

**EASTAMPTON TOWNSHIP COUNCIL
REGULAR SESSION MINUTES**

July 9, 2007

7:30 p.m.

Call to Order

Mayor Nagler called the meeting to order at 7:30 p.m.

Pledge to the Flag

Everyone participated.

Opening Statement

Notice of this meeting was published in the Burlington County Times on January 9, 2007. Notice was posted on the Municipal Bulletin Board and sent to the Courier Post for information.

Roll Call

PRESENT: Mr. Maroccia, Mr. Renzulli, Mr. Hartman, Mr. Tafe and Mr. Nagler

ALSO PRESENT: Township Manager Scott Carew, Township Solicitor Eileen Fahey and Township Clerk Linda Lovins

Volunteer of the Year Presentation-2006

Mr. Hartman read the biography of Mr. Knighten who served 28 years on the Eastampton Township Planning Board. Mr. Knighten was awarded the mayor's lifetime community service award for 2006.

Mr. Hartman explained that this is a new award. In addition to the plaque given to the person there will be another one placed in the manor house which will list each recipient from this year forward.

Mr. Knighten thanked council and explained that his service was for every resident in Eastampton.

Mr. Hartman read the biography of George Kingston who also retired from the Land Use Planning Board this year. He served from 1997 through 2006 as members of the Zoning Board and then combined Land Use Planning Board.

Mr. Hartman presented the 2006 Volunteer of the Year Award to Mr. Kingston. Mr. Kingston was impressed with the professionalism of all boards and thanked council for their service to the township.

Mr. Hartman read the biography of Mike Chiara who is a volunteer firefighter for the Eastampton Fire Department.

Mr. Hartman presented the 2006 Fire Department Volunteer of the Year to Mr. Chiara.

Manager Carew read the biography of Officer Kevin Ballinger for Police Officer of the Year. Officer Ballinger unfortunately had to leave the building to serve the community. Kevin's mother came to receive the award for her son.

Manager Carew read the biography of Doris LaVacca, Treasurer/Tax Collector for Employee of the Year.

Manager Carew presented the 2006 Employee of the Year to Doris LaVacca.

Motion by Mr. Maroccia seconded by Mr. Renzulli to recess at 7:56 p.m.

Regular Session reconvened at 8:02 p.m.

Township Manager's Report

Manager Carew advised that the water basin issue near Champion's on Dunham Lane has not been resolved. He has put calls in to the administrator of Lumberton and has not received a return call. Ms. Fahey asked if minutes were reviewed to see if it has been before the Lumberton township council. Ms. Fahey suggested reviewing those as well as having Mr. Latini speak with Lumberton's engineer.

Mr. Hartman stated that this is too important to allow this to fall through the cracks.

Manager Carew stated that according to Mr. Latini's report, Mr. Latini is not convinced it is the basin. Manager Carew has to lean towards the way that the residents feel in that they have not had a problem before.

Councilman Renzulli asked if there is a way of testing with dye or something similar. Solicitor Fahey suggested that it may be an issue of private property. Manager Carew asked if they should involve the Department of Environmental Protection. Ms. Fahey stated that she doesn't believe DEP has an open file on this matter.

Mayor Nagler asked if this could be a result of the remediation behind the landfill. Manager Carew stated that there is a lot of construction going on around that area.

Manager Carew asked if he should go to a Lumberton Council meeting. Mr. Renzulli suggested that he walk into the Township Administrator's office. Manager Carew feels that he is getting brushed off by the Administrator.

The new solid waste removal schedule last week. There were probably a dozen questions and/or complaints regarding the new schedule. Councilman Tafe stated that on Monday there were very few people with trash out. Mr. Hartman has heard no complaints. Mayor Nagler stated that there are a lot of cans out today. Manager Carew stated that there have not been many complaints. There have been more inquiries. Mayor Nagler asked if Rich Parks is following up with residents if the trash is out on the wrong day. Manager Carew stated that he does. Manager Carew stated that they too started the private roads last week and hope to have it down to 1/2 day.

Manager Carew will change the sign to add the change in trash days.

Manager Carew has been speaking with Chief Mingin regarding the search for his replacement. Chief Mingin will be providing him with the laws that pertain to the search for a police chief and how he has seen other townships to do this. Manager Carew asked council for what the requirements for the next chief should be. The law does state that the new chief has to come up through the ranks.

Manager Carew stated that they would like the new chief to choose the new lieutenant since that is the chief's right-hand man. Over the next few months they will be rotating people into the lieutenant's position. Manager Carew suggested re-visiting this issue in September. There will probably be a three-tier process, their record, a written test and an oral test. Manager Carew stated that you do this with a panel comprised of Chief Mingin, Manager Carew and other chiefs or managers not from the immediate area.

Manager Carew stated that he will be getting into the meat of labor negotiations shortly after labor day. In August Manager Carew would like Council's input on what they would like to see out of the negotiations.

Manager Carew received a call from Nancy Jamanow regarding the condition of Student Drive. The condition of the road is a lot worse than everyone initially thought. Nancy believes that the extra damage has been caused by the school construction. Ms. Jamanow has written a letter to Mr. Krastek asking for their financial help. Ms. Jamanow has not given Manager Carew a figure of how much more it will cost.

Councilman Tafe suggested that since the school has promised tax relief from the sale of the school that they use the money to put into this project.

Mayor Nagler stated that the first board meeting is not until August 13 so their wouldn't be a response until at least then.

Manager Carew stated that this has to be completed by the first day of school.

Ms. Jamanow asked Mr. Krastek if there was anything in the contract with the contractors that stated that they would fix any damage done in the process.

Manager Carew suggested introducing a Capital Bond Ordinance at the next meeting. Councilman Tafe asked if Manager Carew was still going to ask for reimbursement or help from the school board. Manager Carew stated that he would absolutely. If the township does get reimbursed that amount of the ordinance can be cancelled.

Mayor Nagler asked if Manager Carew can reach out to RV as well since they are purchasing more property in Eastampton. Councilman Tafe stated that is his feeling as well they have promised tax relief.

Approval of Current Year Minutes

Motion by Councilman Tafe, seconded by Councilman Maroccia to approve the April 23, 2007 and June 11, 2007 Regular Session Minutes and June 18, 2007 Special

Session Minutes. All voted in the affirmative with Mr. Renzulli abstaining from the June 11, 2007 Minutes.

Acceptance of Reports

Motion by Councilman Hartman, seconded by Councilman Renzulli to accept the following reports for June 2007:

Township Clerk	Tax Collector
Treasurer	Public Works
Assessor	Construction Official - Not presented
Court	Police
CCO	

All voted in the affirmative.

Resolutions - Consent

Motion by Councilman Tafe, seconded by Councilman Maroccia to adopt the following Resolutions:

- 2007-64 Refund Overpayment of Taxes with Respect to Various Blocks and Lots
- 2007-65 Authorize Execution of Agreement between Board of Chosen Freeholders of the County of Burlington and the Township of Eastampton with Respect to the 2007 Burlington County Municipal Alliance Plan
- 2007-66 Authorize Public Auction of Abandoned Vehicles

All voted in the affirmative.

Roll Call Vote

Motion by Councilman Renzulli, seconded by Councilman Hartman to adopt Resolution 2007-67 Award of Contract for Resurfacing of Knightsbridge Road.

Manager Carew stated that this was part of the CDBG grant that the Township received.

Upon roll call vote, all voted in the affirmative.

Motion by Councilman Hartman, seconded by Councilman Renzulli to adopt Resolution 2007-68 Issuance of Bond Anticipation Note in the amount of Four Hundred Fifty-Eight Thousand Four Hundred Fifty Dollars (\$458,450.00) with Respect to Capital Improvements by the Township of Eastampton as Authorized by Bond Ordinance 2006-06.

Manager Carew explained that this is the re-issuance of last years bond for the road

improvements and the trash truck and two other vehicles for 2006.

Upon roll call vote, all voted in the affirmative.

Motion by Councilman Hartman, seconded by Councilman Tafe to adopt Resolution 2007-69 Governing Body Certification of the Annual Audit.

Councilman Renzulli has not had an opportunity to review it. Mayor Nagler stated that there are two conditions that continue to show up in the audit. Councilman Renzulli stated that in order to fix the problem another person needs to be hired.

Upon roll call vote, all voted in the affirmative with Mr. Renzulli abstaining.

Introduction and First Reading of Ordinances and Set Public Hearing for August 13, 2007

Motion by Councilman Maroccia, seconded by Councilman Hartman to introduce Ordinance 2007-08 An Ordinance of the Township of Eastampton Providing for the Regulation and Control of Cats and to set the Public Hearing for August 13, 2007.

Councilman Renzulli asked for background on Ordinance 2007-08 since he was absent from that meeting. Manager Carew gave background on the feral cats and the feeding of them down by the creek. This ordinance gives the township some authority to do something. Discussion ensued regarding how to determine what a feral cat is.

Ms. Fahey suggested the alternative is licensing. Councilman Renzulli asked why historically have dogs had to be licensed as opposed to cats. Councilman Renzulli stated that it is legal to feed chickens in Eastampton.

Manager Carew asked if SPCA has an opinion. Ms. Fahey asked if the ordinance should be broadened or does the township want to start with cats. Manager Carew stated that the large amount of open space in the township also contributes to the problem.

Councilman Hartman would like to see how many cats are in town. Manager Carew stated that the township would have to license cats.

Manager Carew would like to reach out to the SPCA regarding their opinion on licensing cats. This matter will be further investigated.

All voted in the affirmative.

Motion by Councilman Renzulli, seconded by Councilman Tafe to introduce Ordinance 2007-09 An Ordinance of the Township of Eastampton to amend Section 96-46 of the Township Code with Respect to Speed Limits to Provide the Appropriate School Zone Speed Limit for Student Drive and set the public hearing for August 13, 2007.

Ms. Fahey expanded that this ordinance expands it as far as the law will allow and expand the times that it is enforced. It is currently 35 mph.

All voted in the affirmative.

Motion by Councilman Hartman, seconded by Councilman Maroccia to introduce Ordinance 2007-10 An Ordinance to Create New Chapter 90 of the Township Code Entitled: Towing and Storage of Vehicles and to set hearing for August 13, 2007.

Ms. Fahey explained that Chief Mingin has not always had availability and there have been other people interested in the rotation. Credentials are checked, etc. and they have to be licensed.

All voted in the affirmative.

Approval of Bill List

Motion by Councilman Hartman, seconded by Councilman Renzulli to approve the July 2007 Bill List. All voted in the affirmative.

Old Business

Recreation Building - Manager Carew met with the residents of Darby Circle West. The question was asked again why the building was planned to be put where it is shown on the map. Manager Carew asked Ms. Jamanow to investigate the feasibility of putting it on the north side of the park. She stated that her findings stated that there was no reason it could not go on the north side. The recreation plan was distributed to council last week. Manager Carew wanted to alert council of the possibility of moving the building.

Mayor Nagler stated that the recreation plan has been in place since August 2001. The plans are available to the public. Mayor Nagler is not sure that he wants to spend taxpayer money to delay the placement of the building, housing the materials and moving the building. The master plan would have to be changed. Councilman Tafe asked how much it would cost to revise the master plan. Mayor Nagler stated that this would come out of the planner's budget. Councilman Renzulli stated between \$3,500 - \$5,000. Councilman Maroccia asked what the cost of moving the building would be. Manager Carew stated that the problem is that something needs to be done with the tennis courts.

Councilman Renzulli stated that more money that is used is more money that comes out of the Student Drive project and more money that goes into the bond that will be introduced at the next meeting.

Councilman Tafe stated that Manager Carew advised that moving the building wasn't going to cost anymore.

Manager Carew stated that both projects cannot be completed for \$150,000. The Township is already paying \$10,000 - \$20,000 into the projects.

Councilman Renzulli stated that the plan was put into place as a result of complaints from the residents of Darby Circle West and then prompted removal of basketball courts which

sparked the recreation plan in the first place. The active recreation was moved away from the residents at that time. The building being an indoor activity was a better alternative.

Councilman Tafe asked what other accommodations were discussed at that meeting with the residents other than moving the building. Manager Carew stated replacing the fence that was taken down with a privacy fence. Landscaping was also discussed. Councilman Renzulli stated the recreation committee was planning on doing the landscaping in any event.

Mayor Nagler asked who was responsible for scheduling and policing that building once it is up. Manager Carew stated that the security of the building would be the township and scheduling would go through the recreation committee.

Mayor Nagler asked how complaints would be handled. Manager Carew stated that if it is a police regulation call the police, if it is a complaint on how the building is being used that is not in the agreement, then the township would have to be called.

Councilman Renzulli stated that are currently no programs that run over 9:30 p.m. and nothing on Fridays. There will be no parties there. Potentially there will be karate class there of maybe 20 people on Tuesdays and Thursdays and an exercise class of maybe 15 people.

Councilman Hartman asked if the township would be renting it out. Councilman Renzulli stated absolutely not.

Manager Carew stated that he is waiting to find out if council wants to move the building or keep it as is. Manager Carew stated that there needs to be a decision this evening as it is holding up summer camp that they cannot use it. Councilman Renzulli stated he is housing equipment in his garage.

Tom Irizarry, 4 Darby Circle West. He stated that he came to a meeting on May 13, 2007. The Mayor at that time did not know anything about the building. Tonight he stated that this plan has been in place for six years. Mr. Irizarry stated that on May 13, 2007 it was stated that this building will not cost the taxpayers any money.

Mr. Irizarry asked what the recreation plan consists of. Mayor Nagler stated on the north side of the park would be noise generated activities. Mr. Irizarry stated that a plan is a plan and can be changed. Mr. Irizarry stated that they were not notified of this building, there is not sufficient lighting and that is a security issue especially for the equipment that is housed in that building. He is calling in countless amounts of complaints to the police department now. Mr. Irizarry asked what happens when the five of them are not sitting up there what happens in five years down the road when council wants to rent the building out to make money. He is looking at what is going to happen down the road. He is looking out for security safety for his family and the noise issue for his family.

Councilman Renzulli stated that the recreation committee will draw up a policy for use of the building. Mr. Irizarry stated that policies change and by moving the building to the other side it will effect no residents.

Councilman Renzulli asked if they would then be acceptable of the noise that would be created by moving activities closer to the residents. Mr. Irizarry stated that the building is a double wide that looks like trailer park trash.

Councilman Tafe stated that he takes offense to the term of trailer park trash. There are members of this community that live in trailer park communities. Mr. Irizarry apologized.

Mayor Nagler asked if the residents would be satisfied if a street hockey rink was put into the place where the building is supposed to go now. Mr. Irizarry stated that he has no issue with that. Mr. Irizarry stated that kids will not be playing street hockey at 10:30 p.m.

Councilman Tafe stated that Mr. Irizarry has to understand that things to change. When Mr. Geary moved in there was no school in his backyard.

Councilman Tafe stated that a hockey rink could become an issue. Mr. Irizarry stated that he does not want a trailer in his backyard that will reduce his value of his property.

Councilman Tafe stated that his opinion is that a hockey rink for kids in his backyard might reduce his property value more than a building in his backyard.

Mr. Irizarry stated that he is bringing legitimate issues from three taxpayers.

Councilman Renzulli stated that he would be willing to move the building if they would sign off on a letter stating that any activities can be put in that area in its place.

Mrs. Irizarry stated that recreation and children have been her life and she doesn't have a problem with children and activities. She has a problem with the building being in her view.

The cost right now moved or not moved is \$10,000 - \$20,000.

Mayor Nagler closed to the public.

Mayor Nagler asked for last comments from council. Councilman Renzulli stated that the recreation plan addressed the resident's concerns and meets their original desire of keeping active recreation away from the residences and providing a small building in that area.

Councilman Tafe stated that Councilman Renzulli stated if they are willing to sign a letter stating that all active recreation can be held there, he would be willing to move the building. What if those residents are no longer living there? Councilman Renzulli stated that anyone that moved in there after the fact would know that there was a hockey rink there or whatever was there.

Manager Carew reminded council that Mr. Irizarry makes a good point that in five years everything can change.

Councilman Renzulli stated that they are in discussions with Westampton regarding a hockey league. There are discussions of building a hockey rink in Eastampton.

Councilman Renzulli stated that it would be for day time use and no lights would not be

installed.

Councilman Renzulli gave a comparison regarding the concerns that were stated when this municipal building was proposed to be put in the middle of the housing development. People now think that the placement of this building is the best thing since sliced bread. There have been no complaints.

Councilman Tafe asked what Manager Carew's position is. Manager Carew's concern is that the building is going to go up eventually in one place or the other and the main use of the building is for summer camp. Manager Carew stated that moving it to the other site is probably a few thousand dollars and it will effect the recreation activities because it is further away. On the other hand there are privacy and security issues for the residents. Regardless of what happens, the residents need to be involved in what is going to be there and when.

Councilman Tafe asked if there would be any other people that complain about moving it to the other side. Manager Carew stated that the closest house would be Mr. Maroccia's.

Councilman Tafe suggested if it is decided to be moved then you will have to notify all residents within so many feet from the new site or the township will be in the same position as they are now. Solicitor Fahey stated that it is not required by law but the township could do a courtesy notice.

Councilman Renzulli stated that the building was designed for the use it was intended and the things that it was intended to store. If it is moved, some of those uses will be obsolete.

Mayor Nagler stated every day a decision isn't made the township is paying for storage of the building.

Councilman Renzulli stated that there are portions of the building that would no longer be needed if it were to be moved. The concessions would no longer be needed due to the proximity. Councilman Renzulli stated that the building would have to be remodeled at some point.

Councilman Hartman would have to follow the lead of Councilman Renzulli since he has been on the recreation committee and knows the plans of the committee. Councilman Hartman stated that if they are willing to agree to the active recreation being in their back yard he would agree.

Manager Carew stated that if the township is a few years away from doing anything with that site they would have to put down grass, etc. Councilman Renzulli stated that building a rink at this point is not cost effective. They will have to get grants, etc.

Motion by Councilman Renzulli, seconded by Councilman Hartman to leave the building where it is proposed to be put. All voted in the affirmative with Councilman Maroccia abstaining.

Elementary School sale to RV - Mayor Nagler explained that as part of the referendum the school promised to turn that property into a commercial incubator. Mayor Nagler

would like to adopt a resolution responding to the decision of Eastampton Board of Education to sell the property to an entity that would not pay property taxes.

Councilman Renzulli stated that he believes that a letter should go along with the resolution reminding them of their promise.

Councilman Hartman asked if the district ever put it in writing. Mayor Nagler stated that it was part of a handout to solicit votes for the expansion.

Councilman Renzulli asked if the township can purchase the property and flip it to a commercial developer? Manager Carew stated that the township would have to raise \$90,000 for a down payment. Councilman Renzulli stated if the township could sell the property before next tax year this would be non-issue.

Councilman Renzulli reminded everyone that a sale to a developer for commercial ratables would generate income for not only the township but the fire district, the school and county.

Manager Carew stated that the township did an OPRA request and there was a commercial developer that had interest in the property for the same price as RV.

Ms. Fahey asked that the township find out why that offer was rejected by the Board of Education.

Mayor Nagler stated that the State Department of Education has not approved this yet and wants to get the resolution to the State so that they know our position as well as the county superintendent and the freeholders. Councilman Renzulli concurred.

Motion by Councilman Tafe, seconded by Councilman Renzulli to adopt Resolution 2007-70 of the Township Council of the Township of Eastampton Regarding the Sale of the Eastampton Elementary School Property. All voted in the affirmative.

Councilman Tafe asked if council can state, in the letter, that the board of education advised that the property would be sold for commercial development. Council agreed that the board of education did in fact state that.

Councilman Hartman asked about an old offer that the township buy the property for \$1.00.

Councilman Tafe asked why this doesn't have to be done by public hearing. Ms. Fahey stated because it is a lease/purchase.

Mayor Nagler stated that RV is putting out \$68,000,000 or \$86,000,000 referendum to the voters that was proposed in September and now is moved to December. Mayor Nagler does not know the details.

Councilman Renzulli believes that building will be used for 9th and 10th grade within the next few years.

Mayor Nagler stated that building leaks and has heating issues and wants to know how

much taxpayer money are they going to use to make it safe to put a daycare center in that building. Mayor Nagler and the community went to Trenton in 2005 and the State stated that it could be deemed unsafe for the housing of children.

All voted in the affirmative.

Mayor Nagler asked that the letter with the resolution go to the sending districts township clerks and their school districts, RV, County Superintendent's Office, Lucille Davy Department of Education in Trenton, the Eastampton School Board and the County Board of Freeholders and the Burlington County Times.

Councilman Tafe wants to make sure that everyone understands the taxpayers already own the building and are going to buy it again.

New Business

Motion by Councilman Hartman, seconded by Councilman Renzulli to approve the request for block party approval for Saturday August 11, 2007 - Dawn Drive, Eastampton. All voted in the affirmative.

Public Comments

Mayor Nagler opened to the public at 10:05 p.m.

Tom Irizarry asked what his next recourse of action is. Ms. Fahey suggested that there is no further action other than an attorney and there is no body for which he appeals. It will not be the recommendation of this council what his recourse is.

Mr. Irizarry wants to know what will be done for his privacy and security. Manager Carew stated that they are discussing the privacy fence with additional landscaping and landscaping the building itself.

The recreation committee will involve the residents of all steps in the procedure. Mr. Irizarry asked how soon before the landscaping is done. Councilman Renzulli stated at least six weeks of minimal activity.

Councilman Renzulli stated that the township can start the fence process right now. Manager Carew will confirm that. Mr. Irizarry wants to know when the residents will get a definitive answer regarding fencing and landscaping. They asked for security/privacy fence with a noise barrier. At the meeting it was discussed that the township would purchase and install the fence and that it would be six feet. Mayor Nagler asked that within a weeks time Manager Carew come up with a time line for privacy landscaping and fencing.

Mr. Irizarry wants to know when the residents can sit down with the recreation committee with what can be done with the building as to rules and regulations. Councilman Renzulli invited them to the next recreation committee meeting so that they can start with the resident's thoughts.

Mrs. Irizarry asked if the township was going to do a straight-line fence because part of the

township's property is on their side of the fence. Ms. Jamanow would have to answer that question.

Councilman Renzulli asked why the township doesn't just deed it to the residents. Councilman Renzulli stated that Mr. Irizarry should get with Scott.

Ms. Fahey stated that the property owner's assessment should be looked at as well as far as property lines.

Ms. Jamanow is on vacation until July 21.

Mr. Irizarry asked that the township please call before taking down the fence so that his dogs are not out there and that would cause a problem.

Mayor Nagler asked that the Township Manager advise them in writing. Manager Carew is going to see if someone from ERI can prepare the plan in Nancy's absence.

Councilman Renzulli would like to make sure that if the fence comes down in the morning it be put back up prior to the end of the business day.

Mayor Nagler closed to the public at 10:19 p.m.

Comments

Councilman Renzulli advised about movie nights.

Councilman Hartman thanked Scott for the Volunteer night.

Mayor Nagler received notice that the county's budget is still not approved and tax bills are delayed.

Adjournment

Motion by Councilman Hartman, seconded by Councilman Renzulli to adjourn at 10:19 p.m. All voted in the affirmative.

Respectfully submitted,

Linda M. Lovins, RMC
Township Clerk