

CHESTERFIELD TOWNSHIP SPECIAL MEETING MARCH 6, 2023

The Township Committee met on the above date in the Municipal Complex, 295 Bordentown-Chesterfield Road, Chesterfield, New Jersey. The meeting was called to order by Mayor Koetas-Dale at 6:00 p.m. followed by a flag salute and moment of silence.

The Open Public Meetings Act Statement was read and compliance noted.

ROLL CALL OF MEMBERS

Present: Belinda Blazic, Jeremy Liedtka, Matthew Litt, Shreekant Dhopte and Denise Koetas-Dale

Also present: Thomas A. Sahol, Township Administrator and Caryn M. Hoyer, Township Clerk

AGENDA MATTER(S) REQUIRING RECUSAL(S) - NONE

TOWNSHIP ATTORNEY INTERVIEWS

John Gillespie – Mr. Gillespie stated he has a lot of experience. He has 40 consecutive years of being a municipal attorney. He began in Pemberton in 1984 and on August 13, 1987 was appointed as the Township Attorney for Chesterfield Township. He has worked in 10-11 different municipalities. He was in Cinnaminson for 17-18 years, Hainesport 5 years, Evesham two stints one in the early 2000s and then again 2011-2019 and Mansfield two different terms. He has been special council on many issues. He stated it is a privilege to work for public entities as they see their constituents every day. He has represented Fire Districts, Municipal Utility Authorities, Zoning Boards and has been a defense attorney for the Joint Insurance Fund. He has a long broad experience. TDR was a challenging issue as it was a long complicated process to get the developers and farmers to buy into the program. Then once adopted, he negotiated with the state to get sewer from the prison. The township successfully won the challenges to the TDR program. The developers finally accepted the plan. The redevelopment in Cinnaminson and Browns Mills were also other challenging issues he was proud to have been a part of. He stated it is rewarding to know that he helped local officials accomplish them.

He was asked about any awards. He stated he was just recently honored by Samaritan Hospice that doesn't have anything to do with law but he was the chairman of the board and does a lot of work for them. He received an award from the International Municipal Lawyers Association for Longevity of Service to a community. He received the State Bar Association award for the Burlington County Vicinage for Professionalism; He received the Martin Haines Award from the Burlington County Bar which is the highest award they can give; he received the Michael Pane award from the NJ Institute of Local Government Attorneys for

Ethics & Integrity in the practice of Municipal Law and the Stickel award by NJILGA for outstanding service; He stated they do not vote on these and usually not aware until after awarded. IMLA gave him an award for his work with National League of Cities for his brief in support of New York City for workers' comp cases resulting from 911. Also, US News and World Report recognized Parker McCay.

Mr. Gillespie stated he has worked on warehouse issues for developers and municipalities. He represents Hainesport in the matter of warehouses. He represents warehouse developers in Florence, Deptford, Bordentown and Cinnaminson. Most have been part of redevelopment plans and welcomed in the towns while others were not. Mr. Dhopte asked about number of hours for budgeting purposes. Mr. Gillespie stated that Chesterfield would require approximate 500 hours per year for everything except litigation. Travel time is charged since if he wasn't traveling to the meeting he would be working in the office. A few years ago he was asked to bill per meeting which he did for one year. Mr. Gillespie was asked what he knows about Chesterfield and why he would be a benefit to Chesterfield. Mr. Gillespie stated there have been roughly 40 elected officials in Chesterfield over his 35 ½ years. Chesterfield has more preserved farmland than any other town in Burlington County with the exception of Southampton due to pinelands restrictions. The budget is approximately 6 million. The population has increased as a result of the receiving area. Chesterfield has the only successful TDR program. Chesterfield is the only town that he knows of that has a 6% set aside for affordable housing. He really cares about Chesterfield. You help local officials to know where the lines are. He believes he would benefit Chesterfield because he has a personal interest in this town, you need to know where we were and how we got there and he is the best at what he does.

Malamut & Associates – Robert Wright and Maggie McHugh were present.

Mr. Wright stated that prior to Malamut & Associates he worked for the Department of Community Housing Division of Affordable Housing Finance and the Government Record Council and providing regulatory guidance within the divisions of Department of Community Affairs. He handled a little bit of everything. He also worked for Cherry Hill for 8 years as in-house solicitor including labor concentrating on proactive work rather than reactive. He also worked on affordable housing in Cherry Hill. Mr. Wright stated he began at Malamut & Associates 3 years ago and presently works in Evesham, Westhampton, New Hanover and North Hanover. He has provided guidance to Burlington County on OPRA and the implementation of Daniels Law and various affordable housing matters and whatever other issues popped up. He also worked for a small boutique firm, Honig & Greenberg, working on tax lien foreclosures for about 3-4 years.

Maggie McHugh stated she has been with the firm since 2019. Prior to 2019 she clerked for Judge Belgard and was also able to do work for Judge Bookbinder. Through her clerkship she has had exposure to municipal law through prerogative writs, matters involving pipeline, different issues with Master Plans and zoning. She had worked in estate issues that impacted public entities and the past two

years more solicitorship for Lumberton and Edgewater Park. She has also worked on labor and employment issues for various towns.

Mr. Wright stated he is proud of his work on the Woodcrest Country Club in Cherry Hill. It is a historic golf course that filed for bankruptcy. Through the bankruptcy, they were going to develop the property into apartments. He stated they negotiated with the owner and purchaser to save the golf course and redevelop the apartments and meet the towns' affordable housing obligation elsewhere on a brownfield area in town. Another area is on Route 70 a redevelopment site that now has apartments that overlooks the Cooper River. Mr. Wright stated they have not represented warehouses but he has represented Florence when they adopted design standards and other zoning regulations that address warehouses, traffic issues, parking, etc. He is involved in a similar situation in Westampton. He stated that Evan Crook in the firm has had some experience with warehouses. They were asked what they know about Chesterfield and how they would benefit Chesterfield. Mr. Wright stated Chesterfield is a beautiful town with both historic and open spaces. He has experience with both in New Hanover and Westampton. He believes the firm's experience with Burlington County would be a benefit for the town as someone in the firm has dealt with every issue. He was asked about the onboarding process and the savings in the hourly rate from the current solicitor would be eaten up. Mr. Wright stated he does not see a problem with the onboarding process. Mr. Wright stated he has worked inside government as well and he understands the administrative side of having to work within the budget. He is a quick learner and very conscious of the bills. He won't know the background so will rely on the staff. He was asked the average hours a town like Chesterfield would require. He stated he didn't know because you don't know what could come up. However he believes Westampton is similar to Chesterfield and their contract has a do not exceed \$75,000 and there has been no change to their contract over the last two years. They were asked about any awards for the firm or individually. Mr. Wright stated he did not know of any. He stated his goal is not awards but to have everyone prepared so there are no surprises and just do his work. Ms. McHugh stated they have been listed in South Jersey Magazine for awesome attorney for many years for various areas of the law, Kelly Grant and Glenn Paulsen for Municipal Law, Tony Drollas for Land Use, Evan Crook for labor & employment and she has been for labor & employment as well as personal injury litigation. Mr. Wright would be the primary attorney for Chesterfield if chosen.

Dominic DiYanni, Eric Bernstein & Associates. Mr. DiYanni stated both he and Mr. Bernstein would share the meetings as Mr. Bernstein has a conflict for the first meeting of the month. Mr. DiYanni stated he would cover both meetings if the committee wanted continuity. He stated that Mr. Bernstein has over 40 years of experience in public entity law. Mr. Bernstein & Associates opened the firm 24 years ago. He stated that 95% of the firm's work is in public entity law. Mr. DiYanni stated he has 19 years' experience exclusively in public entity law. He started his career in Morris County for Dorsi & Semrau where he practiced public entity law for about 7-8 years. He then worked two years exclusively on tax appeals. He has been with Bernstein for 10 years. He has been to 100s of public

meetings over the years. He stated he is currently the labor and environmental counsel for Buena Vista Township, he is a prosecutor in a few towns, the Zoning Board Attorney for three towns, Planning Board Attorney for two towns. He is known for his work with OPRA. He has been special counsel on this issues and gives seminars and lectures to different associations and guides municipalities that way, he has done a lot of work with Local Public Contracts Law. They are currently the municipal attorney in Newton and the Borough of North Plainfield. Mr. Bernstein has represented a number of municipalities over the years. There are four attorneys in the firm who have a lot of experience. They are in several municipalities as conflict or alternate attorney. Mr. DiYanni stated he is a trustee of Institute of Local Government attorneys, the 2nd vice chair of the local bar association local government section. He stated Mr. Bernstein teaches some of the new election official's classes and new planning board member classes as well.

Mr. DiYanni stated he is proud of an issue with the Franklin Fire District #1 issue with OPRA. The volunteer fire department was subject to OPRA and he was able to get that appealed and have that decision reversed. He stated for him a challenge would be getting hired in a new municipality and weaving himself within the municipality and getting to know everyone and pointing them down the right path. He enjoys getting to know new people and would look forward to that. A challenge for the firm was begin appointed the municipal attorney for the Borough of Englewood Cliffs. It was a very difficult and challenging to give advice when they were resistant.

Mr. Litt asked if his rate is an introductory rate and how do you do it. He understands he is \$40-\$50/ hour less. They do not over bill and do not charge for travel time. He was asked about the number of hours or budget requirement. Mr. DiYanni stated it is difficult because he is not sure what is going on but probably around 500 hours. Mr. DiYanni stated that Mr. Bernstein has previously litigated the "Right to Farm". He stated that Mr. Bernstein is working with warehouse issues within farming communities as he does work in Hillsborough. He assists Mr. Bernstein in this area. He is familiar with TDR. He was asked about awards and he is not aware of anything. He stated he saw the Cannabis plans on the Township website and it appears to be well planned. He stated he has been the counsel for the North Plainfield Historic Commission and is familiar with Historic Commissions. He also does a lot of tax appeal work.

The Mayor requested a 10 minutes break before the budget workshop.

Wendy Wulstein, CFO joined the meeting at 7:35 for the budget workshop. She stated the changes as outlined on the sheet she passed out are as follows:

Engineer	\$15,000
HPC	\$ 5,000
Vehicle Maintenance	(\$10,000)
Parks/Rec (Sports Contributions)	(\$ 9,000)
Gasoline	(\$25,000)
EMS	(\$15,000)

This will result in a reduction of \$39,000. There was an outstanding issue regarding the pipeline testing. Mr. Dhopte stated that if it needed to be done it would go out to bid. Mr. Wulstein stated if the testing is not going to exceed the \$7,000 we had previously budgeted then we could do by a quote. Ms. Koetas-Dale stated they are trying to figure out what they want to get done in regard to testing and still looking at the process. She did not think it needed to be budgeted this year. Ms. Wulstein stated if testing needed to be done it could be charged to engineering. Mr. Litt asked what the monitoring of the legal and engineering charges would consist of. He believes this is a good idea and how would it be done. Ms. Wulstein stated that was a recommendation by the BAC because we are going to have a new engineer and attorney this year. Ms. Wulstein stated she will put something out where you can see what has been spent within the budget. Mr. Sahol stated that you will see a large amount in the beginning to prep for the bidding and inspections. Ms. Wulstein explained that a purchase order will be issued when the project is beginning for the entire amount which will encumber that total amount at the start of a project. Mayor Koetas-Dale wants to make sure we have enough money to do the projects we need to get done. There was discussion regarding the engineer at the meetings. Ms. Wulstein stated the costs is \$500 per meeting for the last 2 meetings. The committee discussed the engineer line item. Mr. Sahol does not think \$80,000 is going to be enough. There was discussion regarding prior engineering invoices compared to the current engineer.

Ms. Wulstein discussed the capitol in the budget is for information purposes only. She would also like to put in \$100,000 for recreation improvements in the capital budget as well. She explained that these are only informational purposes and does not authorize any spending. Ms. Wulstein explained the CAP bank and asked what the committee wanted. The Township Committee agreed to leave \$25,000 in the CAP bank. The committee agreed they are comfortable introducing the budget on Thursday night. Mr. Dhopte asked about bonding this year. Ms. Wulstein stated she will continue to look into for when it would benefit the town to bond.

Mr. Liedtka made a motion seconded by Ms. Blazic to open the meeting to the public. All were in favor.

Brett Anderson – 62 Brookdale Way – He asked if there is any expectation to continue the budget workshop beyond the executive session. He was advised just the engineer line item.

Mr. Liedtka made a motion seconded by Mr. Litt to close public comment. All were in favor.

Mr. Liedtka made a motion seconded by Mr. Dhopte to approve Resolution 2023-3-1 for executive session to discuss contract negotiations at 8:02 PM. All were in favor.

Ms. Blazic made a motion seconded by Mr. Dhopte to return to regular session at 9:04 PM. All were in favor.

Ms. Wulstein reviewed the budget rate based on the discussion earlier in the meeting. She presented the committee with a few options. The committee agreed, with the exception of Mr. Liedtka, on a rate of .4134 which will be an increase of \$80 per year for the average assessed home.

Mr. Litt made a motion seconded by Mr. Liedtka to adjourn the meeting. All were in favor. The meeting adjourned at 9:10 PM.

Respectfully submitted,

Caryn M. Hoyer, RMC
Township Clerk