

COUNCIL MEETING AGENDA
7:30 PM
OCTOBER 24, 2018

1. Meeting called to order by Mayor McDaniel
2. Reading of the Sunshine Notice
3. Salute to the Flag
4. Roll Call: Mr. Frank, Mr. Hlubik, Mr. Marinello, Mr. McDaniel and Mr. Sobotka
5. Minutes submitted for approval
October 10, 2018 regular session
6. Public Comment on Agenda Items
7. Resolutions
 - No. 2018-10-06 – Resolution Accepting and Rejecting Recommendations of the Planning Board concerning the Tilghman’s Corner Redevelopment Plan
8. Ordinance for Public Hearing:
 - No. 2018-06 – Ordinance of the Township of Springfield, County of Burlington, State of New Jersey Adopting a Redevelopment Plan for Block 2107, Lot 2; Familiarly Known as a Portion of the Tilghman’s Corner Redevelopment Zone.
 - No. 2018-07 – Ordinance to Amend and Supplement Chapter 45 of the Code of the Township of Springfield in Conformance with State Law
9. Monthly Reports Submitted for Approval
10. Unfinished Business
11. Correspondence
12. Public Comment*
13. Township Official’s Business
 - 2018 Best Practices Survey
14. Executive Session
 - No. 2018-10-07 – Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 (Litigation)
15. Adjournment

**TOWNSHIP COUNCIL MEETING
OCTOBER 24, 2018**

The meeting of the Springfield Township Council was called to order by Mayor McDaniel with Council Members David Frank (arrived at 7:45 PM), John Hlubik, Anthony Marinello and Peter Sobotka present. Also present were Township 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 4, 2018:

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, NJ
- b. Transmitting written notice to the Burlington County Times and the Trenton 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 October 10, 2018 regular session. All were in favor, except Mr. Marinello who abstained. Motion carried.

PUBLIC COMMENT ON AGENDA ITEMS

Keith Davis represents Paramount Realty LLC who is the developer for the Wawa site at Tilghman's Corner. Mr. Davis is asking Council to consider the Resolution and Ordinance on tonight then that will allow the developer to come to Planning Board for Site Plan. He further explained that the Planning Board had found the Redevelopment Plan consistent with the Master Plan with a recommendation that the plan be adopted with an amendment requiring the proposed building to be located in front of the proposed gasoline filling station. Mr. Davis stated that if that control is included in the Ordinance then he does not believe that Wawa will proceed with the project and further explained that all Wawa's are designed in a fashion that the pumps are in front to allow drivers to see the pumps to drive more traffic into the store. Mr. Sobotka states that we have a ratable now with the current Wawa and the developer is asking the Township to give up that ratable by replacing the building with pumps. Mr. Morris stated that he has done some research and the pumps may be a ratable equal or more then the current building. Mr. Davis stated that in addition to the pumps being in the front attracting business from a planning prospective the building will act as a buffer to the neighboring property. Mr. Davis stated that a PILOT plan can be negotiated as part of the redeveloper's agreement to address the loss of the ratable. Mr. Marinello asked if Wawa does not go through with the project then would be the damage to the Township since the Township will still have the current building. Mr. Davis stated that there are two Wawa sites being proposed in the Township so they will gain a ratable at the other site. He also added that the Council was the one that proposed looking at the two areas as areas in need of redevelopment. The developer had presented a concept plan at a meeting prior to moving forward with this redevelopment study and the developer agreed to fund the study for those areas as part of their request to develop each site and the study would not have happened without the help of the developer. Mr. Marinello stated that he just saw this site concept for the first time and he wants to know what it means for the Township to have just the pumps and give the building to Chesterfield as a ratable. Mr. Davis doesn't know that he can alleviate Mr. Marinello's concern because the dividing line was established many years ago and Wawa has a concept for their Wawa Sites. Mr. Frank entered at 7:45 pm. Mr. Frank stated that we tax the whole site so what is the issue. Mr. McDaniel asked the process and asked if we could address this issue later. Mr. Morris looked at 24 properties and 13 had fuel stations and the sites that had fuel pumps the improvement assessment was greater by about \$600,000 as opposed to sites without pumps. Mr. Sobotka expressed concern with a PILOT and Mr. Davis responded that it could mean more revenue to the municipality. Mr. Frank does not think that this is necessary because the pumps are great revenue sources on those sites and that should be included in the assessment. Mr. Davis stated that the resolution just states that there is not a requirement to have the pumps located behind the building. Mr. Marinello asked about earlier comment made by Mr. Davis that used an example of a Wawa site in Piles Grove Township where the Wawa was located in two different townships. Mr. Davis responded that he just used this location as an example of where a land use is located in two Townships and in that example it was not a Wawa but a McDonalds. Mr. Marinello expressed concern that the Township will end up with less tax revenue then what it has currently.

Mr. McDonough, licensed professional planner, commented that the value is going to go up when the site is developed and leaving the site the way it is would be contrary to the redevelopment designation that the Township adopted. Mr. McDonough responded to Mr.

McDaniel question about traffic going in and out of this site but explaining that this proposed development should alleviate some of those traffic issues. Mr. Martel, Engineer, added that the site plan will definitely be better than what is there now. There was conversation about there being oversized parking for trucks and Mr. Martel responded that is included in the concept plan. He added that Wawa does not usually put this type of parking but since it was a concern of the Township it was added to this site.

Mr. McDaniel asked about the status of the project with respect to Chesterfield and Mr. Davis responded that Chesterfield cooperated with the developer and changed their Zoning Ordinances to change the definition of convenience store to include gas pumps.

Mr. Frank asked if we could do a shared services with Chesterfield to allocate land use review, construction review and taxes. Mr. Morris responded that a shared services agreement could be done regarding land use and construction review but not for taxes.

Mr. Sobotka asked what can be done about uniformity of pricing in Wawa stores and Mr. Morris responded that none of the gentleman here today work for Wawa and would not be able to address those types of concerns.

Mr. Marinello asked if the two Townships enter into a shared service agreement could the agreement stipulate that both police departments have jurisdiction over the entire property. Mr. Morris responded he will have to conflict himself out because his firm represents both Townships. Mr. Davis stated he could commit to do work on the shared services agreements and he added that the Township may be able to get some revenue back through the Courts. Mr. Marinello asked if the store will have to close for any period of time during construction and Mr. Davis responded that there will be period of time the store is closed but they turn these stores around quickly.

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. Marinello and seconded by Mr. Sobotka to approve Resolution No. 2018-10-06. All were in Favor. Motion carried.

RESOLUTION 2018-10-06

RESOLUTION ACCEPTING AND REJECTING RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE TILGHMAN'S CORNER REDEVELOPMENT PLAN

WHEREAS, On October 10, 2018, the Springfield Township Council introduced Ordinance 2018-06, An Ordinance of the Township of Springfield, County of Burlington, State of New Jersey Adopting a Redevelopment Plan for Block 2107, Lot 2; Familiarly Known as a Portion of the Tilghman's Corner Redevelopment Zone; and

WHEREAS, the Council referred the Ordinance to the Planning Board for a Master Plan

Consistency Review; and

WHEREAS, on October 16, 2018, the Planning Board reviewed the Ordinance and determined that the Ordinance was consistent with the Master Plan and the Township Redevelopment Initiatives; and

WHEREAS, the Planning Board also recommended that consideration be given to place the fuel pumps in the rear/Chesterfield portion of the property and construct the new building in the front/Springfield portion of the property; and

WHEREAS, the Township Council has given the recommendation due consideration and concludes that the fuel pumps and building work in a symbiotic relationship and that in modern retail market, the current layout of the property promotes the visibility and circulation necessary for the project's sustainability; and

WHEREAS, reversing the location of the main features on the property is contrary to motorist and customer expectations and potentially creates public safety concerns;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Springfield, County of Burlington, State of New Jersey, for the reasons set forth in the preamble, that the Council accepts the recommendation of the Planning Board that the ordinance is consistent with the Master Plan and redevelopment initiatives and reject the recommendation that the redeveloper work to move the fueling pump location away from the intersection.

ORDINANCES FOR PUBLIC HEARING

Motion made by Mr. Frank and seconded by Mr. Hlubik to open the public hearing on Ordinance No. 2018-06. All were in favor. Motion carried.

Hearing no comments, motion made by Mr. Frank and seconded by Mr. Sobotka to close the public hearing on Ordinance No. 2018-06. All were in favor. Motion carried.

Motion made by Mr. Frank and seconded by Mr. Hlubik to adopt Ordinance No. 2018-06. Roll Call: Mr. Frank – yes; Mr. Hlubik – yes; Mr. Marinello - yes; Mr. Sobotka – yes and Mr. McDaniel - yes.

ORDINANCE 2018-06

AN ORDINANCE OF THE TOWNSHIP OF SPRINGFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 2107, LOT 2; FAMILIARLY KNOWN AS A PORTION OF THE TILGHMAN'S CORNER REDEVELOPMENT ZONE.

WHEREAS, the Township Council of the Township of Springfield ("Township") following referral to and upon receipt of a positive recommendation of the Springfield Township Planning Board ("Planning Board"), desires to adopt a Redevelopment Plan in area in need of redevelopment at Block 2107, Lot 2, within the Township of Springfield, Burlington County, New Jersey, (a portion of the "Tilghman's Corner Redevelopment Area") which Plan has been prepared by Environmental Resolutions, Inc. dated September 10, 2018, which is incorporated herein and made a part hereof by reference; and

WHEREAS, the Redevelopment and Housing Law requires the Planning Board to examine and consider the proposed Redevelopment Plan prepared by Environmental Resolutions, Inc. regarding the subject designated redevelopment areas; and

WHEREAS, the Planning Board will conduct a public meeting on October 16, 2018, concerning the Plan, which will be open to the public and where the Plan will be explained and discussed and members of the public will have an opportunity to pose questions; and

WHEREAS, if, following that public meeting, the Planning Board reports that the proposed Plan is consistent with the Township Master Plan and recommends that the Plan be adopted by the Township, the Township Clerk will publish this Ordinance and place the same on a future agenda for final consideration; and

WHEREAS, upon adoption by this Ordinance, the Council expects the Plan to facilitate redevelopment/development of the subject redevelopment area, and to provide new opportunity for the community.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Springfield that, with the recommendation of the Planning Board to adopt the proposed Redevelopment Plan, the Council accepts the recommendation and adopts the Plan, including any necessary overlay zoning regulations contained therein.

BE IT FURTHER ORDAINED by the Township Council of the Township of Springfield that the Redevelopment Plan prepared by Environmental Resolutions, Inc. for the subject redevelopment area, having been subjected to prior Notice and public hearing before the Council, be and hereby is

adopted to govern this portion of the Tilghman's Corner Redevelopment Area.

BE IT FURTHER ORDAINED, that the Redevelopment Plan prepared by Environmental Resolutions is site specific to Block 2107, Lot 2 and that the Township Council will address specific regulations for the remainder of the Block and Lots within the Tilghman's Corner Redevelopment Area as development plans and concepts are proposed in the future and the same will be incorporated into amendments to this redevelopment plan.

BE IT FURTHER ORDAINED that any prior Ordinances or Plans which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following final passage and publication as required by law, as the Ordinance adopting the Redevelopment Plan for this designated area, and zoning and redevelopment maps for the areas, as applicable.

Motion made by Mr. Frank and seconded by Mr. Sobotka to open the public hearing on Ordinance No. 2018-07. All were in favor. Motion carried.

Hearing no comments, motion made by Mr. Marinello and seconded by Mr. Hlubik to close the public hearing on Ordinance No. 2018-07. All were in favor. Motion carried.

Motion made by Mr. Frank and seconded by Mr. Hlubik to adopt Ordinance No. 2018-07. Roll Call: Mr. Frank – yes; Mr. Hlubik – yes; Mr. Marinello - yes; Mr. Sobotka – yes and Mr. McDaniel - yes.

ORDINANCE 2018-07

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 45 OF THE CODE OF THE TOWNSHIP OF SPRINGFIELD IN CONFORMANCE WITH STATE LAW

WHEREAS, in 1994, the Township Council adopted the Amusement Device Ordinance which is now codified as Chapter 45 of the Code of The Township of Springfield; and

WHEREAS, the Township amends the Code to clarify that the Code is adopted pursuant to the Amusement Games Licensing Law, P.L. 1959, c. 109 effective November 3, 1959, codified at N.J.S.A. 5:8-78 et seq. as amended from time to time, most recently via P.L. 2017, c. 47 effective May 1, 2017; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Springfield, County of Burlington, State of New Jersey that Chapter 45 of the Township Code of the Township of Springfield be and is hereby amended and supplemented as follows:

Section One. Renumbering of existing Code Sections.

For conformance and ease of reading of the final version of the Code, the Township Council rennumbers the following existing paragraphs:

§ 45-1 through §45-6 are renumbered §45-2 through § 45-7 consistent with the changes to this chapter made herein. The text of each section remains the same.

Section Two. Supplements to the Chapter 45.

The Council adopts the following new provisions to supplement Chapter 45 of the Township Code.

[new section] **§ 45-1 Purpose.**

The Township adopts this chapter pursuant to the Amusement Games Licensing Law, P.L. 1959, c. 109 effective November 3, 1959, codified at N.J.S.A. 5:8-78 et seq. as the State Legislature may amend the law from time to time and in conformance with the Rules and Regulations promulgated by the Legalized Games of Chance Control Commission in conformance with this statute.

[new section] **§ 45-8 Conflict with State Law.**

If ever a conflict arises between this Chapter and state law or regulation pertaining to the licensing of amusement devices, the state law or regulation controls and the conflicting section of the Township Code becomes void with no legal effect.

Section Three. Effective Date.

This ordinance shall take effect after adoption and publication pursuant to law.

MONTHLY DEPARTMENTAL REPORT

**MUNICIPAL COURT
SEPTEMBER, 2018**

Monthly fines, Title 39 Split, Contempt of Court, Court Costs, Criminal Fines	\$6,049.29
POAA Monies	2.00
Public Defender	200.00

Motion made by Mr. Sobotka and seconded by Mr. Frank to file the municipal court reports. All were in favor. Motion carried.

UNFINISHED BUSINESS

Mr. McDaniel asked about the report on the speed limit for Saylor’s Pond Rd. and Mr. Keller responded that all information was sent to Mr. Livingston yesterday.

Mr. Sobotka asked about the soil study at the affordable housing site and Mr. Keller stated that he is still waiting on a number and there is a condition out there but further studies will need to be done to come up with a number for the remediation. Council discussed the possibility of Brownfield's money especially since this site is proposed affordable housing.

Mr. Keller met with the residents from Warner Road and the speed limit does not seem to be an issue anymore. Mr. Keller stated we could do an Ordinance to make a weight limit and double line no passing on that road and the cost of the lining is \$7,000. Mr. Frank stated it seems like a lot of money to spend on a road that may need to be resurfaced in the next few years and Mr. Keller responded that they don't really want the road resurface because people will definitely speed then. Mr. Keller stated the cart way where the tree is a problem is only 7ft from where the tree is to the center line. Mr. Sobotka asked about the drainage issue and Mr. Keller responded that Mr. Eggleston will fix that issue.

Mr. Keller asked if Council wants to do a traffic analysis on Juliustown-Georgetown Rd. Mr. Sobotka asked that we look into what we need to do just to post it as 25 mph as a residential district. Mr. McDaniel feels we should just let it go for now. Mr. Sobotka asked if we contacted PSE&G about taking the dead tree down and Mr. Keller responded they will not take an entire tree down they will only trim branches if they are in their wires.

Mr. Sobotka stated two lights and the flag pole light are out in the parking lot and Council asked for a cut off fixtures to be installed if cost effective.

Mr. Marinello asked about the police chief's salary and Mr. Keller stated he does have that information and he thought he provided that to Council. Mr. McDaniel asked for three years of his salary and for salaries of surrounding towns.

CORRESPONDENCE

1. State of New Jersey regarding Application for Craft Distillery License for Recklesstown Farm Distillery, LLC. – No action required.
2. Letter from George Morris to Mr. Grabrysiak. Mr. Morris stated that Mr. Gabrysiak came to the Planning Board Meeting last week and stated that he had not received a response to his zoning complaint. He added that Mr. Dunn had responded verbally but they decided to send a written response.

Mr. Sobotka made a motion seconded by Mr. Marinello to file Correspondence. All were in favor, except Mr. Frank who abstained. Motion carried.

TOWNSHIP OFFICIAL'S BUSINESS

The best practices survey was discussed and in response to one of the questions regarding the monitoring of any PILOTs Mr. Sobotka made a motion seconded by Mr. Frank to appoint the treasurer to monitor PILOT. Mr. Keller stated that we are not sure what is involved in monitoring. Council decided to table the motion and Mr. Morris will prepare a resolution for next meeting if Council decides to proceed.

Also with respect to the best practice survey, Mr. Sobotka asked if the Township has a time keeping system and it was discussed the Police have one but not the administrative side.

Mr. McDaniel stated that the contractor has not submitted the detour plan to the County yet for the Folwell Station Road reconstruction and Mr. Keller responded they just had the pre-construction meeting Friday and they should have that ready to go in a week.

Mr. McDaniel asked about the farm lease. It was discussed that the previous high bidder never followed through with lease signing and it was discussed a new auction would be scheduled for next meeting with a minimum bid of \$500 requiring a higher deposit and signing of lease that evening.

Mr. Sobotka asked about the house on Arneys Mount Rd. and it was discussed that numerous violations have been issued and the bank is in the process of evicting the previous owner.

Mr. Sobotka stated that the recreation committee has two soccer goals that can be sold at public auction. Council discussed donating them to the school. Mr. Morris asked who wants to auction it and Mr. Sobotka responded that the recreation committee wants to sell them. It was discussed that if the Township owns them the best way would be to donate them.

Mr. Sobotka is proposing that attendance at a meeting is important and we should have a policy in place and Mr. Morris stated it is regulated by State Statute.

Mr. McDaniel asked about the TV in the meeting room and it was discussed that it was used for police training in the past. Mr. McDaniel asked that the meeting room be cleaned up and the carpet cleaned. Mr. Keller stated we will need two quotes if over \$1000 so Council put a condition on the carpet cleaning of not to exceed \$1000.

Mr. Sobotka needs permission to do a blood drive for some time in January and he would like to use the municipal building. Mr. Frank made a motion seconded by Mr. Sobotka to grant permission to use the meeting room for the blood drive. All were in favor. Motion carried.

PUBLIC COMMENT

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

Mr. Sobotka made a motion seconded by Mr. Hlubik to approve Resolution No. 2018-10-07 for the purpose of discussing litigation. All were in favor, except Mr. Frank. Motion carried. Mr. Frank excused himself from executive and left the meeting. Council entered executive session at 9:10 PM. It was stated that action is not anticipated upon return to public session.

RESOLUTION 2018-10-07

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting, and

WHEREAS, the Governing Body of Springfield Township has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Springfield Township will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon: _____);

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract: _____);

_____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is: Recall Litigation) (If contract negotiation the nature of the contract and interested party is:)

Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

_____ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 N.J. 478, the employee(s) and nature of discussion is: interview Township Engineer candidates) ;

_____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED that the Township Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Township Attorney advises the Township Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter. (Estimated date: upon authorization by the Township Solicitor) or upon the occurrence of Litigation resolved);

BE IT FURTHER RESOLVED that the Township Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Township Clerk to take the appropriate action to effectuate the terms of this resolution.

Council returned to public session at 9:20 PM and no public was in attendance.

Mr. Sobotka made a motion seconded by Mr. Hlubik to adjourn the meeting. The meeting was adjourned at 9:20 PM. All were in favor.

Respectfully submitted,

Patricia A. Clayton
Township Clerk