

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 7:31 p.m.

The Clerk stated please be advised that proper notice of this meeting has been given in compliance with the Open Public Meetings Act in the following manner. Written notice has been faxed to the Burlington County Times, published in the Central Record, and posted on the official website and bulletin board of Shamong Township.

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 |

Mayor Shevelew opened the meeting to the public at which time Mr. Sweet from Burr Trail asked for a status up date on the lighting at the Dingtletown Complex and the solicitor, Mr. Heinold, reviewed for the public, who were not aware of the situation, there were two residents in the municipality who have filed suit against the Township seeking to stop the lighting of the girl’s soft ball field at the Dingtletown Complex. There attorney, Ted Rosenberg, filed an order to show cause approximately fifteen days ago and Judge Bookbinder has put a restrain on the lights until April 12<sup>th</sup> until all parties have a conference call and there will be a brief on April 16<sup>th</sup>, the Pinelands must respond by April 23<sup>rd</sup>, and argument is set for May 6<sup>th</sup> for a hearing. It is not clear to Mr. Heinold whether restrains will continue after April 12<sup>th</sup>. This is where it stands at the Superior Court level at this time. At the Township level he reported an application has been filed with the Pinelands Commission seeking approval for the lighting installation. Mr. Sweet explained it is very hard with the scheduling since there are so many teams that need to use the field and with lighting they could schedule two games in one day rather than just one. He just wanted it noted how critical it is for the girl’s softball teams to have the lighting. Mayor Shevelew stated he believes there is unanimous support from the Committee in getting this issue resolved. Committeeman Norman stated that the restriction that says you can’t have lights for the girls field when the boys field has lights violates public policy and whatever the conditions were when they said you could not have lights years ago is void for public policy which happens all the time. Mr. Sweet thanked the Committee for their support and again stated how important it is to have the lighting for the girls. Mayor Shevelew stated they are doing everything as quickly as they can to make that happen. Mrs. Keith stated she does not understand why the township and IMAA started to put the lights up before litigation was taken care of and she also questioned why her name was first on the 2002 agreement. Mrs. Keith went on to say everyone can’t have what they want but should be able to meet in the middle somewhere but the Committee in doing this was basically saying to everyone in that

litigation who worked to keep the light pollution down it doesn't matter what you did. Mr. Heinold disagreed with Mrs. Keith and acknowledged that Mrs. Keith was not part of the current suit stating Mr. Knight and Mr. Lockrey are the two plaintiffs. He explained the Committee did reach out to all the residents whose signature was on the 2002 settlement and there was a number of people who were opposed to the Phase II of Dingtletown Complex and the Pinelands process that occurred in the last decade but when it went up to the AOL there were only 4 signatures on the settlement. Mr. Heinold reported as far as the current issue the township put everyone on notice of what they were doing and there was a public vote in January of 2009 relative to the issue. Mr. Heinold explained if the township filed suit against residents that would have automatically created litigation and caused them to be on the defensive and that was not the township's intention. What has been explained throughout the entire process is the concern addressed in that settlement provision was to prevent light pollution and what these lights do is prevent light pollution. Mr. Heinold explained these lights are significantly more advanced than what is on Dingtletown I, they are not above the tree line, they are focused on the field, and it can be shown from an engineering stand point they do not cause any spillage beyond the field area or any other property. There is no damage to the residents who are concerned about light pollution and that is what the township has tried to explain all along and will continue to explain as they go through the Pinelands process and the court process. Mrs. Keith's response was you don't live on Forked Neck Road in that area and there was a legal document in place so the Committee should have gone to them first and settled this before moving forward. She feels this was like saying to the people who lived there then and still live here now they are old fuddy duddys. She explained she raised five children and Mr. Knight had children here and started the fields so it's not because they don't like children she just wants people to be above board. She will never understand why it was not addressed in that manner and Mr. Heinold responded that he respectfully felt it was handled properly since letters were sent to the residents and they were publicly notified and those people were present during those discussions. He stated this was addressed publicly and up front from the very beginning. Mayor Shevelew referred back to the 2002 agreement where it allowed for Dingtletown III which approved another 30 or 40 acres of woods that the township could take down to make new fields, but, by lighting the field it avoids building new fields to accommodate the scheduling requirements. It also saves the residents tax dollars and environmentally makes a lot more sense. The Committee looked at this and took into consideration the least invasive impact on the residents of Forked Neck Road and still satisfy the girl's soft ball teams and the least expensive way to do this was to use the existing fields. Committeeman Norman also reiterated that the Committee new about the 2002 agreement and had questions about the lighting and wanted to make sure it wouldn't be a problem in terms of light spillage and consulted with the township engineer who felt it would not. He said the Committee also approached the issue if they denied lighting for the girls some may argue it was discriminatory and the Committee did not want to be in that position. They want to do right by all the residents, boys or girls. Mr. Ron Valossi from Meetinghouse Lane asked why the old lights are not being replaced with new ones since they are not up to standard and Mayor Shevelew explained the township does not have the money to replace those lights and IMAA is paying for the lights on the girl's softball field. Mr. Valossi noted for the record no disrespect to the people or kids who want these lights but he respects what Mrs. Keith had to say. Mayor Shevelew stated he did not feel anyone now or at previous meetings was ever disrespectful to Mrs. Keith. Committeeman Norman stated

when the old lights stop working they will then replace them with something better. Mayor Shevelew explained the existing lights were basically free. The small field is lit by parking lights that were from Fort Dix and the Veteran Stadium lights were donated by the Philly's for \$1.00 a light when the stadium was torn down and again the IMAA took on those expenses. Committeeman Norman stated he feels if there were houses directly across from the ballfield things may have been looked at differently at that time. He also stated none of the current Committee was on the Committee at the time when the lights were installed. Maggie Mitchell thanked the Committee for their support of the softball lighting project and said the girls worked very hard raising money for the lights. Amily Anne stated she remembers when the girls had to play on other fields in the township and is pleased with how the Dingtletown fields are now. Elaine Billmier of Larkspur said she read in the Central Record that the township was going to purchase open space land through Green Acres in the original amount of \$1,300,000 and now it may cost as little as \$140,000 with funding and questioned if these funds are guaranteed since the State is broke. Mr. Heinold explained the township has an approved Open Space Plan from both the State and County. The State provides 50% of the funding acquisition and the County provides 25% so the reminder of 25% would be the township. The township also obtained a grant from the Pinelands Commission for a portion of the property which was \$200,000 so this leaves the balance figure of \$140,000. Mr. Heinold said there are concerns with funding sources, he is in contact, has been in contact, and will continue to be in contact with the State and the County. If they cannot assure the township of the funding within a reasonable time period they would have to consider and discuss if this would impact their ability to make the acquisition. She also noted there was something mentioned about eminent domain and stated she was very much against it. Committeeman Norman noted that whenever a town tries to purchase property they put a clause in the ordinance that says they reserve the right of eminent domain because it gives bargaining power to get the best price for the town to acquire the land. Mr. Heinold explained fair market value is determined through appraisals and if the property owner does not agree they can contest it through a court proceeding. Mr. Heinold explained this is vacant land and the owner has indicated they simply intend to make money off the land by developing it. This is not a situation of forcing someone out of their home into another location. Elaine Billmier asked if there is \$140,000 that could be spent on this Mayor Shevelew explained the township has a dedicated Open Space Tax which can only be used for this. Ms. Billmier asked do we have to spend this money and Mayor Shevelew said yes and explained the township has been collecting this money for five years and it cannot be used for anything else. Mr. Heinold explained the money can be used for certain types of recreational improvements under the statute but, generally speaking, the funds are not used for that in this township because this governing body has used it for property acquisition. Ms. Billmier asked if they already have the money or is it indebted in the taxes and Mayor Shevelew explained both and it accumulates over time which now there is approximately \$240,000. Mayor Shevelew explained this is the last large developable tract in the township and the Township Committee is taking the position that it is in everyone's best interest to protect this from development. Mr. Heinold stated he has spoken to the property owner who is now represented by council and is going to meet with them later this month. They will be negotiating with the owner and hope to reach an agreement to purchase the property providing all funding is in place and they are agreeable so hopefully all the discussion on the eminent domain will be for nothing. Committeeman Norman stated the town is dealing with

increased tax issues and stopping growth is one way to control that and keep taxes affordable in the township. There being no further comments from the public the public portion of the meeting was closed.

The Administrator read a Proclamation on Sexual Assault Awareness Month and **on motion of Committeeman Long, seconded by Committeeman Mozitis, it was moved to approve the Proclamation. A roll call vote showed all members present voting yes.**

**On motion of Committeeman Mozitis, seconded by Committeeman Norman, it was moved to approve the minutes of March 2, 2010 regular and executive sessions. A roll call vote showed all members present voting yes.**

Mr. Gates, Emergency Management Coordinator, reported he has been working with FEMA in getting reimbursement for the snow storms. The total cost for the storm of December 19, 20 and 21, 2009 was \$31,069.93 of which FEMA will pay 75% and the other 25% would have come from local contributions, such as, State, County, and local. Since State and County have no money the township pays the other 25%. FEMA will be sending a check in the amount of \$23,302.45. Mr. Gates reported he is working on the February 5 and 6, 2010 figures and feels they will be close to the December figures and we will be reimbursed through FEMA. He also reported Burlington County did not qualify for the March 13<sup>th</sup> rain disaster. Mr. Gates reported flood insurance will only pay for water that is above ground not raising ground water. He recommends getting private insurance to cover basement flooding. Usually insurance does not pay for finished basements but it will pay for furnace, hot water heater, etc. He stated he placed a brochure in the Clerk's office "Repairing Your Flooded Home" and it has a lot of good information.

There was discussion about speed limits on Forked Neck Road, Oak Shade Road, and Atsion Road and the engineer will contact the State to see what method needs to be used to request lowering the speed limits. He will report his findings at the next meeting.

The Administrator reported the local school budget is expecting a 10.25 cent increase on taxes, Lenape District is expecting a 6 cent increase in their budget totaling an approximate \$300 increase in taxes on an average assessed home. She also reported the State funding for Shamong was cut by \$144,000. She reported cuts have been made in all areas of the township building, such as, salary reduction in the building and clerk's offices by \$21,000, newsletter is done in house saving approximately \$2,600, and savings in court office by cutting staff. The Administrator suggested April 13<sup>th</sup> for a special budget workshop at 7:30 p.m. and the Committee was fine with that date.

The Administrator reviewed the Trap Neuter Return Program and reported someone in the State is now saying these domestic cats are potentially dangerous and exotic animals and criminalizing their release under the TNR Program. A woman, Michele Lerner, has submitted a request of the Committee to send a letter on behalf of Shamong in opposition of the proposed regulation. Mr. Heinold reported the township did pass an ordinance a couple of years ago to support the TNR program by the request of Dr. Stull of Vetco Animal Clinic

in Tabernacle. Mayor Shevelew suggested the Administrator contact Dr. Stull and ask his opinion if he sees any conflict and report at the next meeting.

**On motion of Committeeman Long, seconded by Committeeman Gray, it was moved to approve Resolution 2010R-37 2009 Tonnage Grant Application. A roll call vote showed all members present voting yes.**

Mayor Shevelew reviewed Ordinance 2010-03 and opened the meeting to the public for questions or comments. There being no comments he closed the meeting to the public. **On motion of Committeeman Long, seconded by Committeeman Norman, it was moved to approve Ordinance 2010-03 authorizing acquisition of property at block 7, lots 19 and 20.01 and block 12.01, lot 3 within the Township of Shamong pursuant to N.J.S.A. 40A:12-1. et seq., and if necessary N.J.S.A.20:3-1 et seq. after a public hearing and second reading. A roll call vote showed all members voting yes, except Committeeman Mozitis who voted no.**

Mr. Heinold explained Ordinance 2010-04 amends the code to add some things like insuring there are rails on stairways and safety requirements for hot tubs and pools. Mayor Shevelew opened the meeting to the public for comment or questions on the ordinance, seeing none he closed the meeting to the public. **On motion of Committeeman Mozitis, seconded by Committeeman Norman, it was moved to approve Ordinance 2010-04 amending Chapter 68-1, et seq. of the Township Code Governing "Certificate of Conformity" after a public hearing and second reading. A roll call vote showed all members present voting yes.**

**On motion of Committeeman Norman, seconded by Committeeman Long, it was moved to approve Ordinance 2010-05 amending the Land Development Ordinances pertaining to the design of containment areas for designated recyclable materials on residential sites after first reading. A roll call vote showed all members present voting yes.**

**On motion of Committeeman Mozitis, seconded by Committeeman Norman, it was moved to approve Ordinance 2010-06 amending Chapter 143-5 of the Shamong Township Code Governing the program for the recycling of designated recyclable materials and modifying for violations thereof after first reading. A roll call vote showed Committeemen Mozitis, Norman, and Long voting yes, Committeemen Gray and Shevelew voting no.**

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

Mr. Arango reported the State Aid Grant for 2009-10 which is the Old Indian Mills Road Project are done and they will be submitting them to DOT for approval to go out to bid. He sent a letter to the developer of Windermere stating he some work to do to seal the seams when the weather permits. Now that the weather is cooperating this will be done very soon. He reported all tax maps have been scanned and revisions to date have been completed.

They will have a preliminary set for the township to review next month. The bond for the Valenzano Winery has been received.

Mayor Shevelew opened the meeting to the public at which time Mrs. King noted the Historical Society meeting is not posted on the web site calendar for April 19<sup>th</sup>. The Administrator said some were taken off for the winter months but she would pass this on to Barbara and have her post it. Mrs. King stated there will be a meeting on May 17<sup>th</sup> and Atsion Day is Sunday, May 2<sup>nd</sup>. Mrs. King questioned the sign ordinance issue which was talked about some time ago. It came to mind since election time is close and the election signs were part of the discussion. Mr. Heinold stated the township must be very careful about that issue or first amendment rights issues. He explained the issue was the signage at intersections, such as, advertisement for all kinds of services and the election signs in the township right-of-way. The township handles that by going around and taking them down in a timely manner. Mrs. King reported during the storms Atsion Road had a lot of electric outages which caused their basement to be flooded. She reported trees at Oak Shade and Stokes, Willow Grove, etc. are hanging and could cause problems if they fall. She feels the township should be more aggressive towards the electric company to make them remove these trees that are hanging on or near the wires. The Administrator explained the township has been addressing this issue but the electric company does not respond. A resident wanted it noted what a great job the public works department employees do every winter. Committeeman Gray thanked everyone for coming to the meeting and expressing their thoughts on the lighting issue. There being no further comments the public portion of the meeting was closed.

Mayor Shevelew stated the Committee would go into executive session to discuss land acquisition, attorney client privilege and personnel contract. If any official action is taken they will do it when the regular meeting reconvenes. On motion of Committeeman Long, seconded by Committeeman Norman, it was moved to convene the regular meeting and go into executive session.

The Township Committee reconvened their regular meeting and the Administrator announced after reviewing the applicants for the fire code inspector position Mr. Toussaint has recommended Glenn Franzoi. This will be effective April 7<sup>th</sup> at a salary of \$3,000 per year. On motion of Committeeman Mozitis, seconded by Committeeman Long, this recommendation was accepted. A roll call vote showed all members present voting yes.

There being no further business the meeting was adjourned.

Attest:

Susan D. Onorato  
Municipal Clerk