

Shamong, New Jersey 08088

March 1, 2011

The Shamong Township Committee held a Regular Meeting on the above date at the Municipal Building.

Mayor Shevelew called the meeting to order at approximately 7:30 PM.

The Clerk stated please be advised that proper notice of this meeting has been given in compliance with the Open Public Meeting Act in the following manner. Written notice has been sent to the Burlington County Times and published in the Central Record and posted as required by the Open Public Meeting Act.

The Pledge of Allegiance

Roll Call and)	Mr. Sean Gray	P
Absentees)	Mr. Kenneth Long	P
Noted)	Mr. Martin Mozitis	P
	Mr. Christopher Norman	P
	Mr. Jonathon Shevelew	P

### **Public Comment**

Mayor Shevelew opened the meeting for public comment, not related to agenda items. Ms. Beckler of Packenah Trail commended the road crew on a job well done in the past year with the snow removal and asked that the comment be passed along to the road crew.

### **ITEMS FOR OFFICAL ACTION:**

**On motion of Committeeman Norman, seconded by Committeeman Gray, it was moved to approve the minutes from the workshop meeting on January 25th, and the minutes from the regular meeting and executive session on February 1, 2011. A roll call showed all members voting yes with the exception of Committeeman Long voting to abstain.**

Item # 3 on the agenda, The Biking and Walking Trail Program on Packenah Trail. Mayor Shevelew recognized Mr. Volpa who updated the Committee on this subject. Mr. Volpa reports that he met with the Middle and High School Students on February 28<sup>th</sup> to analyze the data obtained from questioners from the IMBA (International Mountain Bike Association) that were distributed at a meeting with the group on February 17, 2011. The group intends to present at a later time a proposed plan to the Committee. Audrey Green-President of Seneca Student Council spoke on the issue about the maintenance of the trails.

Mayor Shevelew opened the meeting to the public about the proposed trail system. Mr. Craig Beckler of 13 Minisink Trail, first offers congratulations to the students and Mr. Volpa. Mr. Beckler expresses concern over parking, signage and the design of the trails and to get the community and residents that are directly impacted involved and urges the group to take this in consideration in their plans. Committeeman Long

comments on Mr. Beckler's thoughts. The Committee is just presenting and considering the facts to the community. Mayor Shevelew also weighs in that the problems with the property in that there is vandalism, drug use, drinking and fires have all been a problem and the hope is that this proposed trail will help to remove those issues. Mr. John Yerker, 3 Wissa Powey Trail wants to know how long these problems have been occurring since he has not heard of these issues. Mr. Bernie Wennemer of 17 Packenah Trail stated 60% of the homes in this development are retired people with grown or no children. Why would you want to put this kind of activity in a retirement development? The problem must be fixed but not with a new problem. It will cost a lot to fix the area and we do not want them there, and the kids that are going in there are not from the area. Mr. Bill Schoen of 8 Packenah Trail agrees with Mr. Wennemer saying that we don't want all these people in there, the trails and bikes and traffic are not welcome in the development so leave it alone. Committeeman Long responds with, we are trying to take control of things that are already going on in there. Mr. Wennemer said our kids did not do these things back there, they were not burning furniture and digging pits. How do we correct the problem? Mr. Dennis Courtwright said, it could be that the alternative is not going to make it better. The initial clean up will be great but it takes vigilance to keep it that way. Committeeman Gray suggests that it may help the property value to have the trails and to give the kids something to do. Ms. Jen Flemming comments that the kids need something to do and it would be safer for the kids. Mrs. Eve Schoen, 8 Packenah Trail, comments that Mr. Gray is doing an injustice to say that the property value will go up and that people wouldn't want to live in a neighborhood that doesn't have trails. Mrs. Cecilia Ghegan comments that we don't need a park and we don't want these people attracted to the area. Mr. Bernie Wennemer asks who owns and is responsible for this property. Mr. Chris Jage from the Rancocas Conservancy responds to questions of who owns this area stating the project is on township land and conservancy property. The residents want it on the Dingtletown property. Ms. Karen Vitovich, 10 Packenah Trail, says that Mr. Bernie Wennemer takes care of the property the township doesn't take care of it. And other residents of the area take care of these areas. But with that said she has a grandson who would benefit from the trails and thinks it may be a good thing. It may draw a better crowd to the area and some of the bad might go away. But some of them do think that Dingtletown may do better for some of the activities that are planned. Mayor Shevelew says this is a process that you are involved in that is why we are having this discussion. Nothing is decided to this point we are still in the planning process, we are looking at what is the best thing for this community. It is not acceptable to just leave things as it is, it could be a dangerous problem, and the property would be policed by the community if we do this. Mr. John Yerger, this is township property and if there is a known problem with trash etc. are the township workers checking the property. Sue Onorato responds that the way the township knows that there is trash or what ever is from the residents calling and letting the township know. Mr. Dennis Courtwright asks how it impacts the township to maintain when a large percentage of the township is state owned. Mayor Shevelew says that the town has to maintain the town owned roads, tax payer property. Mr. Roy Knight, 354 Forked Neck Road, said I differ with you our church is on a road that the township and the state own and no one takes care of it. We do not take care of state roads and we do not take care of Hampton Gate road.

Linda Baechler, 13 Minisink Trail, I am going both ways on this issue. First to have students involved in this process should be commended but the concern is because we live in this neighborhood, but we need to look at this from a student point of view they are looking at a way to do something positive. Too much negativity, would love to have a dog park. Mayor Shevelew comments this is an opportunity to work with the kids and it's a project that we may be able to do. That's why we are trying to work with them.

Mrs. Diane Meyers, 6 Pakenah Trail, I agree that we need to give this a chance, I love to walk in this area. Committeeman Long asks, can we get a neighborhood committee to meet with council and the kids to establish an agreement to get an acceptable plan. Mr. Bill Schoen, we have the responsibility to take care of our neighborhood, I think that this will lower our property value. Mayor Shevelew says that facts on that are around a 15% increase on property value around a park of this nature. Mr. Wennemer asked about a parking lot. Mayor says that the parking lot isn't written in yet, would you have a problem with people parking in front of your house? Unknown resident wants no parking signs. John Yerger, asks about the property value facts and where they done by a company who has an objective view like a real estate agent. Need a non bias opinion.

Committeeman Long says that we are looking to beautify and control what is already there and make it a better area. We want a committee to talk to the kids and Mr. Volpa and the town to establish an agreement. Mr. Volpa says he has worked in the area for 26 years and believes that we can plan something that will be good for this area. With positive peer pressure this will clean up the area making a beautiful resource in this area. Mr. Bill Schoen, where is the money coming from. The Mayor responds that this is a grant of 10K and that we will have volunteers and it will not cost the tax payers anything. Bernie Wennemer says that he doesn't think kids with shovels can do this work and with the money available. Mr. Volpa responds that he has another offer of money to help, and that there are professionals willing to help as well as show the kids how to do this work. Mayor Shevelew states that the IMAA is also donating 3K for the project. Mr. Bill Schoen weighs in on the need for someone other then kids to do the work. Mr. John Yerger will be meeting on Saturday with Mr. Volpa to look at the project and give input for the community. Mr. Knight questions Doug Heinold on the insurance issues or liability that may come up. Will our insurance premiums go up? Mr. Heinold addresses the issue and that he is confident that the JIF and other public entities will cover this project. Mr. Knight is concerned about attracting nuisance's suits. Mr. Schoen, what about the jumps that you are installing. Committeeman Long says that they are not jumps they are sloops. Tracy Wilson, McKendimen Road, read about the project in Central Record and understood that it was a trail that would extend from Marlton, but I guess I was mistaken. But I was a little surprised that you are considering building a bike park in that little neighborhood in all of Shamong, why this neighborhood? Is that part of the grant to be in this area? John Volpa answers that it is because of the existing problems with the area that it was considered. Tracy Wilson, why Pakenah, if there are problems why weren't the police called and asked to focus on this area. Mayor Shevelew, we have made lots of calls to the State Police many times but it does not help. Tracy Wilson, what about the flora, why so intent on this area. Mayor Shevelew again reiterates the need to clean up and get rid of the element that is causing problems. Unknown resident says she sees a lot of rude kids going back there so why do you think this will stop. Mayor Shevelew says that the kids that are going to use this will correct the problem. Bernie

Wennemer, how is this going to keep the bad out? Committeeman Long weighs in on the collective plan to protect the neighborhood and the parking issues. Committeeman Norman also weighs in about everyone getting together to collectively fix the problem and clean up the problem. Mr. Bill Schoen, what if we don't want anything just leave it alone. Mr. Chris Jage, the timeline is about 18 months to finish phase 1 there is a lot of time. Mr. Jim Clemmens, 9 Wissa Powey Trail, my kids had Mr. Volpa as a teacher and spoke highly of him so when I read about this project I thought it was a great idea until I found out it's my neighborhood. The neighbors starting talking about it and the main concern is the increased traffic and volume of traffic. I am hearing about the problems and I think that if it is cleaned up that would be good but I'm not sure about the bike path but would like to have a nature path trail, not sure over the years if the bike path can be maintained but I think this is a positive thing to do. Mr. Keith Blair, 37 Packenah Trail, agreeing with Mr. Clemmens would prefer the nature trail, but would the grant go away if the bike trail goes away. Chris Jage says that it's not bike driven it's just a part of it. Karen Botovich, can we have contact names and numbers for these organizations and have someone from our neighborhood reach out so we can get more info on this. Mayor Shevelew, please see Sue Onorato after the meeting to provide your email address or contact information so she can get the information to you. Any other questions or comments on this issue.

Mr. Tom Christianen, Superintendent of schools, on the school budget a 1% increase in Budget. We adopted a budget tonight and on March 22, at 7:00 PM we will have a budget hearing for the community. Budget will be submitted by April 1<sup>st</sup> to the county superintendent, budget vote is April 26<sup>th</sup>. Education Foundation conducted their 5<sup>th</sup> annual dinner/auction and raised over 37K. Very impressive considering the size of the community. This will help fund some projects for our children in school. Tomorrow is Read Across America program beginning at 9:00 am at IMS and we are the site for the county wide celebration, dignitaries from across the county will be coming to our school to read to our children, Dr. Seuss and our Mayor. We have an in-service day Friday March 4<sup>th</sup> school is closed. A program that we have tried to put in place this year is an extended day Kindergarten enrichment program we are trying to implement that. Something that you need to be aware of is the school district has done a lot to try and raise revenue, the solar panels for example, and this program the Kindergarten program is a tuition program and hopefully that will generate additional revenue for the district. Burlington County Superintendents will be meeting with the new Commissioner on Education on March 14<sup>th</sup>. Negotiations with the Education Association will begin the beginning of April. And the next BOE meeting and budget hearing will be on March 22<sup>nd</sup> at 7:00PM. Mayor Shevelew any questions for the Superintendent. Hearing none we will move on to item #3.

Sidewalk Ordinance and Resolution we will table that.

Mrs. Onorato spoke on the Burlington County Recreation Grants; second round which has a deadline on the grant is March 30<sup>th</sup>. She will prepare that for next meeting and have ready for your review.

**Mayor Proclamation: Proclaiming the week of March 20-26, 2011 as National Poison Prevention Week in New Jersey and encourage all citizens to pledge their commitment to ensuring the safety of themselves, their families and their community.**

**Read Ordinance 2011-02 Snow Emergency Ordinance, On motion of Committeeman Long, seconded by Committeeman Mozitis, With all members voting yes to approve the first reading.**

**Read Ordinance 2011-03 To Exceed the Municipal budget Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14) this is a first reading look for questions comments, there being none, a motion Committeeman Mozitis, seconded by Committeeman Gray, all members voting yes.**

**RESOLUTIONS:**

**Read Resolution 2011R-39, Authorizing Tax Repayment for Property Owner at Block 23.01, Lot 14.06 (and 14.06 Q-Farm) On motion to accept Committeeman Mozitis, seconded by Committeeman Gray, all members voted yes with the exception of Mayor Shevelew, Abstain.**

**A discussion on the Resolution 2011R-40 Opposition to S-2664/A-3766 Market Competition and Consumer Choice Act. A representative from Verizon, Anna Lustenber, speaks on legislation on competition, and Verizon's position on this. Questions are asked and answered from the committee. No Motion.**

**Resolution 2011R-41 As Read-Rescinding of resolutions, on Motion Committeeman Mozitis, seconded by Committeeman Long. All members voting Yes.**

**Resolution 2011R-42 Refund of overpayments to Core Logic Real Estate Tax Service- As Read on Motion Committeeman Norman, seconded by Committeeman Long, all members voting yes.**

**Resolution 2011R-43-Refund of Taxes due to Veteran's Disability, as read on Motion Committeeman Mozitis, seconded by Committeeman Norman, all members voting yes.**

**Resolution 2011R-44-Refund overpayment on block 12.02 lot 16 as read on Motion Committeeman Mozitis, seconded by Committeeman Norman, all members voting yes.**

**Resolution for review 2011R-47 supporting A-3431 to amend title 59 by granting immunity to Public Entities for sidewalk injuries where the homeowner is**

**responsible for sidewalk maintenance by ordinance. Questions and comments by members of the committee. Motion Committeeman Long, seconded by Committeeman Norman, all members voting yes with exception of Committeeman Gray and Mayor Shevelew voting no.**

**On motion of Committeeman Mozitis, seconded by Committeeman Long, it was moved to approve the attached Bill List. A roll call vote showed all members present voting yes.**

## **REPORTS:**

Township Engineer reports that the township will not be approved for the trust fund grant for the road project this year. But it can be resubmitted under a discretionary aid and we would have to re-prepare the forms at a cost of \$500.00 to the township. Construction projects waiting for weather to break, tax maps have been submitted, energy audit grants not decided on, fuel spill accident on Atsion Road waiting on NJSP to provide accident report, Burlington County Health Dept. was contacted and waiting on the fuel oil company to provide soil tests result from cleanup and to get DEP to close case but concerns are that the pavement has also been damaged and need to be excavated. The Solicitor, Doug Heinold, speaks on the townships financial responsibility and writing a letter to the fuel oil company to protect the town from the brunt of the expense. **Motion to authorize the solicitor to take these steps by Committeeman Gray, seconded Committeeman Long, and a roll call vote all members voting yes.**

Township Solicitor reports that all agenda items have been discussed. Mr. Mayor do you want to speak on the pilot program monies are frozen for this and we will get the amount we got last year less 1/3. Mr. Heinhold speaks on the program. Any questions for the Solicitor. None

Township Administrator reported South Jersey Gas distributed questionnaire to residents on some streets about their interest in getting gas service. Shared services with Burlington County Clerk's Association and saved the BOE about \$475 for required ballots mailed. Questions for Township Administrator.

Mayor Shevelew opened the meeting to the public for comment, there being none he closed the meeting for public comment. **On motion of Committeeman Gray, seconded by Committeeman Long the regular meeting was convened and the Committee went into executive session to discuss in depth 2011R-45 Attorney Client and Employment Matter - Municipal Magistrate. By roll call all members present voting yes.**

**The Committee reconvened their regular meeting and based on the discussion in executive session and Mayor Shevelew asked for a Motion to Entrust the Township Solicitor to begin taking steps to remove the one and half acres behind the municipal building from the Green Acres registry inventory better known as Rossi,**

**Motion Committeeman Long seconded Committeeman Mozitis. A roll call vote was taken with all members present voting yes.**

The Committee then directed to have the Pinelands Matter involving lots 23.01, 1.01, 1.02, 1.07 and 1.08-referring to land use board to get their opinion on that matter.

**Resolution 2011R-46-Appointment of Municipal Magistrate Krisden M. McCrink as magistrate from March 1, 2011 to February 28<sup>th</sup>, 2014 also naming Richard Andronici as back up magistrate. On motion of Committeeman Mozitis, seconded by Committeeman Long, a roll call vote was taken with all members voting yes with the exception of Committeeman Gray, abstaining.**

**The solicitor reports on Ordinance 2011-04 authorizing sale of 28 Manitoba Trail Block 19.02, Lot 6.14, an undersized lot to adjacent property owners for sealed bidding. With a minimum bid of \$40,000. On Motion Committeeman Long, seconded Committeeman Mozitis, a roll call vote all present voting yes.**

**Seeing no other business a Motion to adjourn Committeeman Gray, Second by Committeeman Long, a roll call vote of all present voting yes.**

Attest:

Susan D. Onorato  
Municipal Clerk