

December 8, 2011

The meeting was called to order at 7:00 p.m. The meeting was advertised in the following manner:

- A. Posting written notice on the official Bulletin Board in the Township Municipal Building on January 7, 2011
- B. Mailing written notice to The Gloucester County Times and The Courier Post on January 7, 2011
- C. Filing written notice with the Clerk of West Deptford Township on January 7, 2011

**Roll Call:**

Mr. Kilpatrick, Ms. Szymborski, Mr. Garrison, Deputy Mayor Daws and Mayor Docimo were in attendance for this meeting.

**Proclamation:**

The West Deptford high School Marching Band members, director and staff were honored for their recent championship at the Tournament of Bands Atlantic Coast Group III Competition. This is the second year in a row that they have won this competition.

**Correspondence:**

The following items were approved in a motion made by Mr. Daws and seconded by Mr. Kilpatrick and approved by the entire committee.

Meeting minutes from September 8<sup>th</sup>, October 6<sup>th</sup>, October 13<sup>th</sup>, November 3<sup>rd</sup> and November 10<sup>th</sup>

The following items were approved in a motion made by Ms. Szymborski and seconded by Mr. Garrison and approved by the entire committee.

NJ State fireman's Application for Kyle Maher  
NJ State fireman's Application for Ken Decker  
Bingo Application for PTO West Deptford High School for March 2, 2012  
Raffle Application for PTO West Deptford High School for March 2, 2012

**Open Meeting to the Public:**

Mayor Docimo opened the meeting to the public.

Mr. John Schmidt questioned the purpose of the "executive session" for the Photovoltaic presentation and provided the committee with written information pertaining to the use of "executive sessions." He also questioned when the Acting Clerk's term was up in 2012.

Mrs. Terry Holovachuck stated that she was sad to hear of Mayor Docimo's retirement and reiterated her dislike of non-residents being permitted to speak during the public comment portion.

Mr. Jim Mailley, the attorney representing RiverCove Apartments, addressed the committee. He requested that the committee approve an amendment to the original agreement. This is being reviewed by the planning board and no action was taken by the committee.

Mr. Chintall asked for a clarification of the requirements for the registered municipal clerk and Ms. Leso's current place in the process. An explanation was provided by Ms. Leso.

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Mr. Ernest Krause asked for clarification of the item on the agenda "Discussion of RFPs." Mr. Campo explained the process and stated that the discussion is not binding.

Mr. Tom Secora asked questions regarding the Solar panel Project.

Mr. Brandon Umba asked questions pertaining to the deadlines for the Solar panel project proposal.

Mrs. Terry Holovachuck stated that she does not feel that "committeemen-elect" should be permitted in the closed session meeting until they are officially sworn in.

Mr. Ken Rhodes indicated that it made good sense to allow the "committeemen-elect" in the closed session since they will be dealing with this situation in the near future.

Mr. Ray Chintall, committeeman-elect stated that he has a letter from the governor of the State of New Jersey congratulating him on being elected to serve on the committee and therefore would like to be included in the closed session so he does not "blindly go into things."

Mr. Bill Mohnacs reiterated that it is common sense to allow the "committeemen-elect" into the closed sessions.

Mr. John Schmidt requested that state statute number that states who can or cannot go into the closed session meeting. He also stated to Mayor Docimo that she had been voted out and that the people spoke.

Mr. Brandon Umba corrected Mr. Schmidt's statement and stated that Mayor Docimo was not voted out and is choosing to retire at the end of this year.

Mr. Ernest Krause asked questions regarding the Solar panel project and cited example of the life-span as listed in the Wall Street journal.

Ms. Szyborski made a motion to close the meeting to the public and it was seconded by Mr. Garrison. The motion carried unanimously.

#### **BILL LIST**

**WHEREAS**, the Township committee of the Township of West Deptford received and reviewed the "Bill List" as prepared by the Township Treasurer and the Purchasing Officer for the Monthly period ending December 9<sup>th</sup>, 2011.

**NOW, THEREFORE, BE IT RESOLVED** that said "Bill List" as prepared by the Township Treasurer and the Purchasing Officer by approved and said Officials are authorized to render payments to each vendor appearing on the attached "Bill List." Adopted at a meeting of the Township Committee of the Township of West Deptford on December 8<sup>th</sup>, 2011.

Ms. Szyborski abstains from all items pertaining to Wells Fargo Bank and Mr. Kilpatrick abstains from all items pertaining to TD Bank because they are employed by those banks.

Ms. Szyborski made a motion to approve the bill list with additions and it was seconded by Mr. Garrison and approved by the entire committee.

**Engineer:**

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Mr. Garrison made a motion to approve Payment Application #1, A.C. Schultes, Inc., Well No. 4 Repair & Redevelopment, for work completed from October 3, 2011 to October 31, 2011, in the Amount of \$20,197.80. It was seconded by Mr. Kilpatrick and approved by the entire committee.

Mr. Daws made a motion to approve Change Orders No. 1 and 2, A.C. Schultes, Inc. Change Order No. 1 - in the Amount of \$240.00 (increase) and Change Order No. 2 – in the Amount of \$370.00 (increase) for Well No. 4, Repair & Redevelopment. It was seconded by Mr. Kilpatrick and approved by the entire committee.

Ms. Szymborski made a motion to approve Payment Application No. 1, GWP Enterprises, Inc., Reconstruction of Lewis Terrace and Garrett Avenue, for work completed from October 10, 2011 to November 11, 2011, in the Amount of \$94,745.97. It was seconded by Mr. Garrison and approved by the entire committee.

**ENGINEER'S REPORT  
TOWNSHIP OF WEST DEPTFORD  
December 2, 2011**

1. MUNICIPAL SEARCHES

All Municipal Search Improvement requests are up-to-date. **The Engineer did not receive any municipal assessment searches this month.**

2. RIVERWINDS AT WEST DEPTFORD APPROVALS

No Further Action Letter from NJDEP

Recent discussion with the NJDEP Case Manager, Linda Range, confirmed that she received our site remediation status update report and accepted it as verification that remediation has been ongoing. Thereby, she acknowledged that remediation is continuing under Department oversight, under the existing Memorandum of Agreement (MOA).

The original MOA and Remedial Action Plan will need to be revised for any proposed change in use to residential – **No Changes.**

Golf Course NFA

The NJDEP will issue a No Further Action (NFA) determination for the golf course, once documentation is presented to show compliance with the Remedial Action Work Plan. We have met with NJDEP and agreed upon a soil investigation to document the soil cap depth, which needs to be at least 6" on the fairways and rough and 12" on the tees and greens. On July 22, 2010, we initiated the investigation and completed the field work on August 26, 2010.

**We prepared and submitted a proposal (November 22, 2011) for services to advance remediation of the golf course, to test areas with non-compliant cap thickness for arsenic to assess the need to add additional cap material. These services will require six weeks to complete.**

Restaurant NFA

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**T&M examined the soil cap placed on the restaurant site and collected nine (9) soil samples on August 24, 2011. The samples were analyzed for arsenic, ideally to demonstrate that a minimum of six (6) inches of low arsenic soil caps the site where it is not covered by pavement or building.**

**We are in receipt of the laboratory results and they support a request for an NFA determination from NJDEP. T&M is preparing said request and a draft Deed Notice.**

#### Township Property NFA

**T&M performed an investigation and sampling of soil “cap” (i.e., low arsenic soil) on June 15 and 16, 2011. We collected 34 samples at the rate of 2 per acre on an untested area the athletic fields, the recreational field adjacent to the community center, landscaped areas at the community center, areas adjoining the tennis and hockey facilities, the park and amphitheater, and along trails/pathways. Two sample locations yielded unacceptable levels of arsenic. T&M prepared a scope of work and cost estimate for services required to begin delineation of the reported exceedances, in preparation for removal of unacceptable soils.**

**We collected the delineation samples on August 24, 2011 and have received the analytical results. The results indicate need for additional delineation sampling and testing. We have submitted a scope of work amendment to advance the investigation, for Township approval and are scheduling the work.**

#### Club House

We have reviewed the golf clubhouse concept plan from McKernan Architects and have requested additional information for comparison to the previously approved overall Site Plan by the NJDEP. We have prepared a schedule of action items relative to this site. We will continue to provide technical documentation and assistance as requested. – **No Changes.**

#### Wetlands – Letter of Interpretation (LOI)

Portions of the wetland transition area on Lots 7, 7.04 and 7.07 are required to be deed restricted in accordance with the transition area waiver (approved 2001) for the RiverWinds Site. The restrictions have been recorded in the County Clerk’s office and have been provided to the Township – **No Change.**

#### RiverWinds Restaurant NJDEP Notice of Violation

A Notice of Violation (NOV EA ID# PEA 11000-1-0820-01-1002.1) was issued to the restaurant on March 21, 2011 for clearing of trees within the riparian buffer. While the Notice of Violation was issued to the restaurant owners, the clearing was performed on Township property. The riparian buffer is the vegetated area

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adjacent to the Delaware River and cove. Removal of vegetation is regulated by the NJDEP.

A Riparian Area Enhancement Plan was approved by the NJDEP on August 4<sup>th</sup>. We continue to work with the township to get this issue resolved. Quotes were received to perform the plantings. A Purchase Order will be issued by the Restaurant Operators and we will observe the installation of the plants. **We have responded to the recent NJDEP inquiry regarding the remaining plantings. We have requested an extension to perform the plantings until April 30, 2011.**

3. PUBLIC WORKS GARAGE HVAC/EMERGENCY GENERATOR

The revised preliminary project scope of improvements of probable construction costs was submitted to the Township for review and comment, upon receipt of authorization we will begin the project. **No change.**

4. RIVERWINDS COMMUNITY CENTER – EMERGENCY GENERATOR

**The project is currently advertised with a Bid Opening scheduled for December 1, 2011. Three bids were received and are being reviewed. The bids are within the grant amount received.**

5. COMMUNITY CENTER SOLAR PROJECT

**On Thursday, December 1<sup>st</sup>, Ray Angelini Inc., (RAI) made a presentation to Township Committee for the proposed 2.0 mw solar carport project at the RiverWinds Community Center. The project is being implemented through a power purchase agreement (PPA). RAI will be returning on December 15, 2011 to provide a follow-up presentation to committee and public providing additional details on the project. In particular the carport details will be presented to provide a prospective of appearance of the structures. In implemented the projected savings will result in over \$100,000.00 per year over the next 15 years. This project would be implemented at no cost to the Township.**

6. ROAD PROGRAM – COLUMBIA AVENUE

**We have contacted NJDOT to follow-up on the \$36,000.00 reimbursement status. We will continue to follow-up until the reimbursement is received. To the best of our knowledge, we have submitted all the required forms.**

7. NJDOT TRANSPORTATION ENHANCEMENT PROGRAM

Bicycle Route Grant

**The preliminary plans are complete and have been submitted to the County for review. This project is being completed with a \$90,000.00 grant. Upon receipt of County comments, we will finalize the documents and submit them to**

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NJDOT for review and approval – **No Change.**

8. 2009 NJDOT TATUM STREET PROJECT

**We have contacted NJDOT to follow-up on the \$200,000.00 reimbursement status. We will continue to follow-up until the reimbursement is received.**

9. CENTER STREET (2005 STATE AID PROGRAM)

**State Voucher for final reimbursement in the amount of \$56,000.00 was submitted to NJDOT on September 16, 2011. We received a letter (10/03/2011) requesting additional information for the Phase 2 contract (2010) and the Phase 1 contract from 2005. We have submitted some information as requested and we are waiting for clarification for some of the items.**

10. COMMUNITY DEVELOPMENT BLOCK GRANT – VIRGINIA AVENUE

**Gloucester County has asked for re-submittal of information previously submitted. The requested information has been submitted.**

12. FY2011 COMMUNITY DEVELOPMENT BLOCK GRANT

**The project is for the preparation of Plans & Specifications for Curb Access Ramps, curbing and sidewalk repairs on Tatum Street between Dubois Avenue and Redbank Avenue. A Pre-Construction meeting was held on Thursday December 1<sup>st</sup> 2011.**

13. ENERGY CONSERVATION GRANT

**Tri-State has completed the majority of the lighting improvements at the Municipal Building with the exception of one more days work, which is scheduled on November 30, 2011. The Community Center lighting improvements commenced on November 25, 2011, and are scheduled to be completed by December 9, 2011. Tri-State will generally close out documents for Township review and sign off after all work has been completed.**

**Sterling Heating and Air Conditioning has completed the HVAC improvements at the Municipal Building. The Community Center HVAC equipment was ordered and delivery of equipment is expected during the first week of January. Installation of this equipment is scheduled to be completed by mid January.**

14. NJDOT LOCAL AID (FY 2010)

**Reconstruction of Lewis Terrace & Garrett Avenue. All concrete sidewalks, curbs and ADA ramps were completed. Stormwater inlets were repaired and the new curb castings were installed. Additional work was performed to connect roof drains and sump line connections found under the**

**sidewalks. The roadway was milled and hot mix asphalt surface course was placed. The project is substantially complete as of November 15, 2011.**

15. NJDOT LOCAL AID (FY 2011)

**Reconstruction of Pennsylvania, New Jersey and Laurel Avenues. The contractor performed all work for the new concrete sidewalks, curbs and ADA ramps on Laurel Ave., New Jersey and Pennsylvania Avenues. The existing pavement was milled and hot mix asphalt base paving was installed on Laurel, PA. & N.J. Avenues. Hot mix asphalt surface course was installed on Laurel, PA. & N.J. on Wednesday, November 30, 2011.**

16. Patsy Court, Nottingham Estates

The basin was completed; stone layer, drainage piping, sand layer and the planting bed layer were placed. The storm inlet and curb block repairs were completed. The hot mix asphalt for surface course was completed. The contractor completed the basin hydroseeding and other turf repairs. A deficiency noted in the asphalt surface near the County road entrance area was corrected and T&M is monitoring the results. **The new basin is being monitored for performance and it is operating as intended.**

17. Former US Wetlands Property

During the NJDEP permitting stages of the wetland mitigation project, US Wetlands was required and has placed a deed restriction on the property due to soil contamination. This restriction will need to be amended to authorize the use of the property for the proposed solar energy project. We have contacted the NJDEP, Site Remediation (Robert Hock), Land Use Regulation (JoDale Legg) and Office of Permit Coordination (Scott Brubaker) to discuss the opportunity to use the property for the proposed project and determine the steps necessary to replace the existing restriction, if necessary, on the property. We have received the information obtained from our file review at the NJDEP to gather information related to the contamination issues are currently reviewing the date, and will use this information to create a new deed restriction.

We have visited portions of the site to determine the extent of wetlands and began to access the amount of developable upland.

We have contacted the Office of Permit Coordination and await confirmation of a meeting date. The purpose of the meeting will be to discuss the amendment of the deed restriction, applicable NJDEP approvals required for the proposed project, and whether additional actions are necessary on the part of the Township to maintain compliance without standing conditions.

Based on our conversation with Linda Range (Site Remediation), a No Further Action letter has not been issued for the property. The NJDEP provided notification to the Township in June 2011, that they must contract with a Licensed Site Remediation Professional (LSRP) to obtain a Response Action Outcome (RAO) to resolve the contamination issues.

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We anticipate that future activities to develop the site will require a freshwater wetland delineation of the entire site, submission of a Letter of Interpretation application and other Land Use Regulation approvals, and a review by a LSRP to obtain a RAO. Approval of revised Deed Restriction for the property to allow for the solar project development must be approved by the NJDEP. **We are preparing a brief action plan for the Township to advise of items which must be addressed prior to site use/development.**

18. Asbury Avenue/Sunoco Property Drainage Issue

We visited the former drainage ditch in the area of the Red Bank School/Asbury Avenue/Sunoco Property (West Gate) with Fred Hesser representative of Sunoco. We discussed the presence of freshwater wetlands delineated by Vandemark & Lynch, Inc. and limitation for restoring the natural drainage conditions without the appropriate NJDEP approval. We are awaiting information from Mr. Hesser regarding the status of the wetland mapping and topography. **No response from Sunoco.**

Based on the field information, we will discuss the necessary NJDEP Division of Land Use Regulation permits to restore the natural drainage of the area – **No Change.**

Mayor Docimo opened up the meeting to the public for comment on the following ordinance. No one addressed the meeting. Ms. Szyborski made a motion to close the meeting to the public. It was seconded by Mr. Garrison and approved by the entire committee. Mr. Daws motioned to approve the second reading of the following ordinance. His motion was seconded by Mr. Kilpatrick. The vote on the ordinance was as follows:

Mr. Kilpatrick	Yes
Ms. Symborski	Yes
Mr. Garrison	Yes
Deputy Mayor Daws	Yes
Mayor Docimo	Yes

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST DEPTFORD AMENDING ARTICLE II OF THE CODE OF THE TOWNSHIP OF WEST DEPTFORD TO INCLUDE CHAPTER 122 – “DEALERS IN PRECIOUS METAL, GEN AND GEMSTONES, AND DEALERS IN SECONDHAND GOODS”  
(SECOND READING)**

Mr. Daws motioned to Authorize Cancellation of Outstanding Checks for the Township of West Deptford. His motion was seconded by Mr. Kilpatrick and approved by the entire committee.

**RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS FOR THE TOWNSHIP OF WEST DEPTFORD**

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Mr. Daws motioned to Authorize Cancellation of Outstanding Checks for the Township of West Deptford. His motion was seconded by Mr. Kilpatrick and approved by the entire committee.

**RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS FOR THE TOWNSHIP OF WEST DEPTFORD**

Mr. Campo, Township Administrator, provided an explanation of the RFPs (Request for proposals) and the process. He indicated that some of the positions were appointed by certain boards and others were appointed by the Township Committee. He explained that copies of the RFP paperwork were given to current committee members and committeemen-elects for review and scoring. A group discussion could be held to answer questions or concerns. He requested that all members return their score sheets by December 29<sup>th</sup>, which is the 2011 closeout meeting.

Mr. Daws made a motion to authorize a Closed Session of the West Deptford Township Committee for Discussion of Litigation, Sunoco Inc. v. Township of West Deptford. His motion was seconded by Mr. Garrison and approved by the entire committee.

**RESOLUTION OF THE TOWNSHIP OF WEST DEPTFORD AUTHORIZING A CLOSED SESSION OF THE WEST DEPTFORD TOWNSHIP COMMITTEE FOR DISCUSSION OF LITIGATION, SUNOCO INC. V. TOWNSHIP OF WEST DEPTFORD**

Mr. Kilpatrick made a motion to Appoint Fire Official to fill unexpired term. His motion was seconded by Mr. Daws and approved by the entire committee.

**RESOLUTION OF THE TOWNSHIP OF WEST DEPTFORD APPOINTING FIRE OFFICIAL TO FILL UNEXPIRED TERM**

Mr. Kilpatrick made a motion to Appoint Fire Inspector to fill unexpired term. Her motion was seconded by Mr. Daws and approved by the entire committee.

**RESOLUTION OF THE TOWNSHIP OF WEST DEPTFORD APPOINTING FIRE INSPECTOR TO FILL UNEXPIRED TERM**

Mr. Daws made a motion to Appoint Michael McManamy to the Zoning Board of Adjustment. His motion was seconded by Mr. Garrison and approved by the entire committee.

**RESOLUTION OF THE TOWNSHIP OF WEST DEPTFORD APPOINTING MICHAEL MCMANAMY TO THE ZONING BOARD OF ADJUSTMENT**

Before the committee went into closed session, Mr. Daws, Chief Mangano, Mr. Kilpatrick, Ms. Szyborski and Mr. Campo all thanked Mayor Docimo for her years of service and all agreed that she would be missed.

**Closed Session:**

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The specific information and outcome of the closed session will be made public at a time when it is fully resolved.

No formal action was taken. The committee returned to open session.

Mayor Docimo then called for a motion to adjourn. Mr. Daws made a motion; a second was given by Mr. Kilpatrick and approved by the entire committee.

Respectfully Submitted,

Amy Leso  
Acting Township Clerk