON SECOND READING

**TOWNSHIP OF DELRAN
ORDINANCE 2013-1**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Delran in the County of Burlington finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Delran Township Council hereby determines that a rate of 3.5 % increase in the budget for said year, amounting to \$ 191,819.23 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Delran Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Delran, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of Delran Township shall, in accordance with this ordinance and N.J.S.A.40A:4-45.14, be increased by 3.5% amounting to \$ 447,578.20 and that the CY 2013 municipal budget for the Township of Delran be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Schwartz made a motion to open the meeting to the public, seconded by Mr. Morrow. All were in favor, the motion was approved.

There were no comments.

Mr. Schwartz made a motion to close the public portion, seconded by Mrs. Kolodi. All were in favor, motion approved.

Mr. Schwartz made a motion, seconded by Mr. Morrow to adopt the ordinance on second reading.

There being no question, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pangia, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5
Nays: None

Motion Approved

RESOLUTIONS

TOWNSHIP OF DELRAN RESOLUTION 2013-22

A RESOLUTION AUTHORIZING THE PARTIAL REFUND OF THE SEWER CONNECTION FEE FOR GOLDEN CORRAL AT PROPERTY KNOWN AS BLOCK 132, LOT 2

Whereas, when Golden Corral (the "Applicant") submitted a sewer connection application to the Sewerage Authority (the "Authority") the connection fee was calculated using NJDEP flow rates as per the Rules and Regulations of the Authority; and

Whereas, the NJDEP flow rates estimated Applicant would use 13,300 gallons per day; and

Whereas, the Applicant objected to NJDEP's flow rate and instead estimated their usage to be 6,600 gallons per day; and

Whereas, despite Applicant's objection, the sewer connection fee was calculated based on the NJDEP's estimates and the sewer connection fee was set at \$283,689.00; and

Whereas, pursuant to the Authority's Rules and Regulations, the Authority's Engineer, Kevin Snowden prepared a report stating that the water usage could be monitored for one (1) year and then compared to the connection fee paid and if the actual water usage was found to be lower than the NJDEP estimates, then the sewer connection fee could be modified and credited to Applicant; and

Whereas, the Applicant's water usage has been monitored for one (1) year; and

Whereas, a report from New Jersey American Water shows that from November, 2011 until October, 2012, the Applicant's actual water usage was 6,591 gallons per day; and

Whereas, on December 17, 2012, the Applicant submitted correspondence to the Township Engineer seeking a partial refund of the sewer connection fee paid by Applicant based on the agreement stated above and based on Applicant's actual water usage; and

Whereas, specifically the Applicant seeks a refund in the amount of \$143,103.00 from the original connection fee of \$283,689.00 which has been paid by Applicant; and

Whereas, the refund amount requested is based on the new connection fee of \$140,585.00, as stated in CME's report dated February 5, 2013, with the refund of \$143,103.00 being the difference between the original connection fee and the new connection fee; and

Now, therefore, be it resolved by the Mayor and Council of Delran Township that the amount of \$143,103.00 be refunded to Golden Corral based on the above referenced agreement between the Applicant and the Authority and based on the Applicant's actual water usage; and

Be it further resolved that the Township Clerk is hereby directed to forward a signed copy of this Resolution to the Applicant.

Mr. Morrow made a motion, seconded by Mrs. Kolodi to adopt Resolution 2013-22.

There being no questions, the roll was called.

Mrs. Kolodi, Ms. Pangia, Mr. Morrow and Mr. Catrambone voted aye. Mr. Schwartz abstained.

Ayes: 4
Nays: None
Abstained: 1

Motion Approved

RESOLUTIONS ON CONSENT AGENDA

Resolution 2013-23 Releasing the Performance Guarantee to Roma Bank (formerly Sterling Bank) and waiving the maintenance bond requirement

Resolution 2013-24 Extending the towing contract with Lenny's Towing for a period of one year to expire on March 1, 2014

Resolution 2013-25 Approving Raffle License 442 & 443 for the Delran Middle/High School PTA

Resolution 2013-26 Approving Raffle License 444 for the Church of the Resurrection

Resolution 2013-27 Refunding Planning Board Escrow

Mr. Morrow made a motion, seconded by Mrs. Kolodi to adopt the above resolutions.

There being no questions, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pangia, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5
Nays: None

Motion Approved

MOTIONS

Mr. Schwartz made a motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement. The motion was seconded by Mrs. Kolodi.

There being no questions, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pangia, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5
Nays: None

Motion Approved

Mrs. Kolodi made a motion, seconded by Ms. Pangia to accept the report of the Tax Collector, CFO and the Township Clerk.

There being no questions, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pangia, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5
Nays: None

Motion Approved

Mr. Morrow made a motion granting the mercantile licenses listed below. The motion was seconded by Mr. Schwartz.

1. Party City, 4004 Route 130 North
2. Good Carma Motors, 207 A-4 Carriage Lane
3. NME Auto Mall, 207-27 Carriage Lane
4. Simple Auto Group, 150-17 Carriage Lane
5. Autoworks, 207-11 Carriage Lane

There being no questions, the roll was called.

Mrs. Kolodi, Mr. Schwartz, Ms. Pangia, Mr. Morrow and Mr. Catrambone voted aye.

Ayes: 5
Nays: None

Motion Approved

REPORTS

Ms. Eggers – No report.

Mr. Hatcher – Mr. Hatcher stated that earlier this month we attended the Safety Kickoff Breakfast for the Burlington County Joint Insurance Fund. Delran received a number of recognitions. We had the most number of training programs of all the twenty-six communities. We received a \$1950.00 safety training grant for qualifying under the safety incentive program. In addition, we won the continuing education special recognition award which was given to Larry Jack and Corey Hullings for the fire extinguisher training. There was also a special recognition given to the Police Department for Officer Mitchell, Officer Irons, Officer Hamlet and Officer Vasbinder. This special recognition was submitted by Sergeant Hubbs for their work during a rescue from a burning vehicle.

Mr. Marmero – No report.

Mr. Bauer – Mr. Bauer, Fire Commissioner reported on the small fire in the roof at one of the buildings in Hunter's Glen Apartments. There was a crew in house at the Chester Avenue Station and were able to extinguish the fire rather quickly.

The fire on Stewart Avenue was a wood burning stove that caught the surrounding carpet and wall on fire. They were able to control the fire quickly.

There was also a small wood fire behind Leon Avenue. They have had a lot of problems down in the swamp area. There are a lot of motorcycles and quads that ride in that area. The police seem to have taken care of that problem.

Mr. Morrow asked what caused the fire at Hunter's Glen.

Mr. Bauer stated that it was electrical in nature and they are waiting on the report.

Mr. Morrow asked if the Fire Department gets involved when residents install wood burning stoves.

Mr. Bauer stated that they are not allowed to but if a resident asks them to, they will. They only perform an inspection on the smoke/carbon monoxide detectors during a re-sale or rental.

Mr. Bauer thanked the residents for passing the Fire Budget.

Mr. Schwartz – Mr. Schwartz reported that Assemblyman Singleton, Mayor Paris and himself were in the Riverside Park area a few weeks ago. He felt it was very important for Assemblyman Singleton to meet with the residents and get a first hand account of the issues. Assemblyman Singleton will be trying to help us receive the necessary permit for the improvements to the outfall at Stewart Avenue as quickly as possible. Mr. Schwartz is waiting to hear back from him to see if there has been any progress.

Mr. Schwartz stated that he attended the Turkish Community night and the turnout by the community and this Governing Body was tremendous.

Mr. Morrow – Mr. Morrow reported that we have two projects, the Fairview Street Sidewalk project and the final phase of Haines Mill Road, which will be completed in the spring. He stated that Assemblyman Singleton was extremely helpful in us receiving the grant for sidewalks.

Mrs. Kolodi – Mrs. Kolodi stated that this Council will be working on a committee to honor a citizen of the year. It is in the very early stages of planning.

Ms. Pangia – Ms. Pangia reported that the mobile mammogram van was a huge success. They have asked to come back to Delran and the date will be May 14th.

Ms. Pangia reported that she is working on an essay contest for Delran High School Students with the Delran Business Association for Women's History Month. The winning student will be honored at an upcoming Council meeting.

Ms. Pangia reported that she is continuing to try and have a mobile eye care van come to Delran. She is also working on a mental health presentation for May and a Kids Expo for April. They will be discussing the Kids Expo at the next work session.

Mr. Catrambone – Mr. Catrambone congratulated Larry Jack, Corey Hullings and the Police Officers on their recognition from the Burlington County Joint Insurance Fund.

Mr. Paris – Mr. Paris reported that Assemblyman Singleton has been extremely helpful to this community. In his meeting with the residents in the Riverside Park area one of the recommendations was to use the excess dirt from the Myers Tract to build up the berm along the creek front. He was going to reach out to the DEP to determine if that is a possibility.

Mr. Paris stated that the Turkish Cultural Center is doing fantastic things and trying to reach out to the community to educate them on their culture.

Mr. Paris stated that we are progressing very well with the 2013 Municipal Budget. We will be discussing the budget again at the next work session.

Mr. Paris reported that he attended a meeting at the Burlington County Court House with the NJ Business Action Center. He will be working very closely with them to help bring businesses into town.

Mr. Paris reported that March 23rd will be the Easter Egg Hunt at Conrow Park.

PUBLIC PORTION

Mr. Morrow made a motion, seconded by Mr. Schwartz to open the meeting to the public for any questions. All were in favor, the motion was approved.

William Tilden, 59 Stewart Avenue, asked Council whether the bids were out or have been awarded for the Stewart Avenue outfall.

Mr. Hatcher stated that we are waiting on the DEP permit prior to going out to bid.

Mr. Catrambone stated that the funding has been allocated and we will be ready to advertise as soon as we receive the permit.

Mr. Tilden asked how long it will take to receive the permit.

Mr. Catrambone stated the estimate is within six months but we are hopeful that it will be sooner.

Bob Gilbert, 75 Stewart Avenue, thanked Councilman Schwartz and the Mayor Paris for bringing Assemblyman Singleton out to meet with the residents of Riverside Park. He seems truly concerned for the residents and wants to try and redirect some of the Blue Acres funding to try and mitigation the flooding instead of using the funds to purchase properties. Mr. Gilbert stated that using the dirt from the Myers Tract would be great until Assemblyman Singleton figures out if they can use those funds for a wall. When we get the storm drain fixed at Stewart Avenue and if we are able to use the dirt from Myers Tract, it will help slow down the flooding issues.

Mr. Gilbert stated that the presentation of the Vietnam War for Mrs. Kolodi's class will be held on March 28th. He invited Council to attend the presentation. They have fourteen Veterans already signed up to attend.

Mr. Gilbert stated that he discussed at a work session meeting the possibility of the Township helping residents of Riverside Park to possibly raise their heaters and hot water heaters from the basements. It was also discussed that the Township would adopt an ordinance to require that residents looking to replace those items would be required to raise them and bring them into compliance. Mr. Gilbert stated that unless the National Flood Insurance is in agreement with this they will not pay to have this done. The residents would have to take on the extra costs. He mentioned that maybe the Township can try and set aside some funding for the residents to offset those extra costs.

Mr. Gilbert stated that we used \$2,700,000 last year in surplus and gave the taxpayers a \$40.00 tax break.

Mr. Catrambone stated that we had additional surplus at the end of 2011 and that additional surplus was used to balance the budget and that is what generated the tax decrease.

Mr. Hatcher clarified that we ended 2011 with \$5,200,000 in surplus. What we used to balance the budget was \$2,700,000.

Mr. Gilbert stated that it was brought up that the Township does not have the funds to pay the \$3,000,000 to \$5,000,000 for the improvements needed in Riverside Park to control the flooding problem, which he understands. He feels Council used the \$2,700,000 in surplus as a ploy for re-election by giving the residents a tax break.

Mr. Paris stated that we can not reallocate funds for those improvements. We would need to put out a referendum to the residents to vote on.

Mr. Gilbert stated that he understands that, the school just did a similar referendum for the full day Kindergarten.

Mr. Paris stated that he has worked very hard every year to keep the budget in line and he was not running for election every year. With the bad economy, we tried to do what we could for the residents of Delran.

Mr. Gilbert stated that he finds it very hard to believe that because we never lowered it except in an election year.

Mr. Hatcher recommended that Mr. Gilbert take a look at the explanatory statement in the budget. The surplus is our largest revenue source in the budget and this Council has taken a lot of effort to try and manage that the best we can. Last year, as a percentage, the surplus that we dedicated back to the budget was actually less than the prior year. The reason that the number increased was because we had additional surplus at the end of 2011 and the reason the taxes went down is because the total dollars in the budget went down.

Mr. Gilbert stated that he has been at the work sessions and has seen Council has gone over the budget line by line. His only issue is that in 2011, Council was aware of the flooding and they did nothing. Then in 2012, Council gave a tax break to residents in an election year.

Mr. Hatcher stated he does not want to speak for Council but even if they had decided in January of 2012 to spend the \$5,000,000 for the improvements, they would not have been in a position to do that.

Mr. Gilbert stated that that flapper valve issue could have been addressed.

Mr. Catrambone stated that he understands what he is saying but this entire process is very slow. We did not have the benefit of knowing the April 2011 flood was going to be the first of six floods. For fifteen years, Mr. Hatcher stated that there was never an issue with flooding. We are doing everything we can do. We know that the water levels throughout the state are rising and we are trying to react to that.

Mr. Paris stated that we have contacted everyone we can to make them aware of our issues.

Mr. Morrow stated that residents along the east coast are fighting to get back into their homes. They are required to make improvement without any funding. Even if we build a wall along the creek, it will still not guarantee that it will not flood.

Mr. Gilbert stated that if the wall was there in April of 2011 no one would have had water in the basements.

Mr. Morrow stated that as a kid he can remember playing in the water along River Drive. That area has always been prone to flooding. He was on Amico Island this past weekend and the water level was high without any storm. Mr. Morrow stated that anything we do here in Delran we need to make sure that we do not affect any other communities. We are working as hard as we can to help the residents.

Mrs. Kolodi stated that she truly believes she is working with people that put politics aside for the people of this town. We may not be able to do everything and things might not happen as quickly as some would like but we are not motivated by political concerns.

Mr. Morrow made a motion to close the meeting to the public, seconded by Ms. Pangia. All were in favor, the motion was approved.

Mr. Morrow made a motion, seconded by Mr. Schwartz to adjourn the meeting. All were in favor, the meeting adjourned.

Submitted,

Jamey Eggers
Municipal Clerk