

**NORTH HANOVER TOWNSHIP
TOWNSHIP COMMITTEE MEETING MINUTES
JULY 7, 2016, 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 Kocubinski
Committeeman O'Donnell

Also Present: Acting Township Clerk Picariello and Township Attorney Roselli entered at 7:10 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 Courier Post, 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”.

PUBLIC COMMENT AS IT RELATES TO AGENDA ITEMS

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

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Committeeman DeLorenzo
Seconded By: Deputy Mayor Butler

REVIEW OF CORRESPONDENCE

There was no correspondence this evening.

ENGINEER'S REPORT

Engineer Hirsh noted on June 29th he attended a DEP workshop in regards to the Stormwater Tier B permit. He stated we are now in compliance. He stated there is now a planning board review form in relation to stormwater management. He also noted the SPPP is not required for Tier B municipalities. Engineer Hirsh also stated the Provinceline Culvert repair is scheduled to begin July 8th. Deputy Mayor Butler stated she wanted to move forward with the Park Grant.

ROAD IMPROVEMENT ENGINEER REPORT

Engineer Gibson stated Contract II is complete and he was working on the final payment. He stated the successful bidder for 2016 Contract I was Trap Rock Industries. The bid was substantially lower than expected. Mayor Durr expressed concerns regarding the NJDOT monies. Engineer Gibson felt the older money needs to go out to design and would recommend moving forward as soon as possible. There was a general consensus to move forward. Engineer Hirsh stated he would be getting that out with an alternate bid.

MINUTES FOR APPROVAL

- June 16, 2016 – Regular Meeting

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor Butler					X	
Committeeman Delorenzo			X			
Committeeman Kocubinski	X		X			
Committeeman O'Donnell		X	X			
Mayor Durr			X			

- June 23, 2016 – Special Session Meeting

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor Butler			X			
Committeeman Delorenzo			X			
Committeeman Kocubinski	X		X			
Committeeman O'Donnell		X	X			
Mayor Durr			X			

BILLS AND CLAIMS FOR APPROVAL

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor Butler			X			
Committeeman DeLorenzo	X		X			
Committeeman Kocubinski		X	X			
Committeeman O'Donnell			X			
Mayor Durr			X			

CONSENT AGENDA DEFINED:

All Resolutions listed on today's consent agenda are to be considered as one vote by Township Committee and will be enacted by one motion. There will be no discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

2016-97 Resolution Authorizing Consent to New Jersey Department of Environmental Protection Permit for Cedar Grove Apartments

**RESOLUTION 2016-97
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

RESOLUTION AUTHORIZING CONSENT TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT FOR CEDAR GROVE APARTMENTS

WHEREAS, Cedar Grove Apartments, located at 145 Cookstown-New Egypt Road in the Township of North Hanover has made application to the New Jersey Department of Environmental Protection ("NJDEP") for a Treatment Works Approval Permit concerning Block 903, Lot 18; and

WHEREAS, the Township Engineer has reviewed said application made by Cedar Grove Apartments and has recommended execution of the same.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of North Hanover, County of Burlington County, State of New Jersey that the Township Committee hereby consents to the proposed project and hereby authorizes the Township Engineer to execute the NJDEP Statements of Consent on behalf of the Township.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor Butler			X			
Committeeman DeLorenzo		X	X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor Durr			X			

NON-CONSENT AGENDA

2016-98 Resolution Awarding Bid for 2016 Road Improvement Program Contract I

**RESOLUTION 2016-98
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

**RESOLUTION AWARDING BID AND CONTRACT FOR
2016 ROAD IMPROVEMENT PROGRAM CONTRACT I**

WHEREAS, the Township of North Hanover desires to improve various roads throughout North Hanover Township; and

WHEREAS, the Township of North Hanover issued a Notice to Bidders for purposes of receiving sealed bids in accordance with the Specifications, Proposal and Contract

WHEREAS, on June 24, 2016, bids were received as follows:

Company

Trap Rock Industries, LLC \$757,905.28
 PO BOX 419
 Kingston, NJ 08528

Richard T. Barrett \$763,738.44
 400 Prospect Street
 Trenton, NJ 08618

Arawak Paving Co., Inc. \$768,300.00
 7503 Weymouth Road
 Hammonton, NJ 08037

Earle Asphalt Company \$808,713.13
 1800 Route 34, Bldg. 2, Su 205
 Wall, NJ 07719

American Asphalt \$949,743.87
 100 Main Street
 W. Collingswood Heights, NJ 08059

WHEREAS, the Township of North Hanover has sufficient funding in place as evidenced by the Chief Financial Officers certification of the availability of funds.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of North Hanover, County of Burlington County, State of New Jersey that an award is hereby issued to Trap Rock Industries, LLC with offices at PO BOX 419, Kingston NJ 08528, for 2016 Road Improvement Program Contract I located in the Township of North Hanover in the amount of \$757,905.28 representing Items 1 through 55 of the base bid specifications.

BE IT FURTHER RESOLVED that the Mayor and/or Township Clerk is hereby authorized to sign the aforesaid contract on behalf of the Township.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor Butler			X			
Committeeman Delorenzo	X		X			
Committeeman Kocubinski			X			
Committeeman O'Donnell		X	X			

2016-99 Resolution Authorizing Settlement of Third Round Affordable Housing Litigation with Fair Share Housing Center

**RESOLUTION 2016 – 99
TOWNSHIP OF NORTH HANOVER
BURLINGTON COUNTY**

**RESOLUTION AUTHORIZING SETTLEMENT OF
THIRD ROUND AFFORDABLE HOUSING LITIGATION
WITH FAIR SHARE HOUSING CENTER**

WHEREAS, the Township of North Hanover received Substantive Certification of its third round Housing Element and Fair Share Plan (collectively “Compliance Plan”) from the New Jersey Council on Affordable Housing (“COAH”) on May 14, 2009; and

WHEREAS, the certified Plan was based upon COAH’s revised third round “growth share” rules which were subsequently invalidated by the Appellate Division and the Supreme Court wherein the Court directed COAH to engage in new rulemaking and adopt constitutionally compliant third round rules and housing allocations consistent with COAH’s prior round rules and methodologies; and

WHEREAS, COAH failed to abide by the Court’s rulemaking directives which caused the Supreme Court to issue a decision on March 10, 2015 divesting COAH of further administrative review and rulemaking authority and reassigning this responsibility, including the determination of municipal third round fair share obligations, to the trial courts; and

WHEREAS, the Court’s decision further permitted municipalities that were heretofore under COAH’s administrative review jurisdiction to transfer to the Court’s judicial review jurisdiction to, *inter alia*, continue to receive immunity and repose against exclusionary zoning challenges and builder’s remedy litigation; and

WHEREAS, in accordance with the Court’s directives, North Hanover Township filed a declaratory judgment action with the Court on June 29, 2015 in the matter encaptioned In the Matter of the Application of the Township of North Hanover, BUR-L-1528-15 (Mount Laurel) which is being case managed by the Honorable Ronald E. Bookbinder, A.J.S.C.; and

WHEREAS, a number of expert reports have been submitted to the trial courts throughout the State opining as to the magnitude of the third round fair share obligations and there is a wide divergence in the calculations made by the experts which has delayed trial courts in assigning housing allocations; and

WHEREAS, Dr. David N. Kinsey, P.P., AICP, is the expert who was retained by Fair Share Housing Center (“FSHC”) and he originally determined that North Hanover Township has

a third round prospective need (new construction) affordable housing obligation of 192 units running from 1999 to 2025; and

WHEREAS, Dr. Kinsey recently readjusted and refined his calculations in a report issued on May 17, 2016 and concluded that North Hanover’s third round prospective need obligation is 145 units; and

WHEREAS, 128 affordable family rental units already exist in North Hanover Township and these units fully satisfy the Township’s 25% family rental obligation and its 13% very low income obligation; and

WHEREAS, Judge Bookbinder and Court Master Mary Beth Lonergan, P.P. are encouraging the Township and FSHC to stipulate and agree upon a compromise number to avoid further litigation expense and the parties have agreed, for settlement purposes, that the Township’s third round prospective need number is 101 units which is a 30% reduction of Dr. Kinsey’s revised estimate of 145 units and which is fully addressed by the 128 affordable family rental units that already exist in the Township; and

WHEREAS, a proposed form of Settlement Agreement documenting the foregoing and setting forth the other terms and conditions of settlement is attached hereto and made a part hereof as Exhibit “A”. The terms of the Agreement are incorporated by reference herein as if set forth herein at length; and

WHEREAS, the intent and purpose of this Resolution is to approve the form and content of the Settlement Agreement and to authorize its execution by the Mayor and Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of North Hanover that the proposed Settlement Agreement attached hereto as Exhibit “A” is hereby approved as to form and content and that the Mayor and Municipal Clerk be and are hereby authorized to execute the Agreement on behalf of the Township.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor Butler			X			
Committeeman Delorenzo	X		X			
Committeeman Kocubinski			X			
Committeeman O’Donnell		X	X			
Mayor Durr			X			

DISCUSSION

- Review of quotes for air condition replacement in Police Department
There were two quotes reviewed. Committeeman O’Donnell stated he was in the Police Department and feels this is needed. Committeeman Kocubinski stated he also reviewed it and feels it is necessary. There was a general consensus to move forward with the lowest quote from Artic Heating and Cooling.
- North Hanover Township/Upper Freehold jurisdictional issues along Ellisdale-Arneytown Road aka Provinceline Road

Mayor Durr gave an overview of his meeting with Upper Freehold Township officials. The Mayor feels we could include this in contract IV of our Road Improvement Program. Deputy Mayor Butler stated this is an ongoing issue and feels an agreement is overdue.

Committeeman DeLorenzo stated this was a good idea. Attorney Roselli stated considering the control would be turned over liability issues will need to be addressed. Attorney Roselli stated this agreement should be adopted by ordinance. Committeeman Kocubinski expressed concerns regarding an area of the road. Committeeman O'Donnell also expressed concerns from the bridge to Route 537. Mayor Durr stated that was a separate issue and would be visited at a later date. There was a general consensus to move forward. There was direction given to the Acting Township Clerk to get the results of Upper Freehold's deliberations concerning a maintenance agreement and to inform Upper Freehold of the Township Committee's decision.

- Draft Resolution requesting the NJDEP to deny certificate of approval of the Transco Williams Compressor Station

Mayor Durr reviewed the request regarding the Resolution pertaining to the Compressor Station. He inquired as to the support of Chesterfield Township. He stated our support should be contingent upon Chesterfield Township's view since the Compressor station is in their jurisdiction. Committeeman Kocubinski stated these projects are related concerning the pipeline and the compressor station. Mayor Durr suggested that we reach out to Chesterfield Township and get their feelings and revisit. Attorney Roselli stated the draft is very confusing and infers that Chesterfield supports this. Attorney Roselli noted that he was unsure of the Resolutions intent. Mayor Durr directed the Acting Township Clerk to inquire with Chesterfield Township as to their support or non-support and why. Committeeman Kocubinski stated time constraints should be considered. Committeeman O'Donnell recommended tabling discussion until there is a firm Resolution that Chesterfield Township supports. There was a general consensus to revisit.

TOWNSHIP COMMITTEE "COMMENTS"

Deputy Mayor Butler informed the Township Committee that our Municipal Court Judge would need a medical leave. The Judge is working with the AOC on a temporary replacement. The leave would commence in September.

Committeeman DeLorenzo stated the Chiefs of North Hanover and Chesterfield were working well together concerning the surveying for the pipeline and that packets are available for the public. He also noted the Police presence is being paid for by NJNG. Committeeman DeLorenzo noted the police department is coming along nicely.

Committeeman O'Donnell gave an overview of his ongoing talks with Verizon concerning the wires in North Hanover Township. He met with officials and toured several areas of concern. He was assured safety issues would be addressed and was given a contact for the cable company. He also noted complaints in the Mobile Home Parks were currently being investigated.

Mayor Durr noted the previous meeting, with the Township Tax Assessor. He stated the Assessor was to report solutions, to the technology issues concerning the assessments and wanted the record to reflect there was no report given to date. Mayor Durr commended Attorney Roselli for his years of service and was happy to hear his health has improved.

PUBLIC PARTICIPATION

Questions, comments or statements from members of the public in attendance.

OPEN PUBLIC COMMENT

Mayor Durr opened the meeting to the public.

Mr. Ralph Ruocco – 101 Chesterfield-Arneytown Road – He noted the trespassing signs have been effective during the surveying work and noted pictures were being taken of those signs. He inquired with Mayor Durr about his property signage. The Mayor stated he was remissive and would make sure a sign was placed. Mr. Ruocco stated he was appreciative of the efforts of Committeeman O'Donnell and the wires.

Ms. Agnes Marsala – Chesterfield Township – She stated she did attend the Chesterfield Township meeting and noted the attorney stated the resolution was redundant. She stated these resolutions were helpful in their quest and the intent of this resolution was to oppose the permits. She applauded the Township Committee for their efforts to date.

Ms. Martha Vasalka – Bordentown Township – She commended the police departments on creating the complaint packets. She stated this resolutions intent was to encourage the NJDEP not to pass the water quality permit. This was similar as to what occurred in New York. She also noted that this would be revisited with Chesterfield Township.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Committeeman DeLorenzo

Seconded By: Committeeman O’Donnell

EXECUTIVE SESSION RESOLUTION

2016-100 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 North Hanover Twp. vs. Arawak Paving Potential Litigation Matter, Contract Matters, Litigation matters and personnel matters.

**RESOLUTION 2016-100
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, litigation and personnel matters 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 North Hanover Twp. vs. Arawak Paving Potential Litigation, Provinceline Road Contract Matter, Contract Matters, Litigation and Personnel matters.

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
Deputy Mayor Butler			X			
Committeeman Delorenzo	X		X			
Committeeman Kocubinski			X			
Committeeman O’Donnell		X	X			
Mayor Durr			X			

BACK TO PUBLIC SESSION

MOTION TO ADJOURN

Proposed By: Committeeman O’Donnell

Seconded By: Committeeman Kocubinski

TIME OF ADJOURNMENT: 8:38 PM

Respectively submitted,

Mary Picariello
Acting Township Clerk