

**MINUTES
WOOLWICH TOWNSHIP COMMITTEE
WORK SESSION MEETING
DECEMBER 2, 2013**

The meeting was called to order at 7:02 p.m. by Mayor Maccarone who made the following statement:

The December 2, 2013 work session meeting of the Woolwich Township Committee is being called to order. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act.

Roll Call: Armano: PRESENT Descano: PRESENT Fein: PRESENT
Elefante: PRESENT Maccarone: PRESENT

Also present on the dais were Solicitor Mark Shoemaker, Director of Community Development Matt Blake, and Administrator/Clerk Jane DiBella.

Those present saluted the American Flag.

Motion was made by Committeeman Descano and seconded by Committeeman Armano to open the meeting to the public. All were in favor.

Andy Weismer of 126 Laurel Trail requested clarification on the basketball hoop ordinance to better his understanding of disallowing basketball hoops on the easement between curb and sidewalk.

Mayor Maccarone replied that the Ordinance has been on the books for a number of years and was adopted for purposes of public safety. He noted that due to recent complaints received, the ordinance is being better enforced, and that residents have been provided thirty day notice as opposed to receiving an immediate fine.

Mr. Weismer asked if the complaints are a matter of public record. The Mayor replied that the Zoning Officer received the complaints from residents and trash vendor, and notices regarding the prohibition of the units in easements were placed in the township newsletter for resident informational purposes.

Mr. Weismer stated that it is a problem to move the portable units back and forth and he is open to seeing if there a way for residents to petition the township to repeal the ordinance.

Committeeman Fein thanked Mr. Weismer for bringing this issue to the Committee. He stated that the job of the Township is to enforce ordinances. He also stated that the concerns brought forth are valid, and suggested that the residents contact the DOCD to look into the process of amending the ordinance.

Committeeman Decsano advised that recently the Committee took action via Ordinance regarding overhanging shade trees onto the street ROW's. He said at that time it was discovered that some basketball hoops have been permanently installed in the ROW.

Mayor Maccarone advised that the residents could have been issued violations immediately, but that because there had been no active enforcement, thirty days were given to allow for corrective action.

Solicitor Shoemaker stated that once the zoning officer was made aware of the violation, it had to be enforced. The Solicitor explained the Tort Claims Act which governs government liability. For instance, if a municipality has no ordinance and a child gets hit, the township would be sued because it had no ordinance, but the Tort Claims Act allows immunity for that type of situation. If there is no enforcement of the law and a child were to be hit, the township would still be immune for failing to enforce its own ordinance. He added that the law does not speak to immunity as far as repealing an ordinance. If the township were to have passed an ordinance to protect health and safety, then repeals that ordinance, the question of immunity is not clear.

Discussion commenced among the Committee and residents regarding the differences between portable units and those which have been cemented into the easement, with the residents claiming that the portable ones are impossible to move off of the easement when not in play.

Ken Ford of 194 Yorktown Road said that no-one can place the units in their driveways; so therefore, the ordinance eliminates the ability for children to play basketball at all.

Committeeman Armano responded that it is difficult to allow and promote children playing in the streets.

Mr. Ford then asked what is next. Would the Township prohibit bike riding, playing catch etc.?

Mr. Weismer asked if citations are public record and whether in ground poles would be fined more than portable ones. Mayor Maccarone responded that it is a level playing field. The Mayor continued by advising that nothing can be cemented into an easement. Deputy Mayor Elefante added that residents cannot place sprinklers in easements.

The Deputy Mayor added that upon a google search on this topic, he noted that adult supervision should be provided when these types of units are in play.

Mr. Blake stated that the Township is aware of the need for active recreation, and noted the township's efforts to commence a comprehensive park facilities plan, noting that public input on the plan would be beneficial.

Mr. Weismer asked if a petition would be helpful on this issue to allow the residents and township to work together.

Mrs. DiBella noted that there was residential outcry when the Ordinance was first enacted, but that the Committee had acted in the safety of its children. She also advised the residents that permits are needed for any permanent structures placed on residential property.

Jim Sabetta, Woolwich Township Code official, advised that nothing permanent would be allowed within the easement between curb and sidewalk due to public utility easements and installs.

It was suggested that the residents reach out to the DOCD and Zoning Officer on this matter.

Hearing no further public comment, motion was made by Committeeman Descano and seconded by Committeeman Armano to close the public portion. All were in favor.

Resolution **R-2013-268 Resolution Authorizing the Settlement with Pondview at Weatherby in the Township of Woolwich** was approved upon a motion by Deputy Mayor Elefante, seconded by Committeeman Fein and unanimously passed.

Mayor Maccarone read the following Ordinance by title only upon second reading:

2013-10 An Ordinance of the Township of Woolwich, County of Gloucester, State of New Jersey Amending Chapter 144 of the Woolwich Township Code Governing Rental Properties

Open public hearing: Elefante Second: Fein All in favor

No comment

Close public hearing: Fein Second: Descano All in favor

Motion to adopt: Armano Second: Descano

Committeeman Fein thanked the Deputy Mayor, Administrator, CFO and Solicitor for working out this issue to a successful conclusion.

Roll call: Armano: YES, Descano: YES, Fein: YES, Elefante: YES, Maccarone: YES

Mayor Maccarone read the following resolutions by title only for the Committee's consideration:

R-2013-269 Resolution Authorizing Budget Appropriation Transfers During the Last Two Months of the Fiscal Year for the Township of Woolwich, County of Gloucester, State of New Jersey

Motion: Elefante Second: Fein

Committeeman Fein noted the hard work of the Committee Finance Liaison, CFO, Administrator and department heads for keeping a close budget which allows for minimal transfers. All were in favor.

R-2013-270 Resolution Authorizing Agreement of Sale for Real Estate-Block 5, Lot 3

Motion: Fein Second: Armano

Mayor Maccarone noted that this acquisition represents another successful open space preservation of 39 acres within the township. All were in favor.

R-2013-271 Resolution Making an Elevation within the Woolwich Township Police Department

Motion: Fein Second: Descano All in favor.

The Administrator/Clerk provided her report and asked if there were any questions.

Deputy Mayor Elefante questioned the Solicitor as to the status of the P/W Building. The Solicitor responded that he has not yet been given authority by the adjoining property owner as to execution of a license agreement.

Mayor Maccarone stated that the Kingsway District should be provided a shared service proposal for the municipal building HVAC service soon.

Committeeman Armano asked if it is possible to find another location for the PW building and was advised that the PW Director had explored all possible locations.

The Committee discussed a convenient date for the ribbon cutting ceremony for the solar field. It was determined that December 17th from 12-1 p.m. would work for all.

The Director of Community Development reported on the following matters:

Updated the Committee as to Block 5, Lot 11.02, noting that environmental studies on the parcel showed minimal contamination with site specific remediation. He advised that the property would be beneficial to the township for foreclosure action. He stated that he was not sure why the parcel was not considered at the time of the purchase of the PMC property, saying that contamination from the former gun range use more than likely only encompasses the emergent wetlands.

The Committee suggested that Mr. Blake continue to further investigate the property's environmental health and report back to the Committee.

Discussion was held as to seeking RFP's for park facilities plan.

Mr. Blake advised that the survey and title work on the Palladino parcel is underway.

The DOCD is also scheduling a meeting with GEI regarding the results of the soil studies conducted on Block 22 Lot 4 and next steps.

Mr. Blake noted that the TDR Five Year Report and cover letter will be sent to the state soon.

He also noted that the vast list of TDR Forms to be utilized in the program need to be amended with language suggested by SADC and prepared for Committee action.

The Committee heard a presentation by Samba Brouk as to the RecycleBank Program. She presented numbers as to the percentage of diversion rates, and benefits offered through marketing outreach. The proposed renewal was provided at .70 per monthly unit.

The Committee briefly discussed Clean Water Action canvassing permit request. Mrs. DiBella advised that the company has declined the Township's offer for them to attend the December 2nd meeting. Further discussion was held as to case law provided by Clean Water Action wherein they would wish to canvass until 9:00 p.m. as opposed to the Township's 5:00 p.m. limitation.

The Administrator/Clerk was instructed to contact Clean Water Action and advise them again that the Committee wished for them to appear in order to consider their permit application.

Discussion ensued regarding whether or not the Township would need to seek RFP's for park facilities planning and whether the Township would be required to seek RFP's or whether it could award the proposal of DVRPC as a quasi-public entity. The Solicitor will review this matter.

The Committee agreed to provide COAH Special Counsel the authority to submit a letter written by COAH Master Frank Banish to SADC regarding the effect of COAH approvals within the Daylesford Meadows Development on the township's COAH Plan if the site is approved for preservation.

Motion was made by Committeeman Armano and seconded by Committeeman Fein to approve resolution **R-2013-272 Resolution for Closed Session**. All were in favor.

The Committee entered closed session at 8:36 p.m. for the purpose of discussing the following matters:

Contractual Matters: Planner Invoices; RecycleBank Proposal; Police Contract
Potential Litigation: The Oaks Landlord Registration
Potential Acquisition of Land

The regular meeting reconvened at 9:51 p.m. at which time a motion was made by Deputy Mayor Elefante and seconded by Committeeman Fein to amend resolution R-2013-272 for closed session to include discussion regarding personnel. Administrator/Clerk DiBella was asked if she wished to attend that closed session since discussion would center upon payment to her. She declined.

The meeting reconvened at 9:53 p.m.

Under new business, Mrs. DiBella noted receipt of RFP's for 2014 Professional Services and advised that all RFP's were on file in her office for review.

Motion was made by Committeeman Fein to authorize the Solicitor to work with the Director of Community Development on updating the language on TDR Forms per SADC's suggestions. Deputy Mayor Elefante seconded. All were in favor. Mayor Maccarone abstained.

Motion was made by Committeeman Fein and seconded by Deputy Mayor Elefante to approve the bills and P.O.'s as submitted by the CFO pending the Mayor's final review. All were in favor.

Having no further business, motion was made by Committeeman Fein and seconded by Deputy Mayor Elefante to adjourn the meeting. All were in favor.

The meeting adjourned at 9:57 p.m.

Respectfully submitted,

Jane DiBella
Administrator/Clerk

Minutes not verbatim
Audio recording on file