

May 9, 2019

The Township Committee met on the above date with Mayor Romeu calling the meeting to order at 7:00 PM. The meeting opened with the flag salute and a moment of silence. Roll call was taken showing present: Mayor Rita Romeu, Committeemen Shreekant Dhopte and Jeremy Liedtka and Committeewoman Andrea Katz. Also present Natalia Teekah Township Attorney, Kyle Wilson Chief of Police/Township Administrator and Township Clerk Caryn Hoyer. Committeewoman Denise Koetas-Dale was not present. The Open Public Meetings Act statement was read and compliance noted.

AGENDA MATTER(S) REQUIRING RECUSAL(S)

None

COMMENTS FROM THE PUBLIC MATTERS ON THE AGENDA ONLY

None.

CONSENT AGENDA

Mr. Liedtka made a motion seconded by Ms. Katz to approve the minutes from April 25, 2019. All were in favor.

Mayor Romeu made a motion seconded by Mr. Liedtka to table the Public Safety Report until the next meeting. All were in favor.

BOARD OF HEALTH

Block 302 Lot 7.02 – 376 Crosswicks-Ellisdale Roade – Septic Waiver – Homa

Mr. Hirsh reported that an application for this property has been received for the construction of a septic system to replace an existing septic system.

Mr. Hirsh reported that the septic field location appears to be a compromised location to meet building setback, property line setback and maximize, to the extent possible, distance to water course/side year property line. We recommend approval of this variance an reliance on the County Health Department to determine if the proposed 23 feet setback is sufficient by way of condition.

There does not appear to be many options on this site due to the site being oddly shaped and having to situate the septic field between an existing driveways, a side property line and maintain 25 foot separation from the structure.

The seasonal high water table appears to be at a depth of 24 feet below existing per the submitted soil boring information. The disposal field section submitted indicates the field is designed to be a mound, with the finished grade +/- 3.5 feet above the existing grade. The proposed mounding is required to allow for the 4 foot treatment zone above the seasonal high water table. An alternate design is not available to provide the appropriate treatment in this situation, therefore approval of the variance is recommended.

Mr. Liedtka made a motion seconded by Ms. Katz to approve. All were in favor.

With no further comments Mr. Liedtka made a motion seconded by Ms. Katz to close Board of Health. All were in favor.

TOWNSHIP ENGINEER REPORT

Mr. Hirsh had gave the following updates:

20174 NJDOT Municipal Aid Grant – Harker Road – This project is complete

2018 NJDOT Municipal Aid Grant – Harker Road – Phase II – The Contractor completed the paving and striping work. Punch list work remains, 95% complete.

2019 NJDOT Municipal Aid Grant Application – Coordinating area to start with Administrator and Public Works.

FY 2019 CDBG Grant Application – Waiting on approval for the construction of the ADA compliant automatic door openers at the Municipal Building.

NJDEP Storm water Annual Report & Correspondence – The 2018 Annual Report was due on May 1, 2019; sent to Township for authorization. 2019 Report is due May 1, 2020.

Recreation Survey – Working on conceptual layout plans for Rec improvements. Mr. Hirsh should have for next meeting.

Traditions Update – Phase 7B received conditional Planning Board approval.

Heritage at Chesterfield – North Side – Phases IV and V, and VI – Awaiting schedule for punch list work prior to release of Maintenance Bond.

PUBLIC SAFETY REPORT

Chief Wilson reported for the month of April 333 calls. To highlight:
10 Alarms, 8 Disputes, 3 MVA, 5 Arrests, 24 EMS, 1 DWI, 4 K-9 Sniff, 1
Overdose/Narcan save

Classes: Ptl Brodowski – DRE
Chief/Det Semus/Ptl. Brodowski – EMT

Range: Outdoor Malfunction drills with the handgun

ORDINANCE

Ms. Katz made a motion seconded by Mr. Liedtka to add Ordinance 2019-9 AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWNSHIP OF CHESTERFIELD to the agenda by title only. All were in favor.

Mr. Liedtka made a motion seconded by Mr. Dhopte to introduce Ordinance 2019-9. All were in favor. Public Hearing is scheduled for June 13, 2019.

RESOLUTIONS

Mr. Liedtka made a motion seconded by Ms. Katz to approve Resolution 2019-5-1. All were in favor.

**TOWNSHIP OF CHESTERFIELD
RESOLUTION NO. 2019-5-1**

**RESOLUTION AUTHORIZING CHANGE ORDER #2 FOR
HARKER ROAD PHASE I IMPROVEMENTS PROJECT
AWARDED TO ARAWAK PAVING COMPANY**

WHEREAS, The Township of Chesterfield awarded a contract to Arawak Paving Company for the Harker Road Phase I Improvements Project in the amount of \$165,400.; and

WHEREAS, change order #1 was approved by resolution 2018-10-8 for an increase of \$9,068.80 for a revised contract amount of \$174,468.80; and

WHEREAS, the Contractor has provided change order #2 for an increase of \$3,171.96 to reflect the actual constructed quantities; and

WHEREAS, the Township Engineer has reviewed and recommends approval of Change Order # 2;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield hereby approves Change Order #2 and consequently amends the contract with Arawak Paving Company to a revised contract amount of \$177,640.76.

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Mr. Liedtka made a motion seconded by Mr. Dhopte to approve Resolution 2019-5-2. All were in favor.

**TOWNSHIP OF CHESTERFIELD  
RESOLUTION NO. 2019-5-2**

**RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR  
HARKER ROAD PHASE II IMPROVEMENTS PROJECT  
AWARDED TO GERALD A. BARRETT**

**WHEREAS**, The Township of Chesterfield awarded a contract to Gerald A. Barrett for the Harker Road Phase II Improvements Project in the amount of \$189,615.50; and

**WHEREAS**, the Contractor has provided change order #1 for an increase of \$26,340.47 to reflect the actual constructed quantities which included additional paving work to complete the total length of Harker Road; and

**WHEREAS**, the Township Engineer has reviewed and recommends approval of Change Order # 1;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield hereby approves Change Order #1 and consequently amends the contract with Gerald A. Barrett to a revised contract amount of \$215,955.97.

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Mr. Liedtka made a motion seconded by Mr. Dhopte to approve Resolution 2019-5-3 and Resolution 2019-5-4. All were in favor.

**TOWNSHIP OF CHESTERFIELD
RESOLUTION 2019-5-3**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION UNDER NJSA 40A:4-87 FOR NJDOT MUNICIPAL AID 2019 –
SYKESVILLE ROAD PROJECT
IN THE AMOUNT OF \$ 250,000.00 IN THE 2019 MUNICIPAL BUDGET**

WHEREAS, N.J.S.A. 40A: 4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget,; and

WHEREAS, the said Director may also approve the insertion of an item of appropriation for equal amount; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Chesterfield hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$ 250,000.00, which is now available as revenue from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-
- Public and Private Revenues Offset with Appropriations:
 - NJDOT Municipal Aid 2019 – Sykesville Road \$ 250,000.00

BE IT FURTHER RESOLVED that a like sum of \$ 250,000.00; be and the same is hereby appropriated under the caption of:

- General Appropriations
 - Operations – Excluded from “Caps”
 - Public and Private Programs Offset by Revenues:
 - NJDOT Municipal Aid 2019 – Sykesville Road \$ 250,000.00

BE IT FURTHER RESOLVED, that the Chief Finance Officer provide a certified copy of this resolution to the Director of Local Government Services.

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**TOWNSHIP OF CHESTERFIELD  
RESOLUTION 2019-5-4**

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
UNDER NJSA 40A:4-87 FOR SAFE & SECURE GRANT #19-0307  
IN THE AMOUNT OF \$ 25,000.00 IN THE 2019 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40A: 4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget,; and

**WHEREAS**, the said Director may also approve the insertion of an item of appropriation for equal amount; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Committee of the Township of Chesterfield hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$25,000.00, which is now available as revenue from:

Miscellaneous Revenues  
Special Items of General Revenue Anticipated with Prior Written  
Consent of Director of Local Government Services-  
Public and Private Revenues Offset with Appropriations:  
Safe & Secure Communities \$ 25,000.00

**BE IT FURTHER RESOLVED** that a like sum of \$25,000.00; be and the same is hereby appropriated under the caption of:

General Appropriations  
Operations – Excluded from “Caps”  
Public and Private Programs Offset by Revenues:  
Safe & Secure Communities \$ 25,000.00

**BE IT FURTHER RESOLVED**, that the Chief Finance Officer provide a certified copy of this resolution to the Director of Local Government Services.

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Mr. Dhopte made a motion seconded by Mr. Liedtka to approve Resolution 2019-5-5.
All were in favor.

**TOWNSHIP OF CHESTERFIELD
RESOLUTION 2019-5-5**

**RESOLUTION TO CANCEL TAXES DUE TO VETERAN EXEMPTION
FOR 6 GLOCK FARM WAY KNOWN AS BLOCK 202.26 LOT 3
AND AUTHORIZE REFUND OF OVERPAYMENT**

WHEREAS, N.J.S.A. 54:4-3.30A allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute; and

WHEREAS, John Franklin Knipe III owns the property located at 6 Glock Farm Way known as Block 202.26 Lot 3 and recorded in deed dated June 27, 2018; and

WHEREAS, John Franklin Knipe II is a 100% disabled Veteran; and

WHEREAS, Mr. Knipe III has completed form D.V.S.S.E. and provided the documentary proofs required to the Tax Assessor; and

WHEREAS, the Tax Assessor has reviewed and approved the Veteran Exemption effective March 3, 2019; and

WHEREAS, the Lereta Tax Services has continued to pay the property taxes creating an overpayment in the amount of \$3,796.45.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, hereby approves the veteran exemption on Block 202.26 Lot 3 effective March 3, 2019 and thereafter.

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to cancel 2019 taxes in the amount of \$3,796.45 and issue refund to Lereta in the amount of \$3,796.45 representing overpayments created by granting the veteran exemption.

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## **DISCUSSION**

Beaver Presentation/Environmental Commissions – To be postponed until next meeting.

JIF Safety Incentive Program Awards – Chief Wilson reported that Chesterfield Township recently has earned \$2,400.00 as a result of employee's outstanding performance in the 2018 BURLCO JIF Safety Incentive Program.

Ordinance and Resolution Process – To be postponed until next meeting.

AG Advisory Board – Mayor Romeu is interested in restarting the AG Advisory Board in order to get impact from all of the farmers in town and hear their concerns. Mayor Romeu is asking for input from the Township Committee to proceed with the ordinance. Mr. Dhopte would like to move forward with the AG Board. The rest of the Township Committee agreed. Mayor Romeu plans to put out a letter to all of the farmers in town to find interest prior to choosing the committee members.

TDR Easement /Hoffman Family Farm – Mr. Hoyer reported that as long as the Hoffman's house continues to be "one unit" upon expansion, they should stay within the TDR requirements. The Township Committee asked Ms. Hoyer to send the Hoffman's a letter letting them know what they are allowed to do regarding their home expansion and require them to bring in a conceptional drawing detailing exactly what will be in the

addition (bathrooms, bedrooms, etc.) This will then need to go before the Township Committee for approval prior to moving forward.

Chesterfield Fire House – Mr. Liedtka said that the Chesterfield Fire House is asking if money that was promised to them last year to repave their parking lot is still available. Mr. Liedtka updated the Committee telling them that last year the Committee agreed to pay for half of the price to repave the Fire House parking lot with money from the Recreation Fund. This was agreed based on that their parking lot is used to access the recreation fields, tennis courts, walking path and volleyball courts. Mr. Wilson suggested that we find the resolution or documentation regarding this and send it to the Township Committee for their review in order to move forward.

### **PAYMENT OF BILLS**

Mr. Liedtka made a motion seconded by Mr. Dhopte to approve the bill list. All were in favor.

### **COMMENTS FROM THE PUBLIC AND COMMITTEE**

Mr. Dhopte made a motion seconded by Ms. Katz to open to public comment. All were in favor.

With no comment. Mr. Dhopte made a motion seconded by Ms. Katz to go into Executive Session at 8:03 pm. All were in favor.

### **RESOLUTION 2019-5-7**

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

**WHEREAS**, the Township Committee of the Township of Chesterfield is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et. seq.; and

**WHEREAS**, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Chesterfield to discuss, in a session not open to the public, certain matters relating to the item or items authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Chesterfield to discuss, in a session not open to the public, certain matters relating to the item or items authorized by NJSA 10:4-12b and designated below:

- \_\_\_ Matters required by law to be confidential.
- \_\_\_ Matters where the release of information would impair the right to receive funds.
- \_\_\_ Matters involving individual privacy.
- \_\_\_ Matters relating to collective bargaining agreements.
- \_\_\_ Matters relating to the purchase, lease, or acquisition of real property or the investment of public funds.

- Matters relating to public safety and property.
- Matters relating to litigation, negotiations and the attorney-client privilege.
- Matters relating to the employment relationship.
- Matters relating to the potential imposition of a penalty.
- Matters relating to deliberations on administrative and/or quasi-judicial matters.
- Matters relating to contract negotiations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield, assembled in public session on May 9, 2019 that an Executive Session closed to the public shall be held at 7:43 PM in the Chesterfield Township Municipal Building for the discussion of matters relating to the specific items designated above. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

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Returned to regular session at 8:55 pm.

Mr. Liedtka made a motion seconded by Mr. Dhopte to add Resolution 2019-5-6 to the agenda. Mr. Dhopte made a motion seconded by Ms. Katz to approve Resolution 2019-5-6. All were in favor.

TOWNSHIP OF CHESTERFIELD

RESOLUTION 2019-5-6

**RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION WITH
K. HOVNIANIAN AT CHESTERFIELD, LLC**

WHEREAS, the Township of Chesterfield has had continuing disputes with K. Hovnianian at Chesterfield, LLC (herein “K. Hovnianian”) regarding Phases IV, V and VI of Heritage at Old York Village, and the Developer’s obligations with regard to same, and as a result of which, K. Hovnianian filed suit against the Township in April 2018; and

WHEREAS, in May 2018, the Township filed an Answer & Counterclaim against K. Hovnianian in said litigation; and

WHEREAS, over the last year, the parties have worked towards resolving their outstanding differences, and have reached an agreement that both the Township and K. Hovnianian deem to be in their respective best interests, which

Agreement is memorialized in a "Settlement Agreement and Release" which document is attached hereto and made a part hereof; and

WHEREAS, the Township Committee deems it appropriate to authorize the execution of said Settlement Agreement by the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, State of New Jersey that the Township Attorney be and is hereby authorized and directed to execute the attached "Settlement Agreement and Release" with K. Hovnanian at Chesterfield, LLC.

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**SETTLEMENT AGREEMENT AND RELEASE**

**THIS SETTLEMENT AGREEMENT AND RELEASE** (the "Agreement") is made effective as of \_\_\_\_\_, 2019 ("Effective Date"), by and between K. HOVNANIAN AT CHESTERFIELD, LLC, which has a place of business located at 110 Fieldcrest Avenue, Edison, Middlesex County, New Jersey, and CHESTERFIELD TOWNSHIP ("Chesterfield"), a body corporate and politic located in Burlington County, State of New Jersey.

**WITNESSETH**

**WHEREAS**, K. HOVNANIAN AT CHESTERFIELD, LLC ("Hovnanian") is the developer of property identified as Phases IV, V and VI of Heritage of Old York Village located in the Township of Chesterfield, Burlington County, New Jersey (hereafter, this development is referred to as "Heritage").

**WHEREAS**, on April 16, 2018, Hovnanian filed an action against Chesterfield captioned: K. Hovnanian at Chesterfield, LLC v. Chesterfield Township, Superior Court of New Jersey, Law Division, Burlington County, Docket No.: BUR-L-000783-18 (the "Action");

**WHEREAS**, on or about May 23, 2018, Chesterfield filed an Answer and Counterclaim in the Action;

**WHEREAS**, the Action involves Hovnanian's claims for, inter alia, the release/return of performance guarantees, including Bond Nos. 0111967 and 0111968 and associated cash deposits, as same relates to bonded site improvements for Phases IV and VI of Heritage (the "Performance Guarantees"), along with all escrow funds relating to Heritage;

**WHEREAS**, the Performance Guarantees for Heritage, which are the subject to this settlement are as follows:

Phase	Bond Number	Type	Original Amount	Current Amount
IV	0111967	Surety	\$1,402,302.78	\$420,690.83
		Cash	\$155,811.42	\$48,400.62
V	0111968	Surety	\$931,396.32	\$279,445.90
		Cash	\$103,488.58	\$31,049.54
VI	0111969	Surety	\$847,162.80	\$254,148.84
		Cash	\$94,129.20	\$30,494.04

**WHEREAS**, in the Action, Chesterfield filed a Counterclaim seeking damages against Hovnanian for Hovnanian's alleged failure to install crosswalks; and

Ms. Katz made a motion seconded by Mr. Liedtka to add Ordinance 2019-10. All were in favor. Mr. Liedtka made a motion seconded by Mr. Dhopte to introduce Ordinance 2019-10. All were in favor. Public Hearing is scheduled for 5/23/2019.

**TOWNSHIP OF CHESTERFIELD  
ORDINANCE 2019-10**

**A CAPITAL ORDINANCE OF THE TOWNSHIP OF CHESTERFIELD AUTHORIZING  
THE APPROPRIATION OF \$ 80,000 FROM THE RECREATION FUND**

**BE IT ORDAINED** by the Township Committee of the Township of Chesterfield as follows:

SECTION 1. There is hereby approved as a capital project within the Township of Chesterfield, but not limited to, improvements for resurfacing Galestown playground, not to exceed \$80,000.00.

SECTION 2. There is hereby appropriated from the Chesterfield Township Recreation Fund the sum of \$ 80,000.00 to cover the cost of the projects described in Section 1.

SECTION 3. This ordinance shall take effect upon final adoption and publication in accordance with the law.

SECTION 4. The Recreation Fund of the Township of Chesterfield is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the Clerk of the Township and is available for public inspection.

**CHESTERFIELD TOWNSHIP COMMITTEE**

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With no further comment Mr. Liedtka made a motion seconded by Mr. Dhopte to Adjourn the meeting. All were in favor. The meeting adjourned 9:00 PM

Respectfully submitted,

Rachel Fryc, RMC
Deputy Municipal Clerk