

**MOUNT LAUREL TOWNSHIP COUNCIL
WORK SESSION MEETING
MARCH 9, 2009**

A Work Session Meeting of the Mount Laurel Township Council was held on Thursday, March 9, 2009 in the Courtroom of the Mount Laurel Municipal Building. The meeting was called to order by Mayor Keenan at 7:30 p.m.

ROLL CALL

The members of Council present were Mayor Keenan, Deputy Mayor McCaffrey, Councilwomen Bobo and Riley and Councilman Smith. Also present were Patricia Halbe, Municipal Clerk; Debra Fourre, Township Manager; and Christopher Norman, Esq., Township Solicitor.

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.

ERI

Mr. Tom Miller was present for the discussion. Ms. Fourre indicated that they have a revised funding request for additional payment as per correspondence from Mr. Noll of ERI. The Manager agrees with the \$3500 being requested for legal challenge. She does not recommend the additional \$5000 funding for site redesign since it was known to be an expedited process. She believes the construction observation and management should have been anticipated and does not recommend payment. The UST Tank removal was not anticipated by the Twp or ERI and she agrees with that \$5000 payment. She agrees with the additional payment of \$1300 for the landscaping revisions since it was for changes made at the end of the project. She does not agree with the additional site features design payment. The total recommendations that she does think should be paid is \$15,700 of the \$40,500 request.

Mr. Miller stated that they needed to redesign after the bid went out due to DEP requirements that the plan needed to conform to. There was not a lot of discussion about it since it had to be done and nothing was put in writing. Council requested that the changes be shown to the Manager and if she agrees, she will bring it back to Council.

Mr. Miller indicated that the original budget was \$1,000,000 but the bid was 2 ½ times the original scope and there was a legal challenge as well which is what increased the construction management and observation costs. The Manager indicated that the overall reduction in the construction costs was about \$150,000. Normally they would have had a senior inspector but they had an engineer on the project to insure it opened on time and because decisions had to be made in the field quickly. The land is surrounded with wetlands and there were tile drains on the property.

Mayor Keenan felt that if we did not have as much oversight at the location, we may not have saved as much on design.

Councilwoman Riley questioned if there was any wiggle room to the amount.

Mr. Miller felt that they had brought all their numbers down but he felt that he could look at it again.

Mr. Miller stated that the additional site features design costs were for the gate at the front and they are still waiting for an answer from the NJDEP about whether fencing will be required around the wetlands buffer. Mayor Keenan will contact Mr. Jay Watson on the matter since he had spoken to him previously about the new requirement.

Council agreed on the additional payment for the site features design and will work with the Manager to resolve items 3 & 4.

ROSI- Register of Open Space Inventory

Ms. Fourre indicated that originally CMX had been working on the ROSI. We are at the point where there are several messy properties left to research. Mrs. Paglione is working

03-09-09

on it and it will take 2 full days of her time to research. Tim Kuluhiokalani of ERI is communicating with the NJDEP and then will work with the township on it. The Manager indicated that they have been working on the project since 2008. Mr. Norman indicated that they can continue without issue under the umbrella of the ROSI since it is an open project.

The Mayor indicated that Council had asked for monthly reports and the Manager reported that she had been receiving them since January. She will provide copies of the reports received to Council.

2009 Budget

Deputy Mayor McCaffrey stated that he will reserve any questions for the next budget meeting since he was not present for the previous meeting.

Councilwoman Bobo felt that a new date needed to be set for discussion of the budget/

Councilman Smith was concerned about some of the service levels that we are looking to change and some of the controllable levels growing. Council asked that the Manager go back to the Department Heads and ask them to sharpen their pencils a little bit.

Mayor Keenan was concerned that if services were being reduced the departments would need to justify their same level of staffing.

Councilwoman Riley stated that Council had not received budget sheets that Mr. Marrone was going to provide. The Manager was asked to follow up on it.

Council was also still waiting for the breakdown of the employee's salaries and the Manager reported that Jennifer Blumenthal was working on it and it would take another week to prepare.

Mayor Keenan felt that if there is going to be a tax increase, everything was needed to be looked at.

Councilwoman Riley asked if all of the township overtime, including police overtime, will be included in the report. The Manager stated that it will include all overtime.

It was agreed that a special budget meeting will be scheduled for Thursday, March 19th at 6:30 p.m. in the courtroom.

POD Ordinance

Mr. Norman stated that he prepared a revised draft to the POD ordinance with the recommendations of the Planning Board. He will give the revision to the Planning Board to review again on Thursday.

Developer Fee Ordinance

Mr. Norman stated that COAH said that the implementation of the Developer Fee Ordinance and escrow agreement gives COAH enforcement powers. COAH was clear that it needed to be in effect this year. He wrote to COAH and informed them that we are under the court jurisdiction. We need to pass a Developer Fee ordinance and to adopt a resolution for the escrow agreement. If we do not do so, COAH can come in and raid our Affordable Housing Trust Fund. We also need to get a spending plan approved in December.

Towing Ordinance

Mr. Norman stated that he has reviewed that the proposed ordinance and it is fine as written and a very good ordinance that provides a lot of protection to the township. The Municipal Clerk stated that the deadline date for receipt of applications annually needs to be changed from April 1st to May 1st due to the delay in introduction.

03-09-09

Mayor Keenan felt that a procedure need to be put into place to address the issue of who cleans up debris on the roadway if a tower is not called as was previously questioned by Councilwoman Bobo.

Cherry Hill UCC

Ms. Fourre stated that the resolution has been taken off the agenda. She spoke with Cherry Hill on Friday and they have begun to realize the seriousness of the issue was for getting employees from other townships. They are now looking to use part-time employees. They are going to do a resolution to authorize them to work with Mount Laurel and other towns if they find they have a need for assistance. They would be billed at \$85.00 an hour and we would use their vehicle and they would provide insurance. We would need to adopt a resolution first should we do any work for them.

Mayor Keenan would like Council to see a copy of the correspondence on the agreement.

Flood Mitigation Grant Application

Ms. Fourre stated that due to preliminary work done by Fran Pagurek, we are potentially eligible to get grant funds for flood mitigation in conjunction with the County. Chief Pagurek would like to apply for a grant jointly with the County where Township would do the work on Union Mill Road and the County would do Hartford Road. Fran Pagurek and Jennifer Blumenthal would prepare our application and they will need assistance from the Engineer since it involves road design and flood mitigation.

Deputy Mayor McCaffrey stated that since the County Engineer would be the lead person on the project, we should ask if they would also design the Mount Laurel portion.

Mayor Keenan asked the Manager to reach out to the County immediately to see if they are interested in applying for funding for Hartford Road, and if so, to see if they will also do the design work for Union Mill Road.

The Manager indicated that Fran would also be reaching out to the County Emergency Management Office. Council indicated that Fran Pagurek should reach out to the County Emergency Management Office first and then Ms. Fourre should follow up with the County Engineer.

Recycle Bank

The Manager reported that Mrs. Husted had only received one complaint about the large recycling cans and had asked the person to try it. After one month, the person swears by it. Mrs. Husted is asking to move the program forward to include the next 1000 homes and recommending that we go with Recycle Bank.

Mayor Keenan said that Council still had questions about what we receive for the \$7.20 fee per household that we would pay to Recycle Bank and if we sign on, is it for the 1000 homes now or is it for the whole township and who regulates the coupon exchange credit? Since the person from Recycle Bank has not come back yet with the answers, he asked that the Manager relay the questions to Anne Moore from the County so that she can get answers and invite her to come in to the next work session to discuss.

The Manager stated that the funding would come from the recycling tonnage grants and that the funds saved by recycling would eventually pay for the Recycle Bank program.

The Manager stated that she will check with Ms. Moore to see if the whole township could be handled at once or if it needs to be phased in.

Peter Hovnanian Presentation

Peter Hovnanian was present with Ed Brady, his engineer from Taylor, Wiseman and Taylor, Jeff Goodwin from J.S. Hovnanian and Jim McGillin, architect.

03-09-09

Mr. Hovnanian indicated that he wanted to revisit the vision his dad had. His father stated collecting properties in the Bridgeway Tract beginning in 1964 and 45 years later they want to build their headquarters but have not acquired all that they envisioned.

Jeff Goodwin stated that are looking they need 4.32 acres and would need a road vacated from Mount Laurel and would give the township 4.72 acres in exchange so that would be about equal. Now would be a great time to come in since the Legislature is discussing putting off the COAH fee obligation on commercial building. In addition they would give 23 acres in the Ark Road area of the township, although the majority is wetlands or wetlands buffer and there is about 20,000 sq. feet that is buildable.

Ed Brady stated that the building is a 60,000 sq. feet total, 4 story building that is proposed. It has a main entrance off of Route 38 with a greenway buffer along Route 38. The right-of-way is a paper street known as Whitman Avenue that would need to be vacated. They do not have a second access on the plan but do have several options.

Mayor Keenan questioned what the benefit is to Mount Laurel. Peter Hovnanian responded that the wetlands regulations have changed and when originally proposed the Ark Road property was more usable than what can be done now. It could become an interesting nature center and preserving 23 acres is significant in that part of town. Also where each party has had missing parcels within the puzzle of properties, both could get the parcels that they need and it would benefit both. To have another commercial property along Route 38 is also a benefit to the town. He would have to stay that one of the businesses that has had long time growth in the township would stay here is also another benefit.

Councilwoman Riley asked what else could be offered to Mount Laurel in exchange if we were not interested in the Ark Road property. Peter Hovnanian stated that he had met with the Manager and Traffic Engineer to conceptionally discuss the problems with the access into the Bishops Gate parcel. They are concerned about how it would affect the 104 residents of Sunrise who have a pedestrian-friendly location now. He would like to work with the township as long as they can do so without putting the residents of Sunrise at risk. They also have a lot of undeveloped land there which was to become a campus for various life stages.

Mayor Keenan indicated that Council would be appreciative if somehow traffic could be diverted away from Walton Avenue and it may also help his properties. Mr. Hovnanian responded that he is community-minded but if he cannot accommodate the township, he hopes it will not impact the project.

Jim McGillin reviewed architectural plans for a brick and limestone building. It will be a green type project and they are looking at solar energy and geothermal energy.

Council requested that the Manager schedule another meeting with Hovnanian in the near future to discuss the Walton Avenue issue.

Public Comment

Fred Braun – 104 Haines Road – Asked if the proposed Hovnanian headquarters is a 60,000 sq. foot building or a 60,000 footprint. Mayor Keenan stated that it is a 60,000 sq. foot building.

Mr. Braun questioned the cost for second trash pickup in the summer. Ms. Fourre responded that the cost is \$60,000 and they are looking at the possibility of eliminating it.

Mr. Braun stated that the township should put the responsibility of a POD permit on the contractor. The Mayor indicated that we need to put the responsibility on the property owner.

03-09-09

Mr. Braun felt there should be a moratorium on open space acquisition and more due diligence needs to be taken when acquiring land. The township should have known about the tank when purchasing the property. Mr. Norman responded that the tank was buried underground. Councilwoman Riley indicated that the owner has to disclose that information and she will review the contract.

Mr. Braun also commented on the new reflective red stripe on stop signs put up in Harrison Township. The Manager responded that it was a County project.

Dennis Riley – 10 Windflower Court. – Stated that it will be a prolonged recession and there were no pay increases for this year in his industry. There are certain aspects in the private sector that must be implemented in the public sector. You need to look ahead at least two years in advance. He felt that certain expenditures should be approved by Council. He knows that the township has a good credit rating.

Mayor Keenan stated that there was a 4% revenue cap last year and this is the first year they are faced with no pay raises, possible layoffs and no second trash collection.

Jeff Shapiro – 422 Kelham Court - provided list of 17 properties in sheriff sale.

Steve Hassett – Walton Avenue - Thanked the Manager for initiating conversation with Hovnanian. He feels the solution to the problem is for there to be no traffic but those of the 5 homes that live there. The police are doing a good job but cannot control the traffic. He appreciates the township's help.

Terry Hassett – Walton Avenue – Stated that the homes were there first. They have become an entrance to a corporate park instead of just a road.

Mrs. Hassett indicated that the township had discussed sewer for Rancocas Woods as part of the stimulus plan and asked if it will be offered. Mayor Keenan responded that the projects that were to be submitted needed to be shovel ready. He attended a meeting and it looks like there are more road projects. He also met with Congressman Adler and provided him with a copy of our request as well as giving a copy to the Governor.

Closed Session

The Clerk read resolution 09-R-83, authorizing Mount Laurel Township Council to go into closed session for discussion of personnel matters, land negotiation matters, labor negotiation matters and litigation matters. A motion was made by Councilwoman Riley and seconded by Councilman Smith to adopt the resolution. All were in favor and Council went into closed session at 9:31 p.m.

Return to Open Session

A motion was made by Councilwoman Riley and seconded by Councilman Smith to return to Open Session. All were in favor and Council returned to open session at 10:40 p.m.

Mayor Keenan reported that he had talked to the Moorestown Mayor about shared court services. He will talk to Ms. Fourre about his conversation.

Closed Session

A motion was made by Councilwoman Riley and seconded by Councilman Smith to return to Closed Session. All were in favor and Council returned to Closed session at 10:45 p.m.

Return to Open Session

A motion was made by Councilwoman Riley and seconded by Councilwoman Bobo to return to Open Session. All were in favor and Council returned to open session at 10:50 p.m.

03-09-09

Adjournment

A motion was made by Councilman Smith and seconded by Councilwoman Riley to adjourn the meeting. All were in favor and the meeting was adjourned at 10:51 p.m.

Respectfully submitted,

Patricia Halbe, RMC
Municipal Clerk

Transcribed by
Patricia Halbe

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.

