

CINNAMINSON TOWNSHIP COMMITTEE

May 15, 2017

The Regular Meeting of the Township Committee is being held at 6:30 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ 08077. This meeting is being held in accordance with the "Open Public Meetings Act," P.L. 1975 c.231, having been noticed to the Burlington County Times and Courier Post on January 6, 2017.

In Attendance: Mr. Brauckmann, Mr. Evans, Mr. McCarthy, Mr. Young, Mayor Minniti, Also present: Michael P. King, Administrator, John Gillespie, Solicitor, Julia Edmondson, CFO, Michael Minton, Economic Development Director

Mayor Minniti opens the meeting with the Pledge of Allegiance.

Mr. McCarthy introduces Geoffrey Chiumento and Christopher Burk

Mayor Minniti swears in Officer Chiumento.

Mayor Minniti swears in Officer Burk

Cinnaminson Police Officers welcome new officers.

Mayor Minniti presents proclamation for EMS Week to Chief Danny Norman

Mayor Minniti presents proclamation to Harry Shea, Retiring President of Cinnaminson Board of Education

Mayor Minniti presents proclamation for "Paint the Porch Pink" to Carol McCarthy from Riverton Porch Club

Presentation given from Lidl US Operations, LLC. Mr. Minton introduces Patrick Lyon Development Manager with Lidl US gives background of Lidl. Garden State Inn will be gone. Friendly's is to remain. Displays layout of site. Ben Crouder, Project Manager with Bohler Engineering. Site is 10.4 acres. Store will be near rear of site 35,962 sq. ft. with approximately 175 parking spaces. Cory Chase w/Atlantic Traffic and Design Engineers

Mr. Minton reviews the status of the project. Lidl should submit their application to the Planning Board within the next 30 days. We will then come back and ask for committee to pass a resolution as to the architectural developments. Mr. Minton thanks Lidl for working with the Township.

Mr. Gillespie reviews the approvals and review of Ordinance 2017-9 that is on for adoption this evening.

Mr. Brauckmann asks what will be done for residents on Manor Road that live behind the site. Mr. Minton states that there is a 45' buffer, fencing material and plantings. The service area and utilities will be at the front of the building to minimize noise. The loading docks will front Route 130.

Peter Hovnanian from Siena introduces Joe McElwee from Capital Seniors Housing Active Living regarding Siena Adult Community.

Joe McElwee from Capital Seniors Housing reviews demographics of the area and what their vision for the Siena site is. Plan is to complete all seven buildings at the same time.

Mr. Young asks if the continuing issues with the site will be resolved. Mr. McElwee states that yes everything will be completed per the agreement. Motion to authorize Economic Development Committee to move forward in working with Mr. Hovnanian and Capital Senior Housing for an agreement made by Mr. McCarthy, seconded by Mr. Young. Voice vote. All aye, no opposed. Motion is approved.

Mayor Minniti thanks Mr. Hovnanian for not giving up on this project and continuing to work with committee to complete this project.

Motion to add presentation and discussion of Triboro site made by Mr. Young, seconded by Mr. Evans. Voice vote. All aye, no opposed. Status of Triboro site is added to the agenda.

Mr. Minton advises committee that the owner of the Triboro site has reached an agreement with Marriott to build a 100-room hotel with a restaurant pad component with two additional family friendly restaurants and some kind of drive through component. He requests that committee authorize the Economic Development Committee to work with the County towards a shared services agreement.

Mayor Minniti comments that committee has always anticipated a high end hotel for this site. We can get a liquor license with a 100-room motel. Mr. Minton displays renderings for public viewing.

Motion to authorize authorship of shared services agreement with the County made by Mr. Young, seconded by Mr. McCarthy. Voice vote. All aye, no opposed. Motion is approved.

Liaison Reports:

Health and Senior Services and Veterans Affairs – Mr. Evans

Good evening everyone, Mr. Mayor. As far as veteran's benefits there is a report in the April 18, 2017 in the Military Times that education benefits for military personnel will be at the cost of \$2400 per new recruit. I have written a letter to Congressman McArthur requesting opposition to that bill as, in my opinion, it would be a major recruiting problem. In the current situation it would not be a good idea to force our members to pay that. Additionally, I attended a two-day workshop assisting veterans in understanding their benefits that are available to them and their families. Lisa was great in assisting Vivian Johns in directing her mother, Margaret Chapman, to the County for proper assistance.

I attempted to schedule a Memorial Day event but was unable to do so due to scheduling conflicts with the American Legion and the VFW. In the future I will have to do that earlier in November. I will make sure that occurs next year so that our veterans are properly remembered. That's all I have.

Parks and Recreation – Mr. Brauckmann

Good evening everyone. Parks and Recreation will be scheduling some concerts. The dates, genres and venues will be coming out shortly. Once I have those dates they can be distributed to committee and then they can be posted to our Township social media page. Also I submitted tentative dates for Cinnaminson Day. It looks like it's possibly going to be October 15th as the primary and October 22nd as a rain date, but again this is tentative. Until you see it on the Township webpage or social media page it is still tentative but it looks like it will be October.

Mr. Mayor that's all I have for now.

Public Works – Mr. Young

Good evening everyone. Our spring cleanup day is scheduled for this Saturday, May 20th. We will be open from 8:00 am to 2:00 pm. This has become such a popular event that we decided to hold it twice a year, in the spring and fall. We will have a gatekeeper to make sure the event is reserved for our residents.

This is your chance to get rid of those unwanted items out of your garage, basement or storage shed. We are also pleased to announce that we are once again taking electronics, which we have not been able to do for the last couple of years, through an agreement that we've reached with our electronic recycler. We're also able to take tires as well. We have completed our leaf collection pass through the community. If you have materials remaining you can bring them to the rear of the library. They should be in some kind of bag or recycling container as required by the State and not dumped off loose. We still have a great deal of wood mulch and leaf compost available so please contact the Public Works office with your needs. Our brush pickup program is on schedule.

The annual directory of services along with the recycling schedule is currently being prepared for mailing to our residents. We want to acknowledge the assistance of the special needs class from Moorestown working in conjunction with John Force's wife, our maintenance supervisor, and to publicly acknowledge them and thank them for their efforts. John is the foreman in our maintenance department. We thank his wife for her efforts. We've worked with this great group in the past when preparing for Cinnaminson Day.

With the expectation that our budget for 2017 will shortly be in place we are preparing to put a number of our capital projects out to bid. More to come on them by next month

Mr. Mayor this concludes my report.

Economic Development – Mayor Minniti

We've already had quite a bit. Chipotle is anticipating a late June, early July opening. Starbucks will be in front of the Planning Board hopefully the second May meeting. Wawa at Church Road and Route 130 is continuing to prepare their submission to the Planning Board. The demolition of the Riverton Lawn and Garden, the location of the Wawa at the north end of town, has commenced. I've received several emails regarding the barn that was on the property. The big question that I received was how did this happen; why doesn't the town protect historic structures? We do protect historic structures. We have a Historic Commission that was created in 2005. The idea was to take proactive steps to protect structures of historic significance and sites of historic significance. We created a historic registry. For something to be declared historic there had to be documentation of the historic significance. It had to meet certain criteria. There had to be a cooperative or agreement between the owner of the structure and the Township. One of the tricky issues that we deal with is that fine line between government overreach and property owner rights. What many don't understand is that when something is declared historic by a government entity, that severely limits that property owner's ability to utilize that structure. We did not want to go that far where we were encumbering a property owner's rights against their will. We stopped appointing the historical commission every year because we felt it was more advantageous to call them together if there was something in the works for one of those sites. With regard to the barn itself, on a personal level I would have preferred to see it stay. There was no finding of historical significance in any historical registry of that barn. We did reach out to Wawa to try to open discussion about allowing the structure to remain on the property. They declined that opportunity. Ultimately the owners of Riverton Pool and Garden did not want that barn put on the historical registry. We did not force them to put it on. They did not seek to have it preserved when they sold the property to Wawa. Ultimately that is why it is demolished today. It is unfortunate but ultimately it is the decision of Wawa and Riverton Pool and Garden.

Administration/Finance and Public Safety – Mr. McCarthy

I want to congratulate and welcome our two new police officers, Jeffrey Burk and Christopher Chimento. We are going to talk about the budget tonight so I will pass on that. I'd also like to

congratulate Lisa Passione for passing and qualifying to be Township Clerk. Congratulations and good job. That's all I have.

New Business

Motion to approve Resolution 2017-75 for Budget to be read by title only made by Mr. Young, seconded by Mr. Evans. Voice vote. All aye, no opposed. Resolution is approved.

Motion to approve Resolution 2017-79 Self Examination of budget made by Mr. McCarthy, seconded by Mr. Brauckmann. Voice vote. All aye, no opposed. Resolution is approved.

Old Business

Public Hearing on Ordinance 2017-6 To Exceed the Municipal Appropriation Limits and to establish a Cap Bank. Mayor Minniti opens to comments from committee. No comments. Mayor Minniti opens for public comment. Hearing none Mayor Minniti closes public comment portion. Motion to adopt made by Mr. Young, seconded by Mr. McCarthy. Roll call vote. Mr. Brauckmann – aye, Mr. Evans – aye, Mr. McCarthy – aye, Mr. Young – aye, Mayor Minniti – aye. No opposed. Ordinance is adopted.

Mr. Gillespie requests that 2017-10 Capital Improvements ordinance be tabled to the June 19th meeting. Each item has different periods of usefulness. Administration will advise if there is any change in period of usefulness before next hearing. Also requests that 2017-11 the Salary Ordinance be tabled because the Appellate Division has stated that employees must be Rice Noticed before this ordinance is discussed. Motion to table public hearing on Ordinances 2017-10 and 2017-11 made by Mr. Young, seconded by Mr. Evans. Voice vote. All aye, no opposed. Motion is approved.

Motion to adopt Ordinance 2017-9. Mr. Gillespie reviews background with committee. Public hearing was held on April 17, 2017. There were no amendments needed. Motion to adopt made by Mr. McCarthy, seconded by Mr. Young. Voice vote. All aye, no opposed. Ordinance is adopted.

Motion to add Resolution 2017-80 Appointing Lisa Passione as Registered Municipal Clerk to the agenda made by Mr. Evans, seconded by Mr. Brauckmann. Resolution is added to agenda.

Motion to approve Resolution 2017-80 with a three-year term May 15, 2017 through May 14, 2020 made by Mr. Young, seconded by Mr. McCarthy. Voice vote. All aye, no opposed. Motion is approved.

Public Hearing on Resolution 2017-78 2017 Municipal Budget. Presentation from CFO Julia Edmondson. Mrs. Edmondson asks if there are any questions.

Dave Wood, 4 Devon Ct asks about the surplus and where the monies come in. Mrs. Edmondson states that these are monies from FEMA, the sale of the cell tower, any monies that are taken in as excess. Robert Nehila from Bowman and Company explains that using 70% to 80% of surplus is a bad precedent, that the Township needed to rebuild the surplus back up. Mr. Young explains what has depleted the surplus in the past such as the reassessments in 2010 and that we needed to build it back up for emergencies or unexpected expenses.

Roger Hare, 2603 Yellowstone Road asks about overall spending compared to last year. Mr. Nehila from Bowman and Company responds with what the expenses are that have increased.

Seeing no one else come forward Mayor Minniti closes the public comment portion of the budget hearing.

Mayor Minniti asks if there are any comments from committee. Mr. Young reiterates that we came from literally being broke, potentially \$700,000 in the hole back to a conservative budget that he thinks is

necessary not knowing where the future guides us. The municipal budget is the only budget of the three budgets, which include the Fire District and the school, is the only one going down. This was a very conservative and positive approach and the right way to show our stewardship of the Township's finances.

Mayor Minniti comments that he is not a proponent of a large surplus but from a budgeting standpoint what we are seeing now is the austerity measures that we put in place during the years when rateables dropped. We've maintained those savings. That is a testament to every member of our staff that is doing two jobs with one person where we had two people doing two jobs. We've expanded our shared services with other towns. We've taken a lot of emergency measures because we've had very little room for error. We've maintained those levels and now that the economy is turning around, new businesses are opening, new developments are being built, our revenue is starting to grow again but we are still operating under those austere conditions which is why you are seeing a little bit of a surplus now. We also have to keep in mind as the township grows we have more expenses. We calibrate our spending based on what we have. We've held it very lean for the better part of five years. The surplus helps our credit rating. We receive savings because of that double A plus bond rating. There is a value to having a responsible surplus. The municipal rate is going down. We have to recognize the work that all of our employees are doing by doing more with less.

Hearing no further comments from committee Mayor Minniti closes that portion of the meeting.

Motion to adopt the 2017 budget made by Mr. McCarthy, seconded by Mr. Evans. Roll call vote. Mr. Brauckmann- aye, Mr. Evans – aye, Mr. McCarthy – aye, Mr. Young – aye, Mayor Minniti – aye. The budget is adopted under Resolution 2017-78.

Public comment on consent agenda items only – None

Consent Agenda

Approval of Resolution 2017-70 Liens for DPW work performed

Authorizing Approval of Resolution 2017-76 Refund of Homestead Rebate, 1102 Park Court

Authorizing Approval of Resolution 2017-77 Awarding NJPA contract for Public Works Paver

End of consent Agenda

Motion to approve the consent agenda made by Mr. Brauckmann, seconded by Mr. McCarthy. Voice vote. All aye, no opposed. Consent agenda is approved.

Minutes

Motion to approve the minutes from May 1, 2017 and May 1, 2017 Closed made by Mr. Young, seconded by Mr. Evans. Voice vote. All aye, no opposed. Mr. McCarthy abstains. Minutes are approved.

Bill List

Motion to approve the bill list made by Mr. Young, seconded by Mr. Evans. Voice vote. All aye, no opposed. Bill List is approved.

Public Comment

Marie Birbeck, 2513 Chestnut Hill Drive – Asks the committee if it is an agreement with Lidl or is it still an LOA? Also if Lidl does not come through will we still purchase the Garden State Inn? Asks if Wawa is finished with the Planning Board. Comments on ordinances that are passed. Believes committee needs to

do due diligence when reviewing projects and ordinances. Comments regarding the questions she has about the composition of the police department.

Dave Wood, 4 Devon Ct. – Has questions regarding the PILOT Program and whether Siena and The Shoppes at Cinnaminson are still under this agreement? Asks about the Lidle Development and Barone’s site and whether or not we will get dollar for dollar back what we paid for the gas station. Questions committee about portions of the Parks and Rec ordinance and whether there is a possibility of it being repealed.

Jeff Gural, 816 Windsor Dr. – Comments about OPRA requests that he has submitted to the Township that have not been completed. Questions Mayor Minniti about what his address of record is. States that he has emails from other sources that he believes show that there are violations of the Open Public Meeting Act and that he has spoken to the Prosecutor’s office and the Attorney General’s office about it.

James Beverage, 826 Windsor Dr –Questions about state of retention pond behind St. Charles.

Hearing no further comments Mayor Minniti closes public comment portion.

Mayor Minniti requests Mr. Minton answer questions that were asked regarding Lidl.

Mr. Minton responds regarding the Barone site and that we have pretty much received monies for the site equal to what we’ve paid. We do have a formal agreement with Lidl. It is contingent on them receiving certain approvals. Mr. Minton states that the Township anticipates closing on the Garden State Inn by end of the year if all approvals met or are close to being met.

Mayor Minniti requests that Director King follow up with Mr. Wood regarding his questions about the Parks ordinance and the PILOT program. He also responds regarding question of his address.

Motion to adjourn made by Mr. Brauckmann, seconded by Mr. McCarthy. Voice vote. All aye, no opposed. Motion is approved.

Duly passed and adopted:

Respectfully submitted

Lisa A. Passione, RMC
Municipal Clerk