

# New Jersey Government Records Council Denial of Access Complaint

**Please read these instructions before completing this form:**

- This form is to be used only for claims of denial of access to public records that you want the Government Records Council (GRC) to decide. Your request must have been made on or after July 8, 2002 under "OPRA," the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.).
- If you believe you have wrongfully been denied access to a public record under OPRA, you may ask the GRC staff for informal assistance in resolving the matter by calling 866-850-0511, by e-mail at [grc@dca.state.nj.us](mailto:grc@dca.state.nj.us), or by writing to the GRC at P.O. Box 819, Trenton, NJ 08625. If a resolution cannot be reached or if you do not wish to consult the GRC staff, you may EITHER file this Complaint with the GRC or seek relief from the Law Division of Superior Court, but not both.
- Please print or type your responses, and provide ALL information requested. Incomplete forms will delay processing. This form is available in downloadable format from the GRC web site at [www.nj.gov/grc](http://www.nj.gov/grc).
- Only one complaint is required for each OPRA request form, regardless of the number of documents sought in the request.
- *The GRC recommends that you send the Custodian listed in Section 2 a copy of this complaint and that you keep a copy for your own files.*

**1. About the Requester of the Documents:**

Full Name: John Paff

Mailing Address: P.O. Box 5424

City: Somerset State: NJ ZIP 08875-5424

Please provide a phone number at which GRC staff can contact you between 8 A.M.-5 P.M., Monday-Friday: 732-873-1251

Fax Number: 908-325-0129 E-Mail address (if used): paff@pobox.com

If you are represented by an attorney, please provide:

Name: n/a Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Should we contact your attorney for further information on this Complaint? Yes  No

**2. About the Custodian of Records:**

Name of the public agency from which records were sought: Haddon Township

Name of custodian on whom records request was served: Denise P. Adams a/k/a Denise White, Clerk

Telephone Number: 856-854-1176 E-Mail address (if used): dwhite@haddontwp.com

Name of custodian who denied records request: Same

Telephone Number: Same Other Telephone (if used): \_\_\_\_\_

Fax Number: 856-858-8335 E-Mail address (if used): <dwhite@haddontwp.com>

**3. About the Record Request:**

Date your records request was provided to the custodian: July 22, 2006

Did you receive a reply to your request? Yes  No

If so, state the date your request was denied: August 3, 2006

Has there been any other complaint filed with the GRC concerning this record request or any document sought in it?  
Yes  No

If yes, state the date the Complaint was submitted to the GRC, the case number of the Complaint, and the final disposition of the Complaint, if known.

Date: \_\_\_\_\_ Case Number: \_\_\_\_\_

Disposition: \_\_\_\_\_

Have you ever before spoken with or written to the GRC or its staff about the record request or any document sought in it?

Yes  Date: \_\_\_\_\_ No

Have you filed any action with the N.J. Superior Court concerning this record request or any document sought in it?

No  Yes  If Yes, Docket Number: \_\_\_\_\_

**4. Documents to submit with this Form:**

- o **Complete** the attached **Records Denied List** to describe the records to which you were denied access.
- o **Attach** a copy of the Records Request Form you filed with the public agency and any correspondence between you and the record custodian(s) or staff that concern the portion of your OPRA request that was denied. Be sure to include any e-mail, memoranda, phone messages, or any other documents such as affidavits, or certifications related to the request and the denial.
- o **Summarize** in writing the content, time and date of any conversations regarding this complaint, along with the names of the participants and any witnesses. Use the attached **Detail Summary** for this purpose.
- o **Provide** any written arguments or other information you would like the Council to consider in deciding your complaint.

**5. Verification of Complaint:**

By signing this complaint, I affirm that:

- o I am the person who submitted the OPRA request for records which is the subject of this Complaint;
- o The information I have provided is true to the best of my knowledge and belief;
- o The documents submitted with this Complaint are true copies of material which I believe is relevant to my claim; and
- o I am not seeking disclosure of any personal information pertaining to the victim of any crime committed by me which is an indictable offense under the laws of the State of New Jersey or any other State, or pertaining to the family of that victim.



\_\_\_\_\_  
Signature (required)

**September 2, 2006**

\_\_\_\_\_  
Date

**MAIL THIS COMPLAINT AND ALL SUPPORTING DOCUMENTATION TO:**

Government Records Council, PO Box 819, Trenton, New Jersey 08625

*The GRC recommends that Requester send the Custodian listed in Section 2 a copy of this complaint*

***New Jersey Government Records Council  
Denial of Access Complaint – Supplement  
In RE Paff v. Haddon Township***

Statement of Facts and Introduction of Exhibits:

1. On July 22, 2006 I mailed a government record request to Custodian. A copy of my request (2 pages) is attached as Exhibit A.
2. On August 3, 2006, I received an email from Custodian (one page, attached as Exhibit B) informing me that my request consisted of 24 pages and that I should remit \$12.50.
3. On or about August 4, 2006 I sent Custodian my \$12.50 check.
4. Shortly thereafter, I received 24 pages from Custodian, all of which are attached as Exhibits C1 through C24.

Legal Argument:

***Count 1: I was charged for records that I did not request.***

Exhibit A shows that I asked for two, and only two, classes of records: a) minutes from the Commissioners' March 15, 2005 and March 22, 2005 **closed/executive** meetings; and b) the resolutions that authorized those two closed/executive meetings.

While the requested records, which consist of four pages (Exhibit C1 through C4), were provided to me, Custodian also provided me with twenty pages of **public** meeting minutes that I did **not** request (Exhibits C5 through C24). Indeed, these public meeting minutes are on the Internet at <http://www.haddontwp.com/township.php?page=minutes> where they can be downloaded for free. In fact, I requested the two specific resolutions (Nos. 2005-033A and 2005-52) precisely because I had read about those resolutions in the minutes that I had read on-line.

At the maximum rates established by N.J.S.A. 47:1A-5(b), I should have only been charged for four pages at seventy-five cents a page, which totals \$3.00. Since I paid \$12.50, I am due a refund of \$9.50.

***Count 2: The reason given for the redaction to the March 22, 2005 minutes is insufficient.***

Exhibit C3 are redacted minutes from the Closed Executive Session of March 22, 2005. The last paragraph of the minutes, however, is completely suppressed and only "Atty Client Privelege [sic]" is given as a reason for the suppression.

N.J.S.A. 47:1A-6 burdens Custodian with proving that every denial is lawful, and N.J.S.A. 47:1A-5(g) requires Custodian to "indicate the specific basis" for any denial of access. Beyond stating the "specific basis" for its redactions, Custodian is also required to "produce specific reliable evidence sufficient to meet a statutorily recognized basis for

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confidentiality.” Courier News v. Hunterdon County Prosecutor’s Office, 358 N.J. Super. 373, 382-83 (App. Div. 2003).

Here, Custodian states only that the requested minutes are subject to the attorney client privilege. This bald, conclusory assertion makes it impossible for any member of the public to determine whether the denial is justified. Since Custodian has failed to sufficiently justify her denial, I am entitled to receive unredacted versions of the requested closed session minutes.

I am also cognizant that the GRC sometimes conducts in camera reviews in matters such as this one. I would object to such a review because it is the Custodian’s burden to prove that its redactions are lawful, not to just give the unredacted minutes to the Council to let it decide which portions should be released. Such a procedure would improperly relieve Custodian of her burden of proof and would deprive me of my right to an “summary or expedited” disposition of this matter, provided for by N.J.S.A. 47:1A-6, and deprive me of having records “readily accessible” as provided for by N.J.S.A. 47:1A-1.

Requested Relief:

1. An Order declaring that Custodian violated OPRA.
2. An Order compelling Custodian disclose to me its unredacted minutes from Commissioners’ executive session meeting of March 22, 2005.
3. An Order compelling Custodian to reimburse me \$9.50.

Certification of Service:

On September 2, 2006, I served a copy of this complaint, with all attachments, upon Custodian by email to [dwhite@haddontwp.com](mailto:dwhite@haddontwp.com).

Dated: September 2, 2006



John Paff

# TOWNSHIP OF HADDON

MUNICIPAL BUILDING  
135 HADDON AVENUE  
WESTMONT, NEW JERSEY 08108

## REQUEST FOR ACCESS TO GOVERNMENT RECORDS

FOR MUNICIPAL USE ONLY

Date Received: \_\_\_\_\_ Date of Response: \_\_\_\_\_

SEE INSTRUCTIONS ON THE OTHER SIDE

Name: John Paff

Address: PO Box 5424

Somerset, NJ 08875

Telephone (Day): 732-873-1251 Listed XXX Unlisted \_\_\_\_\_

### Information Requested:

**Copy of Minutes** [specify board or entity, date, topic or other identifying information]  
Minutes from Commissioners' closed/executive meetings held on 3/15/05 and 3/22/05 redacted as narrowly as possible.

**Copy of Ordinance or Resolution** [specify date, number, or other identifying information]  
Resolutions 2005-033A and 2005-52 or any other resolutions that authorized, in accordance with (cont. below)

**Police Accident Report** Fee: \_\_\_\_\_  
Identify Accident: \_\_\_\_\_

**Other** [specify] \_\_\_\_\_  
(cont. from above) N.J.S.A. 10:4-13, the holding of the closed/executive meetings held on 3/15/05 and 3/22/05.

**License Information** [Specify] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Information on a Specific Property** Address \_\_\_\_\_

Block \_\_\_\_\_ Lot \_\_\_\_\_

**Municipal Lien Search** Fee: \$ 10.00  
Municipal Lien Searches are provided by the designated search officer and will be provided within 15 days after the request is received and the fee paid, as provided in *N.J.S.A. 54:5-11*, et seq.

**List of Property Owners within 200'** Fee: \_\_\_\_\_  
As provided in *N.J.S.A. 40:55D-12*, the fee is the greater of \$.25 per name or \$10.00

A request for access to or for a copy of Government Records should be submitted on this form which has been adopted by the Municipal Clerk as the Custodian of Records. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven (7) business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven (7) business days, you will be provided with a response with that information within the seven (7) business days. Some records requested have specific fees or other response times established by statute. There is no fee involved in simply inspecting a document during normal business hours. This request may be filed electronically. In general:

- Immediate access is ordinarily available for to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information. Minutes of public meetings will be generally available immediately after the minutes have been approved.
- Records which are not readily available or which will require a search of records will be made available as soon as possible and the applicant will be provided with an interim report within seven [7] business days indicating the time which will be required to provide the records.
- Except as otherwise provided by law or regulation, the fee assessed for the duplication of a printed record shall be: first page to tenth page, \$0.75 per page; eleventh page to twentieth page, \$0.50 per page; all pages over twenty, \$0.25 per page; for a police accident report there is an additional fee when the request is not made in person of \$5.00 for the first 3 pages and \$1.00 for each additional page, as provided by *N.J.S.A.* 39:4-131.
- Where a request is for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
- Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.

The term "public records" generally includes those records determined to be public in accordance with *N.J.S.A.* 47:1A-1. The term does not include employee personnel files, police investigation records, public assistance files or other matters in which there is a right of privacy or confidentiality or inter-agency or intra-agency advisory, consultative, or deliberative material or other material which is specifically exempted by law.

**The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available and the estimated cost. The applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of this State, any other state or the United States and is not seeking government records containing personal information pertaining the victim or the victim's family as provided by *N.J.S.A.* 47:1A-1 et seq..**

**This form, when signed by the municipal official shall constitute a receipt for any deposit received.**

**The information requested will be ready on** \_\_\_\_\_

**Estimated Number of Pages** \_\_\_\_\_

**Estimated Cost** \_\_\_\_\_

**Deposit** \_\_\_\_\_

[required where the anticipated cost of reproduction exceeds \$5.00]

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Municipal Official

Date: \_\_\_\_\_

Date: \_\_\_\_\_

In

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From: "Denise P. White" <dwhite@haddontwp.com>  
To: <CJSC@pobox.com>  
Subject: OPRA Request

Mr. Paff -- I am in receipt of your OPRA Request form. The documents you requested number 24 pages in length. Kindly remit \$12.50, payable to the Township of Haddon, and forward to my attention at: 135 Haddon Avenue, Westmont, NJ 08108, and I will be happy to forward the copies to you. Denise P. Adams, Municipal Clerk

**RESOLUTION # 2005-033A**  
**TOWNSHIP OF HADDON**  
**COUNTY OF CAMDEN**

**SUBJECT: CLOSED EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b, permits a public body to exclude the public from any meeting to discuss matters involving employment and/or litigation; and

WHEREAS, the Board of Commissioners of the Township of Haddon, County of Camden and State of New Jersey, desire to close the caucus meeting of March 15, 2005 to executive session in order to discuss the above-referenced matters:

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Haddon, that the following portion of the Commissioner's Meeting will be conducted in closed session.

BE IT FURTHER RESOLVED, that the public disclosure of this closed executive session will be made available in the near future.

Excused  
William J. Park, Jr.  
Kathleen V. Hogan  
Kathleen V. Hogan  
James T. Broderick, Sr.  
James T. Broderick, Sr.

I, hereby certify the foregoing to be a true copy of a Resolution adopted by the Board of Commissioners of the Township of Haddon at a meeting held on the 15<sup>th</sup> day of March 2005.

Denise P. Adams  
Denise P. Adams, Township Clerk

RESOLUTION # 2005-052  
TOWNSHIP OF HADDON  
COUNTY OF CAMDEN


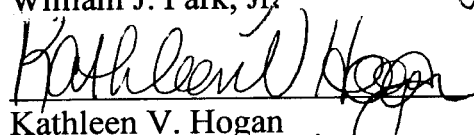
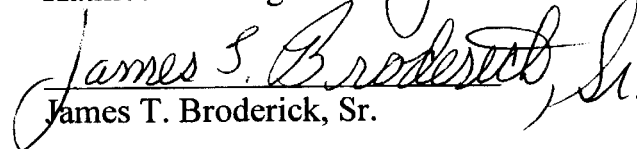
SUBJECT: CLOSED EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b, permits a public body to exclude the public from any meeting to discuss matters involving employment and/or litigation; and

WHEREAS, the Board of Commissioners of the Township of Haddon, County of Camden and State of New Jersey, desire to close the Commissioners meeting of March 22, 2005 to executive session in order to discuss the above-referenced matters:


NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Haddon, that the following portion of the Commissioner's Meeting will be conducted in closed session.

BE IT FURTHER RESOLVED, that the public disclosure of this closed executive session will be made available in the near future.

  
William J. Park, Jr.  
  
Kathleen V. Hogan  
  
James T. Broderick, Sr.

I, hereby certify the foregoing to be a true copy of a Resolution adopted by the Board of Commissioners of the Township of Haddon at a meeting held on the 22<sup>nd</sup> day of

March 2005.

  
Denise P. Adams, Township Clerk

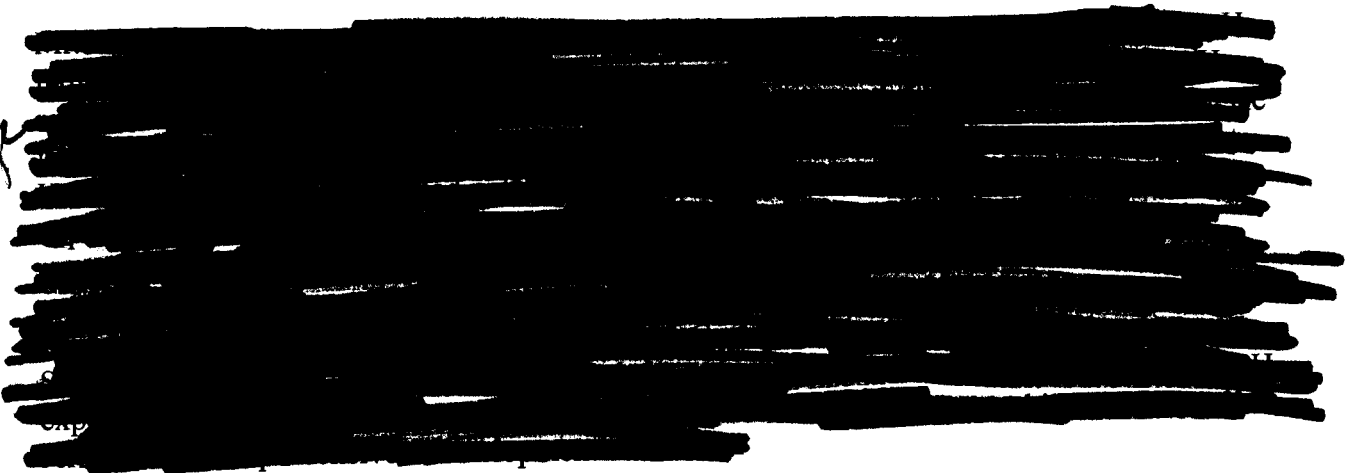
**Closed Executive Session – March 22, 2005**

Commissioner Hogan questioned the salary provided in the 2005 Municipal Budget for the Administrative Assistant. The Clerk reported that the salary had been redistributed between Administration and the Water/Sewer budgets and noted that it reflected the negotiated salary provided in the contract.

The Clerk reported that the Police Union Representatives had requested an increase in the hospital insurance waiver reimbursement from the current amount of \$2,000.00. She indicated that the statutes permitted a reimbursement up to 50% and noted that if a number of employees opted for the waiver, a savings in health insurance fees could be realized by the Township. Mr. Higgins observed that one of his other communities's offered a 30% reimbursement paid on a quarterly basis. The Commissioners acknowledged that a savings could be realized and authorized the Clerk to authorize a 30% reimbursement.

The Commissioners discussed overtime payment to the senior bus driver, for Saturday and Sunday trips. It was noted that use for purposes other than for senior or disabled residents could not be paid with community Development Block Grant funding. It was further noted that there was no provision for other forms of overtime use. Betty Band expressed her concern with the number of requests she was receiving for use of the Town Car for non-senior or handicapped use. She further explained that the trip Commissioner Hogan had planned for May 8<sup>th</sup> fell on Mother's Day, and she was not sure if a driver would be available. It was noted that the driver was recovering from surgery and the back-up driver had religious obligations on Sundays. Commissioner Hogan reported that she had discussed the matter with Mr. Higgins, and they would be looking at alternatives. Mayor Park recommended that they limit use of the bus for other types of community activities.

Att  
Client  
Privilege



**Closed Executive Session – March 15, 2005**

The Clerk reviewed the Police Contract terms with the Commissioners, noting that a change had been recommended after the last caucus. The Commissioners approved the negotiated terms of the five year contract. The Clerk reported that the police officers had requested a special meeting to adopt the salary ordinance in order to accommodate the pay period schedule for retro pays. It was noted that the 2004 retro would be included in the April 29<sup>th</sup> pay, with the 2005 retro in the 1<sup>st</sup> pay of May. The Clerk explained that the April 19<sup>th</sup> caucus meeting fell on School Board Election day and suggested that a special meeting be conducted before the caucus meeting to address the second reading on the salary ordinance. She further requested that the meeting be moved to an earlier time in order to be available to receive the election results at 9:00 PM. It was determined that a special meeting would be scheduled for 6:00 PM on Tuesday, April 19, 2005 with the Caucus Meeting immediately following.

**MINUTES OF A CAUCUS MEETING OF THE BOARD OF  
COMMISSIONERS OF THE TOWNSHIP OF HADDON, IN THE  
COUNTY OF CAMDEN, NEW JERSEY, HELD ON MARCH 15, 2005,  
IN THE MUNICIPAL BUILDING AT 7:00 PM.**

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A caucus meeting of the Board of Commissioners of the Township of Haddon was convened in the Municipal Building, 135 Haddon Avenue, Westmont, NJ on Tuesday, March 15, 2005. at 7:04 PM.

Commissioner Hogan requested all stand for the flag salute.

Commissioner Hogan announced that Chapter 231, Public Law 1975 requires adequate notice of this meeting be provided specifying time, place and agenda. This was done by placing Public Notice in the Retrospect Newspaper and by posting on two bulletin boards in the Municipal Building.

ROLL CALL:	Mayor Park	Excused
	Commissioner Hogan	Present
	Commissioner Broderick	Present

Timothy Higgins, Anthony LaRosa, Chief Gallagher, Betty Band, Mary Ann Carassai and Denise P. Adams were also present.

Commissioner Broderick moved to approve the minutes of the Caucus Meeting held February 15, 2005, said motion seconded by Commissioner Hogan, both members voting in the affirmative.

**Ordinances** *(for consideration on March 22, 2005)*

#1120 – 2005 Index Rate Ordinance	(2nd Reading)
#1122 – Unexpended Proceeds of Water/Sewer Capital Improvements	(2nd Reading)
#1123 – Approving Purchase of Property from Janet L. Holleran	(2 <sup>nd</sup> Reading)
#1124 – Approving Purchase of Property from the Carpenters	(2 <sup>nd</sup> Reading)
Commissioner Hogan queried if Margaret Westfield’s review of the property would be affected by adoption of the ordinance. Mr. Higgins reported that the Ordinance authorized the acquisition of the property and would not have an impact on Ms. Westfield’s review.	
#1125 – Approve Sale of Land to the Board of Education	(1 <sup>st</sup> Reading)

#1121 – Establish Fees under O.P.R.A. – Tabled – Commissioner Hogan queried if Mr. Higgins had an opportunity to review her comments regarding the ordinance. Mr. Higgins reported that he had responded to Commissioner Hogan’s suggestions. This matter would be further considered at the April caucus.

**Resolutions** *(for consideration on March 22, 2005)*

#2005-034 -- Payment of Claims (Bill Resolution)  
#2005-035 -- Correct Posting of Taxes, Water and Sewer  
#2005-036 – Appropriation Transfers

#2005-037 – 2006 NJDOT State Aid Application – Johnson Avenue (Phase II)

#2005-038 – Adopt the Three Year CDBG Cooperation Agreement -- Commissioner Hogan reported that she and Commissioner Broderick had volunteered to serve on the CDBG Social Service Committee and had recently received a very large file of information for review.

#2005-039 – 2005 Crystal Lake Pool Fees

#2005-040 – Appointment of Municipal Judge

#2005-041 – Appointment of Substitute Crossing Guards

#2005-042 – Calling for Full and Fair Funding in the TEA-21 Reauthorization

Raffle License #RA:3-2005 and #4-2005 for the Terri Ann for a Cure, Inc.

Raffle License #RA:5-2005 and #6-2005 for the Stoy School PTA

Anthony LaRosa reviewed the Engineer's report dated March 15, 2005 which has been included as part of these minutes.

Engineering Proposal – Recchino Field Construction Management was reviewed and approved for signature by the Mayor.

Engineering Proposal – 2004 NJDOT – Mt. Vernon Phase II Construction Management was reviewed and approved for signature by the Mayor.

Engineering Proposal – 2005 NJDOT – Johnson Avenue Reconstruction – would be held until the 2005 Capital Ordinance was in place.

### **OLD BUSINESS**

Commissioner Hogan requested that **Ms. Westfield's professional service appointment** be placed on the agenda for approval.

Commissioner Broderick reported that Mr. Forbes had advised him that the NJDOT had requested additional clarification on the lighting for **the White Horse Pike Livable Communities Grant project**. He indicated that they were still working on getting signatures on the release forms from the affected property owners.

The Commissioners reviewed a memo from Mark Schuster regarding the Township's request to the Planning Board to designate properties for redevelopment. It was noted that the Planning Board had performed the review and made formal recommendation **for redevelopment in Areas C, D and E last year**. Mr. Schuster had suggested that the Governing Body utilize the original Ordinance that had been tabled and amend to include those properties being requested for inclusion. The Clerk reported that she would forward Mr. Higgins a copy of the first ordinance for his review and amendment, to include the White Horse Pike properties at 635 and 637 White Horse Pike and the section in the W. Collingswood Extension, requested by the BID.

Commissioner Hogan queried if the Planning Board had provided an explanation with regard to the Township's request to **have properties removed from Redevelopment Areas A and B**, and attempted to recall the Governing Body's position. The Clerk indicated that the redeveloper had expressed no interest in the properties and a request to remove them from the redevelopment agreement was accomplished. The Commissioners then requested that they be removed from the Redevelopment Plan. It was suggested that Mark Schuster be requested to provide an explanation as to why they were not removed.

Tim Higgins reported that the Engineer's were working on the bid specifications regarding the **proposal to acquire the Telecommunication Tower Leases**. It was noted that Schoor DePalma had individuals with expertise in the telecommunications tower field.

The Commissioners recommended that Mr. Giumarello make an informal application before the Planning Board regarding his interest in the **vacant site owned by NJDOT**. It was further recommended that the Township take the responsibility to notify the property owners of the informal application. The Clerk indicated that she would advise Eleanor Connell of the Commissioner's recommendation.

Commissioner Hogan expressed her concerns with the **draft Procedures for Closure of Municipal Offices/Building** and discussed same with Chief Gallagher. Chief Gallagher explained his position and indicated that he would review Commissioner Hogan's comments and amend his draft.

Chief Gallagher reported that the Board of Education conducted a number of meetings with students and noted that contact had been made with residents regarding the **Memorial Avenue parking situation**. He indicated that the school board was still working on a policy and suggested that the Township adopt an ordinance to coordinate with the school board's final policy when approved.

Commissioner Broderick reported that he had an opportunity to briefly review the information he had received at the League of Municipalities convention concerning **Decorum at Public Meetings** and provided a number of suggestions for the Township to consider. He recommended that they continue to review the documents to develop a policy.

Commissioner Hogan requested that they hold discussion on the issues regarding the **privacy fence at 501 Rhoads Avenue** and **building murals** until her list of items was reviewed.

The Clerk reported that the **Year XXVII CDBG Project Selection** was required to be made by March 21, 2005. She explained that the 2005/2006 allocation had been reduced by \$10,000 to \$58,000 and noted that the Senior/Disabled Recreation and Transportation programs were supported with this funding. She advised that she had contacted the CDBG representative and received an extension to file the Township's selection. The Commissioners instructed the Clerk to place the resolution on the meeting agenda for approval.

Commissioner Broderick reported that the proposed **Interlocal Services Agreement with the Borough of Barrington for Shade Tree Maintenance**, was currently under review by the Barrington Department of Public Works.

The **Haddon Avenue Streetscape Project** was discussed. It was noted that the Community Activities Committee had reviewed the lighting issue and supported the selection of the light made by the committee. Commissioner Hogan queried when the group met and who had attended the meeting. Commissioner Broderick indicated that he was present at the meeting as the Governing Body's liaison and Christine Hopkins presented the lighting selections, as was recommended at the last caucus. He indicated that it was his position that the lighting choice should not be changed in response to the small percentage of individuals expressing their dislike. He supported the recommendation of those individuals who worked on the project.

Commissioner Hogan indicated that they should take into consideration the concerns voiced by the residents at the public hearing. She discussed the other outstanding issues with regard to the parking meters, bump outs and memorial bricks. The Chief explained that the review and selection process for the parking meters. Commissioner Hogan requested that he document the process undertaken to make a selection. It was noted that the parking meters acquisition could be made from the Streetscape Ordinance. Anthony reported that the bump out plans would be forwarded to the emergency response parties for their review and comment, and noted that a written confirmation had been requested. Anthony indicated that the brick banding located at curbside would be set into place with concrete and noted that they could not be removed to insert the personalized bricks, and suggested that they be included in the sidewalk design at a specific location. The Clerk recalled a suggestion to place the bricks at a future focal point on the avenue, i.e. a fountain or clock.

The Commissioners discussed the **Stormwater Management issues** and Anthony reported that the costs estimates had been provided on their spreadsheet. He indicated that they were reviewing the old studies prepared by Remington & Vernick regarding the Walnut Avenue flooding issues. He indicated that the I & I study ordered by the DEP in the Administrative Consent Order would be addressed in phases, which would permit the Township to perform the televising of lines. He reported that the Stormwater Management Plan that his office was currently working on, was being finalized.

### **NEW BUSINESS**

Commissioner Broderick queried if there was a deadline for the **memorialized bricks**. Commissioner Hogan reported that she was given until month's end to solicit donations for bricks.

Commissioner Broderick reported that Fred Litwak has requested that the Township consider the **vacation of a portion of Walnut Avenue** in the West Collingswood Extension, noting that the property owners currently maintained the paper street located behind their homes. Anthony will review the maps and Mr. Litwak's recent survey to make a recommendation.

The Clerk reported that the Township had recently been awarded a **FY 05 Statewide Local Domestic Preparedness Equipment Grant in the amount of \$106,000.00** that the Police Department had applied for.

The Commissioners reviewed a letter from the Township of South Brunswick requesting support of resolutions **Objecting to the Federal Government Cuts to Community Development Block Grant Funds and Urging the State of New Jersey to Specifically Prohibit the Practice Known as "Engine Braking"**. The Clerk was instructed to include resolutions on the meeting agenda for consideration.

The Clerk proposed **amendments to a number of Ordinances to increase fees**, specifically the Alcoholic Beverage Ordinance, the Swimming Pool Ordinance and the Water and Sewer Ordinances. The Commissioners concurred with the proposed changes and instructed the Clerk to place on the Meeting Agenda for introduction.

The Commissioners reviewed a **proposed Ordinance to Amend the Redevelopment Plan for the Haddon Avenue Corridor (Areas A and B) for Planned Transit Oriented Development Overlay District**. It was uncertain what action was required and if the Planning Board had reviewed the recommendation. Mr. Higgins indicated that he would contact Mr. Schuster for additional information.

The Clerk presented a letter from Mr. Thomas Miller, with Environmental Resolutions, Inc. requesting that the **professional services agreement with his firm be amended for additional work performed on the Recchino Field project**, in the amount of \$824.00. The Clerk was instructed to put a resolution on the agenda for approval.

The Clerk reviewed the **quotes solicited for painting the interior of the Municipal Building** and it was recommended that the work be awarded to the contractor having quoted \$12,200.00.

Commissioner Hogan reviewed her list of items which have attached to the meeting agenda. She reported that she had produced a large packet of information for the public to review.

- Administrative Matter: Attendance at national 3-day conference on Smart Growth on May 23-25. Request change in May meeting schedule. It was determined that the May Commissioners meeting would be moved from May 24<sup>th</sup> to May 31<sup>st</sup>.
- Eminent Domain/Condemnation (residential and business) – propose the Township adopt policy to refrain from forcibly taking for redevelopment purposes, property by condemnation. Further discussion by the full Governing Body would be held for next caucus.
- Haddon Avenue Streetscape Project – discussed earlier in the meeting.
- Support for the BID – request by the West and Central BIDs to designate certain properties for redevelopment. Subject discussed earlier in the meeting – Ordinance proposed for introduction.
- Old Fire House – discussed earlier on agenda.
- PATCO – reported on attendance at a meeting on March 14 with PATCO and the Delaware River Port Authority to discuss a regional concept plan to develop the targeted “Transit Oriented Development” (TOD) area. Commissioner Hogan recommended inviting them to a public meeting with the Board of Commissioners, and indicated that she would coordinate.
- Cooper River – reported on attendance at a meeting with Camden County and representatives from communities surrounding the Cooper River, to solicit participation in and benefit from the regatta activities along the Cooper River. Recommend that the Township contribute in cooperation with the BID towards the effort.
- Policy to Communicate Information Obtained at Official Meetings: propose that the Commissioners provide written summary reports on various meetings attended to share with fellow Commissioners.
- Frequently Flooded Areas – discussed earlier on in the meeting. Commented further that consideration be given to acquiring the properties on Chestnut Avenue that are prone to flooding, in light of the estimates which appear to be cost-prohibitive.
- Addressing Previous Matters That Are Unresolved: OPRA Ordinance, Emergency Evacuation Policy, Grant Monies and Maple Avenue Property – previously discussed on the agenda.
- Clarification on Art Matters- request that fellow commissioners refrain from calling meetings or otherwise organizing participation in the building mural discussions, noting

that arts was within her official list of responsibilities, and requested the opportunity to provide leadership without interference. Commissioner Broderick indicated that he acknowledged that art was under Commissioner Hogan's area of responsibility, but noted that the display of art on the side of buildings was an issue to be addressed by the Governing Body as a whole. He requested that the resolution placing a moratorium on building murals be enacted until the committee could make a recommendation on regulating them. He further requested that the individuals serving on the committee submit resumes for review by the Commissioners and noted that Beth Nice had been kind enough to submit hers. Commissioner Hogan objected to a moratorium and a request for the artists to produce resumes.

- August Event – Babe Ruth World Series – proposed that the Township participate along with the BID.
- Financial Matters – complimented MaryAnn Carassai on her efforts to collect mercantile license fees and noted that more work needs to be done in the area of construction and building permit fees. Advised that the Clerk and former Commissioner Charlie DiPietropolo had agreed to conduct an informal budget process presentation.

Commissioner Hogan opened the floor for questions or concerns to be brought before the Board.

John Kendall, 120 Washington Ave., objected to the proposal to raise the residential membership fees at Crystal Lake Pool, and expressed his concern that limited-income families would be unable to afford the fee. He queried if the items addressed in the petition submitted over a year ago had been addressed. He explained that the jogging track needed resurfacing, and recommended planting flowers, replacing a tree and placing a bench in the pavilion in the park area had been requested. Commissioner Hogan thanked Mr. Kendall for his comments and suggested a reduced rate structure for limited income families. Commissioner Broderick reported that he would have public works look into his suggestions for the park.

Marion Bobyack, Oriental Avenue, discussed the need for “no smoking” signs at Crystal Lake and indicated that she had expressed her concerns three years ago about smoking in the park. She proposed a no-smoking policy. Dennis St. John reported that plastic signs had been purchased and noted that they deteriorated over the season and required frequent replacement. He explained that a designated area by the front gate had been established for smokers. It was noted that the State had established policies under the New Jersey State Bathing Code. The Township's current smoking ordinance would be investigated to determine if an amendment would be required to ban smoking. Ms. Bobyack discussed a letter included in Commissioner Hogan's packet from the Frielanders dated March 2004 expressing interest in the Westmont Theater. She expressed her concern with the lack of knowledge of the letter and queried who at the Township had received the letter. It was noted that the letter was addressed to the Camden County Improvement Authority. Commissioner Hogan reported that she was advised that the letter had been forwarded to the Township. Ms. Bobyack expressed her concern with Johanna Pang's proposed use of the Westmont Theater. She suggested that there be more communication between the Commissioners.

John Smith, Highland Avenue, discussed the transit-oriented proposal and queried who had recommended it, Mark Schuster or the Planning Board. Commissioner Broderick reported that he was not aware of any discussion on the matter by the Planning Board and it was noted that Mark Schuster had prepared the proposal. Mr. Smith discussed the proposed parking plan for the

Westmont Theater and expressed his concerns with valet parking and use of the PATCO parking lot. He queried if parking limitations had been imposed when the strip stores were constructed across the street from the Theater. He queried when the Township would be adopting the new stormwater regulations and noted that the Planning Board engineer had suggested that the Theater application be filed before they were adopted. Chief Gallagher expressed similar concerns with the proposed valet parking at the Theater. Mr. Higgins reported that the Planning Board secretary could be consulted with regard to the question of parking limitations. Anthony LaRosa reported that he would anticipate the Stormwater regs to be put into place within the next several months.

Linda Lee, Lawnside Avenue, reported that she heard the same remark by the Planning Board engineer. She discussed the Planning Board's responsibility with reviewing a redevelopment application and queried if the necessary regulations were in place to address various issues, expressing concerns with the marquee and noise, as examples. She noted that the Haddon Avenue Streetscape project should look like the million dollars being expended and noted that it becomes frustrating when taking an interest in a project, and suggestions are not taken into consideration. Mr. LaRosa explained the process and noted that ordinances were in place to address signage. He indicated that variances may be requested. Commissioner Hogan reported that the sign ordinance was currently under review by Mark Schuster and suggested that the Theater Marquee be taken into consideration. Chief Gallagher reported that the Township recently adopted a comprehensive noise ordinance.

Fred Litwak, Newton Avenue, reported that he was familiar with the social services committee of the county and noted that there had been a change in their philosophy and explained that they now looked at issues. It indicated that if the Township wants to get more grant money, they should identify issues. He discussed the Haddon Avenue Streetscape project and parking issues and suggested that the Township consider the construction of a parking garage. He indicated that public input and public opinion are not always beneficial. He discussed the problems incurred in the past when addressing sewer infrastructure improvements by the Township and the Borough of Collingswood. He indicated that no public input had been solicited regarding the lighting on Collings Avenue. He explained that the residents voted for the Board of Commissioners to act on behalf of the community to make decisions based on the needs of the Township and affordability of the projects. He queried if the pooper-scooper laws were enforced. He discussed the problems that had been encountered for numerous years regarding flooding on Route 130 and how the residents and Township complained to State and Federal agencies to have the problem rectified.

Commissioner Hogan thanked Mr. Litwak for his comments and offered to meet with his group regarding Newton Lake pollution.

Cindy Nelson-Marr discussed correspondence and telephone calls between Commissioner Hogan and members of the Recall Committee and queried how Commissioner Hogan obtained their unlisted telephone numbers.

Commissioner Hogan objected and explained that the caucus was not the forum to discuss these issues and noted that she did not recollect how the phone numbers were obtained.

Ms. Nelson-Marr reported that she had submitted an OPRA request and obtained a copy of an e-mail Commissioner Hogan sent to the Township Clerk and copied to the Camden County Prosecutor's Office filing a complaint regarding a visit she made to the Municipal Building. She explained her visit and noted that she had briefly exchanged greetings with Commissioner Hogan before proceeding to the tax office on March 10<sup>th</sup>. She further explained her visit with Mayor Park and Commissioner Broderick and queried why Commissioner Hogan was suing her. She queried did she not have the right to enter the Municipal Building and speak with the Mayor, as a taxpaying resident. She noted that there was no discussion with regard to recall activities and noted that the Mayor and Commissioner had no involvement with the effort. She expressed her concern with Commissioner Hogan's continued intimidation and suggested that her reaction was paranoid.

Commissioner Hogan explained that her complaint was not a lawsuit and noted that she responded to what appeared to be a political meeting being conducted in the Mayor's office with a fellow Commissioner and the head of the Committee to Recall her from office. She explained the "appearance of impropriety" and suggested that Ms. Marr take this into consideration during future visits to the Municipal Building.

Mr. Herishko requested an opportunity to speak with Mr. Higgins after the meeting.

Christine Hopkins explained that a number of communities are reducing their parking requirements as it relates to zoning regulations. She discussed the arts/mural committee and expressed interest in participating. She indicated that the Township should not give the Westmont Theater developer the same consideration as the Ritz Theater with regard to the sidewalk design. She explained that the Committee that worked on the Haddon Avenue Streetscape project had given the street light selection very thoughtful consideration and stood by their choice.

Commissioner Hogan indicated that the public meeting process should be genuine and explained that input from the public should be taken into consideration.

Kandy Lippincott suggested that bike racks be included in the Haddon Avenue Streetscape project.

Marian Bobyack reported that she attended the Streetscape meeting late and did not see the street light selected.

Mr. Frank Tarantini suggested that they look at the street lights on Haddon Avenue in Collingswood and noted that they were the same light fixture with a different pole.

Commissioner Broderick moved, seconded by Commissioner Hogan, that the following Resolution be approved with both members voting in the affirmative.

#2005-033A – Closed Executive Session

Commissioner Hogan moved, seconded by Commissioner Broderick that the closed session be adjourned and they return to the regular caucus meeting, with both members affirmatively concurring.

There being no further business to discuss, Commissioner Broderick moved, seconded by Commissioner Hogan that the meeting be adjourned at 10:40 PM, with all members voting in the affirmative.

March 15, 2005

BOARD OF COMMISSIONERS

\_\_\_\_\_  
Denise P. Adams, Municipal Clerk

\_\_\_\_\_  
William J. Park, Jr.

\_\_\_\_\_  
Kathleen V. Hogan

\_\_\_\_\_  
James T. Broderick, Sr.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF  
COMMISSIONERS OF THE TOWNSHIP OF HADDON, IN THE  
COUNTY OF CAMDEN, NEW JERSEY, HELD MARCH 22, 2005  
IN THE MUNICIPAL BUILDING AT 7:00 PM.**

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A regular meeting of the Board of Commissioners of the Township of Haddon was convened in the Municipal Building, 135 Haddon Avenue, Westmont, NJ on Tuesday, March 22, 2005 at 7:00 PM.

Mayor Park requested all stand for the flag salute.

Mayor Park announced that Chapter 231, Public Law 1975 requires adequate notice of this meeting be provided specifying time, place and agenda. This was done by placing Public Notice in the Courier-Post and Retrospect Newspapers and by posting on two bulletin boards in the Municipal Building.

ROLL CALL:	Mayor Park	Present
	Commissioner Hogan	Present
	Commissioner Broderick	Present

Anthony LaRosa, Timothy Higgins, Robert Baxter, Betty Band, Mary Ann Carassai and Denise P. Adams were also present.

Commissioner Broderick moved, seconded by Commissioner Hogan that the Minutes of the Special Meeting held on February 1, 2005, be approved, with all members voting in the affirmative.

Commissioner Broderick moved, seconded by Mayor Park that the Minutes of the Regular Meeting held February 22, 2005, be approved, with all members voting in the affirmative.

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1120 -- CALENDAR YEAR 2005 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14)**

Commissioner Broderick moved, seconded by Mayor Park that the public hearing on the Ordinance would be open at this time, with all members voting in the affirmative.

There being no discussion on the matter, Commissioner Hogan moved, seconded by Commissioner Broderick that the hearing be closed. Commissioner Broderick moved, seconded by Mayor Park that the Ordinance be adopted at this time and recorded in the Ordinance Book for the Commissioners to sign.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1122 -- ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN, NEW  
JERSEY, APPROPRIATING CERTAIN UNEXPENDED PROCEEDS OF THE SALE OF  
PREVIOUSLY ISSUED BONDS AND NOTES TO FINANCE THE COST OF CERTAIN  
WATER/SEWER IMPROVEMENTS IN AND FOR THE TOWNSHIP; AND TAKING  
RELATED ACTIONS**

Commissioner Broderick moved, seconded by Commissioner Hogan that the public hearing on the Ordinance would be open at this time, with all members voting in the affirmative.

There being no discussion on the matter, Commissioner Hogan moved, seconded by Commissioner Broderick that the hearing be closed. Commissioner Broderick moved, seconded by Mayor Park that the Ordinance be adopted at this time and recorded in the Ordinance Book for the Commissioners to sign.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1123 - ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE PURCHASE OF CERTAIN LANDS BY AND BETWEEN THE TOWNSHIP OF HADDON FROM JANET L. HOLLERAN, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID PURCHASE.**

Commissioner Broderick moved, seconded by Mayor Park that the public hearing on the Ordinance would be open at this time, with all members voting in the affirmative.

Commissioner Hogan discussed her position with regard to redevelopment and the process, and objected to moving forth with acquiring properties for the Fieldstone project, and expressed her concern with the lack of a plan. She provided her written objection and requested that it be made part of the record.

Mayor Park explained that there was no harm in adopting the ordinances at this time, as they only put into place the authorization to move forward with the purchase of properties that had been favorably negotiated with the redeveloper, when the time was appropriate. He indicated that the Township had a contractual responsibility to the redeveloper. He reported that Fieldstone could not make application to the Planning Board until they owned the property.

Commissioner Hogan argued that the Westmont Theater Redeveloper had made a presentation to the Planning Board, and noted that they did not own the property. She called for a point of order and requested that the solicitor provide some guidance.

Mr. Higgins explained that the Township had an obligation to move forward to acquire the properties at the request of the redeveloper.

There being no discussion on the matter, Commissioner Broderick moved, seconded by Mayor Park that the hearing be closed.

Commissioner Hogan moved that the Ordinance be tabled. She requested that second reading on Ordinance #1124 and the Introduction of Ordinance #1132 be Tabled as well. There being no second, the motion died.

Commissioner Broderick moved, seconded by Mayor Park that the Ordinance be adopted at this time and recorded in the Ordinance Book for the Commissioners to sign.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	No
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1124- ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE PURCHASE OF CERTAIN LANDS BY AND BETWEEN THE TOWNSHIP OF HADDON FROM JOHN CARPENTER AND CATHERINE CARPENTER, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID PURCHASE.**

Commissioner Broderick moved, seconded by Mayor Park that the public hearing on the Ordinance would be open at this time, with all members voting in the affirmative.

John Smith requested an explanation as to why the Township would purchase the property, rather than Fieldstone. He queried if the Township had solicited redevelopment bids for the site. He suggested that the Mayor contact Mayor Gilmore from Hamilton Township regarding their experience with Fieldstone. He queried if Steve Jaffe had an interest in the PMK Group.

Mayor Park reviewed the process whereby the Township was responsible for acquiring the property to assemble the package, which in turn would be sold to Fieldstone. He discussed Fieldstone's reputation as a redeveloper and noted the project in Princeton. He reported that no one was knocking down doors to express interest in developing the DyDee site. He indicated that Fieldstone has invested in excess of \$250,000 in remediation efforts and noted that he was not aware of Mr. Jaffe's interest in PMK; however, it would be investigated further.

John Sandone reported that he had heard that Steve Jaffe was a principal in PMK Group.

Commissioner Hogan requested a point of information and requested clarification of the statement that Fieldstone expended \$250,000 in remediation costs.

Mayor Park indicated that Fieldstone has incurred in excess of \$200,000 in general expenses on the project. He indicated that he resented the derogatory comments made by Commissioner Hogan.

Dottie Miller, 708 Graisbury Avenue, queried what Fieldstone expended \$250,000 on and suggested that an itemized statement be provided at the next meeting.

Mayor Park recalled the expense to obtain appraisals and reported that he did not have specific details. He welcomed Mrs. Miller to stop by the office to look at the bills paid out of the escrow fund.

Commissioner Hogan reported that the Township had incurred some expense for the project as well.

There being no discussion on the matter, Commissioner Hogan moved, seconded by Commissioner Broderick that the hearing be closed.

Mayor Park moved, seconded by Commissioner Broderick, that the Ordinance be adopted at this time and recorded in the Ordinance Book for the Commissioners to sign.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	No
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1125 -- ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE SALE OF CERTAIN LANDS BY AND BETWEEN THE HADDON TOWNSHIP BOARD OF EDUCATION AND THE TOWNSHIP OF HADDON, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID SALE.**

Commissioner Hogan moved and seconded by Commissioner Broderick that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof which will be on April 26, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1126 -- AN ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE REDEVELOPMENT PLAN FOR CERTAIN PARCELS WITHIN AREAS "C" & "E" AS REFERENCED IN THE DETERMINATION OF NEED REPORT ADOPTED MAY 21, 2002.**

Commissioner Hogan moved and seconded by Commissioner Broderick that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof which will be on April 26, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1127 -- AN ORDINANCE TO AMEND AN ORDINANCE AUTHORIZING SALARIES TO BE PAID TO THE EMPLOYEES OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN, STATE OF NEW JERSEY, DESIGNATING THE VARIOUS POSITIONS, AMOUNTS OF SALARY AND TIME OF PAYMENT.**

Commissioner Broderick moved and seconded by Mayor Park that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof which will be at a Special Meeting to be held on April 19, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1128 -- AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "WATER"**

Commissioner Hogan moved and seconded by Commissioner Broderick that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof which will be on April 26, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1129 -- AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "SEWER"**

Commissioner Hogan moved and seconded by Commissioner Broderick that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof

which will be on April 26, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1130 -- ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 75, ALCOHOLIC BEVERAGES, IN THE CODE OF THE TOWNSHIP OF HADDON**

Commissioner Hogan moved and seconded by Commissioner Broderick that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof which will be on April 26, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1131 -- ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 208, SWIMMING POOLS, IN THE CODE OF THE TOWNSHIP OF HADDON**

Commissioner Hogan moved and seconded by Commissioner Broderick that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof which will be on April 26, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1132 -- ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE PURCHASE OF CERTAIN LANDS BY AND THE TOWNSHIP OF HADDON FROM YOLANDA HALES, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID PURCHASE**

Commissioner Hogan moved that the Ordinance be tabled, for the reasons stated earlier. The motion received no second.

Commissioner Broderick moved, seconded by Mayor Park that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof which will be on April 26, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building

prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	No
	Commissioner Broderick	Aye

At the request of the Mayor, the Clerk read the following Ordinance by title:

**#1133 -- ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE ACQUISITION OF CERTAIN LAND BY THE TOWNSHIP OF HADDON FROM MORGAN BROTHERS, INC., AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION**

Commissioner Broderick made a motion to introduce the Ordinance. Commissioner Hogan reported that she did not object to the Township pursuing the acquisition of the DyDee property and seconded Commissioner Broderick's motion that the aforementioned ordinance introduced at this time do now pass on the first reading and remain on file with the Clerk for public inspection until the public hearing thereon and further consideration thereof which will be on April 26, 2005, in the Municipal Building. The Clerk was further directed to publish said ordinance in full together with the notice of such hearing in the manner required by law in the Retrospect Newspaper and also to post copies on the bulletin boards in the Municipal Building prior to the second reading and make copies available to the general public of the Township who shall request same.

ROLL CALL:	Mayor Park	Aye
	Commissioner Hogan	Aye
	Commissioner Broderick	Aye

The following resolutions were approved by consent agenda, with a motion by Commissioner Hogan, seconded by Commissioner Broderick, all members affirmatively concurring, with discussions on a number of resolutions and votes noted:

- #2005-034 -- Payment of Claims (Bill Resolution)
- #2005-035 -- Correct Posting of Taxes, Water and Sewer
- #2005-036 -- Appropriation Transfers
- #2005-037 -- 2006 NJDOT State Aid Application - Johnson Avenue (Phase II)
- #2005-038 -- Adopt the Three Year CDBG Cooperation Agreement
- #2005-039 -- 2005 Crystal Lake Pool Membership Fees – *Commissioner Hogan acknowledged the concerns expressed by individuals regarding the increase in fees and the impact on families with limited income, and the Township's position that residential fees had not been raised since 1998. Mayor Park defended the increase and noted that the pool had operated in the red in the last two years. He reported that the Township had always given consideration to individuals with financial hardships. Commissioner Hogan indicated that she would support the fee increase if a notation was placed in the pool booklet, advising individuals with limited income that they can contact the Township Clerk to request consideration of a reduced fee.*
- #2005-040 -- Appointment of Municipal Judge
- #2005-041 -- Appointment of Substitute Crossing Guards
- #2005-042 -- Year XXVII Community Development Block Grant Request
- #2005-043 -- Objecting to the Federal Government Cuts to Community Development Block Grant Funds
- #2005-044 -- Calling for the Full and Fair Funding in the TEA-21 Reauthorization
- #2005-045 -- Proclaiming Arbor Day 2005
- #2005-046 -- Urging the State of New Jersey to Specifically Prohibit the Practice Known as "Engine Braking"
- #2005-047 -- Amending an Agreement for Professional Service - Environmental Resolutions, Inc.
- #2005-048 -- Directing the Planning Board to Review and Propose Land Use Ordinances Regarding the Maintenance of Murals on Properties Within the Township of Haddon

*Commissioner Hogan requested that the Resolution be removed from the agenda or tabled and expressed her frustration having to continually argue her position. She indicated that it was disrespectful for her fellow Commissioners to get involved with Arts, which was one of her*

*former responsibilities. Commissioner Broderick indicated that it was his opinion that the regulation of murals being placed on the side of buildings was the responsibility of the Governing Body as a whole. He provided a point of information and queried what gave Commissioner Hogan the right to go to the Department of Public Works to request that lighting be installed to illuminate the White Horse Pike building mural. Commissioner Broderick moved, seconded by Mayor Park, that the Resolution be adopted, with both members voting in the affirmative. Commissioner Hogan voted no.*

#2005-049 -- Authorizing an Agreement for Professional Service - Margaret Westfield

#2005-050 -- Smart Growth Planning Assistance Grant to ANJEC

#2005-051 -- Authorizing Planning Board to Review Recommended Amendments to Ordinance #1090 (Areas A and B) Redevelopment Plan

*Commissioner Hogan queried why an amendment was being requested by Mark Schuster, and recommended he provide a written report explaining the reasoning.*

## **OTHER BUSINESS**

At the request of the Mayor, the Clerk reviewed a statement on the **Introduction of the 2005 Municipal Budget**. The 2005 Municipal Budget Resolution was read, and introduction of the Budget was approved, with a motion by Commissioner Broderick, seconded by Commissioner Hogan, all members voting in the affirmative.

Mayor Park read a Statement regarding the proposed Introduction of the **2005 Haddon Township Business Partnership, Inc. Budget**. He indicated that he was unable to move to introduce the budget due until a number of legal concerns had been addressed, and urged the HTBP to retain the services of legal counsel.

The Clerk presented the following Employment Contracts which were subsequently approved with a motion by Mayor Park, seconded by Commissioner Broderick, all members voting in the affirmative:

2004-2008 Haddon Township Police Officers' Contract

2004-2008 Haddon Township Superior Officers' Contract

2004-2008 Police Chief's Contract

Raffle License No. 3-2005 and 4-2005 for Terri Ann for the Cure, Inc. and Raffle License No. 5-2005 and 6-2005 for Stoy School PTA presented and approved with a motion by Commissioner Hogan, seconded by Commissioner Broderick, all members affirmatively concurring.

The following reports were presented and ordered filed:

Treasurer's Report for February 2005

Tax Collector's report for February 2005

Budget Status Report – February 2005

Construction Official's Report - February 2005

Anthony LaRosa reported that he had two Resolutions to present to the Governing Body for consideration. He explained that it was the desire of the Police Department to apply for two NJDOT Safe Streets to School grants and noted that the deadline for filing the grant applications was April 15, 2005. He indicated that the applications required a resolution of support by the Governing Body. Commissioner Hogan moved, seconded by Mayor Park, that the following resolutions be adopted with all members voting in the affirmative:

#2005-053 – Authorizing Execution of an Application For State Aid for Safe Streets to Schools Through the New Jersey Department of Transportation – Crystal Lake Avenue & Park Blvd.

#2005-054 – Authorizing Execution of An Application for State Aid for Safe Streets to Schools Through the New Jersey Department of Transportation – Cuthbert Road & MacArthur Blvd.

Commissioner Broderick expressed his concern with materials being distributed at the meeting by Commissioner Hogan.

Mayor Park opened the floor for thoughts or concerns to be brought before the Board.

Maggie Downham, 224 Hazel Terrace, thanked the Department of Public Works and Commissioner Broderick for their assistance in the recent Saddler's Woods clean up. She reported that approximately 25 tons of debris had been removed from the site. She reported that the Township had also cooperated with a cleanup to get ready for the Arbor Day planting. She discussed the abuse of membership tags by youth at the pool and noted that fees were being lost. She suggested that the Township look into alternative methods of gaining entry to the pool.

Cynthia Nelson Marr, member of the committee of petitioners to recall Commissioner Hogan, discussed the selective handing out of papers by Commissioner Hogan and her representative and expressed her concern with being denied receipt of a copy.

Commissioner Hogan reported that she had paid for the production of the material and suggested that Mrs. Marr obtain a copy from the Clerk the next day.

Mayor Park requested that the solicitor provide an opinion with regard to the distribution of material.

Mr. Higgins explained that Commissioner Hogan was within her rights to distribute material to individuals of her choosing if she paid for the production of the items. He indicated that when the documents were presented to the Clerk, they became a matter of record and copies could be requested via an OPRA request.

Ms. Marr queried how Commissioner Hogan obtained the unlisted telephone numbers of members on the committee of petitioners. She queried if the Commissioner utilized tax records or a member of law enforcement to obtain the information. She requested Commissioner Hogan's assurance that residents that signed the recall petition would not be harassed or intimidated.

Commissioner Hogan indicated that she supported the rights of individuals and noted that she did not consider herself as an intimidating person. She stood and pledged not to harass or intimidate signers of the petition.

Ms. Marr indicated that she did not appreciate Commissioner Hogan's mocking tone. She queried why Commissioner Hogan copied the Camden County Prosecutor's office with an e-mail complaint regarding a visit to the Municipal Building. She reported that her discussion with the Mayor was not political and noted that Mayor Park and Commissioner Broderick were not involved with the recall process.

Commissioner Hogan explained the appearance of impropriety for the head of the recall committee to meet behind closed doors with the Mayor and Commissioner. She indicated that they have differences of opinion.

Mayor Park explained that they had reviewed the Westmont Theater concept plan with Ms. Marr and defended Ms. Marr's right to come into the Municipal Building.

Tom Herishko, 211 E. Collingswood Avenue, requested a status report on the grant to address improvements to E. Collingswood Avenue. He recalled a commitment to include the project as a capital expense if the grant was not received and queried when the work would be done. He suggested a pump be considered at the old sewer station to address the excess water.

Anthony La Rosa reported that they had not received notification from the Department of Environmental Protection on the grant and explained that the Township had just adopted a resolution authorizing another grant application to address the Inflow and Infiltration Study of the E. Collingswood Avenue situation. He indicated that the DEP was well aware of the problem and the Township was responding to the Administrative Consent Order. He explained that various measures had been taken by the Township to date to address the overflows.

Commissioner Hogan explained that two residents had attended the last Commissioners meeting regarding flooding of their properties on Chestnut Avenue and suggested if Mr. Herishko's situation was similar, should the Township consider acquiring his property if it is too expensive to correct.

John Smith, 235 Highland Avenue, queried if he could receive a copy of the planner's recommendation to amend the Redevelopment Plan. He requested clarification on a number of items on the Bill Resolution, specifically the payments to the Retrospect Newspaper, Cooper Levenson, Robert Baxter and the Mosholu.

The Clerk and Ms. Band explained the payments.

Mr. Higgins reported that Mr. Schuster had provided the recommendation for amendments to the Redevelopment Plan which was copied to the Commissioners and discussed at the caucus meeting. He indicated that an OPRA request could be made with the Clerk to request a copy.

Mary Berko, 445 Crystal Lake Avenue, requested a status report on the Crystal Lake Avenue and MacArthur Blvd. traffic signal improvement project. She reported that the old PSE&G gully was in unsightly condition and noted that the pavement in front of R Macs was in need of repair. She discussed the letter sent to the Camden County Improvement Authority regarding interest in the Westmont Theater that was discussed at the last caucus meeting. She expressed concern with the proposed use of the Theater and indicated that the use proposed in the letter was worthy of further investigation.

Anthony reported that the signal improvement project was moving along and explained that the Township was in the process of obtaining the necessary easements and anticipated construction some time in the summer months.

Commissioner Broderick reported that he would have the Department of Public Works address clean up of the gully and request that Mr. Patten investigate the sidewalk at R Macs.

Mayor Park reported that he was not aware of the letter addressed to Mr. Rowan at the Camden County Improvement Authority and noted that they would look into further.

Commissioner Hogan indicated that she spoke with a representative from the Camden County Improvement Authority and was advised that the information was sent to the Mayor. She expressed her concern with the concept plan Johanna Pang presented to the Planning Board noting the parking concerns.

Kathy Fallstick, 29 E. Collingswood Avenue, queried how Commissioner Hogan received a copy of the letter that was included in the personal packet that was distributed. She indicated that the letter was addressed to the County. She queried if the letter was faxed.

Commissioner Hogan reported that received the letter from an individual who wished not to be identified.

Mrs. Fallstick discussed the discriminating method of distributing information by Commissioner Hogan and requested the solicitor research the legalities on the distribution of personal material. She observed that during the 2005 Municipal Budget introduction, Commissioner Hogan was not in the room. She queried if Commissioner Hogan was involved with the budget process and why she would invite a former Commissioner to review the budget. She discussed Commissioner Hogan's duties that included the arts. She discussed an e-mail from the Commissioner addressed to her as "pot" and signed as "kettle".

Mr. Higgins reported that he served the Governing Body and was not in a position to perform research on behalf of the public.

Commissioner Hogan reported that she was very involved in the budget and explained that she trusted former-Commissioner DiPietropolo's knowledge of the budget process.

John Sandone, 201 E. Cuthbert Blvd., indicated that he wished to correct information that there were no developers interested in the DyDee site and explained that he and Dan Aaron had an interest in developing the site. He further noted that Sean Scarborough and a number of other developers had expressed interest as well. He indicated that the Fieldstone project is still in a state of flux and observed that there was still no plan submitted. He alleged that Johanna Pang was being held to a different standard, noting that she had made a presentation to the Planning Board, while not owning the property. He reported that indicated "Exhibit A" referenced in the

Resolution regarding proposed amendment to the Redevelopment Plan was not included in the meeting package.

Mayor Park acknowledged that Sean Scarborough had expressed interest in development the DyDee site in a small scale. He indicated that no plan had been proposed. He indicated that Acme had also expressed interest in the site. He indicated that Ms. Pang chose to make an information presentation to the Planning Board and questioned clarification from the solicitor with regard to the ownership issue.

Mr. Higgins indicated that he believed that the property owners could give consent to the redeveloper to make application to the Planning Board. Mr. Higgins explained that Resolution #2005-051 had been prepared by his office and referenced the document prepared by Mr. Schuster as "Exhibit A". The Clerk reported that she was not aware of the reference in the resolution and therefore, did not include the recommendation as part of the meeting package.

John Sandone expressed concern with the amount of Township money being spent on the Fieldstone project and noted that nothing was being done for individuals with sewage and drainage problems. He indicated that the Township should find the money to correct these problems and noted that the primary responsibility should be to the citizens and not to the developers. He suggested that a sufficient number of meeting packages be made available to the public attending the meeting. He observed that both sides of the recall issue should step back and be more accountable for their actions. He discussed the upcoming sale of real estate and noted that he knew the Frielanders and had been told that they made a number of calls to the Mayor's office that were unanswered. He noted that the Saddlers Woods clean up was commendable and indicated that there were other areas of town in need of attention, an observed that the creek behind the Acme was in poor condition. He discussed the HTBP budget and queried should not the budget have been introduced by the Commissioners.

Mayor Park explained that a number of legal issues had been presented and indicated the need to have their budget approved by formal resolution.

Anthony explained that it was his belief that the cleanup of the creek behind the Acme would be addressed as part of their application before the Planning Board.

Bob Harris, President of the Haddon Township Business Partnership, Inc. queried if there was a response to the letters delivered to the Municipal Building requesting a change in the BID Ordinance, the coordination of a joint meeting with Fairview and curb cuts on Mt. Ephraim Avenue and White Horse Pike.

Commissioner Broderick recommended that they wait until the White Horse Pike Streetscape project was concluded before addressing curb cuts on the White Horse Pike. He indicated that he would check with the Public Works Department regarding the Mt. Ephraim Avenue curb cuts.

There was no recollection of the letters that Mr. Harris mentioned, but would be investigated further.

Mr. Barry Lee, Lawnside Avenue, queried what form of financial information was provided by Fieldstone to Bowman and noted that the report was cursory. He queried if Johanna Pang had provided the pro forma, Ms. Ward had indicated would be supplied when an appearance before the Planning Board was made.

Commissioner Hogan recommended that Mr. Lee be permitted to contact Catherine Ward to address these concerns, observing her absence from the recent meetings. She indicated that she was horrified that only a four sentence report was provided on a project anticipated to be \$40 million dollars.

The following resolution was presented and approved with a motion by Commissioner Broderick, seconded by Commissioner Hogan, all members voting in the affirmative:

#2005-052 – Closed Executive Session

Commissioner Broderick moved, seconded by Commissioner Hogan that they adjourn the executive session and return to the regular meeting, with all members affirmatively concurring.

There being no further business to discuss, Commissioner Broderick moved, seconded by Mayor Park that the meeting be adjourned at 10:18 PM with all members voting in the affirmative.

Adopted: March 22, 2005

BOARD OF COMMISSIONERS

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Denise P. Adams, Municipal Clerk

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William J. Park, Jr.

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Kathleen V. Hogan

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James T. Broderick, Sr.