

April 9, 2013  
Regular Meeting

The Regular Meeting of the Evesham Township Council was called to order by Mayor Brown at 6:30p.m. The meeting was held in the Meeting Room of the Evesham Township Municipal Complex at 984 Tuckerton Road, Marlton, NJ 08053.

Flag Salute.

Mayor Brown announced that the meeting was being held in accordance with the Open Public Meetings Act. Notice was sent to the The Central Record and The Burlington County Times, posted on the Bulletin Board and sent to those who requested notification.

**ROLL CALL:** Present: D'Andrea, DiEnna, Hackman, Zeuli,  
Mayor Brown  
Absent: XXX  
Also Present: Township Manager Cromie, Township  
Solicitor Garcia, Township Engineer  
Staszewski, Deputy Manager of Finance  
Shanahan, Deputy Township Manager of  
Community Affairs Vandenberg, Deputy  
Township Manager of Operations Kohl,  
Community Development Director Jamanow,  
Township Tax Assessor Albertson, Township  
Auditor Nehila, Township Clerk Friddell,  
Deputy Township Clerk Schmitt

**PRELIMINARY PUBLIC COMMENT ON AGENDA ITEMS ONLY**

None.

Mayor Brown presented a letter to Ryan Bryski in support of the reintroduction of the Christopher Bryski Student Loan Protection Act (Christopher's Law) to the next NJ Congressional Session. Ryan Bryski thanked the Mayor for his support and explained briefly that the bill was in support of parents who cosigned student loans for their children who in turn met with a tragedy.

**PROCLAMATIONS**

**Arbor Day - April 26, 2013**

Mayor Brown presented a Proclamation to the members of the Shade Tree Committee in commemoration of Arbor Day 2013. Diane Feeny said a few words about the meaning of Arbor Day and informed those in attendance that the Shade Tree Committee would be holding Arbor Day festivities at the Gibson House on Friday, April 26, 2013 at 11:00 a.m.

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Indian Spring Golf Course - "Free Golf Lesson Month" - May 2013

Mayor Brown read a Proclamation into record designating May 2013 as Free Golf Lesson Month at the Indian Spring Golf Course. Mayor Brown introduced John Lindros, General Manager and Frank Hesson, Director of Golf Operations of the Indian Spring Golf Course, together with their students. Mr. Hesson invited those in attendance to spread the word that May has been designated National Free Golf Lesson Month to help promote the game of golf.

APPROVAL OF MINUTES

Regular Meeting - February 19, 2013

Executive Session - February 19, 2013

On motion by Deputy Mayor Hackman, seconded by Councilman Zeuli, it was moved to approve the above listed minutes.

Recorded Vote: Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

WORK SESSION

1. Review of Johnston Recreation Complex Plans

Trevor Taylor of CME Associates delivered a presentation on the plans for the proposed Johnston Recreation Complex. The outlined complex is scheduled to consist of four multi-purpose baseball/softball fields constructed of turf and dirt. The fields would include bullpens, dugouts, bleachers, and scoreboards. The complex will also include a concession facility, 2 tot lots, and a half mile walking trail.

Councilman D'Andrea commented that there is a need to explore the differential between all turf and half turf. Mr. D'Andrea also commented that the location of the restrooms is a pivotal factor and some thought should be given to a location further from the ball fields.

Councilman Zeuli mentioned some optional considerations such as one tot lot being ADA compliant and landscaping elements.

Deputy Mayor Hackman asked if there is any allowance for adding a picnic pavilion.

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Councilman DiEnna inquired if there would be a designated area for child drop off and he supported the idea of a permanent pavilion area.

Community Development Director Jamanow commented that applications have been made to the approving agencies.

Councilman Zeuli stated that to meet the construction timeline, ground breaking should begin mid June of this year for a completion date in the spring of 2014.

Mayor Brown stated that April 5, 2014 is the estimated Opening Day. Mayor Brown also recommended fundraising for optional items.

2. Proposed Ordinance - Amending Chapter 110 Parks - to Prohibit Smoking in Public Parks and Recreation Areas

Township Manager Cromie asked Council to consider a revision to Chapter 110 of the Township Code in response to the Manager's office receipt of complaints about smoking at Memorial Field. Mr. Cromie feels it is appropriate to prohibit smoking at public parks and recreational areas.

Mayor Brown inquired if other municipalities have adopted similar ordinances.

Township Manager Cromie responded that Cherry Hill Township as enacted a similar ordinance. Township Solicitor Gillespie stated that a smoking ban is permitted under the Smoke Free Act.

~~Councilman D'Andrea is in support of prohibiting smoking and~~ stated that the Marlton Recreation Council's policy already prohibits smoking during games.

Deputy Mayor Hackman welcomed this policy.

Councilman Zeuli inquired if this policy will affect the golf course. Mr. Cromie replied no.

Mayor Brown stated that this policy is a great first step.

There was Council consensus to add this Ordinance for first reading to the April 23<sup>rd</sup> Council Meeting Agenda.

ORDINANCES

SECOND READING

Ordinance No. 5-4-2013 - An Ordinance of the Township of Evesham Authorizing a Tax Abatement Agreement Pursuant to the Provisions of N.J.S.A. 40A:21-1 et seq with Marlton Gateway Associates, LLP for Property Known as 125 E. Main Street

Mayor Brown opened the public hearing.

There being no comments, Mayor Brown requested a motion to close the Public Hearing.

On motion by Deputy Mayor Hackman, seconded by Councilman D'Andrea, it was moved to close the public hearing on Ordinance No. 5-4-2013.

Recorded Vote: All Ayes

Motion Carried 5-0.

On motion by Deputy Mayor Hackman, seconded by Councilman D'Andrea, it was moved to adopt Ordinance No. 5-4-2013.

Recorded Vote: Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

Mayor Brown called recess at 7:50p.m. Council reconvened at 8:05p.m.

Mayor Brown moved the Introduction of 2013 Municipal Budget ahead on the Agenda.

Council Comments

Mayor Brown explained the budget process to the residents in attendance and expressed Council's disappointment with the tax appeal process. Mayor Brown continued by saying that in fairness to the tax payer he cannot allow the full burden of tax appeals to fall on the Township. Mayor Brown stated that the tax payers will not be penalized if the budget is not introduced. The Township will meet with the Fire Department and the School District to try and work out a better process.

Councilman Zeuli agreed with the Mayor's remarks and stated that it is premature to introduce the budget at this time.

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Deputy Mayor Hackman agreed.

Councilman DiEnna inquired if the Township had not been subject to bare the full burden of the tax appeal process would the budget fare much better. Deputy Manager of Finance Shanahan stated it would.

Councilman D'Andrea stated that the Township has done a wonderful job to balance the budget and other taxing entities should also be required to effectively manage their budgets. He further stated that the State process for tax appeals hampers the budget.

Resolution No. 98-2013 - Introduction of the 2013 Municipal Budget of the Township of Evesham by Title

Mayor Brown called for a motion on Resolution No. 98-2013, resolution died for lack of motion.

Resolution No. 97-2013 - Resolution to Use Alternate Tax Collection Rate Pursuant to N.J.S.A. 40A:4-41 for Use in the 2013 Municipal Budget

Mayor Brown called for a motion to table Resolution No. 97-2013.

On motion by Deputy Mayor Hackman, seconded by Councilman Zeuli, it was moved to table Resolution No. 97-2013.

Recorded Vote on Resolution No. 97-1013.

Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried: 5-0.

**ORDINANCES**

**FIRST READING**

Ordinance No. 6-4-2013 - Calendar Year 2013 Model Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

Mayor Brown called for a motion to table Ordinance No. 6-4-2013.

On motion by Deputy Mayor Hackman, seconded by Councilman Zeuli, it was moved to table Ordinance No. 6-4-2013.

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Recorded Vote: Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

Ordinance No. 7-4-2013 - An Ordinance of the Township of Evesham, in the County of Burlington, New Jersey, Providing for Various Capital Improvements and Related Expenses in and for the Township, Appropriating \$3,150,000 Therefor, and Authorizing the Issuance of \$3,000,000 in General Improvement Bonds or Notes of the Township to Finance the Same

On motion by Deputy Mayor Hackman, seconded by Councilman D'Andrea, it was moved to introduce Ordinance No. 7-4-2013 with the earliest possible Public Hearing and Adoption Date of April 23, 2013.

Recorded Vote: Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

Ordinance No. 8-4-2013 - An Ordinance of the Township of Evesham, in the County of Burlington, New Jersey, Providing for the Improvements to the Township's Golf Course and Facilities and Related Expenses in and for the Township, and Appropriating \$462,300 Therefor, and Providing for the Issuance of \$440,280 in Golf Course Utility Bonds or Notes of the Township of Evesham to Finance the Same

On motion by Deputy Mayor Hackman, seconded by Councilman DiEnna, it was moved to introduce Ordinance No. 8-4-2013 with the earliest possible Public Hearing and Adoption Date of April 23, 2013.

Recorded Vote: Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

#### RESOLUTIONS

Resolution No. 95-2013 - Authorizing Emergency Temporary Appropriations (2013-4)

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On motion by Councilman D'Andrea, seconded by Deputy Mayor Hackman, it was moved to adopt Resolution No. 95-2013.

Recorded vote on Resolution No. 95-2013

Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried: 5-0.

ADOPTION OF TEMPORARY CAPITAL BUDGET

Resolution No. 96-2013 - Resolution of the Township of Evesham, County of Burlington, State of New Jersey Authorizing the Adoption of a Temporary Capital Budget for General Capital and Golf Course Utility Capital Purposes

On motion by Deputy Mayor Hackman, seconded by Councilman D'Andrea, it was moved to adopt Resolution No. 96-2013.

Recorded vote on Resolution No. 96-2013

Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried: 5-0.

Mayor Brown called for a motion to add Resolution No. 109-2013 to the Consent Agenda.

Township Solicitor Garcia provided a copy of Resolution No. 109-2013.

On motion by Deputy Mayor Hackman, seconded by Councilman Zeuli, it was moved to add Resolution No. 109-2013 to the Consent Agenda.

Recorded Vote on Resolution No. 109-2013.

Aye: D'Andrea, DiEnna, Hackman, Zeuli, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried: 5-0.

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CONSENT AGENDA

Resolution No. 99-2013 - Award of Contract - Janitorial Services for Municipal Properties

Resolution No. 100-2013 - Award of Contract - Purchase and Installation of Surveillance Cameras for Municipal Properties

Resolution No. 101-2013 - Amendment to Contract - 2012 Road Program Resurfacing of Erindale Drive and Elmgate Road and Authorization of Change Order No. 2 with Respect Thereto

Resolution No. 102-2013 - Amendment to Contract - Construction of Salt Storage Building and Authorization of Change Order No. 1

Resolution No. 103-2013- Resolution Authorizing the Cancellation and Refund of Property Taxes - 100% Totally & Permanently Disabled Veteran - Block 11.01, Lot 36

Resolution No. 104-2013 - Resolution Authorizing the Cancellation and Refund of Property Taxes - 100% Totally & Permanently Disabled Veteran - Block 17, Lot 7 Qualifier C1203

Resolution No. 105-2013 - Resolution Authorizing the Cancellation and Refund of Property Taxes - 100% Totally & Permanently Disabled Veteran - Block 50.02, Lot 13

Resolution No. 106-2013 - Authorizing Release of Performance Guarantees and Accepting Replacement Bonds - Sharps Run Seniors

Resolution No. 107-2013 - Reduction of Performance Guarantee - Letter of Credit - Chick-Fil-A/Carollo's Italian Restaurant - Phase 2 - Block 20, Lots 1-4 (T/B/K/A Lot 1.01) - On-Site Improvements

Resolution No. 108-2013 - Closing of Stow Road and Eves Drive - Cycle Club of Evesham

Resolution No. 109-2013 - Resolution Authorizing the Award of a Contract for the Memorial Park Playground Equipment Replacement Project Through the State of New Jersey Cooperative Purchasing Program I-NJCP

Mayor Brown called for any separations.

There being no separations, Mayor Brown called for a vote on the Consent Agenda.

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On motion by Deputy Mayor Hackman, seconded by Councilman D'Andrea, it was moved to adopt Resolutions No. 99-2013 through 109-2013.

Recorded Vote on Resolutions No. 99-2013 through 109-2013.

AYE: D'Andrea, DiEnna, Hackman, Zeuli, Brown

NAYE: XXX

ABSTAIN: XXX

Motion Carried: 5-0.

**PUBLIC COMMENT**

Jeff Barnett of 5 Laurel Lane, Marlton, New Jersey read aloud a letter he had prepared to Council. The letter expressed his disappointment with the Township's lack of citizen involvement in the planning of the new playground which would replace the former community built Scott Rand Memorial Playground.

Janet Rand of 2 Croydon Court, Marlton, New Jersey also read a letter to Council written by her daughter, Stephanie Rand. The letter expressed the importance of involving the community and volunteers in the playground planning process and expressed her fond memories of participating in the prior playground planning process with her late father, Scott Rand.

Barbara Mirsky of 28 Derby Court, Marlton, New Jersey addressed Council and expressed her wonderful memories of participating in the development and construction of the Scott Rand Memorial Playground and her feelings of community pride; and expressed ~~disappointment in not being part of the new playground process.~~

Al Lutner of 1 Tulip Court, Marlton, New Jersey addressed Council with questions about the proposed Johnston Recreation Complex access roads. Mr. Lutner asked if another access road from Tuckerton Road could be added to alleviate congestion.

Mayor Brown stated that it was being considered.

**STAFF COMMENTS**

Township Clerk Friddell inquired if Council was considering cancellation of the May 21, 2013 Council Meeting.

Mayor Brown stated that the Township will be hosting the Evesham Township School District Art Show from May 13<sup>th</sup> through May 24<sup>th</sup>.

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There was Council consensus to cancel the meeting of May 21, 2013.

Township Manager Cromie stated that the Township is in the early stages of looking for an appropriate place to house the 9/11 steel remnant from the World Trade Center.

**COUNCIL COMMENTS**

Councilman D'Andrea stated that the Marlton Recreation Council's special needs soccer program now has 50 enrollees, 90 buddies, and 8 to 10 coaches participating. The program will begin mid April and run for eight weeks at Beeler School.

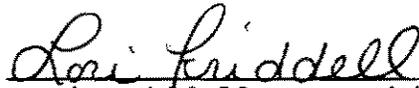
Mayor Brown stated that Cherokee High School will be conducting a community clean-up day on Friday, April 12<sup>th</sup> from 8:15a.m. to 11:30p.m. and approximately 80 student will be participating. The Arbor Day Celebration will be on April 26<sup>th</sup> and the next Council Meeting is April 23, 2013.

On motion by Deputy Mayor Hackman, seconded by Councilman DiEnna, it was moved to adjourn the meeting.

Recorded Vote: AYE: All Ayes.  
NAY: XXX  
Abstain: XXX

Motion Carried 5-0.

Meeting adjourned at 8:42p.m.

  
Lori Friddell, Township Clerk

  
Randy Brown, Mayor

  
Maggie Schmitt, Deputy Township Clerk

Submitted: May 21, 2013

Approved: June 11, 2013