

THIRTEENTH REGULAR MEETING OF THE MOUNT LAUREL TOWNSHIP COUNCIL

AUGUST 3, 2009

The Thirteenth Regular Meeting of the Mount Laurel Township Council was held on Monday, August 3, 2009, in the Meeting Room of the Mount Laurel Municipal Building. The Meeting was called to order by Mayor James Keenan.

The Pledge of Allegiance and traditional moment of silence were observed.

ROLL CALL

The Members of Council present were Mayor James Keenan, Deputy Mayor Peter McCaffrey, Councilwoman Tracy Riley, and Councilman Chris Smith. Also present were Patricia Halbe, Township Clerk, Jennifer Blumenthal, Acting Township Manager, and Christopher Norman, Esq., Township Solicitor. Councilwoman Linda Bobo was absent.

PUBLIC ANNOUNCEMENT

The Public Announcement, which is required by the "Open Public Meetings Act" of the State of New Jersey and read at every meeting of the Township Council was read by the Municipal Clerk.

09-M-9 APPROVAL OF MINUTES 4-13-09 AND 5-11-09 TO 6-1-09

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilman Chris Smith, seconded by Deputy Mayor Peter McCaffrey, and enacted on a roll call vote. Tracy Riley voted nay. Councilwoman Bobo was absent.

PROCLAMATION

09-R-207 **PROCLAMATION OF COMMENDATION TO POLICE CHIEF JOSEPH LEHMANN, JR. FOR 22 YEARS OF OUTSTANDING SERVICE TO MOUNT LAUREL TOWNSHIP**

The Clerk read the Proclamation as entitled. A motion for adoption was made by Deputy Mayor Peter McCaffrey, seconded by Councilwoman Tracy Riley, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent

Mayor Keenan and Deputy Mayor McCaffrey presented memento and proclamation to Chief Lehmann for his years of service to the Township.

RESOLUTION-FINANCIAL

09-R-208 **PAYMENT OF BILLS FOR JULY, 2009**

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilwoman Tracy Riley, seconded by Councilman Chris Smith, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

RESOLUTIONS

09-R-209 AUTHORIZING A PLACE-TO-PLACE TRANSFER OF A PLENARY
RETAIL CONSUMPTION LICENSE FOR BRINKER NEW JERSEY
INC.

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilman Chris Smith, seconded by Deputy Mayor Peter McCaffrey, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

09-R-210 AUTHORIZING A PLENARY RETAIL CONSUMPTION LICENSE AS
A HOTEL/MOTEL EXCEPTION FOR ROUTE 46 MANAGEMENT
ASSOCIATES

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilwoman Tracy Riley, seconded by Deputy Mayor Peter McCaffrey, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

8-3-09

09-R-211 FIRST INDUSTRIAL, L.P.
BLOCK 1203, LOTS 1.02 AND 1.03
RELEASE OF PERFORMANCE GUARANTEE

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilman Chris Smith, seconded by Deputy Mayor Peter McCaffrey, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

09-R-212 NFL FILMS, INC.
BLOCK 510.02, LOT 1.01
RELEASE OF PERFORMANCE GUARANTEE
OFF-SITE AND ON-SITE

The Clerk read the Resolution as entitled. A motion for adoption was made by Deputy Mayor Peter McCaffrey, seconded by Councilman Chris Smith, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

09-R-213 AUTHORIZATION TO INSTALL A FENCE WITHIN A LANDSCAPE
BUFFER EASEMENT AREA FOR BLOCK 401.07, LOT 30

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilwoman Tracy Riley, seconded by Councilman Chris Smith, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

09-R-214 AUTHORIZATION TO INSTALL A FENCE WITHIN A LANDSCAPE
BUFFER EASEMENT AREA FOR BLOCK 401.07, LOT 31

The Clerk read the Resolution as entitled. A motion for adoption was made by Deputy Mayor Peter McCaffrey, seconded by Councilwoman Tracy Riley, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

09-R-215 AUTHORIZATION TO INSTALL A FENCE WITHIN A LANDSCAPE
BUFFER EASEMENT AREA FOR BLOCK 401.07, LOT 32

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilman Chris Smith, seconded by Deputy Mayor Peter McCaffrey, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

09-R-216 AUTHORIZATION TO INSTALL A FENCE WITHIN A LANDSCAPE
BUFFER EASEMENT AREA FOR BLOCK 702.02, LOT 11

The Clerk read the Resolution as entitled. A motion for adoption was made by Deputy Mayor Peter McCaffrey, seconded by Councilman Chris Smith, and enacted on a roll call vote. Councilwoman Tracy Riley abstained. Councilwoman Bobo was absent.

09-R-217 AUTHORIZATION TO INSTALL A FENCE WITHIN A LANDSCAPE
BUFFER EASEMENT AREA FOR BLOCK 702.01, LOT 22

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilman Chris Smith, seconded by Deputy Mayor Peter McCaffrey, and enacted on a roll call vote. Councilwoman Tracy Riley abstained. Councilwoman Bobo was absent.

ORDINANCE FOR FIRST READING

2009-14 AN ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL ,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING ORDINANCE 1988-26 KNOWN AS THE
MASTER TRAFFIC ORDINANCE (CHAPTER 148 OF THE
MUNICIPAL CODE) ESTABLISHING THE INTERSECTION OF
UNION MILL TERRACE AT UNION MILL COURT AS A STOP
INTERSECTION

Ordinance 2009-14 was read as entitled by the Municipal Clerk. It was moved by Councilwoman Tracy Riley, with a Publication Date of August 6, 2009, and a Public Hearing Date of September 21, 2009. Deputy Mayor Peter McCaffrey seconded the motion. Upon a unanimous roll call vote, Ordinance 2009-14 was so ordered on First Reading. Councilwoman Linda Bobo was absent.

8-3-09

ORDINANCE FOR SECOND READING & PUBLIC HEARING

2009-13 AN ORDINANCE ESTABLISHING A NEW MOUNT LAUREL CODE,
SECTION 69-1 ET SEQ. FOR THE REGULATION OF THE
PLACEMENT AND USE OF CHARITABLE CLOTHING BINS
THROUGHOUT THE TOWNSHIP OF MOUNT LAUREL

Ordinance 2009-13 was read as entitled by the Municipal Clerk. A motion for adoption was made by Deputy Mayor Peter McCaffrey, seconded by Councilwoman Tracy Riley, and enacted on a unanimous roll call vote. Councilwoman Linda Bobo was absent.

PUBLIC PARTICIPATION ON ORDINANCE - None.

PUBLIC PARTICIPATION

BARBARA O'MALLANE, 175 Knotty Oak Drive – Questioned how things are progressing with Turnpike Authority. Stated that their last communication was on 7-20-09 from Jennifer Blumenthal and she indicated there was a preliminary discussion on a new approach.

MAYOR JAMES KEENAN – Stated that there are two things that the township is doing. Councilwoman Riley had spoken with Congressman Adler's Office and he is trying to set up a meeting with the Turnpike.

COUNCILWOMAN TRACY RILEY – Stated she has spoken with Mary Campbell who oversees Congressman Adler's affairs regarding setting up date and expects a phone call this week with a date. She will follow-up with her.

MAYOR JAMES KEENAN – We are also putting a letter together from the Mayor to anyone above them, including the Governor's Office, which the Acting Manager, Jennifer Blumenthal, is working on, and hopes to have it ready to be reviewed by Council at the next work session.

ATTORNEY CHRIS NORMAN - he will have draft noise ordinance for next work session. There are common law noise ordinances that do not require decibel readings. These ordinances have been upheld by the courts several times for private citizens but it will be the first time to be tested against another government agency.

TERRY HASSETT, 345 Walton Avenue – Is providing copies of all prior correspondence to Jennifer Blumenthal with timelines.

MAYOR JAMES KEENAN – Ms. Blumenthal has been in touch with the traffic engineer trying to get clarification on some things. She has been working on this on a daily basis.

BONNIE YANKOSKI, 162 Memorial Lane – Believes that the Turnpike is trying to get out of everything and putting the blame on everyone else.

MAYOR JAMES KEENAN – Agrees with residents regarding the service road that was built behind Timbercrest by the Turnpike Authority allowed the noise to be accentuated. We are asking them to replace what was there before. Federal law regarding keeping brush low under the power lines.

BONNIE YANKOSKI – Parker’s Creek – PSE&G took down hundreds of trees and gave us 30 – 40 trees. If they had replaced all the trees, we would not have been able to water them. It never did us any good. Nothing to stop people on the turnpike from pulling over and going to homes. It is the perfect crime.

MAYOR JAMES KEENAN – There is supposed to be a fence and if it is down, we should inform them of the safety issue and have them fix it.

8-3-09

PATTY BOHINSKI, 41 Broadacre Drive – Is here regarding the status of walkways in Spring Valley Estates.

MAYOR JAMES KEENAN – It was discussed in work session last week and the solicitor had recommendations for Council after his review of the site plan approvals and what the money was for. We have been told that the money was not for specific items. We are having the attorney confirm that again and make sure there were no punch list items that are safety concerns that need to be done. His second recommendation is that he saw that there was an association that was to be formed and we are trying to figure out how to have the residents form an association and we can then transfer the properties and the \$114,000 balance of the money to the association to build paths and for the maintenance of the ponds and cutting of the open space. We would be irresponsible to the rest of the taxpayers to take the rest of the money and build bike paths when we have property to maintain. The funds were all used properly for bridge rebuilding and escrow fees owed to engineer. There was discussion of how to contact residents regarding forming an association to relief the township of the burden to maintain these open spaces and the association could do what they want with the money.

PATTY BOHINSKI – Would be against forming an association and it was never in the documents they received when her home was bought. She originally went to Pat Halbe and was told to write a letter to Mr. Glass concerning the walkways. She received a comprehensive letter back from him and was told all these years that the walkways would be done. The bridge was replaced and part of the FEMA money was for it to be handicapped accessible.

MAYOR JAMES KEENAN – The money from FEMA was a small amount and the rest of the bridge replacement money was taken from the fund. He would not be in favor of using money for walkways when an association not in place. The builder went bankrupt. He has asked why was cost of cutting the grass was not taken from the fund and it is not clear why that expense has not been deducted from the fund.

PATTY BOHINSKI - It was suggested that there be an association and the walkways were in the plan and the township was to maintain the five acres and that fences would be installed. The money was clearly to finish out that neighborhood.

ATTORNEY CHRIS NORMAN – It was in the resolution as a recommendation of the Parks and Recreation Director to establish a homeowners association. When a builder goes into bankruptcy and a project is jeopardized, all the approvals basically go out the window and the township is in the position to salvage the best possible deal they can.

PATTY BOHINSKI – She has several letters saying township would install the walkways and she cannot believe that this is happening after seven years. She started coming in 2002.

MAYOR JAMES KEENAN – If the neighbors agree to an association, he guesses that it would indicate that they want these walkways or bike paths.

ATTORNEY CHRIS NORMAN – In earlier days, engineering was not as advanced and basins were not required so homeowners associations were not formed. It was the commendation of the Parks & Recreation Director to the Planning Board to form an association.

DEPUTY MAYOR PETER McCAFFREY – Now, all new developments are required automatically to have a homeowners association because the township does not want to have any ownership of basins and the burden should not be on township residents who do not live there to maintain basins when they do not benefit them. The bike path is a separate issue and we have not had that in other areas.

PATTY BOHINSKI – The walkway to the bridge are not related to the basins.

8-3-09

MAYOR JAMES KEENAN – The last estimate for the walkways to the bridge was \$57,000.

PATTY BOHINSKI – She has not paid for a homeowners association for 17 years and is not willing to now. The walkways have nothing to do with the basins.

CHRISTOPHER SMITH - When the basins need to be cleared out, it costs a tremendous amount.

ATTORNEY CHRIS NORMAN –It is a matter of reserving the money for a necessity instead of for an amenity. The maintenance of the basin is in the future and that day will come. It is a policy issue for Council to reserve fund for a necessity.

PATTY BOHINSKI – Everyone else gets walkways in the township and there are plenty that do not have associations.

MAYOR JAMES KEENAN – The account was not to build X, Y & Z. It was a settlement in lieu of going to court. If it was for specific things, Council would have done them years ago.

PATTY BOHINSKI – People did not even know about that \$400,000 until we investigated it. I have been coming here for seven years and this is the first I have heard this.

MAYOR JAMES KEENAN –We are looking at asking your neighbors about forming an association and if they choose to do so, we will transfer the money to their account and they can build the walkways or whatever they choose. The retention basin needs maintenance and if this money is used up, the full burden of that would fall on the taxpayers. If there were an association, they would have someone maintaining the basin.

ROBERT BOHINSKI, 41 Broadacre Drive – Why do you think the bankruptcy court ordered the builder to give you the money. The money should be used for what it was set aside for. The money was given before the bridge was damaged.

MAYOR KEENAN – The \$51,000 was used to pay off the escrow balances due to the professionals.

FRED BRAUN, 104 Haines Road – Questioned where Council is in finding out information from the municipal court and how long does it take to get a transcript.

COUNCILWOMAN TRACY RILEY – It generally takes 4 to 6 weeks to get a transcript and that could be considered expedited. It must be transcribed and certified and it is done by an outside company.

PATRICIA HALBE – Mr. Norman ordered it and paid the required fee. The tape is sent out to Doman Transcriptions, who transcribes it and sends it back. The Township keeps the tape from every court date.

FRED BRAUN – He was told that it is not the Turnpike who approves sound barriers, it is really the DVRPC. He thinks the Turnpike will stonewall us forever. When he goes to sell his house, he does not want to see a trash dumpster behind his property and the business behind his home has numerous violations. They have started a transfer station behind his home.

JAMES MISSELWITZ, 716 Hunters Lane – Owes Council a thank you for his appointment to the MUA. The Township needs to tighten down on expenditures because these are really tough times. Things are getting worse. We need to eliminate some of the jobs in the police, fire or municipal workers since we are running out of money and there is no more money coming.

8-3-09

COMMENTS BY PROFESSIONALS

None.

COMMENTS BY COUNCIL MEMBERS

COUNCILWOMAN TRACY RILEY – Chief Lehmann left already but he was the first chief she was here under and one of her fondest memories was his son putting on Chief’s hat. She wishes him well in future endeavors.

COUNCILMAN PETER McCAFFREY – Echoed those sentiments. It has been a pleasure seeing him work through the ranks. The Chief is one of those people who is harder to replace but he has left us with good police department. He is proud to have been associated with Joe Lehmann.

COUNCILMAN CHRIS SMITH – Thanked everyone for coming out. It is not always the desired result but we are looking for an equitable solution for all parties. He commends Chief Lehmann and he wishes the Chief the best.

MAYOR JAMES KEENAN – Thanked everyone for coming. We are looking through all the concerns and trying to get people answers. He is sorry for it taking 7 years for an answer but we need to get answers for all these things. Thanked EMS for coming out to support the Chief.

09-R-218 **RESOLUTION AUTHORIZING MOUNT LAUREL TOWNSHIP
COUNCIL TO GO INTO CLOSED SESSION FOR DISCUSSION OF
LITIGATION MATTERS**

The Clerk read the Resolution as entitled. A motion for adoption was made by Councilman Smith and seconded by Councilwoman Tracy Riley, and enacted on a unanimous roll call vote. Councilwoman Bobo was absent.

RETURN TO OPEN SESSION

A motion was made by Councilman Chris Smith and seconded by Deputy Mayor Peter McCaffrey to return to Open Session. All were in favor and Council returned to open session at 9:15 P.M.

ADJOURNMENT

A motion was made by Councilwoman Riley and seconded by Councilman Smith to adjourn the meeting. All were in favor and the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

PATRICIA HALBE, RMC
Municipal Clerk

Transcribed by
Carol Modugno

The minutes of this meeting are summary minutes. A copy of the tape recording of this meeting will be available in the office of the Municipal Clerk for four years.

