

**APRIL 12, 2018**

The Township Committee met on the above date with Mayor Romeu calling the meeting to order at 7:00 PM. The meeting opened with the flag salute and a moment of silence. Roll call was taken showing present: Mayor Rita Romeu, Deputy Mayor Jeremy Liedtka, Township Committeeman Samuel Davis and Committeewomen Andrea Katz and Denise Koetas-Dale. Also present John Gillespie, Township Attorney; Joe Hirsh, Township Engineer; Chief Kyle Wilson and Township Clerk Caryn Hoyer.

The Open Public Meetings Act statement was read and compliance noted.

**AGENDA MATTER(S) REQUIRING RECUSAL(S)**

None

**COMMENTS FROM THE PUBLIC MATTERS ON THE AGENDA ONLY**

Sam Cannizaro from 214 Recklesstown Way said that he is in charge of the Baseball program for the CTAA. His biggest challenge has been field maintenance and how the agenda items are being handled. He asks that when the CTAA appears on the agenda that it be more clear as to the purpose. Mayor Romeu agreed and said this will be discussed later in the meeting.

**BOARD OF HEALTH**

Deputy Mayor Liedtka made a motion to open Board of Health meeting seconded by Mr. Davis. All were in favor. Mr. McMahon is present for the Board of Health.

Block 1105 Lot 4 – Sykesville Road – Septic tank to well and distance to property line

Mr. Hirsh reported that the site is particularly narrow. The lot is 65 feet wide, the proposed septic field is 18 feet wide, leaving only 47 feet available for setbacks. The field appears to have been set to maintain 102' from the neighboring well to the west, where 100 feet is required. The plan notes that the existing well could not be located on the property to the east. The Applicant should locate the well on Lot 3 to verify sufficient setback to same.

Mr. Hirsh also reported that the Applicant should provide testimony regarding the encasement of the well. If the well is encased, then the State requirement setback distance of 50 feet would be met. Otherwise, testimony should be provided regarding the potential of relocating the septic tanks to achieve the 100 feet setback.

Myrna Vega is the contractor and was present. She stated the location of the well is unknown but has been told it is located within the house. Mr. Liedtka stated then most likely it is not encased. Mr. McMahon made a motion seconded by Mr. Liedtka to postpone the application to May 10<sup>th</sup> to give the application time to get information on the well in question. All were in favor.

Mr. Gillespie talked to the Township Committee about Magical Acres. Mr. Liedtka recused himself. Mr. Gillespie stated the Board of Health cannot act on this until the Township

Committee works through the TDR restrictions. He asked the Township Committee to prepare to make a decision. Mayor Romeu made a motion seconded by Ms. Katz to table until the next meeting to discuss and then put it on the agenda for the next Board of Health meeting. All were in favor.

Mr. Liedtka made a motion seconded by Mr. Davis to close the Board of Health. All were in favor.

### **CONSENT AGENDA**

Ms. Katz made a motion seconded by Ms. Koetas-Dale to approve the March 22<sup>nd</sup> minutes. All were in favor.

Proclamations – Recognizing April as Recycling Awareness Month and Recognizing Josephine Greenberg on her 100<sup>th</sup> Birthday.

### **PUBLIC SAFETY REPORT**

Chief Wilson reported a total of 487 calls for the month of March.

To highlight: 24 Alarms, 9 Arrests, 1 DWI, 17 EMS, 3 Disputes, 1 theft from motor vehicle, 19 motor vehicle crashes, 1 CDS, K-9 Track (Robbinsville), K-9 Sniff (Robbinsville), 2 K-9 Sweeps (Maple Shade & Dist. 90).

Classes – Sgt. Davison & Ptl. Pypcznski – EMT Refresher class 2 of 3

### **TOWNSHIP ENGINEER REPORT**

Mr. Hirsh had the following updates:

NJDOT Municipal Aid Grants- He was advised today of a letter received by the Township regarding information needed to proceed with the application. He will address their comments tomorrow.

Municipal Parks Grant Applications- \$120,950.00 has been awarded for the playground improvements only. He reviewed the bids which were over the estimate. He received MRESC Co-op pricing for playground work. The pricing includes the playground structure(s), rubber surfacing and borders, materials and installation. Prep work, fabric and stone are not included. For the 5-12 only playground, total quote is \$121,929.30. For the 2-5 and 5-12 playgrounds, total quote is \$150,126.44. A separate RFQ would be required for the sidewalk/crosswalk improvements.

### **ORDINANCES FOR INTRODUCTION**

Ms. Hoyer requested Ordinance 2018-6 be postponed until after executive session. All agreed.

Mr. Liedtka made a motion seconded by Ms. Katz to introduce Ordinance 2018-7. All were in favor. Public Hearing will be on April 26<sup>th</sup>.

**TOWNSHIP OF CHESTERFIELD  
ORDINANCE NO. 2018-7**

**AN ORDINANCE AMENDING AND SUPPLEMENTING PORTIONS OF  
CHAPTER 216, "SEWAGE DISPOSAL SYSTEMS,"  
ARTICLE I, "INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS"**

**WHEREAS**, the Board of Health for the Township of Chesterfield ("Board of Health") routinely receives variance requests from applicants seeking to install new septic systems on their properties and/or seeking to modify components of an existing system; and

**WHEREAS**, waivers or variances are requested from certain regulations required by Chapter 216 of the Code of the Township of Chesterfield, particularly in reference to the separation distance between a septic system and certain site features, including wells and property lines; and

**WHEREAS**, currently, the Township's Code requires greater distances to separate a septic system and certain site features, including wells and property lines, than those standards required by New Jersey's Department of Environmental Protection found at *N.J.A.C. 7:9A-4.3*; and

**WHEREAS**, generally, all waiver and variance requests are granted to applicants when separation distances satisfy the State's standards, but fail to satisfy the stricter standards of the Township Code; and

**WHEREAS**, the Board of Health meets to conduct public business only once every month, requiring applicants to wait until the Board of Health convenes in order to receive waiver/variance approval when the requests typically comply with State regulations, but cannot meet the stricter Township requirements due to lot size and setback requirements; and

**WHEREAS**, the Board of Health has requested that the Township Committee take action to amend the Township Code, remove the stricter standards enunciated in the Code regarding well and septic separation distances and soil surveys, and instead rely on the State's regulations found at *N.J.A.C. 7:9A-1.1*, et seq.; and

**WHEREAS**, the Board of Health further requested that the Township Committee permit the Township Engineer to review submitted plans detailing the location of new or replacement septic systems for conformance with *N.J.A.C. 7:9A-4.3*.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, upon recommendation by the Township Attorney and Township Engineer, that Article I ("Individual Subsurface Sewage Disposal Systems") of Chapter 216 ("Sewage Disposal Systems") of the Code of the Township of Chesterfield be amended and supplemented as follows:

**ARTICLE I. Amended Sections.**

**§216-1.** Adoption of standards by reference; purpose.

[No change to text]

**§216-2.** Copies to be on file.

[No change to text]

**§216-3.** Amendments to standards.

[§216-3 is **deleted in its entirety**]

**§216-4.** Permit required; application and issuance.

[Section number is **changed** to **§216-3**]

[Subsections **A, B,** and **C** to remain unchanged]

[Subsection **D** is **deleted in its entirety**]

Subsection **E** is **amended** to become Subsection **D**, and shall state as follows:

“In the event the Township Engineer is required to perform the tasks set forth in Subsections **C** and ~~**D**~~ above, the applicant shall first be required to post an escrow fee as set forth in § 110-216, in the amount of \$500.00, to be charged at the Township Engineer's contractual hourly rate for the services outlined in said sections.”

**§216-5.** Certification of compliance for new and existing systems.

[Section number is **changed** to **§216-4**]

[Subsection **E** is **deleted in its entirety**]

Subsection **F** is **amended** to become Subsection **E**, and shall state as follows:

“In the event the Township Engineer is required to perform the tasks set forth in Subsections **D** and ~~**E**~~ above, the applicant shall first be required to post an escrow fee as set forth in § 110-216 to be charged at the Township Engineer's contractual hourly rate for the services outlined in said sections.”

**§216-6.** Hearings on denied permits.

[Section number is **changed** to **§216-5**]

**§216-7.** Order to stop work; compliance required.

[Section number is **changed** to **§216-6**]

**§216-8.** Fees.

[Section number is **changed** to **§216-7**]

**§216-9.** Violations and penalties.

[Section number is **changed** to **§216-8**]

## **ARTICLE II. New Section.**

**§216-9.** Approval of new construction or alterations to existing system by Burlington County Health Department; review of submissions by Township Engineer.

- A. Compliance with the provisions of N.J.A.C. 7:9A, “Standards for Individual Subsurface Sewage Disposal System,” shall be determined by the Burlington County Health Department.
- B. Applications for approval to construct a new individual subsurface sewage disposal system, as defined by N.J.A.C. 7:9A-2.1, and/or applications for approval to alter, repair, or replace components to an existing septic system, must be made to the Burlington County Health Department on the prescribed form to be obtained from the County.



**WHEREAS**, Chapter 66 of the Code of the Township of Chesterfield governing “Alcoholic Beverages” is therefore in need of Amendment in order to create a Plenary Retail Distribution License and provide for a process for the sale of same;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey that Chapter 66 of the Code of the Township of Chesterfield is hereby amended as follows:

- I. **AMENDED SECTION.** Section 66-4 is hereby amended to add the following language:

**Section 66-4.1. Plenary Retail Distribution Licenses; Fees.**

- A. Licensed Authorized. The issuing of one (1) Plenary Retail Distribution License is hereby authorized.
- B. Annual Fee. The Annual Fee for a Plenary Retail Distribution License shall be Two Thousand Five Hundred Dollars (\$2,500.00).
- C. Pre-qualification and Sale Process.
1. Auction. When the governing body determines, in its discretion, to award an available license, it shall sell the license at auction in accordance with the provisions of Title 33 of the New Jersey Statutes, and the Regulations of the New Jersey Division of Alcoholic Beverage Control, and upon such terms and conditions as the Township Committee deems to be lawful, reasonable and in the best interests of the municipality.
  2. The governing body may set a minimum bid amount and shall reserve the right to reject all bids for any reasons it determines to be in the best interests of the municipality.
  3. Pre-qualification. All bidders shall pre-qualify, in the manner specified by the governing body. In addition to such requirements as the governing body shall impose, the prospective bidders, as part of the pre-qualification process, shall submit: (a) proof of financial ability to undertake the purchase of the License and the contemplated project; (b) information regarding the type, size and special features of the contemplated licensed premises; and (c) records of past alcoholic beverage control violations involving the prospective bidder or the bidder’s principals, i.e., owners of more than a ten percent (10%) equity or debt interest. Furthermore, prospective bidders are required to fulfill any and all requirements of the Chesterfield Township Police Department, and shall supply any and all information requested by the Police Department as part of the Township’s pre-qualification process. Failure to do so may, at the discretion of the Township, result in a prospective bidder being found unqualified to bid.
  4. Notice.
    - a. A Notice of Sale shall be issued which specifies the time and place at which bids shall be received and opened, and that all prospective bidders shall be notified of the required qualifications no less than twenty (20) days prior to the bid opening.

- b. The Notice shall further specific that at what time, place and manner in which the pre-qualification and bid applications may be obtained, and the date on which they are to be submitted.

D. In the event that Title 33 the Revised Statutes is modified or amended in such a way as to impact these provisions, the State Statute and Administrative Regulations shall control where inconsistent with local Ordinance.

**ARTICLE II. AMENDED SECTIONS. Section 66-26**, entitled: "Violations and Penalties; Suspensions or Revocation of License" is hereby amended to read as follows: **Section 66-20, "Hours of Sales; Certain Premises to be Closed", is hereby amended at follows:**

A. Subparagraph A shall remain as written, but shall be preceded by the subtitle "Plenary Retail Consumption Licenses"; and the text beginning with "No Licensee shall serve, deliver or allow..." shall follow said subtitle.

**[B. No Change]**

C. Plenary Retail Distribution (Package) Sales Hours. No Plenary Retail Distribution Licensee shall allow, permit or suffer the sale, service or delivery of any alcoholic beverages, or the removal of any alcoholic beverages from the licensed premises before 9:00 AM. or after 10:00 PM on any day of the week.

**Section 66-26 Violations and Penalties; Suspension or Revocation of License.**

"A. Except as otherwise provided by Title 33 of the Revised Statutes, any person who shall violate any the provisions of this Chapter, shall, upon conviction thereof, punishable by a fine of not less than One Hundred Dollars (\$100.00), but not to exceed One Thousand Two Hundred Fifty Dollars (\$1,250.00) or by imprisonment in the County Jail, or any other place provided by the Township for the detention of prisons, for a term not to exceed ninety (90) days, or by a period of community service not to exceed ninety (90) days within the discretion of the Court. Each day such violation shall be continued shall be deemed and taken to be a separate and distinctive offense. In the event that the provisions of Title 33 of the New Jersey Statutes annotated permit a greater fine or penalty to be assessed, than the more severe sanction and penalty shall be available to the Magistrate."

**[B. No Change]**

**[C. No Change]**

**[D. No Change]**

**ARTICLE III. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

D. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

E. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

- F. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

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## **ORDINANCES FOR PUBLIC HEARING**

Mr. Liedtka made a motion to open the Public Hearing on Ordinance 2018-5, seconded by Ms. Koetas-Dale. Hearing no public comment, Mr. Liedtka made a motion that we close the Public Hearing, seconded by Ms. Koetas-Dale. All agreed. With no further comment, Mr. Liedtka made a motion seconded by Ms. Katz to adopt Ordinance 2018-5 "AN ORDINANCE ESTABLISHING THE POSITION OF TOWNSHIP ADMINISTRATOR IN AND FOR THE TOWNSHIP OF CHESTERFIELD". All were in favor.

### **TOWNSHIP OF CHESTERFIELD ORDINANCE NO. 2018-5**

#### **AN ORDINANCE ESTABLISHING THE POSITION OF TOWNSHIP ADMINISTRATOR IN AND FOR THE TOWNSHIP OF CHESTERFIELD**

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

#### **ARTICLE I. Creation of Position; Compensation; Duties & Responsibilities; etc.**

- A. Office Created. There is hereby created in and for the Township of Chesterfield the position of "Township Administrator", as authorized by N.J.S.A. 40A:9-136.
- B. Appointment; Removal; Compensation.
1. The Administrator shall be appointed by majority vote of the governing body, and shall hold office at the pleasure of the governing body.
  2. The Township Administrator may be removed by a two-thirds vote of the governing body, subject to and as permitted by N.J.S.A. 40A:9-138.
  3. Temporary Absence or Disability. During any temporary absence or disability of the Township Administrator, the township Committee may, by Resolution, appoint an "Acting Administrator" to serve during said temporary absence or disability. Said appointment shall be made by majority vote of the governing body. Said appointee shall have no right to the position of "Acting Administrator", but shall serve solely at the pleasure of the governing body, and shall only serve during the temporary absence or disability of the Township Administrator, or portions thereof, at the Township Committee's pleasure.
  4. Compensation. The Township Administrator shall be paid a salary fixed and adopted by the Township Committee in the annual Township Salary Ordinance and/or Amendments thereto. At the time of creation of this position, it is intended that the position shall be filled on a part-time (twenty to twenty-five hours) basis, and compensation shall be established with that understanding. Nevertheless, said compensation shall not be based on an hourly rate, and should be the Administrator work more or less than said

anticipated weekly commitment, same will not give rise to an adjustment in compensation.

C. Qualifications and Requirements.

- 1 The Township Administrator shall be chosen on the basis of her/his executive and administrative abilities and qualifications with special regard to education, training and experience in governmental affairs.
- 2 The Township Administrator need not be a resident of the Township of Chesterfield, but must reside within a reasonable distance of Chesterfield Township, said distance to be determined by the Township Committee in its sole discretion.

D. Duties and Responsibilities. Subject generally to the direction and supervision of the Township Committee, the Township Administrator shall be the chief administrative officer of the Township, responsible to the Township Committee for the administration of all Township affairs, and with the following powers and duties:

1. Administrative Officer. Serve as the principal administrative officer representing the Township Committee, and shall recommend to, and then implement and enforce such administrative procedures and policies as may be adopted by the Township for its departments, under the direction of the Township Committee.
2. Personnel Organization. Study and recommend to, and then implement and enforce such personnel practices and policies as may be adopted by the Township for its departments, under the direction of the Township Committee.
3. Purchasing Procedures. Study and recommend to, and then implement and enforce such purchasing practices and policies as may be adopted by the Township for its departments, under the direction of the Township Committee.
4. Township Policies. Study and recommend to, and then implement and enforce such personnel practices and policies as may be adopted by the Township for its departments, under the direction of the Township Committee.
5. Coordinate Intradepartmental Operations. Assign responsibility for departmental action and coordinate intradepartmental operations as authorized by the Township Committee.
6. Coordinate Procedures and Policies. Study, recommend, implement and enforce the procedures and policies of the Township and its departments for the coordination, compiling, editing and prompt dissemination and release of public information, upon the recommendation and authorization of the Township Committee.
7. Responsibility. Ensure that all terms and conditions imposed in favor of the Township or its inhabitants in any statute or contract are faithfully kept and performed and upon knowledge of any violation, call the same to the attention of the Township Committee.
8. Financial Condition. Keep Township Committee informed of the financial condition of the Township: study and recommend to, and then implement and enforce such financial policies as may be adopted by the Township for its departments, under the direction of the Township Committee.
9. Efficiency and Effectiveness. Conduct a continuous study of all activities and operations of the Township government and recommend changes for the purpose of increasing efficiency and effectiveness; prescribe such rules and

regulations as s/he shall deem necessary, subject to approval of the Township Committee for the conduct of administrative procedures, and revoke, suspend or amend any such rules or regulations, subject to the approval of the Township Committee, to facilitate the proper implementation of municipal policies.

10. Inventory. Require the various departments to effect an adequate inventory of all equipment, materials and supplies in stock and to recommend sale of any surplus, obsolete or unused equipment when authorized so to do by the Township Committee.
11. Written Reports. Make studies and surveys of such municipal problems of the township as shall be assigned to her/him from time to time by the Township Committee and prepare and submit written reports of the findings and determinations to the township committee for their consideration and action. S/He shall be responsible to see that any complaints concerning the functions and obligations of the Township made by any of its residents, citizens or taxpayers are promptly attended to. Such complaints and any action taken as a result will be reported to the Township Committee in writing within a reasonable time period following the complaint and action.
12. Public Meetings Attendance. Attend all public meetings of the Township Committee and any other meetings when so requested by the Township Committee.
13. Budget Preparation. In consultation with the Chief Financial Officer and the Township Clerk, assist the Township Committee in the preparation of the annual Township operating and capital budgets to be considered and adopted by the Township Committee.
14. Aid Programs Information. Keep the Township Committee informed as to Federal, State and County aid projects and any other aid programs for which the Township may qualify.
15. Social Media. Monitor any Township social medial site to ensure accuracy of content insofar as official municipal policy positions are articulated, and prepare content for placement on municipal social medial sites.
16. Other Duties. Perform such other duties as may be from time to time specifically assigned by the Township Committee.

## **ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- G. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies. Specifically repealed herein is Section 39:1(C) entitled "Operations Manager"; and any reference to said position shall be deleted wherever so referenced.
- H. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- I. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

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## **RESOLUTIONS**

Ms. Koetas-Dale made a motion to adopt Resolution 2018-4-1 seconded by Mr. Liedtka. All were in favor.

### **TOWNSHIP OF CHESTERFIELD RESOLUTION 2018-4-1**

#### **RESOLUTION ACKNOWLEDGING THE ESTABLISHMENT OF THE CHESTERFIELD TOWNSHIP GREEN TEAM**

**WHEREAS**, the Township Committee of the Township of Chesterfield adopted Resolution 2014-10-7 "Supporting Participation in the Sustainable Jersey Municipal Certification Program" at a regular meeting held October 23, 2014; and

**WHEREAS**, the Township Committee has resolved that they wish to pursue local initiatives and actions that would lead to Sustainable Jersey Municipal Certification; and

**WHEREAS**, the formation of a "Green Team" is a mandatory step in establishing a community sustainability program; and

**WHEREAS**, the Sustainable Jersey Program makes certain recommendations as to whom to recruit for service on the Green Team, and has no required members or form, but places high value on recruiting individuals who have the "time, skills, and motivation to serve on the Team"; and

**WHEREAS**, time, skills and motivation vary for most individuals over the course of time and based on the activities available; and

**WHEREAS**, the creation of a Green Team allows communities to reach out and engage people from all community perspectives; and

**WHEREAS**, the Township of Chesterfield wishes to encourage participation in the Township's sustainable activities to the broadest extent possible as a way to strengthen our community; and

**WHEREAS**, one of the recommended ways to establish a Green Team is for the Environmental Commission to form a sustainability subcommittee and invite additional members to participate;

**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) The Green Team subcommittee of the Chesterfield Township Environmental Commission is the designate Green Team for the Township of Chesterfield that is required for the Sustainable Jersey municipal certification program; and
- 2) Such subcommittee shall be referred to as "the Green Team" and shall be composed of Chesterfield Township Environmental Commission members and all other individuals who demonstrate interest from time to time in advancing the efforts of Chesterfield Township in one or more of the Actions for Sustainable Communities of the SUSTAINABLE JERSEY municipal certification program, including but not limited to the individuals named below; and
- 3) The role of the Green Team shall be to lead and coordinate the sustainability activities of the community; and
- 4) The responsibilities of the Green Team shall be to engage and leverage the skills and expertise of team members to develop plans, implement programs,

- and assist with educational opportunities what support the creation of a sustainable community; and
- 5) The goals of the Green Team shall be to attract new leaders and participants, to create and catalogue significant sustainability actions so that Chesterfield Township is eligible to apply for Sustainable Jersey certification at the Bronze Level in 2014; and
  - 6) Ravi Arya shall be the Chair of the Green Team Subcommittee; and
  - 7) Hannah Davis shall be the Co-Chair of the Green Team Subcommittee; and
  - 8) The following individuals have been active members of the Chesterfield Township Environmental Commission and shall serve as members of the Green Team Subcommittee in 2018 if they so desire: Belinda Blazic, Karl Braun, Sarah Dyson, Jane Ryan, Nancy Scarafile and F. Gerry Spence.
  - 9) The following individuals are residents of Chesterfield and have been active members of the Green Team and shall continue to serve as members of the Green Team in 2018: Ravi Arya, Hannah Davis, Denise Koetas-Dale, Kathy Shumway-Tunney and Albert Paulson.

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Mr. Liedtka made a motion to post pone Resolution 2018-4-2 for Fuel Station Improvements seconded Ms. Koetas-Dale. All were in favor.

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Ms. Katz made a motion to adopt Resolution 2018-4-3 seconded by Mr. Liedtka. All were in favor.

**TOWNSHIP OF CHESTERFIELD**

**RESOLUTION NO. 2018-4-3**

**RESOLUTION AUTHORIZING REDUCTION IN TWO (2) PERFORMANCE GUARANTEES AND DENYING REDUCTION REQUEST FOR THIRD**

**WHEREAS**, K. Hovnanian at Chesterfield, LLC has requested a reduction in three (3) performance bonds posted for the faithful completion of improvements required in its “Heritage North” development, for Phases IV, V and VI, and the Township Engineer has recommended that guarantees posted for Phases IV and VI can be marginally reduced, to the thirty percent (30%) threshold set forth in N.J.S.A. 40:55D-53(e)(1); but that the guarantee posted for Phase V cannot be further reduced below said threshold.

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



asphalt pavers or equal as approved by the Township Planner. The desired pattern and color will be provided with the Township Planner”; (3) a grading plan (page 04 or 48) representing crosswalks at intersections in the North section; and (4) construction details (page 46 or 48) containing asphalt paver crosswalk detail; and

**WHEREAS**, Hovnanian has failed and refused to install said crosswalks, notwithstanding repeated requests to do so by the Township of Chesterfield, including an exchange which occurred as recently as April 7, 2018 between the Township Attorney and K. Hovnanian representatives; and

**WHEREAS**, Hovnanian refuses to install the crosswalks because, it urges, that the crosswalks not identified within the list of bonded improvements, estimated by the Township Engineer in or about 2006 when the Project was first approved; and

**WHEREAS**, the Township of Chesterfield is aware that the improvements were inadvertently omitted from the bond estimate, but there is no dispute that the improvements were required as part of the approved site plan, and the Township has not waived the requirement to install those crosswalks, nor has Hovnanian returned to the Planning Board to seek an amended site plan approval to eliminate the need to install the required crosswalks; and

**WHEREAS**, despite numerous efforts by the Township to resolve this matter amicably with Hovnanian, Hovnanian refuses to satisfy its obligations under the approved site plan documents, and the Township Committee has no alternative but to enforce the terms of the site plan approval by instituting litigation to compel Hovnanian to meet its obligations under said approvals.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that the Township Attorney and his law firm, be and they are hereby authorized and directed to institute litigation in the Superior Court of New Jersey, Law Division, Burlington County, seeking an order to compel K. Hovnanian at Chesterfield, LLC to meet its responsibilities and obligations to install the aforementioned asphalt paver crosswalks as required under the Planning Board approval, and/or to seek such other relief as may be appropriate, and subject to future approval by the Township Committee, and the Chesterfield Township Planning Board.

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Mr. Liedtka made a motion to adopt Resolution 2018-4-5 seconded by Ms. Katz. All were in favor.

**TOWNSHIP OF CHESTERFIELD  
RESOLUTION 2018-4-5**

**RESOLUTION AUTHORIZING REFUND OF  
CONSTRUCTION PERMIT FEE AND UNUSED ESCROW**

**WHEREAS**, Irving Bayliss applied and paid for a construction permit to install an in-ground pool at 8 Jockey Place; and



asking for a breakdown. Mr. Liedtka and Mayor Romeu said a breakdown was already sent to him and the CTAA Treasurer Dave Beans. Mr. Liedtka said that the new shed the CTAA built was not included in the amount since it belongs to the CTAA and also there were receipts for fencing in the ball fields which the Township had already reimbursed them for. That is what brought the amount down to \$53,000. Mr. Kelly agreed with Mr. Liedtka and said that is correct. However, he still would like a breakdown emailed to him. Rachel Fryc said she would supply the CTAA with that.

Old Municipal Building – Ms. Koetas-Dale said that the Crosswicks Library is not interested in moving to the old municipal building due to budget constraints. Mr. Liedtka suggested talking to Realtors to see what we can do with the building. All agreed.

Public Works Laborer – Mr. Liedtka recommended hiring (3) very good applicants that were interviewed this past week. One can start right away and the other two can start in three weeks.

Noise, Air & Water Testing – Mayor Romeu reported that the noise testing was completed a couple weeks ago. They showed a lot of background noise which is due to the turnpike. We are waiting to do the air testing until after Transco is finished with their 100 hours of testing. The BOE had air quality testing done and their reports were good. As for Water Testing, Bordentown is not going to participate. However, they have been very helpful in getting the DEP results from last year which are being evaluated now. Mayor Romeu would like to do a testing of the drinking well water from some of the surrounding houses. She believes the cost would be \$500 per house to do 9 to 10 houses.

Ms. Romeo and the Township Committee have been working with the BOE to form a committee against the pipeline and compressor station. Mayor Romeu asked that we do a resolution at the next meeting to form this committee. All agreed.

Street Light Thorn Lane – Mayor Romeu said that there have been requests to have a street light on Thorn Lane since it is very dark in the early morning and at night when the kids are walking to the bus. The quote from Public Service came in at \$10,854.58. Mr. Hirsh was requested to contact the developer and see if they would install.

Sewer Billing – The current quarterly billing for sewer is \$91.00. This price has not changed in over a decade. The billing has to change because the connection fees are going to go away. The Auditor previously advised the revenue will need to be enhanced to support the sewer budget. Mr. Liedtka would like to see it billed by usage. The Township Committee agreed that billing on usage would be a fair and asked Ms. Hoyer to reach out to Aqua about this.

Recycling Center – Mr. Liedtka believes there are residents from the other neighboring towns that are coming into our recycling center and dumping their grass clippings, branches, etc. Mr. Liedtka suggests getting a fence and hiring someone to check ID's to help eliminate the problem. Mr. Liedtka asked for a resolution on this to be on the next meeting.

Recreation Fields – Mr. Liedtka suggested not charging a fee for field use. There was some further discussion and no decision made.

## **COMMENTS FROM THE PUBLIC AND THE COMMITTEE**

Mr. Liedtka made a motion to open the meeting to the public for comment seconded by Ms. Koetas-Dale. All were in favor.

Ms. Koetas-Dale said that Ben Wolverton came up with a recommendation for taping the meetings. He has offered to come in and explain to the Township Committee if needed.

Mr. Liedtka said we have quotes from on-site landscaping who currently do our landscaping. They gave us a price to spray and fertilize the following fields; Fenton, Charlotte Rogers, Village Square and the playground at Cross Creek I. On Site Landscaping gave us a price for \$10,900 to do all of these fields. Last year CTAA paid Tru Green \$9,000 to do only Fenton Lane. Mr. Liedtka said On Site Landscaping is currently at \$37,000 for the year and we have \$60,000 in the budget. Mr. Liedtka said we will need to get two more quotes.

Henry Chou from 6 Gallop Way asked if the draft of the social media resolution will be on the website. Ms. Hoyer said no because it has not been adopted yet. Mr. Gillespie said this is a policy that only effects the governing body not the public. Mr. Chou said that he will file an OPRA request. Ms. Hoyer said that she will deny the request since it is not an official document. Ms. Koetas-Dale said once the final document has been adopted we will post it. Mr. Gillespie said tonight is the first time the committee has been able to review the draft document. Mr. Gillespie said that this document is no different than an employee policy. Mr. Chou said he wants to see the document and he wants it posted. He wants to make sure it will not stifle the public or his 1<sup>st</sup> amendment rights. The Township Committee assures him that is not their intention.

Magie Brittain from 19 New Bold Lane believes that social media does have a place in the community. She says that the baseball fields at the firehouse and at the Crosswicks Community Center are terribly run down. Mr. Liedtka replied that they are not the Township's fields. Ms. Brittain says that she does not want to see any baseball fields in our town taken away or used for another purpose. She believes that Wright Field is being ignored. Mr. Liedtka said that up until this season Wright Field has not been used by the CTAA and therefore not maintained. Ms. Brittain asked for screening trees to be planted on Newbold Lane were things are piling up behind the public works garage.

Sam Cannizzaro from 241 Recklesstown Way told the Committee that the CTAA currently has seven T-Ball teams this year. This is a lot more than they have had in the past and need the two T-ball fields by the school, Thorn and Wright Fields. Mr. Cannizzaro is offering that the CTAA can help The Township get Wright Field ready for the season so they will not have to re-direct games to other fields in the district. Ms. Katz asked if the Township Committee can give the CTAA permission to work on the fields. Mr. Liedtka said it's a lot more involved and there is a lot more work that needs to be done. Mr. Liedtka asked Mr. Cannizzaro when he can meet him out at the field to get things done. Mr. Liedtka, Mr. Cannizzaro and Ms. Katz agreed to meet on Monday morning.

Jackie Halaw from 207 Ellisdale Road asked that the social media policy become public so the residents can review it prior to its adoption. She also hopes that it does not infringe on the Committee members 1<sup>st</sup> amendment rights. Ms. Halaw reminded the Committee to look into the Township's noise ordinance and revising it to reflect the DEP model ordinance. Ms.

Halaw sent the Township Committee articles regarding municipal aid and asked them to review them.

Jason Marasco from 266 Bordentown-Chesterfield Road asked about the new playground going up at the Municipal Park and thinks that \$150,000 is too much to spend. He does not think anyone goes to that park. Ms. Koetas-Dale responded that people use that park all of the time and this playground is replacing one that was there for years but was falling apart and dangerous. Ms. Koetas-Dale said that additionally this playground will be handicap accessible and is paid for by grants not by the taxpayer money.

Mr. Marasco asked if Fenton Lane Park can be paved. Mr. Liedtka said that it would cost too much and that retention ponds would have to be put in. Mr. Marasco feels that the old municipal building is beyond repair and doesn't think we should put any money into it. Regarding hiring an Administrator, Mr. Marasco suggests having the current staff and committee take on those responsibilities. He said that he is a teacher and has to take on more and more responsibilities all of the time. Mr. Marasco suggested the Committee come up with a better plan to take care of the recreation fields. Regarding the social media policy, Mr. Marasco asked Mr. Gillespie if he can see the bill that will be submitted for that. Mr. Gillespie said yes that is public record. Ms. Koetas-Dale said that the Committee asked Mr. Gillespie to put this document together based on the residents request for it. Mr. Marasco is very upset about the conditions of Wright Field. He asked that it not be changed from a baseball field and used for something else. Ms. Koetas-Dale assures Mr. Marasco that the Township Committee has no intentions of using Wright Field for anything but baseball. Ms. Koetas-Dale said that she asked a question and the question was "is Wright Field needed" and since the answer was "yes" than it will remain the way it is. The CTAA people that were at the meeting applauded.

Belinda Blazic from 228 Bordentown-Chesterfield Road thanked the Township Committee and feels they are being critized. She said that the community is growing and with growth there new positions need to be created. She believes that it is important that a social media policy is adopted for municipal employees and elected officials. Guidelines need to be set. She also believes that if a draft of this resolution is posted than all resolution drafts must be posted.

John Kelly from 10 Thorn Lane asked the Township Committee to have the new Public Works employees start as soon as possible. He said that Greg needs all the help he can get. Additionally, Mr. Kelly would like the spraying and fertilizing of the fields to be done as soon as possible. Mr. Liedtka said that we will have to get 2 more quotes. Mr. Kelly would like the Township to continue to charge everyone for the use of the sports fields. He believes we would get inundated with outside organization using the field if we did not charge. Mr. Liedtka stated that more is expected if we charge for the fields. Mr. Kelly said that the Township needs to figure out a better plan to get the field ready on time. He said that the CTAA is promised that they will be ready every year by Mr. Lebak but they are never ready in time. Ms. Koetas-Dale suggested everyone sitting down and coming up with a plan going forward. Mr. Kelly wants to know how much money is in the Recreation Account. Mr. Liedtka responded that we currently have \$640,000 in that account. Mr. Kelly wants to use some of that money to spray and fertilize the fields. Mr. Liedtka responded that we can only use that money for capital improvement. Mr. Koetas-Dale said that once that money is gone it is gone forever. That money is from the developers. Additionally, that money is for recreation for the entire town, not just sports related.

Mike Stein from 19 Greenview Drive suggests that only Township residents should be able to use the recycling center. This should not include residents' landscapers. He agrees we need a fence there. Mr. Stein invites everyone to attend the Chesterfield Fire House Chicken BBQ on Sunday, April 29<sup>th</sup>.

Tisha Kelly from 10 Thorn Lane tells the Township Committee how important it is to get a street light near her home on Thorn Lane. She feels it is very dark and dangerous. Ms. Kelly has been asking for this light for over 10 years now.

At 9:43 pm Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to close public comment and go into Executive Session. All were in favor.

### **RESOLUTION 2018-4-7**

#### **A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS, the Township Committee of the Township of Chesterfield is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et. seq.; and**

**WHEREAS**, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Chesterfield to discuss, in a session not open to the public, certain matters relating to the item or items authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Chesterfield to discuss, in a session not open to the public, certain matters relating to the item or items authorized by NJSA 10:4-12b and designated below:

- Matters required by law to be confidential.
- Matters where the release of information would impair the right to receive funds.
- Matters involving individual privacy.
- Matters relating to collective bargaining agreements.
- Matters relating to the purchase, lease, or acquisition of real property or the investment of public funds.
- Matters relating to public safety and property.
- Matters relating to litigation, negotiations and the attorney-client privilege.
- Matters relating to the employment relationship.
- Matters relating to the potential imposition of a penalty.
- Matters relating to deliberations on administrative and/or quasi-judicial matters.
- Matters relating to contact negotiations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield, assembled in public session on April 12, 2018 that an Executive Session

closed to the public shall be held at 9:43 PM in the Chesterfield Township Municipal Building for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

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Returned to regular session at 10:25 pm.

Mr. Liedtka made a motion seconded by Mr. Davis to hire the following public works employees at \$15.00 an hour: Steve Lancaster, Vincent Napoleon and John Canamasa. All were in favor.

Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to table Ordinance 2018-6 "AN ORDINANCE TO FIX SALARIES, WAGES AND COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CHESTERFIELD FOR THE YEAR 2018" until the May 10th meeting. All were in favor.

Mr. Liedtka made a motion seconded by Mayor Romeu to adjourn the meeting. All were in favor. The meeting adjourned at 10:27 PM

Respectfully submitted,

Rachel Fryc  
Deputy Municipal Clerk