

MOUNT LAUREL TOWNSHIP COUNCIL
WORK SESSION MEETING
APRIL 27, 2009

A Work Session Meeting of the Mount Laurel Township Council was held on Monday, April 27, 2009 in the Municipal 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.

Redevelopment Option – Fellowship/Route 73

Mayor Keenan questioned whether Council wanted to move forward with redevelopment of the Fellowship/Route 73 area. Councilman Smith questioned whether it was prudent when the COAH obligation is uncertain.

Mr. Norman stated that under Senate Bill 2485 there is a clear suspension of developer fees but the COAH obligation is uncertain. The Developer has said that he will make the project COAH neutral. The redevelopment can be molded. It is a win for the developer and a win for the township. Both Bach Associates and the developer both thought redevelopment was the best option.

Councilwoman Riley asked if there is any reason why it would not be a good option and why the developer would want the township to have so much say.

Mayor Keenan responded that rezoning could be tied up in litigation as spot zoning.

Deputy Mayor McCaffrey stated that he agrees with redevelopment. It is the last viable property and he is comfortable with what he has heard. It is a gateway to I295 and no other property is south jersey is as valuable. He is against rezoning.

Mayor Keenan stated that there are conditions with the MUA and that they should be involved and have infrastructure put in for the residents. The developer talked about providing water and sewer.

Mr. Norman stated that we need to worry that an area is in need of redevelopment with blight and we have that here.

Councilwoman Riley questioned what the developer benefits with the redevelopment option. Mr. Norman stated that it is more of a partnership. You are never sure with zoning standards but with redevelopment there is usually a concept plan approved by Council. A redevelopment agreement insures that the developer is held to his promises. The Township can change their mind if it is not working. The Township should start informed dialogue with the Planner and the MUA.

Mayor Keenan stated that tax incentives were mentioned by the developer as part of the Economic Recovery Act of 2009. Also, the developer said he would make it COAH neutral, no matter what. Mr. Norman indicated that it could be put in an agreement.

Deputy Mayor McCaffrey stated that a plan was needed to have the dwellings there removed first.

04-27-09

Mayor Keenan questioned if Council was okay with moving forward. Council was all in favor to do so. Mr. Norman stated that it first must go to the Planning Board and they need to designate the need for a redevelopment area, and then come up with a plan and that goes to the Planning Board and then the execution of the redevelopment agreement.

Jacob's Chapel

Ms. Fourre indicated that Pastor Person was working on a project that is bigger than any one of us. Reverend Person of Jacob's Chapel stated that he was here to gain support for short and long term functions. They have been here since 1813. If their programs are removed, it will be a lost opportunity to attract visitors, 7 school mentorships and serve 350 families with community food assistance. The Colemantown Cemetery is one of the oldest in the state and civil war soldiers are buried there. They are working with John Watson of the Department of Historical Preservation to get their property approved. They also provide Underground Railroad tours of their church.

Reverend Person stated they were not asking the township to bend or break the rules. They want to work with Council and they need community support. Their threats are apathy, politics, zoning and regulations.

Mayor Keenan questioned what their existing problem was. Reverend Person stated that they bought the house across the street from the Church in 1997. It is very costly to get up to code. They were asked to cease from using the property. They need a land use attorney and traffic engineer. They need a use variance and it is costly.

Mr. Holshue stated that their service was excellent but the building was found in violation beginning in 2006. There are numerous violations and the activities are not safe their under the law. He is not sure they would qualify for the use of the building. They need to get it to a point where it is safe and he has given them to April 30th to file an application with the zoning board. There has been nothing filed and they will be out of time in two days. The life safety measures are a priority and he will need to issue an order to cease and desist except for residential occupancy since it is in an R-3 zone. In the basement, there is only one means of egress and no suppression.

Reverend Person stated that most of the activities are upstairs and outside. They do not need to use the basement or they will put tents outside. Mr. Holshue responded that the upstairs does not have handicapped ramps.

Mr. Holshue stated that the Church was going to come back with a plan for the Zoning Board and he would then have direction from the board. He has zero comfort level with it currently.

Mr. Norman stated that it is a jurisdictional issue and the jurisdiction is with the Zoning Board. There is federal law that says boards should not impose impediments to houses of worship. If the township allows the violations to go on, there is liability to the township.

Reverend Person stated that he is here to get help in the process to file application and the cost factors. Mr. Holshue stated that they had an application but it was withdrawn and it needs to go to the board. It will probably be September before it gets to the Zoning Board.

Councilwoman Riley asked if the application could be reinstated. Mr. Norman responded that they could re-file and the Zoning Board could deem it complete and if any information is lacking, it could be supplied.

Mayor Keenan stated that Council does not want you to cease and desist with the chapel but we cannot waive safety in the building across the street. Perhaps the Zoning Board

04-27-09

could have a special meeting. Mr. Norman stated that the billboard applications should not monopolize the Zoning Board for months

Deputy Mayor McCaffrey directed the Manager to get the application to the Zoning Board as soon as possible. Mr. Holshue indicated that the application was pulled and needs to be re-filed. Mayor Keenan responded that for the safety of the kids, they must move forward. Mr. Holshue offered his services 24/7.

Mayor Keenan questioned if they have looked into pro bono services of another church. Councilwoman Riley stated she would put feelers out. Reverend Persons indicated that they are trying to put a board together for a 501C3.

Councilman Smith asked that the Manager keep Council apprised.

Conrow

Ms. Fourre indicated that there are several open items at the Conrow field, including flooding at the main gate, plantings, why the turf field lifted up, awarding of the well bid, striping, signage and an updated fee request.

Tom Miller of ERI, Inc. was present to answer any questions.

Ms. Fourre stated that ERI, Inc. billed \$5000 for site redesign. There were several changes required to the plans due to requirements of the DEP and for the Letter of Interpretation. She is satisfied with this request for payment.

Mr. Miller stated that they had billed \$11,706 for construction observation and management, which as reduced by 20% to \$9500. They have shown both Ms. Fourre and Mr. Giangliulio about how many hours they had been onsite. Ms. Fourre responded that she is having a difficult time with this item since the deadline did not change. Mr. Miller stated that it was based on hours and time at the site. It was presented on April 3rd and there were no additional charges unless it was outside the scope. Mayor Keenan stated that it needs to be straightened out with the Manager.

Mr. Miller indicated that the stripes on the field were cut and inlaid. The red striping is coming up in spots and they are waiting for a report on this. The contractor groomed the field before the lifting started and they will check the groomer.

Mr. Miller stated that contractor would be out to look at the flooding at the main gate. Some of the plantings are to be relocated but it is a very small amount and there are no more materials to be provided. Mayor Keenan stated that ERI, Inc. was to check about buffers with trees.

Mr. Miller that they will need a decision in a few days about the aboveground well for the irrigation system. It also needs electric run. There is a contingency for additional depth of the well. Mayor Keenan responded that he was not satisfied with the well price. Council agreed to table the well installation. Mr. Norman stated that they are in the extension period now and are running into the next deadline for awarding the bid. Council directed that the bids be rejected at the next regular meeting.

Historic Site Management Grant

Ms. Blumenthal stated she has been looking into a historic grant for Sunnyside Farm and that this year management grants are being awarded. We would need an architect for a consultant to apply for the grant, matching funds of \$4000 and a resolution is required. Councilwoman Bobo stated that we could allow a non-profit to lease the building for a dollar. We need to deem the property historic. The lessee can refurbish the building and we may be able to subdivide the building out but was told that this is a nightmare to do. She asked Mr. Norman to look into the timeframe, as it may not be conducive to saving the building. Mayor Keenan stated that if there was more time, they could fundraise.

04-27-09

Councilwoman Bobo responded that we would want historic designation for the property. Councilwoman Riley suggested selling of bricks with engraving as a fundraiser. Councilwoman Bobo felt that the township might be able to partner with the historical society. Mayor Keenan stated that the township needs to preserve historic properties. Council was in agreement to apply for the grant.

Councilwoman Bobo asked about use of open space monies for preservation, noting, that the perception of open space funding was to purchase open space. Mr. Norman stated that they would need to look into the funds.

Federal Transportation Grant

Ms. Blumenthal stated that the information on the Federal Transportation Grant came in from Congressman Adler and she put in the application today. The roads are from the local roads program for 2009.

Sustainable New Jersey Wal-Mart Grant

Ms. Blumenthal stated that 14 grants are to be awarded by Wal-Mart but we can only apply for one, either the \$10,000 or the \$25,000. She is working with Mr. Holshue on this grant and thought that water for the Mayor's Garden might be eligible. Councilwoman Riley asked if the \$25,000 could be used to apply for the well project. Ms. Blumenthal stated that it would not be eligible and it must be used for one of the approved objectives. Council was in agreement to apply for the grant since no matching funds are needed.

Uncollectible Taxes List

Ms. Fourre stated that a list had been received from the tax collector of several properties that have uncollectible taxes. Council will need to pass a resolution at the next meeting.

Spring Valley Estates

Ms. Fourre stated that there is money in a developer's fund for Spring Valley Estates but it is not enough to maintain the sidewalks. Mayor Keenan stated that the funds were for the 6-foot cartway between the properties and asked if the owners would be willing to take vacated sidewalks. Councilwoman Riley questioned if it would open the door for other developments. Mr. Norman stated that there is no homeowners association to maintain so all the residents would need to sign off on that. Deputy Mayor McCaffrey questioned if the property could be vacated without the sidewalks. Deputy Manager Fourre questioned if she should amend here previously drafted letter and ask if the residents want to take the sidewalk.

Fee Ordinance – consolidated ordinance

Ms. Blumenthal stated that the fee ordinances are complete and she wants to put it on the agenda for the next regular meeting. Mayor Keenan stated that Council never saw the final ordinances and asked that it be sent to them for review. Council was in agreement to put the ordinances on the next regular agenda.

Trail rules

Ms. Fourre stated that the township is in the process of installing trail signs and the proposed trails are in their packets. Councilwoman Riley questioned if Police, Fire and EMS have seen the proposed rules. Ms. Fourre will show them to those departments and to the solicitor. Mayor Keenan asked about posting fines for motor vehicles driving on the trails. Police Chief Lehmann stated that there is already a statute under Title 39.

Budget Process

Councilwoman Bobo asked when the budget needs to be introduced by. Ms. Fourre responded that we need to adopt the budget in May to not have a cash flow problem.

04-27-09

Councilman Smith asked that Ms. Fourre provide her very best recommendation by Friday at 3 PM and no supplemental papers are to be added. Councilwoman Bobo stated she does not want to max out the school deferral funds. Council was in agreement.

Public Comment

Chris Schwartzman – Superintendent of Roads – Stated that they take care of the pond and outflow pipes at Spring Valley Estates and if the access easements are abandoned they would not have access to get to the pond. Mayor Keenan stated that the Township does not have money to maintain the sidewalks. Mr. Schwartzman stated that there is a large pile of asphalt at Pike Road and questioned if they could buy a recycler for asphalt under the green program, as the cost is about \$30,000. Ms. Blumenthal stated that she and Mr. Holshue are looking into what is eligible. Mr. Schwartzman indicated that it is hard to say what is dumping into groundwater from the asphalt. They could do permanent patching year-round and cut holes square. Ms. Fourre stated that it could be put in the capital program for this year. Mr. Norman stated that perhaps it could be bought under shared services. Mayor Keenan thought perhaps the township could work with the MUA on jointly acquiring it.

Fred Braun – 104 Haines Road – Felt it was a great meeting. He has been asking for a cease and desist order from Zoning for the property behind him for four years. He was told the guy behind him couldn't be ordered to cease and desist. He is upset and feels the township owes him and his neighbors an apology. Regarding redevelopment, he questioned if the township would condemn the property. Mr. Norman responded that the township would not condemn because the developers already own the property. Mr. Braun stated that the township owns the sewer pipes there but the property runs through area services by the CCMUA. He feels we should have the developers run the pipe back over Route 73 to the Ramblewood Pumping Station.

Closed Session

The Clerk read resolution 09-R-117, authorizing Mount Laurel Township Council to go into closed session for discussion of personnel matters and litigation matters. A motion was made by Councilwoman Riley and seconded by Councilman Smith. All were in favor and Council went into closed session at 9:57 p.m.

Return to Open Session

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

Adjournment

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

Respectfully submitted,

Patricia Halbe, RMC
Municipal Clerk

