

**MOUNT LAUREL TOWNSHIP COUNCIL
WORK SESSION MEETING
MAY 11, 2009**

A Work Session Meeting of the Mount Laurel Township Council was held on Monday, May 11, 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. Ms. Blumenthal, Deputy Manager, was also in attendance.

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.

County Engineer discussion of Creek Road Intersection

Tom Jaggard, County Engineer and Anthony DeMaggio, Assistant County Engineer were present to make presentation about the Creek Road and Masonville Road intersection. They have received numerous complaints about queuing and people being unable to get out of their driveways. Mr. DeMaggio indicated that the intersection is near the I295 interchange and is heavily used. It has an F level of service in the am peak hours. They are looking to install a northbound through-lane and a second southbound auxiliary lane which will not go past I295 which will help traffic get through the intersection. The access to the park will be moved north from the intersection to take away that phase away from the current signal. The estimated cost is \$2 million, not including right-of-way acquisitions or easements. They are still in conceptual design and hope to tighten up the radius. They are asking for a letter of support from the township prior to having a public information meeting in June or July. They will need right-of-way in front of 11 homes.

Deputy Mayor McCaffrey questioned how much land would need to be taken and if they had communicated with those homes yet. Mr. Jaggard indicated that they had not but will be attempting to reduce the radius to lessen the impact on those homes. They will notify the residents by certified mail of the meeting.

Councilman Smith questioned if there were any traffic counts for people coming from the park. Mr. DeMaggio stated that it seems to be used as a park-and-ride for people going to Trenton. There were about 14 cars exiting in the pm peak. They have been out to that location several times and the parking lot is filled. Ms. Halbe indicated that it was incorrectly listed as a park-and-ride by the State previously and is actually the parking for the park and tennis courts there for the residents.

Councilwoman Riley stated that she would like to see a list of the properties affected and how they are affected first before she would be willing to give her consent. Mayor Keenan stated that they are in favor of improving the intersection but may not necessarily sure this is the improvement they are looking for and the impact on the residents.

Mr. Jaggard stated that they are looking to take slivers of 10 to 20 feet across the front of the properties. They already acquired the corner property. Mayor Keenan felt that they should have the public information meeting with the residents first and if any of the Council members can make it, they will. Mr. Jaggard will notify the Manager of the date of the meeting.

Other County Road updates

Mr. Jaggard stated that they are still struggling with environmental issues at the service station at Marne & Hartford Road that may need to be cleaned up first.

Mr., Jaggard stated that the County Freeholders have approved a reduced speed along Mount Laurel Road to 45 MPH and new signs will go up. Mayor Keenan questioned if

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the traffic engineer had been out to see about passing in the area of Pheasant Drive when the Conrow sports complex is open. Mr. Jaggard stated that they found no difference. Mayor Keenan felt that they should go out to see it when the park is open and being used.

Mr. Jaggard indicated that Hartford Road and Elbo Lane is under design and they have bought two properties there to do minimal improvements. Mayor Keenan indicated that the telephone pole is too close to the road. Mr. Jaggard indicated that it would be moved back as part of the project.

Mr. Jaggard reported that Route 38 and I295 is in preliminary design at the State and they are pushing the State to do the final design. It was originally on the stimulus list but was knocked off since the State did not get as much money as expected. That project does not require major permitting since there are not a lot of wetlands out there. Mayor Keenan stated that the Township will support that project and phasing may be a good idea so they can get some improvements out there.

Mr. Jaggard reported that the County is trying to improve the area of the Elbo Lane curve at Church Street with a bigger radius but there are environmental issues that need to be resolved.

Mayor Keenan asked about the Ramblewood Parkway curbing issue. Mr. Jaggard responded that they are trying to resolve the litigation with the Township. Mr. Norman reported that Mr. Buck is working on a final order to address the agreement between the parties. Mr. Long and Mr. Jaggard have been looking at it.

Township Manager, Debra Fourre, asked about a traffic light at Church Road and Sharp Road. Mr. Jaggard indicated that they are waiting for the low and mod units to be occupied and for the road to be reopened before doing any counts. Mayor Keenan stated that the light at that intersection is very important to the residents. Mr. Jaggard stated that he is not sure that it will ever meet the warrants for a traffic signal there but they have agreed to do counts there periodically.

Anne Moore – County Recycling Coordinator

Ms. Moore presented a power point presentation regarding the recycling cart program and recycle bank. She indicated that 90% of the residents like the carts. Mount Laurel is one of the top paper producers at the drop off site. For those towns using the carts, they have seen a 25% average increase in recycling. Mount Laurel has had an 11 % drop or 300 tons in landfill tonnage for the 1st quarter of 2009.

Mayor Keenan questioned if there are warranties on the carts for things such as the wheels. Ms. Moore stated that certain things are under warranty and they will send replacement wheels.

Mayor Keenan questioned the \$7.20 fee for recycle bank. Ms. Moore responded that it is an annual fee per household and that recycle bank will consider 2 year contracts with a 3rd year option. The fee is for each household, whether activated or not. The Township would need to send an initial letter out to the residents and then they will follow-up. If recycling is not put in the cart, it will not be picked up.

Mayor Keenan stated that it appears to be a community benefit, not a household benefit. Ms. Moore responded that Cherry Hill does it and it levels the field for seniors who fund trash removal costs but does not have a lot of recycling. Local businesses are solicited and become part of the program as well as 40-50 national chains. The County is the facilitator and has an agreement with Recyclebank for installing the software.

Councilman Smith questioned what the chances are of going to single-stream recycling. Ms. Moore stated that the County will need to bond for new equipment first but it is a national trend and the savings are real. They went from \$7.5 million in revenues down to \$2 million in the past year due to the economy.

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Mayor Keenan expressed concern about the association requirement in age-restricted homes that the carts be kept inside. Ms. Moore stated that they would not give 96-gallon carts to age-restricted communities. However, they do not need to make that decision at this time, as they may not get to those homes until the end of 2010. The Township may also want to hold off on town homes until the County goes single-stream.

Ms. Moore stated that if the Township wants to be part of the fall cart purchase, the Manger should send her an e-mail.

Fee Ordinances

Ms. Blumenthal discussed proposed fee ordinance changes for general fees, construction code fees and EMS billing fees. Mr. Holshue indicated that the changes include non-residential permits. Mayor Keenan stated that he is concerned that it may stop people from building. Mr. Holshue responded that the increases are not significant enough to stop someone from building but will pay for the cost of personnel in his department. Councilman Smith questioned if the costs are consistent with the staffing discussed in the budget process and if any new inspectors will be required. Mr. Holshue indicated that no new inspectors were needed.

Foreclosure Mediation Seminar

Ms. Fourre stated she had received a request from the County to hold a seminar for foreclosure mediation on May 28 at the meeting facility and for it to be advertised on the website. Council had no objection. Mayor Keenan suggested that it be also advertised on the movable sign.

Public Works costs reimbursement

Ms. Fourre stated that it is estimated that the Public Works department performs 1040 hours of work at the library annually for a cost of \$19,344. She is asking for authorization to recoup the costs. Council was in agreement that a letter be sent that we will begin billing for these services.

Hazmat and Shredding Event

Ms. Fourre stated that Janice Husted, recycling coordinator, is hosting a shredding event on the regular Saturday hazmat day on June 6th from 8 am to noon. It will be funded through recycling funds. It is limited to residential use and the documents will be shredded onsite.

Grants – Energy Efficiency and Conservation Block Grant, Update on Surface Transportation, ROID

Ms. Blumenthal stated that she would need a resolution by June 15th for the Energy Efficiency & Conservation Block Grant of \$183,000. They need to submit a strategy and some of the money can be used to retrofit buildings or to install solar panels. The projects must move forward as soon as possible. Mayor Keenan asked that a memo be provided to Council of the recommendations by the end of the week. Councilwoman Riley asked for a timeline and how much could be used to retrofit without hiring a consultant. Ms. Blumenthal stated that they have the RFP's back but have not begun the energy audits. Mr. Holshue stated that he has had no direction to act on getting the audits done. He has made recommendations and can move forward when authorized by the Manager. When audits are performed, we may not need a consultant unless we move forward to do solar or wind projects. Mayor Keenan felt it was important to get this information to Council this week so it can be put on the agenda on Monday for award. Mr. Holshue stated that we would get back 75% of the audit costs and the other 25% when the recommendations are approved. Mayor Keenan asked Ms. Blumenthal to consult with the two solar consultants who came in last year and get prices from them.

Ms. Blumenthal stated that she submitted the Surface Transportation grant to Congressman Adler and his office had requested additional information and suggest we also put in the Larchmont Boulevard project.

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Ms. Blumenthal stated that in 2003 we had received \$9000 from a ROID grant. The Township had stopped applying since we were ineligible. She would like to apply for the same program that we have been running. The application is due on June 15th. Council agreed that she should apply for the grant.

Request for access to Open Space Properties

Ms. Fourre indicated that she had received a request from a resident to bring a group both inside and outside several open space properties, particularly the Cuzzimano house and the Thunderbird Farm. Councilman Smith questioned the condition of the foundations at the property. Mayor Keenan expressed concern about safety and legal ramifications since they have not been occupied for some time. He felt that limitations could be set on where they could be on the properties. Councilwoman Riley felt that an organized tour could be a liability. Mr. Norman stated that if we invite them onto the properties we must disclose the conditions and they are unknown. He felt it could be a larger liability and that the properties need to be checked out first. Council asked that the Manager do a detailed letter asking for the number of people and number of vehicles that will be coming and setting the conditions.

Open Space Fund Utilization

Ms. Fourre stated that she had sent a letter to Mr. Norman regarding the use of open space funds for maintenance. Mr. Norman stated that the resolution was specifically for land acquisition and to pay down debt. Ms. Fourre stated that the interpretive statement for the referendum also stated that it was not for administrative purposes. She indicated that Mr. Schwartzman was not getting a lot of response from farmers about farming the properties. Mayor Keenan stated that he was not in favor of using open space funds for maintenance. Councilwoman Bobo questioned what properties they were looking at. Ms. Fourre stated that it would be for Cuzzimano, Baum and the remainder of Conrow. She stated that the cost to maintain the properties by grass cutting is \$30,000 to \$40,000. Councilwoman Bobo stated that Mr. Holshue was to check the foundation of the Thunderbird Farm. Councilman Smith commented that the people voted in favor of the referenda for procurement and debt service. Mr. Norman stated that he would need to look at the body of the resolution adopted and see if a referendum is needed to change the use of the funds. Council was not in favor of a referendum.

2009 Budget Process

Councilwoman Bobo stated that two weeks ago she had asked that the school deferral not be maxed out and no one had objected. She has now received a budget proposal that maxes out the school deferral. She is disappointed. Ms. Fourre responded that she has presented the most responsible budget she can provide without policy decisions and changes.

Mayor Keenan stated that the 2-1/2 % deferral is \$3.5 million as well as a 4.9-cent tax increase. He felt that next year they could be starting at a 15-cent increase without any policy changes. He thinks that tough decisions need to be made this year as it is an unacceptable increase and there is no buffer for next year.

Deputy Mayor McCaffrey felt that we would need to look at things differently from past years and have a three-year vision. If the economy does not turn around, we will need to cut more services. We will also need money for the re-val to be put aside. Mr. Norman stated that we will need \$2 million to implement the re-val but it can be funded over five years. Councilman Smith indicated that he is also concerned about the tax collection rate. Deputy Mayor McCaffrey stated that there is only \$600,000 in surplus if we do not get the MUA money. Councilwoman Riley questioned what number they would be comfortable with to give to the Manager.

Mayor Keenan questioned if the overtime costs have been addressed. Ms. Fourre stated that the police overtime is 1% less and she is working to reduce Public Works overtime through negotiations. The other departments have nominal overtime. Councilwoman Bobo stated that it appears that there was \$80,000 in overtime for the first quarter of 2009. Ms. Fourre indicated that EMS has had a large amount of overtime but Council is

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aware of why. Mayor Keenan questioned the 10 hours of weekly overtime to DCD. Ms. Fourre indicated that she signs off on the weekly report. Councilwoman Bobo questioned if DCD activity is down, why can the 10 hours not be fit into the regular scope of the daily activity. Ms. Fourre stated that she had recommended cutting that amount in half in the budget for the electrical subcode work. Mayor Keenan stated that inspectors are also working for other townships and asked if Ms. Fourre had reviewed that. Councilwoman Riley questioned if this could be discussed in open session or whether it should be in closed session or Rice noticed. Mr. Norman stated that as long as specific personnel are not named, it could be discussed, as it was general in nature. Mayor Keenan asked Ms. Fourre if she knew of the outside employment activities of the employees as per the codebook. He questioned if she received and agreed for those employees to work out of town. Ms. Fourre stated that she did not know where they worked. Councilwoman Riley asked if it is the Manager's job or the employees' job to report where they are working. Mayor Keenan stated that he had found this information on the courier post online website. Councilwoman Riley asked if the employees are giving their full capacity of services to Mount Laurel. Ms. Fourre responded that she has only worked here since August, 2007. Councilwoman Bobo stated that they had talked about installing GPS on those vehicles months ago. Ms. Fourre responded that there is only one employee in DCD who takes their vehicle home. She can track and can run the GPS report and she would have the department head handle it if she saw a problem. Mayor Keenan questioned why we would not have them in the vehicles where people also work other jobs.

Councilman Smith questioned if the guidelines were received on the layoff plan. Ms. Fourre stated that she had met with Eric Bernstein, Esq. to discuss conflict labor counsel. He may come in next Monday to speak to Council.

Councilwoman Bobo stated that it has been 6 weeks since the Manager was asked to open the police contracts. Ms. Fourre responded that it came from Council but was not her recommendation. Councilwoman Riley stated that the contracts were signed off by three of the current Council members and to do so could incur litigation costs. Mayor Keenan responded that Moorestown had opened their contract talks. Ms. Fourre indicated that it is part of developing a layoff plan. There are three contacts open and two that were signed off last year. Mayor Keenan stated that there were a number of factors of why the contract was signed. They were never told about the steps. Ms. Fourre responded that she could redistribute the information again as it was provided. Mayor Keenan said he had asked the Manager if they could afford it. Councilwoman Riley stated that they negotiated in good faith. There has been no labor council from March 30th to May 4th.

Mayor Keenan stated that they alternatives to layoffs were voluntary furloughs. Ms. Fourre replied that she was advised on January 29th by email that it had to be part of a layoff plan. Mayor Keenan questioned about optional demotion title changes. Ms. Fourre responded that there are not many titles to demote to.

Deputy Mayor McCaffrey stated that if we do not get the tax bills out on time, it would cost \$18,000 for estimated tax bills. Councilwoman Riley questioned what number they would be comfortable with. Councilwoman Bobo said that the budget process started in November and they told the Manager in January that they wanted a 0% increase. They have had a budget meeting every week and she had not provided what was asked for and the options are running out. We knew it was a bad economy in January. Ms. Fourre said that as per statute, the budget starts with the department heads. Her job is to present a budget with the policy set by Council. If they want change, they need to give direction that addresses what they are looking for. Deputy Mayor McCaffrey said that there is a \$5,000,000 shortfall and they have had this information for months. Most of Council realizes that a tax increase is needed. They are at an impasse and there has to be agreement or the DCA will come in and do it for us. He agrees that some deferred school money should be saved.

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Councilwoman Bobo questioned how Council could give guidance when they are not involved in the day-to-day operation. Ms. Fourre replied that for appropriations to be lower, she needs Council policy to reduce services. Councilman Smith questioned what services she feels taxpayers can do without. Ms. Fourre responded that she does not have any recommendations.

Councilwoman Riley suggested asking the professionals to cap their fees. Ms. Fourre responded that the suggestion was reasonable but they are billing by the hours as per their RFP. Mayor Keenan stated that if they are doing their job, he is not concerned about the cost. If they renegotiate with the professionals, they could feel they are being held hostage. Councilwoman Riley stated that it does not cost anything to ask the professionals. She asked that the Manager provide the professional billing costs for 2008 and 2009. Ms. Fourre asked if she should send a letter to the professionals. Council was in agreement.

Councilwoman Riley stated she is not sure what is an acceptable figure. If the Manager says this is the best budget, she is comfortable with that and having the professionals capped. Mayor Keenan replied that there were five contracts negotiated last year and if the Manager went to all of them to reopen, they would not have this problem. He is not comfortable with using \$3,500,000 in school deferral money and a 5cent tax increase. He feels it is irresponsible and maybe clearing out the capital monies was the wrong thing to have done. Deputy Mayor McCaffrey agrees that they should not use all the deferred school funds. Mayor Keenan stated that spending is not being cut. The delay will cost more jobs by the delay in them not receiving the proper information. He feels the Manager needs to show Council as budget that is responsible. He hates tax increases. Ms. Fourre responded that Mr. Marrone had stated that we did not raise taxes enough over the years and had depended too much on deferred school monies.

Senior Bus Driver

Ms. Fourre reported that the senior bus driver has resigned with no notice and she is asking for permission to post the position as an open competitive promotion. Council was in agreement.

Municipal Escrow and Professional Review of Development Application Fees

Mr. Norman stated that he has received a memo from Peter Lange, Esq. regarding escrow fees owed to the professionals. Ms. Fourre stated that she would follow up with the Board Secretaries on this, as she was not aware that it was on the agenda for this evening. The first bills in get paid first. Mrs. Lewis, CFO, stated that there are 5 professionals at each board. Some bill monthly and some bill weekly. If the funds go deficient, the Board Secretaries are notified. Mr. Norman stated that if the fees are not disputed, the fees must be paid. Mayor Keenan stated he was concerned about the amounts owed to some of the professionals. Mr. Norman stated that when there is a deficiency, usually the Board Secretary is told and the applicants are notified. Mrs. Lewis said that status reports are given monthly and she marks up the agenda for the meetings. There is a provision in the escrow agreement for interest but they are not assigned to a collection agency. Mayor Keenan asked Mr. Norman to check into the matter and to poll the professionals. Mr. Holshue stated that the escrow accounts are filled when the application comes before the boards and the applicants already have board approval when the bills are submitted and the accounts found to be deficient.

Temporary Use Permit

Ms. Halbe reported that she had received a request from the Zoning Board for approval of a pod for 555 Fellowship Road. It was approved by the Zoning Board, subject to the condition that the property taxes are paid, which is significant. Mayor Keenan stated that the pod ordinance was for residential use and they have no jurisdiction over this matter. Ms. Halbe will communicate this with the Zoning Board Secretary.

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Public Comments

Fred Braun – 104 Haines Road – Questioned if deferred school monies are ever paid back. The problem is you cannot keep raising taxes. He feels we should split the costs with Evesham on the senior center. The employees need to realize work at a reduced rate.

Gary Cogan – Has been attending Zoning Board meetings and Interstate was rejected and is now suing the township. He would like to know if we could counter-sue to collect legal fees. Mr. Norman responded that the township can put in a brief but legal fees are never awarded unless there is a specific statute that allows it, which is in very few circumstances.

Marilyn Jones – She understands that several departments got raises and it is not fair if not everyone gets raises. She questions how we can furlough employees and they get raises.

John Campbell – 16 Bastian Drive – Stated that it is not even close to the great depression. The township taxes over the past 5 years are up 15%, while the county taxes were up 38%, the fire district was up 22% and social security is up 28%. His impression is that the employees are working and if they worked for him the last thing he would do is have furloughs. The 10% salary reduction statement is ridiculous. The employees should get a fair shake. The Township should have more consideration for the people who work for us. Mayor Keenan responded that he has lived here for 19 years and volunteered here for years and is a community servant. He knows that the employees work hard.

Closed Session

The Clerk read resolution 09-R-131, authorizing Mount Laurel Township Council to go into closed session for discussion of Litigation Matters. A motion was made by Councilwoman Riley and seconded by Councilwoman Bobo to adopt the resolution. All were in favor and Council went into closed session.

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 11:55 p.m.

Adjournment

A motion was made by Councilman Smith and seconded by Councilwoman Bobo to adjourn the meeting. All were in favor and the meeting was adjourned at 11:55 p.m.

Respectfully submitted,

Patricia Halbe, RMC
Township Clerk

Transcribed by
Patricia Halbe

The meetings 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.