

July 23, 2013  
Regular Meeting

The Regular Meeting of the Evesham Township Council was called to order by Mayor Brown at 6:40 p.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 as sent to The Central Record and The Burlington County Times, posted on the Bulletin Board and sent to those who requested notification.

**ROLL CALL:** Present: DiEnna, Hackman, Mayor Brown

Absent: D'Andrea, Zeuli

Also Present: Township Manager Cromie, Township Solicitor Gillespie, Deputy Township Manager of Finance Shanahan, Deputy Township Manager of Community Affairs Vandenberg, Community Development Director Jamanow, Deputy Township Manager of Operations Kohl, Township Engineer John Cantwell, Township Auditor Nehila, Township Clerk Friddell, Recording Secretary Andrews

**APPROVAL OF MINUTES**

Regular Meeting - May 7, 2013

Executive Session - May 7, 2013

Regular Meeting - June 11, 2013

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to approve the above listed minutes.

Aye: DiEnna, Hackman, Brown

Nay: XXX

Abstain: XXX

Motion Carried 3-0.

**PRELIMINARY PUBLIC COMMENT ON AGENDA ITEMS ONLY**

Mayor Brown called for a consensus of Council to move the Preliminary Public Comment on Agenda Items Only to after the Work Session.

Council Consensus.

**WORK SESSION**

POTENTIAL SALE OF TOWNSHIP PROPERTY

101 Sharp Road - Block 15.14, Lot 99

4816 Church Road - Block 8.18, Lot 3 (Lot 5 included)

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Mayor Brown stated that, after consulting with the Township Manager and Deputy Township Manager of Finance, Council considered placing these two properties for sale. However, Mayor Brown was concerned about how the sale of property would affect the neighboring residents in the Legacy Oaks Development.

Township Manager, Bill Cromie provided a brief background on the history of the two properties. Township Solicitor Gillespie advised that the properties must be auctioned. Township Solicitor Gillespie stated that all restrictions and conditions should be stipulated beforehand. He suggested that Council investigate how the properties are currently zoned, and how the zoning designation will affect the sale price.

Mayor Brown recommended a leadership group of Legacy Oaks development representatives be created to provide input on the sale of the Sharp Road property.

Township Solicitor Gillespie stated that the auctioning of the two properties should be authorized by Resolution.

#### ORDINANCES - SECOND READING

#### ORDINANCE NO. 20-7-2013 - AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A PROVISIONAL "PILOT" PROGRAM FOR THE UTILIZATION OF TEMPORARY SIGNS WITHIN CERTAIN COMMERCIAL ZONES WITHIN THE TOWNSHIP

Mayor Brown opened Public Hearing.

There being no public comment, Mayor Brown called for a motion to close public hearing.

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to close public hearing.

Recorded vote:     AYE:  DiEnna, Hackman, Mayor Brown  
                      NAYE:     XXX  
                      ABSTAIN:  XXX

Motion Carred:     3-0

#### COUNCIL COMMENTS:

No Council Comments

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to adopt Ordinance No. 20-7-2013.

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Recorded Vote: AYE: DiEnna, Hackman, Mayor Brown  
NAYE: XXX  
ABSTAIN: XXX

Motion Carried: 3-0

ORDINANCE NO. 22-7-2013 - AN ORDINANCE REVISING PORTIONS OF ARTICLE IV, SIGN REGULATIONS 160-75 SIGNS AND 160-76 HISTORIC DISTRICT SIGNS, AND CHAPTER 161; SECTION 161.1C.(4) SERVICE STATIONS

Mayor Brown opened Public Hearing.

There being no public comment, Mayor Brown called for a motion to close public hearing.

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to close public hearing.

Recorded vote: AYE: DiEnna, Hackman, Mayor Brown  
NAYE: XXX  
ABSTAIN: XXX

Motion Carred: 3-0

COUNCIL COMMENTS:

No Council Comments

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to adopt Ordinance No. 22-7-2013.

Recorded Vote: AYE: DiEnna, Hackman, Mayor Brown  
NAYE: XXX  
ABSTAIN: XXX

Motion Carried: 3-0

**ORDINANCES - FIRST READING**

Ordinance No. 23-8-2013 - An Ordinance to Amend Ordinance 16-2010, Codified at Section 160-68.1 Establishing the Evesham Crossroads Overlay ("EVCO") District

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to approve Ordinance No. 23-8-2013 on first reading and that second reading and public hearing would take place on August 6, 2013.

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Council Comment

No Council Comments

Recorded Vote: Aye: DiEnna, Hackman, Brown  
Nay: XXX  
Abstain: XXX

Motion Carried 3-0.

**ADOPTION OF 2013 MUNICIPAL BUDGET**

RESOLUTIONS:

RESOLUTION NO. 186-2013 - 2013 MUNICIPAL BUDGET SELF-EXAMINATION OF BUDGET

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to adopt Resolution No. 186-2013.

Council Comment: None

Recorded Vote: AYE: DiEnna, Hackman, Brown  
NAYE: xxx  
ABSTAIN: xxx

Motion Carried: 3-0

RESOLUTION NO. 187-2013 - 2013 MUNICIPAL BUDGET BY TITLE

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to adopt Resolution No. 187-2013.

Council Comment: None

Recorded Vote: AYE: DiEnna, Hackman, Brown  
NAYE: xxx  
ABSTAIN: xxx

Motion Carried: 3-0

**PUBLIC HEARING - 2013 MUNICIPAL BUDGET**

Mayor Brown opened the Public Hearing on the 2013 Municipal Budget. There being no public comment, public hearing was closed.

Mayor Brown conducted a presentation on the Budget; specifically the discrepancies between tax appeal costs to the Township verses the reimbursement from the Evesham Township Board of Education, Lenape

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Regional High School District and Evesham Fire District. Mayor Brown stated that the current system is archaic and asked Council to freeze tax payments to the above mentioned parties until such time as all parties met to rectify and resolve the disparity in costs. Mayor Brown requested that a meeting with all parties be scheduled prior to the next Council Meeting of August 6, 2013.

RESOLUTION NO. 188-2013 - ADOPTION OF THE 2013 MUNICIPAL BUDGET

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to Table Resolution No. 188-2013.

Recorded Vote: AYE: DiEnna, Hackman, Brown  
NAYE: xxx  
ABSTAIN: xx

Motion Carried: 3-0

Council Comments: Councilman DiEnna agreed that the State tax appeal method did not "compute", and that it was unfair for the Township to bear the sole responsibility of costs. He parodied the tax appeal system as using old fashioned radar verses more modern GPS.

Councilwoman Hackman also agreed that it was unfair that the Township was paying what other entities should be contributing. She stated that New Jersey is the only State that collects taxes in this archaic fashion. She implored all parties to cooperate in resolving the matter.

Mayor Brown appealed to all parties the need to be progressive and to think "out-of-the-box" in order to make the process better. He was hopeful that a meeting could be arranged.

RESOLUTIONS

RESOLUTION NO. 189-2013 - Award of Contract - 2013 Road Program - Resurfacing of Various Roads

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to adopt Resolution No. 189-2013.

Recorded Vote: AYE: DiEnna, Hackman, Brown  
NAYE: xxx  
ABSTAIN: xxx

Motion Carried: 3-0

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RESOLUTION NO. 190-2013 - Resolution Accepting Recommendation of Township Planning Board Regarding Boundaries of Proposed Areas in Need of Redevelopment and Rehabilitation Pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

PUBLIC COMMENTS: Richard Hoff of the law firm Bisgaier Hoff, LLC at 21 Tanner Street, Haddonfield, New Jersey, representing owner of property known as the Tri-Towne Plaza, Block 27.02 Lot 2, expressed disappointment that the plaza was being considered for rehabilitation. He stated that the current owner is cooperating and asked that Council reconsider this resolution. He put forward that his client would not respond lightly, and that he was prepared to defend his client's rights. He hoped Council would consider their position and work together for the benefit of both sides.

Mayor Brown responded that he appreciated Mr. Hoff's representation, but that he was in disagreement.

Councilman DiEnna also appreciated Mr. Hoff's work, but felt that Council differed on terms. He feels that the plaza has a lot of potential.

Councilwoman Hackman stated how impressed she was with other rehabilitated commercial centers in Evesham and the subsequent rejuvenation of business because of the improvements.

On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to adopt Resolution No. 190-2013.

Recorded Vote: AYE: DiEnna, Hackman, Brown  
NAYE: xxx  
ABSTAIN: xxx

Motion Carried: 3-0

CONSENT AGENDA

Resolution No. 193-2013

Renewal of Contract - 2012 Container Services and Disposal for Pressure Treated Wood and Brush

Resolution No. 194-2013

Amending Resolution No. 109-2013 - 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

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<u>Resolution No. 195-2013</u>	<u>Amendment to Contract - Construction of a Salt Storage Building (Base Bid and Alternate 1) and Authorization of Change Order No. 2 with Respect Thereto</u>
<u>Resolution No. 196-2013</u>	<u>Amendment to Resolution No. 174-2013 - Cancellation and Refund of Property Taxes - Block 51.02, Lot 24 - Spouse of 100% Totally Disabled Veteran</u>
<u>Resolution No. 197-2013</u>	<u>Authorizing the Cancellation of Property Taxes - 100% Totally Disabled Veteran - Block 52.19, Lot 48</u>
<u>Resolution No. 198-2013</u>	<u>Refund of Overpayment of Taxes - Shurgard Storage Center, Inc. PTNJ 08105 - Block 35.30, Lot 19.01 (Tax Court Judgment)</u>
<u>Resolution No. 199-2013</u>	<u>Refund of Overpayment of Taxes - Public Service Electric &amp; Gas Company - Block 6.10, Lot 7.01 (Tax Court Judgment)</u>
<u>Resolution No. 200-2013</u>	<u>Closing of a Portion of Kettle Run Road - National Multiple Sclerosis Society - 33<sup>rd</sup> Annual City to Shore MS Bike Tour</u>
<u>Resolution No. 201-2013</u>	<u>Resolution Authorizing Call of Maintenance Guarantee - Drainage Improvements to Pelham Road</u>
<u>Resolution No. 202-2013</u>	<u>Reduction of Performance Guarantee - Ravenswood at Marlton - Block 15.09, Lot 3 - On-Site Improvements</u>
<u>Resolution No. 203-2013</u>	<u>Reduction of Performance Guarantee - Patel Cultural Center - Block 35.30, Lot (s) 18.03, 18.04 &amp; 18.05 - On-Site Improvements</u>
<u>Resolution No. 204-2013</u>	<u>Rejection of Request for Release of Performance Guarantee - Seventy Square Associates, LP (701-735 Route 70 West) - Block 5, Lot 2.06 &amp; 3 - On-Site Improvements</u>
<u>Resolution No. 205-2013</u>	<u>Rejection of Request for Release of Performance Guarantee Seventy Square Associates, LP (701-735 Route 70 West) - Block 5, Lots 2.06 &amp; 3 - Landscaping</u>

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On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to adopt Consent Agenda Resolutions No. 193-2013 through 205-2013.

Mayor Brown called for any separations.

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

Recorded Vote on Resolutions 193-2013 through 205-2013.

AYE: DiEnna, Hackman, Brown  
NAYE: XXX  
ABSTAIN: XXX

Motion Carried: 3-0.

**PUBLIC COMMENTS**

None.

**STAFF COMMENTS**

Deputy Township Manager of Community Affairs, Vandenberg reminded Council that the Marlton Recreation Council would be conducting a Fundraiser for the Special Needs Recreation Program at the Indian Spring Country Club on July 25, 2013.

Evesham Township Solicitor, Gillespie suggested that Council authorize staff to begin work on the redevelopment plan.

Council agreed.

**COUNCIL COMMENTS**

Mayor Brown stated he had received Deputy Township Manager of Community Affairs, Vandenberg's positive e-mail regarding the playground and agreed that consideration be given to installing more shading and benches.

Mayor Brown questioned the process regarding obtaining property through the redevelopment process.

Township Solicitor Gillespie stated property must be eligible and identified.

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Councilman Dienna reiterated his support for Resolution 196-2013 and Resolution 197-2013 in support of disabled veterans. He invited residents to share their thoughts and help contribute to the success of Evesham.

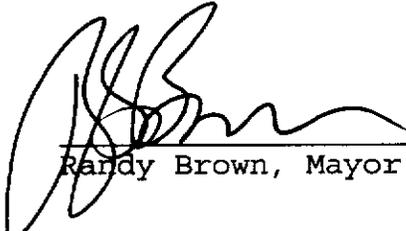
On motion by Councilwoman Hackman, seconded by Councilman DiEnna, it was moved to adjourn the meeting.

Recorded Vote: AYE: DiEnna, Hackman, Mayor Brown  
NAYE: XXX  
ABSTAIN: XXX

Motion Carried 3-0.

Meeting adjourned at 7:55 p.m.

  
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Lori Friddell, Township Clerk

  
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Randy Brown, Mayor

  
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Rebecca Andrews, Recording Secretary

Submitted: August 28, 2013  
Approved: October 15, 2013

