

**NORTH HANOVER TOWNSHIP
TOWNSHIP COMMITTEE MEETING MINUTES
February 7, 2013, 7:00 P.M.**

CALL TO ORDER: Mayor Durr called the meeting to order at 7:00 p.m.

FLAG SALUTE: Led by Mayor Durr

ROLL CALL: Mayor Durr
Deputy Mayor Butler
Committeeman Delorenzo
Committeeman Moscatiello (arrived at 7:55 p.m.)
Committeeman Quackenboss (arrived at 8:00 p.m.)

SUNSHINE STATEMENT: “The provisions of the Open Public Meetings Act have been met. Notice of this meeting has been transmitted by email to the Bordentown Register News, Burlington County Times and The Trenton Times as well as given to those having requested same and posted on the Township bulletin board located in the foyer of the municipal building”.

Mayor Durr opened the meeting for public comment. There was no public comment.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Committeewoman Butler
Seconded By: Committeeman Delorenzo
All were in favor by roll call vote.

MINUTES FOR APPROVAL

- January 17, 2013 Regular Meeting

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler		X	X			
Committeeman Delorenzo	X		X			
Committeeman Moscatiello						X
Committeeman Quackenboss						X

BILLS AND CLAIMS FOR APPROVAL

Committeeman Delorenzo abstained from check no. 5823 and 1453.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler	X		X			
Committeeman Delorenzo		X	X			
Committeeman Moscatiello						X
Committeeman Quackenboss						X

ORDINANCES - INTRODUCTION

2013-01 An Ordinance Amending Ordinance 2009-19 amending Chapter 16 of the North Hanover Township Code, entitled “Zoning”, by amending Section 16-080.4 “Pre-existing Lots in the RA Zone.”

ORDINANCE 2013-001

TOWNSHIP OF NORTH HANOVER

COUNTY OF BURLINGTON

AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER AMENDING CHAPTER 16 OF THE TOWNSHIP CODE, ENTITLED “ZONING” BY AMENDING SECTION 16-080.4, “PRE-EXISTING LOTS IN THE R-A ZONE,” OF ORDINANCE No. 2009-19, ENTITLED “AN ORDINANCE AMENDING CHAPTER 16 ‘ZONING’ BY SUPPLEMENTING SECTION 060 ENTITLED ‘DEFINITIONS’ BY ADDING DEFINITIONS – BY REPEALING AND REPLACING SECTION 080 ESTABLISHING USE AND BULK REGULATIONS FOR THE RA-RESIDENTIAL AGRICULTURAL ZONE – ENACTING A NEW SECTION, SECTION 081 ESTABLISHING USE AND BULK REGULATIONS FOR PANNED UNIT RESIDENTIAL DEVELOPMENTS AND BY SUPPLEMENTING SECTION 250 ENTITLED ‘CONDITIONAL USES’ BY ADDING CONDITIONAL USES AND ESTABLISHING STANDARDS FOR THE SAME”

Section 1. This section amends the development regulations of the North Hanover Township Code, Chapter 16 “Zoning”, by amending Section 16-080.4 of Ordinance No. 2009-19, to read as follows [added portions are bolded and underlined; deleted portions have strikethrough]:

16.080.4 Pre-existing Lots in the R-A Zone

A. Notwithstanding the previous provisions of this section **16.080** and of §16.310 of this Chapter and except as provided by NJSA 40:55D-35 and 36, ~~vacant~~ **those** lots **identified in subparagraph B below** ~~in either of the following two categories~~ may be developed with single family homes and all permitted accessory buildings and structures, ~~but only in~~ **subject to being in** compliance with the percolation/permeability requirements established in §16-081.2.c and the following bulk requirements **set forth in subparagraph C below.**

1. ~~Minimum lot area~~ **2 acres**
2. ~~Lot frontage along lot line~~ **200 feet**
3. ~~Lot width along setback line~~ **200 feet**
4. ~~Lot depth~~ **200 feet**

5. ~~Each side yard – 30 feet~~
6. ~~Front yard setback – 50 feet~~
7. ~~Rear yard setback – 75 feet~~
8. ~~Maximum building coverage – 12% for the principal building and 3% for accessory buildings~~
9. ~~Maximum building height – 35 feet~~

B. A. **(1)** Lots in single and separate ownership with a lot area of at least two (2) acres but less than twenty-five (25) acres in existence as of November 1, 2009, regardless of whether the lot was conforming or non-conforming as of that date.

(2) Any lot created subsequent to November 1, 2009 by way of subdivision or otherwise from any lot identified in section B (1) hereinabove that is at least two (2) acres in size and less than twenty-five (25) acres in size.

~~B.~~ **(3)** Lots appearing on an approved subdivision plan and whose protection from zoning changes pursuant to the Municipal Land Use Law and/or the Permit Extension Act of 2008 has not expired.

C. Area and Yard Requirements. Notwithstanding the provisions of section 16-080.3, the following area and yard requirements shall apply to those lots identified in subparagraph B hereinabove:

- 1. Minimum lot area – 2 acres**
- 2. Lot frontage along lot line – 200 feet**
- 3. Lot width along setback line – 200 feet**
- 4. Lot depth – 200 feet**
- 5. Each side yard – 30 feet**
- 6. Front yard setback – 50 feet**
- 7. Rear yard setback – 75 feet**
- 8. Maximum building coverage – 12% for the principal building and 3% for accessory buildings**
- 9. Maximum building height – 35 feet**

SECTION 2. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have

been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3: This ordinance shall take effect upon final passage and publication according to law.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:44D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16 and with the Township Tax Assessor.

SECTION 5: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Mayor Durr provided the history regarding this ordinance. This ordinance is to clarify the intent of the Ordinance 2009-19. Mr. Roselli explained the changes made for this ordinance.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler	X		X			
Committeeman Delorenzo		X	X			
Committeeman Moscatiello						X
Committeeman Quackenboss						X

Public hearing is scheduled for Thursday, March 7, 2013 at 7:30 p.m.

Mr. Roselli indicated that this ordinance will be referred to the Joint Land Use Board prior to the public hearing.

RESOLUTIONS

2013-32 Ratifying Appointment Class II Police Officer

RESOLUTION 2013-32

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

RATIFYING APPOINTMENT CLASS II POLICE OFFICER

WHEREAS, at the January 17, 2013 meeting of the North Hanover Township Committee, it was unanimously approved to appoint Police Officer Gregory Zytko to the full-time position of Police Officer and ratification of this action will take place by resolution at the February 7, 2013 Committee meeting; and

WHEREAS, N.J.S.A. Title 40 and Title 40A provide for the Appointment of Certain Officers, Appointees, and Employees to be appointed in Township Positions to carry out the lawful duties and responsibilities of the Township; and

WHEREAS, the Township Salary Ordinance provides for the rate of Compensation, Salary, or Wages of Certain Officers, Appointees and Employees of said Township.

NOW THEREFORE BE IT RESOLVED, that the following Officers, Appointees, and Employees are hereby appointed for their respective terms, as follows:

Police Officer ~ Gregory Zytko
Effective Date of Employment: 1/22/2013

BE IT FURTHER RESOLVED, that the above named position will be compensated as per the Bargaining Agreement, Salary Ordinance and Salary Resolution.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler	X		X			
Committeeman Delorenzo		X	X			
Committeeman Moscatiello						X
Committeeman Quackenboss						X

2013-34 Authorizing Township Clerk to Execute Agreement for County to Conduct Aerial Larval Mosquito Control Activities

RESOLUTION 2013-34

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

AUTHORIZING TOWNSHIP CLERK TO EXECUTE AGREEMENT FOR COUNTY TO CONDUCT AERIAL LARVAL MOSQUITO CONTROL ACTIVITIES

WHEREAS, the Burlington County Mosquito Extermination Commission has sent notice informing of the 2013 aerial larval mosquito control activities; and

WHEREAS, in order for the County Mosquito Commission to operate aircraft and apply mosquito larvicides over the municipality, it will be necessary to authorize them to do so; and

WHEREAS, the notice indicates that the aerial larviciding operation is confined to low-lying, swampy areas, wooded sites, and along or around streams and other bodies of water, which are sometimes in closed proximity to housing developments; and

WHEREAS, the County contracts a Bell Jet Ranger 206B turbine helicopter or equivalent, which is one of the most safe and reliable aircraft available for this type of service; and

WHEREAS, the 2013 contract will run from April 1st through November 18th, with generally, no flights conducted on Sunday or holidays with the exception of public health emergencies and are only conducted in daylight hours.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of North Hanover, County of Burlington, State of New Jersey, that the Township Clerk is authorized by the Township Committee to sign the form document submitted by the Burlington County Mosquito Extermination Commission in order to accomplish the necessary larvicides/insecticides application to the benefit of the health, safety, and welfare of the citizens of North Hanover for the year 2013.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler		X	X			
Committeeman Delorenzo	X		X			
Committeeman Moscatiello						X
Committeeman Quackenboss						X

2013-35 A Resolution Authorizing Partial Payment to Asphalt Paving Systems, Inc. in Connection with the FY'2012 NJDOT Trust Fund Reconstruction of Jacobstown-Arneytown Road (Phase I)

RESOLUTION 2013 - 35

TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON

A RESOLUTION AUTHORIZING PARTIAL PAYMENT TO ASPHALT PAVING SYSTEMS, INC. IN CONNECTION WITH THE FY'2012 NJDOT TRUST FUND RECONSTRUCTION OF JACOBSTOWN-ARNEYTOWN ROAD (PHASE I)

WHEREAS, the Township of North Hanover's Engineers, Remington, Vernick & Arango Engineers, Inc., has reviewed the Asphalt Paving Systems, Inc.'s Payment Certificate No. 1, representing the partial payment in the total amount of \$144,299.06, for improvements to Jacobstown-Arneytown Road (Phase I), North Hanover, New Jersey; and

WHEREAS, the Township's Engineer has determined that the condition of the improvement is satisfactory; and

WHEREAS, it is the recommendation of the Township’s Engineer that the Township of North Hanover authorize the release of partial payment on voucher in the total amount of \$144,299.06 to Asphalt Paving Systems, Inc.; and

WHEREAS, it is the intention of the Township Committee to approve the release of partial payment on voucher in the amount referenced herein, in accordance with the Township Engineer’s recommendations.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of North Hanover, that the Township authorizes the release partial payment on voucher in the total amount of \$144,299.06 to Asphalt Paving Systems, Inc.

BE IT FURTHER RESOLVED that copies of this resolution shall be provided to the Finance Director and the Township Engineer for their information and attention.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler		X	X			
Committeeman Delorenzo	X		X			
Committeeman Moscatiello						X
Committeeman Quackenboss						X

2013-36 Authorizing the Summer Recreation Camp Co-Director to Pay in Advance of a Township Committee Meeting Certain Summer Camp Expenditures

RESOLUTION 2013-36

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

AUTHORIZING THE SUMMER RECREATION CAMP CO-DIRECTOR TO PAY IN ADVANCE OF A TOWNSHIP COMMITTEE MEETING CERTAIN SUMMER CAMP EXPENDITURES

WHEREAS, from time to time there arises the need for the Summer Recreation Camp Co-Directors to make purchases for the Summer Recreation Camp Program; and

WHEREAS, at times said purchases necessitate a need to be purchased in advance of a Township Committee meeting in which approval for said purchases would be typically granted;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of North Hanover that the Co-Directors for the 2013 Summer Recreation Camp Program hereby have the consent of the Township Committee to make the following purchases in advance of a Township Committee meeting of which indicates a dollar amount not to exceed:

EXPENDITURES FOR SUMMER RECREATION PROGRAM

Island Beach State Park	\$700
Flyers Skate Zone	\$720
Funplex	\$14,000

Holiday Skating	\$1,500
Cape May Zoo	\$240
Philadelphia Zoo	\$1,200
Westwood Swim Club	\$2,000
Mr. Softy	\$1,000
Chucky Cheese	\$1,000
Thunderbird Bowling	\$3,000
Philadelphia Trolley	\$2,000
Phillies Tour	\$600
Michaels	\$500
BJ's	\$2,000
D-JAY	\$500
Camden Aquarium	\$1,508
Great Adventure	\$1,979.40
CoCo Keys	\$1,300
Liberty Science Center	\$1,145
Miscellaneous Fees (Tolls, parking, etc)	\$500
Total	\$37,392.40

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler	X		X			
Committeeman Delorenzo		X	X			
Committeeman Moscatiello						X
Committeeman Quackenboss						X

2013-37 Resolution Authorizing Tax Appeal Settlement (California Village, LLC v. North Hanover Township); Block 902, Lot 9; 181 Cookstown-New Egypt Road

Mr. Roselli provided an explanation for this resolution.

RESOLUTION 2013-37

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT (CALIFORNIA VILLAGE, LLC v. NORTH HANOVER TOWNSHIP; Block 902, Lot 9; 181 Cookstown-New Egypt Road)

WHEREAS, California Village, LLC, is the owner of Block 902, Lot 9, 181 Cookstown-New Egypt Road, in the Township (“the Property”); and

WHEREAS, the owner has filed an appeal with the Tax Court of New Jersey for the tax assessment of the Property for the year 2012; and

WHEREAS, the parties have engaged in settlement negotiations and reached a settlement of the tax appeal, subject to the Township Committee’s approval, as follows:

1) 2012:

	<u>Original Assessment</u>	<u>Proposed Assessment</u>
Land:	\$ 1,408,000	\$ 1,408,000
Impvts.:	\$ 3,004,600	\$ 2,592,000
Total:	\$ 4,412,600	\$ 4,000,000

2) 2013:

	<u>Proposed Assessment</u>
Land:	\$ 1,408,000
Impvts.:	\$ 1,892,000
Total:	\$ 3,225,000

WHEREAS, the owner has agreed to waive all interest due on any refund, and has agreed to accept a credit on the Property’s 2013 taxes rather than require payment from the Township of any refund; and

WHEREAS, the Township Attorney and the Township Tax Assessor have recommended the said settlement to the Township Committee; and

WHEREAS, the Township Committee is of the opinion that said settlement is in the best interests of the Township;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of North Hanover, County of Burlington, State of New Jersey that the settlement in this matter as set forth herein above, be and the same is hereby approved, and the Township Attorney is authorized and directed to affect said settlement.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler		X	X			
Committeeman Delorenzo	X		X			
Committeeman Moscatiello						X
Committeeman Quackenboss						X

DISCUSSION ITEMS

- Grass Cutting Contract
- Street and Road Maintenance Contract

Mayor Durr requested that the Township Clerk sent a letter to both contractors requesting to extend the contract for an additional one year term.

TOWNSHIP COMMITTEE “COMMENTS”

Committeeman Delorenzo indicated that the waste facility has been cleaned up.

Deputy Mayor Butler indicated that she has not matters at this time.

Mayor Durr indicated that he has received a letter from the Board of Chosen Freeholders requesting whether or not we would have interest in participating with the deregulation of energy consumption on the Community Energy Aggregation. He explained the letter to the Committee. He directed the Municipal Clerk to contact Mr. Donnelly indicating that North Hanover Township is interested participating.

Mayor Durr indicated that he received a letter from the Department of Health. The Alliance received a \$5,000 grant with a 25% cash match.

Mayor Durr congratulated Chief Herbert, Chief Keubler and Robin Blum. All requested funds from FEMA have been approved. We will receive 75% of the funds expended from Hurricane Sandy.

At this time Mayor Durr recessed the meeting.

Mayor Durr called the meeting back to order at 8:02 p.m.

ENGINEER'S REPORT

Mayor Durr stated that he met with Justin earlier in the week and he reviewed the report.

Mr. Gibson reviewed his report dated February 7, 2013. He requested to go over each item. The Committee discussed their options for Schoolhouse Road Park. Mr. Gibson indicated that he will put out a request for quotes directly to contractors next week. Receipt of quotes will be accepted March 7. Specs will be provided to the Clerk. Completion date will be April 1.

Mr. Gibson discussed the rest of the project in length with the Committee. The Committee provided direction as to Mr. Gibson. Mr. Gibson is to provide a plan for the playground by the February 21 meeting within budget.

EXECUTIVE SESSION RESOLUTION (if needed)

2013-38 Authorizing a Closed Session Meeting to discuss the following matter(s) pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12; Personnel, Contract Negotiation and Litigation matters.

RESOLUTION 2013-38

TOWNSHIP OF NORTH HANOVER COUNTY OF BURLINGTON

AUTHORIZING A CLOSED SESSION MEETING

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of North Hanover Township wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Township Committee to discuss certain matter(s) in private, and in this case for the purpose of the Township Committee to discuss contract negotiations of which requires attorney-client privilege in this regard.

NOW, THEREFORE, BE IT RESOLVED by Township Committee of North Hanover Township that it will go into an Executive Session for the purpose of the Township Committee to discuss contract negotiations of which requires attorney-client privilege in this regard.

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Township Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler		X	X			
Committeeman Delorenzo	X		X			
Committeeman Moscatiello			X			
Committeeman Quackenboss			X			

BACK TO PUBLIC SESSION

Mayor Durr indicated that he would like to start working on the budget. He indicated that the budget meeting will be scheduled for Saturday, February 23 at 12 noon.

Motion made to settle the grievance with Officer Leonard.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Mayor Durr			X			
Deputy Mayor Butler			X			
Committeeman Delorenzo		X	X			
Committeeman Moscatiello	X		X			
Committeeman Quackenboss						

TIME OF ADJOURNMENT: 9:25 PM

Respectively submitted,

Cindy A. Dye, RMC
Township Clerk