

TOWNSHIP OF SPRINGFIELD
COUNCIL MEETING AGENDA
7:30 PM
July 13, 2016

1. Meeting called to order by the Mayor
2. Reading of the Sunshine Notice
3. Salute to the Flag
4. Roll Call: Mr. Frank, Mr. Hlubik, Mr. Marinello, Mr. McDaniel, Mr. Sobotka
5. Minutes submitted for approval:
 - June 2, 2016 Work Session
 - June 8, 2016 Regular Session
 - June 23, 2016 Special Session
 - June 29, 2016 Special Session
6. Public Comment on Agenda Items*
7. Resolutions
 - No. 2016-07-01 – Resolution Memorializing the Determination of the Township Council to Reverse the Granting of a Use Variance Approval for Block 701 Lot 7.06
 - No. 2016-07-02 – Resolution of the Township Council of Springfield Township for Certification of the Annual Audit
 - No. 2016-07-03 – Resolution Authorizing Change Order for the 2015 Road Program
 - No. 2016-07-04 – Resolution of the Springfield Township Council Providing for the Appointment of Professional Staff (Accounting Consultant)
 - No. 2016-07-05 – Resolution of the Township of Springfield Making Certain Further Adjustments in the Tax Collector’s Records and Accounts (Block 1101, lot 9, 236 Monmouth Rd)
 - No. 2016-07-06 - Resolution Authorizing the Execution of NJDEP Form WQM 003 Statements of Consent for a Proposed Septic System Upgrade for Springfield Shopping Center Located at 2670 Route 206, Block 1101, Lot 4
8. Monthly Reports Submitted for Approval
9. Bills Submitted for Approval
10. Correspondence
11. Solicitor’s Report
12. Manager’s Report
13. Township Officials’ Business
14. Public Comment*
15. Adjournment

**TOWNSHIP COUNCIL MEETING
JULY 13, 2016**

The meeting of the Springfield Township Council was called to order by Mayor McDaniel with Council Members David Frank, John Hlubik, Anthony Marinello and Peter Sobotka present. Also present were Manager Paul Keller and Solicitor George Morris.

The Sunshine Notice was read:

"Public notice of this meeting pursuant to the Open Public Meetings Act has been given by the Springfield Township Council in the following manner on January 10, 2016:

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, NJ
- b. Transmitting written notice to the Register News and the Burlington County Times
- c. Filing written notice with the Clerk of Springfield Township
- d. Mailing written notice to each person who has requested copies of the regular meeting schedule and who has prepaid any charges fixed for such services."

Mayor McDaniel led the salute to the Flag.

Mr. Sobotka made a motion seconded by Mr. Hlubik to approve the minutes of the June 2, 2016 work session, June 8, 2016 regular session and June 23, 2016 special session. All were in favor. Motion carried.

Council agreed to hold the minutes of the June 29, 2016 special session so they could be reviewed more closely.

PUBLIC COMMENT ON AGENDA ITEMS

Hearing no comments, Mr. Sobotka made a motion seconded by Mr. Frank to close public comment on agenda items. All were in favor. Motion carried.

RESOLUTIONS

Motion made by Mr. Frank and seconded by Mr. Hlubik to approve Resolution No. 2016-07-01. Mr. Sobotka recused himself from this discussion. All were in favor. Motion Carried.

RESOLUTION 2016-07-01

RESOLUTION MEMORIALIZING THE DETERMINATION OF THE TOWNSHIP COUNCIL TO REVERSE THE GRANTING OF A USE VARIANCE APPROVAL FOR BLOCK 701 LOT 7.06

WHEREAS, on March 21, 2016, the Springfield Township Zoning Board of Adjustment heard an application for a use variance on Block 701, Lot 7.06, commonly known as 1878 Jacksonville-Jobstown Road (the "Property"); and

WHEREAS, the Property owners, Glen and Cynthia Haviland (the "Havilands") own and operate a home based business at the Property; and

WHEREAS, the Property is located within the AR-10 Zoning District; and

WHEREAS, §215-19B(6) of the Zoning Code states that "The home occupation shall not create the need to park more than two vehicles at any time in addition to those ordinarily used by the residents of the home. Said vehicles shall be limited to passenger automobiles, that is, no commercial or construction vehicles, and must be parked off-street. The home occupation shall not

reduce the parking or yard requirements of the dwelling. There may be parked on the premises not more than one vehicle owned or operated in conjunction with the home occupation. No other vehicle(s) owned or operated in conjunction with the home occupation shall be parked overnight, stored or repaired, either on- or off-premises, within a residential zone, and no such vehicle(s) shall be parked overnight or stored on a street”; and

WHEREAS, the Havilands requested a use variance for the Property to park two fuel delivery trucks within an existing pole barn on the Property; and

WHEREAS, the Havilands and their counsel appeared before the Zoning Board on March 21, 2016 and argued for the commercial truck variance; and

WHEREAS, the Zoning Board Chairman, Mr. Earl Akins, was not in attendance and did not participate in the application; and

WHEREAS, the hearing included testimony by the Havilands and one resident in support of the application; and

WHEREAS, at the conclusion of the testimony, the Zoning Board Solicitor explained the standard that the Zoning Board was to consider; and

WHEREAS, the Board voted 5 to 1 in support of the approval without considering the legal standard as instructed by the Zoning Board Solicitor; and

WHEREAS, Mr. Akin filed a timely appeal to the Township Council pursuant to §18-47 of the Township Code and N.J.S.A. 40:55D-17; and

WHEREAS, the Township Clerk gave notice of the appeal for a June 8, 2016 hearing; and

WHEREAS, at the meeting of June 8, 2016, it was determined that the Havilands’ counsel had not obtained a copy of the transcript of the Zoning Board hearing; and

WHEREAS, a copy was hand delivered to counsel that evening and the adjournment request by the applicant’s counsel was granted by the Township Council so that the applicant’s counsel could review the transcript; and

WHEREAS, the hearing was rescheduled to June 29, 2016 at 7:30 p.m.; and

WHEREAS, Councilman Sobotka was recused from hearing the appeal because he participated in the Zoning Board application as a member of the public; and

WHEREAS, the appeal was heard *de novo* before the Council; and

WHEREAS, the appeal was based solely on the record of the proceeding before the Zoning Board; and

WHEREAS, in order to obtain a use variance approval, N.J.S.A. 40:55D-70d, the applicant must demonstrate that both the positive and negative criteria are met to the satisfaction of the quasi-judicial body; and

WHEREAS, this application was a commercial use variance case; and

WHEREAS, the seminal case on the subject of commercial use variances is Medici v. BPR, Co., 107 N.J. 1 (1987); and

WHEREAS, the Medici Court at page 16 of their opinion held that in order to find that a commercial use serves the general welfare the applicant has to prove that the “use is peculiarly fitted to the particular location for which the variance is sought”; and

WHEREAS, the testimony before the Zoning Board and argument before the Council was that this use at the Property was a convenience to the residents generally and important to the Havilands specifically based upon their issues with parking at the Trenton fuel depot; and

WHEREAS, Medici at page 18 further noted that “... the typical commercial use can better be described as a convenience to its patrons than as an inherent benefit to the general welfare. For such uses [commercial uses], any benefit to the general welfare derives not from the use itself but from the development of a site in the community that is particularly appropriate for that very enterprise”; and

WHEREAS, the Havilands, through their counsel, were required to meet this “site suitability test” in order to satisfy the positive criteria; and

WHEREAS, during the course of the appeal, the applicant’s counsel was not able to demonstrate based upon the record below, how this Property met the site suitability test and a result the governing body concluded that this Property was not particularly appropriate or peculiarly fitted for this use; and

WHEREAS, the Township Council sought an explanation as how this property compared to others in the zone was particularly appropriate for this use and why others in the zone would not also share the same characteristics making those properties equally eligible for a variance if this was granted, therefore undermining the zone plan; and

WHEREAS, the applicant’s counsel was not able to cite to the record that this issue had been vetted by the Zoning Board as part of its analysis; and

WHEREAS, without this analysis, the Zoning Board did not adequately address the requirements for the use variance; and

WHEREAS, there are also two negative criteria which need to be analyzed in determining whether a use variance can or should be granted; and

WHEREAS, one of the two negative criteria requires a showing that granting the proposed variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance; and

WHEREAS, for commercial use variances the Medici Court required “... an enhanced quality of proof and clear and specific findings by the board of adjustment that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance...”; and

WHEREAS, before a commercial use variance can be granted the applicant must prove, and the board has to explain, if the proposed use is so compatible and consistent with the master plan and zoning ordinance, then why did the governing body not include the use on the list of uses permitted in the zone; and

WHEREAS, the use requested is not only not listed as a permitted use in the zone, it is specifically prohibited by the zoning ordinance; and

WHEREAS, the Township Council found nothing in the record and heard nothing during argument that the applicant had met this criteria; and

WHEREAS, the second negative criterion requires the applicant to show that granting the use variance will not cause “substantial detriment to the public good”; and

WHEREAS, the court in Yahnel v. Jamesburg Board of Adjustment, 79 N.J. Super. 509, 519 (App. Div. 1963) described detriment as “damage to the character of the neighborhood”; and

WHEREAS, no variance, even an inherently beneficial use variance, can be granted unless and until the applicant proves that the variance can be granted without causing substantial detriment to the public good; and

WHEREAS, the Township Council agreed that the Havilands’ use would not have a substantial impact but cautioned that a use variance runs with the land, potentially creating an approval that is not permitted in the ordinance and could have a substantial negative impact on the character of the zone based on future individuals entitled to the benefit of the variance if the property is sold or transferred; and

WHEREAS, the Township Council recognized that it is not enough that you have a commercial use variance applicant who has satisfied the positive criteria to get a variance if the applicant still has not satisfied the negative criteria; and

WHEREAS, the Township Council determined, at minimum, that the applicant did not meet the positive criteria and did not satisfy the second of the two negative criteria either; and

WHEREAS, the reversal of the Zoning Board decision or a remand to the Zoning Board

requires the affirmative vote of a majority of the full authorized membership; and

WHEREAS, regardless if a member was recused, the decision would require three affirmative votes;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Springfield, County of Burlington, State of New Jersey as follows:

1. The recitals to this Resolution are incorporated herein.
2. The Township Council’s *de novo* review did not require or prohibit an analysis as to the Zoning Board’s determination and the Council was required to review the application anew based solely on the record established at the Zoning Board.
3. Based on the review of record and in consideration of the argument presented, the Council makes the following determinations:
 - a. The record lacked the requisite testimony and evidence to satisfy the positive criteria for the grant of the proposed use variance specifically by the absence in the record of testimony or other evidence that this property is particularly suited to the proposed use.
 - b. The record lacked the requisite testimony and evidence to satisfy the enhanced quality of proof because neither the applicant nor the board reconciled the grant of the variance with the fact that the proposed use is specifically prohibited in the zone.
 - c. Based upon the findings in this resolution, the decision of the Zoning Board of Adjustment as memorialized in Resolution 2015-7 on April 18, 2016 is reversed and the use variance for Block 701, Lot 7.06 is denied.
 - d. The Council adopts these findings by a vote of three to one to one with Mr. Frank, Hlubik and McDaniel voting to reverse the decision of the Zoning Board; Mr. Marinello voting against the motion and wishing to remand and Mr. Sobotka not voting having to recuse himself from consideration of this appeal.
4. This resolution is drafted and adopted as a memorialization as to the decision rendered by the Township Council on June 29, 2016.
5. A copy of this Resolution shall be provided to the applicant and the appellant as required by law.

Motion made by Mr. Frank and seconded by Mr. Marinello to approve Resolution No. 2016-07-02. All were in favor. Motion carried.

RESOLUTION 2016-07-02

**A RESOLUTION OF THE TOWNSHIP COUNCIL
OF SPRINGFIELD TOWNSHIP FOR
CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S.52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, as per, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C.5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the section of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C.5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 to wit:

R.S.52:27BB-52 - "A local officer or member of the local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Council of the Township of Springfield hereby states that it has complied with N.J.A.C.5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion made by Mr. Frank and seconded by Mr. Hlubik to approve Resolution No. 2016-07-03. Mr. Frank asked if we recovered anything from the insurance company for the road repair on Jacksonville-Smithville Rd and Mr. Keller responded that we just received a check for \$6,000 that covered the cost of that repair. All were in favor. Motion carried.

RESOLUTION NO. 2016-07-03

RESOLUTION AUTHORIZING CHANGE ORDER FOR THE 2015 ROAD PROGRAM

WHEREAS, the Township by Resolution No. 2015-09-01 awarded a contract for the 2015 Road Program located within the Township; and

WHEREAS, a change order has been submitted.

WHEREAS, the Township Treasurer has certified that funds are available for this purpose; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Springfield, County of Burlington and State of New Jersey that the contract with Arawak Paving Co., 7503 Weymouth Rd., Hammonton, NJ whereby the amount of the original contract,

NOW, THEREFORE, BE IT RESOLVED by the Springfield Township Council that the Treasurer is hereby authorized to issue a check for \$799.01 to BRIAN & STACEY ARTZ and that a certified copy of this resolution shall be forwarded to the Tax Collector.

Motion made by Mr. Frank and seconded by Mr. Marinello to approve Resolution No. 2016-07-06. Mr. Frank asked what we know about this and Mr. Keller explained the paperwork says it is an upgrade. Mr. Keller stated that they consumption has increased so this would be why they need the upgrade. All were in favor. Motion carried.

RESOLUTION 2016-07-06

AUTHORIZING THE EXECUTION OF NJDEP FORM WQM 003 STATEMENTS OF CONSENT FOR A PROPOSED SEPTIC SYSTEM UPGRADE FOR SPRINGFIELD SHOPPING CENTER LOCATED AT 2670 ROUTE 206, BLOCK 1101, LOT 4

WHEREAS, Springfield Development, LLC owns property known as 2670 Route 206, Block 1101, Lot 4 also known as the Springfield Shopping Center; and

WHEREAS, Springfield Development, LLC is applying to the NJDEP for a Treatment Works Approval Permit to install an aerobic treatment unit to the onsite wastewater disposal system to improve the treatment of the wastewater before it is discharged to the disposal area; and

WHEREAS, the NJDEP requires municipal consent to be included with the application for the proposed upgrades; and

WHEREAS, Springfield Township Council has reviewed the request and agrees to the consent of the application submission for a Treatment Approval Permit as being requested by Springfield Development, LLC.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Springfield, County of Burlington and State of New Jersey that the Township Council hereby authorizes the Mayor to execute NJDEP Form WQM 003 *Statements of Consent* form for the proposed septic system upgrade.

MONTHLY DEPARTMENTAL REPORT

CLERK REPORT OF LICENSES

JUNE 2016

Dog Licenses Issued - 1
Licenses assessed late fee 0
Total Licenses Issued Year to Date -368
Kennel licenses sold this month 0
Replacement dog licenses sold this month - 0
Service Dog
Police Dog

Total amount collected \$10.00

**TREASURER'S REPORT – CURRENT ACCOUNT
JUNE 2016**

Year to Date Revenue	\$ 5,624,390.56
Year to Date Expended	\$ 1,429,859.15
Total Available Revenues	\$ 4,194,531.41

**CONSTRUCTION OFFICIAL'S REPORT
JUNE 2016**

Building Permits & Application Fees	\$7,487.00
CCO Fees	\$ 550.00
Re-Inspection Fees	\$ 50.00
COAH	\$ 00
Plan Review	\$ 00
Total	\$ 8,087.00

**POLICE REPORT
June 2016**

The Springfield Township Police Department responded to a total of 556 complaints. They are sorted in the following manner:

- 459 General Police Complaints
 - 0 Domestic Incidents
 - 6 Criminal Investigations
 - 20 MVAs
 - 26 Medical Emergencies
 - 34 Activated Alarms
 - 4 Abandoned 911 Calls
 - 7 Assists to Outside Departments
 - 4 Assists to Our Department
- 124 Motor Vehicle Stops
 - 7 Arrests
 - 3 Warrants
 - 2 DWI
 - 2 Criminal

Tickets Issued: 97

Mileage 9720

**ZONING REPORT
JUNE 2016**

Violations 5

**TAX COLLECTOR
JUNE 2016**

TAXES

2016	TAX PAYMENTS	\$	88,423.79
PRIOR	TAX PAYMENTS	\$	388.99
FUTURE	TAX PAYMENTS		
	INTEREST ON TAXES	\$	1,509.98
	TOTAL TAXES	\$	<u>90,322.76</u>

LIENS

MUNICIPAL LIEN	REDEMPTIONS		
MUNICIPAL LIEN	RECORDING FEES COLL		
MUNICIPAL LIEN	LIEN SEARCH FEES COLL		
	TOTAL LIENS	\$	<u> -</u>

MISC.

200' LIST FEES	\$	20.00
DUPLICATE TAX BILL FEES		
TAX SEARCH		
MISC		
TAX SALE COSTS - PRIOR TO SALE		
RETURN (NSF) CHECK FEES		
TOTAL MISC. PAYMENTS	\$	<u> 20.00</u>

RETURN ITEMS

RETURNED CHECKS		
TOTAL	\$	<u> -</u>

TOTAL RECEIPTS FOR THE MONTH:

\$	<u>90,342.76</u>
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**AMERICA EMERGENCY SQUAD
JUNE 2016**

Total Calls Dispatched	14
Average Response time	10.29 min.

MUNICIPAL COURT

MAY 2016

Monthly fines, Title 39 Split, Contempt of Court, Court Costs, Criminal Fines	\$9,128.00
Public Defender	\$300.00
Parking Offenses Act	\$2.00

**MUNICIPAL COURT
JUNE 2016**

Monthly fines, Title 39 Split, Contempt of Court, Court Costs, Criminal Fines	\$10,391.33
Public Defender	0.00
Parking Offenses Act	0.00

Motion made by Mr. Sobotka and seconded by Mr. Hlubik to file the reports.

Mr. McDaniel mentioned that out of the five violations on the Zoning Officer's report three were regarding the parking of commercial vehicles.

Mr. Frank stated that someone on Gilbert Rd. has been hauling soil to one of the properties opposite the solar farm.

Mr. McDaniel stated that on the EMS report he would like to see missed calls noted as well. Mr. Marinello would also like clarification that the time on the report is the responding time. Mr. McDaniel asked the Chief if we are missing EMS calls and Mansfield is responding. Chief Trout responded that there is not an abundance of these types of calls.

All were in favor. Motion carried.

BILL LIST

VENDOR	CHECK NO.	AMOUNT PAID
CURRENT		
Action Uniforms LLC	11216	\$78.00
America Emergency Squad	11217	\$10,000.00
Auto Shine Car Wash	11218	\$24.00
Banc3 Inc.	11219	\$290.00
Ruth Ann Bice	11220	\$264.00
Burlington Cleaners	11221	\$126.40
Burlington County Treasurer	11222	\$3,752.66
Burlington County Treasurer	11223	\$6,949.52
Casa Payroll Services	11224	\$225.00
Comcast	11225	\$144.85
Courier Times, Inc	11226	\$385.86
Dante Guzzi Engineering	11227	\$1,183.87
Denis C. Germano, Esq.	11228	\$982.50
Dewpoint Mechanical HVACR	11229	\$1,240.00
Direct Energy Business	11230	\$798.46

Eagle Point Gun/TJMorris & Son	11231	\$893.37
Eastern Armored Services, Inc.	11232	\$194.00
H. Eggleston & Son, LLC	11233	\$17,596.72
Endeavor Emergency Squad	11234	\$10,000.00
Expel Exterminating Experts, Inc	11235	\$90.00
Ford Motor Credit Company	11236	\$1,579.58
Greenscape Landscape	11237	\$2,400.00
Heritage Business Systems Inc.	11238	\$75.00
Holman Frenia Allison P.C.	11239	\$8,000.00
Hurley's Auto Repair	11240	\$2,303.09
Jacksonville Fire Company	11241	\$6,250.00
JCP&L	11242	\$1,510.12
Burl. Co. Munic. J.I.F.	11243	\$45,332.00
J & J Court Transcribers, Inc.	11244	\$215.00
Jobstown Pizza & Grill	11245	\$122.00
John M. Trout	11246	\$1,180.00
J. Paul Keller	11247	\$852.38
Language Services	11248	\$31.50
Mansfield Township	11249	\$9,583.33
Municipal Clerks Assoc. of NJ	11250	\$100.00
MGL Printing Solutions	11251	\$312.50
Mr Bob Portable Toilets	11252	\$586.00
Nancy Van Hise	11253	\$75.00
National Time Systems, Inc.	11254	\$116.00
Networks Plus	11255	\$663.33
New Jersey American Water Co.	11256	\$258.94
NJSHBP	11257	\$31,493.93
NJ League of Municipalities	11258	\$200.00
Parker McCay, P.A.	11259	\$2,695.00
Pedroni Fuel Company	11260	\$1,943.26
Martin Poinsett	11261	\$100.00
PSE&G	11262	\$2,941.63
QC Laboratories	11263	\$95.50
RW Tire Corp	11264	\$445.08
Judith M. Schetler	11265	\$264.00
Servicemaster Building Service	11266	\$295.00
Southampton Township	11267	\$1,000.00
Springfield Township Board of Ed	11268	\$375,347.00
State of New Jersey Treasurer	11269	\$175.00
Staples Advantage	11270	\$387.64
Springfield Township Fire Co.	11271	\$6,250.00
Verizon Wireless	11272	\$574.57
Vital Communications Inc.	11273	\$204.00
Xtel Communications, Inc.	11274	\$388.55

CAPITAL FUND ACCOUNT

Arawak Paving Co., Inc	7179	\$97,812.77
Dante Guzzi Engineering	7180	\$17,935.60
Standard & Poor's Financial	7181	\$10,500.00

COAH

Parker McCay, P.A.	7180	\$2,291.07
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DEVELOPERS ESCROW

Banc3 Inc.	7330	\$2,465.00
Dante Guzzi Engineering	7331	\$303.70
Denis C. Germano, Esq.	7332	\$1,267.50

DOG ACCOUNT

New Jersey Dept of Health	7175	\$1.20
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OPEN SPACE TRUST

Greenspace Landscape	7142	\$5,920.00
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RECREATION ACCOUNT

Mansfield Township Recreation	7163	\$30.50
Michael Vasil	7164	\$206.48

TOTAL		\$700,298.96
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Mr. Sobotka made a motion seconded by Mr. Hlubik to pay the bills except the attorneys. All were in favor. Motion carried.

Mr. Hlubik made a motion seconded by Mr. Sobotka to pay the attorneys. All were in favor except Mr. Frank who abstained. Motion carried.

CORRESPONDENCE

1. Denis Germano re: Recklesstown Distillery – Mr. Frank suggested that this is a very good way to approach this problem by having the Township take over inspections and the applicant to pay for our Engineer. Mr. Frank made a motion seconded by Mr. Sobotka to advise Mr. Germano to proceed with the recommendation. All were in favor. Motion carried. Mr. Frank stated that the way this is being handled may be a model as to how these types of applications are handled in the future.
2. Dawn Marra – RE: 1 Cedar Lane Ext. – Council discussed whether the Township has the ability to do this and Mr. Morris advised that he does not believe that the Township has the legal ability to waive the taxes or interest.
3. Public Notice re: CADB hearing for Recklesstown Farm Distillery LLC – Council wanted to make sure that the County is notified of what was discussed earlier prior to the hearing. Mr. Marinello asked about the hours of operation and there does not seem to be any information on that but Mr. Keller said the building itself is small.
4. Chief Bercy re: 2000 Ambulance – Mr. Frank asked if we already sold this and Mr. Keller responded that America wants to buy it for 3,500 but we would have to do another auction. Mr. Marinello stated that for \$3,500 if our fire company wants it they should get it. Mr. Keller stated that the Springfield Fire Co. wanted money for a vehicle to make a command center prior to this request. Mr. Marinello added that we should keep the title in our name so that when it comes time to sell it we get the money. Mr. Frank asked how many vehicles they have and Mr. McDaniel responded that Chief Bercy indicated they will sell the one they have now. Chief Bercy entered and said they are looking to replace the 97 ambulance that they currently use. Mr. Frank asked how many vehicles they have and Chief Bercy responded five vehicles plus the tanker they are trying to sell. Mr. Marinello asked who the current ambulance is titled to and Chief Bercy responded that it is title to

Jacksonville Fire Co. Chief Bercy stated that the fire police go out more than the fire company itself. He added they respond to a lot of motor vehicle accidents which frees up the police. Mr. Marinello asked if there is any reason to keep both ambulances in service and Chief Bercy responded that not in most cases and they have the utility truck if they need an extra vehicle. Mr. Frank asked if they would definitely get rid of the other truck and Chief Bercy responded that they would. Mr. McDaniel stated that we have an offer from another company to purchase the vehicle but Council would like to see one of our fire companies use the vehicle. Mr. McDaniel added that he would like to reach out to the other companies to see if they would want it. Mr. Marinello asked if there is any objection to the vehicle staying in the Township's name and Chief Bercy did not really have discussion at the fire company regarding ownership but he did not see that as an issue. Mr. Sobotka made a motion seconded by Mr. Hlubik that if there is no interest from the other fire companies then Jacksonville Fire Company can use the ambulance but ownership stays in the Township name. Chief Bercy asked about maintenance and Mr. Keller responded that the Fire Co. would be responsible for maintenance. All in favor. Motion carried. Mr. Marinello asked if there is any interest in the old fire truck and Chief Bercy responded there might be. Mr. Keller asked about removing that vehicle from the insurance and Chief Bercy said it is currently still in service and Mr. Keller stated that he needs to know as soon as it can be removed because we are paying a premium on it.

5. Shirlissa Zuhlcke re: Officer Kerr – Mr. Sobotka made a motion seconded by Mr. Frank to send a thank you to Officer Kerr and both letters would go into his file. All were in favor. Motion carried.

SOLICITOR REPORT

Mr. McDaniel asked if there is any information on the transportation fund and Mr. Morris responded everyone is on hold. Mr. Keller stated that we may be able to use the bond money in the interim and the contractor will start with Arneys Mt. Birmingham Rd. then move over here and do the grading and demolition and any other work that can be done outside the grant money and hopefully it will be resolved by then.

Mr. Frank made a motion seconded by Mr. Sobotka to approve the Solicitor's report. All were in favor. Motion carried.

MANAGER'S REPORT

Mr. Keller did not have anything additional to report.

Mr. Frank made a motion seconded by Mr. Sobotka to accept the Manager's report. All were in favor. Motion carried.

TOWNSHIP OFFICIAL'S BUSINESS

Mr. Sobotka requested a moment of silence to honor the officer's killed in Texas.

Mr. Sobotka also asked that the Chief review the procedures on police brutality. Mr. Sobotka stated that he attended an event in Westampton and he would like to see something like that to happen in this township to show support for the police. Mr. Frank stated that he does not believe we can direct the Chief to do this and Chief Trout responded that this is a mandatory in service required by the AG's office. Chief Trout added that this is why he would like to move forward with the cameras. Mr. Frank asked where we are with this and Mr. Keller responded we are working on getting it funded through the bond but he is waiting for the generators to be done. Mr. Frank asked about grants and it was discussed that there are not any available

and the grants that are out there will give you the cameras but nothing to support the equipment. Chief Trout explained the system that he got pricing for. Mr. Frank asked if this would be a JIF thing and are they doing anything to help fund this to help prevent lawsuits.

Mr. Marinello asked about an upgrade to the Zoning Ordinance regarding commercial vehicles and Mr. Frank responded that the Council has already asked the Planning Board to look at this issue. Mr. Marinello asked if Council could just address the issue without the planning Board and Mr. Frank responded that whenever we do any Land Use Ordinance changes it would go back to the Planning Board for review for consistency with the Master Plan. Mr. Marinello feels there are a lot of people and properties that fall into that category and he would like Council to come up with guidance. Mr. Keller stated that Mr. Dunn is on the Planning Board and he has a wealth of experience with this issue and Mr. Hlubik agreed that the Planning Board would have more resources and expertise. Mr. Frank stated that he does not believe Council has an idea right now of what is needed and that is why Council is asking the Planning Board to review the Ordinance to see what would work and not work. Mr. Hlubik added that the Planning Board would also look closely at how this type of use fits into the Master Plan. Mr. McDaniel and Mr. Sobotka both agree that change is needed and Mr. Sobotka is concerned about how long it will take to make the change.

Mr. Sobotka asked about the Helis farm and the right of way on the road and it was discussed that the Engineer was supposed to get the deed and Mr. Keller will follow up.

Mr. Sobotka asked if we could have the Engineer look at Georgetown Rd. because of the condition of the road and Mr. Keller responded that you don't need the engineer to look at this because the road is in horrible condition but there are worse roads and Mr. Keller added that Gilbert Road should actually be the next road to be done.

Council discussed some sign issues and it was mentioned that Folwell Station Road is spelled wrong and should be fixed because it could be a 911 issue.

PUBLIC COMMENT

Mr. Sobotka made a motion seconded by Mr. Hlubik to open public comment. All were in favor. Motion carried.

Chief Bercy stated that fire prevention will be the first Sunday in October and the new fire truck will be dedicated.

Hearing no further comments, Mr. Frank made a motion seconded by Mr. Sobotka to close public comment. All were in favor. Motion carried.

Mr. Frank made a motion seconded by Mr. Sobotka to adjourn the meeting. The meeting was adjourned at 8:58 PM. All were in favor. Motion carried.

Respectfully submitted,

Patricia A. Clayton
Township Clerk