

September 28, 2010 Galloway, NJ

The Regular Meeting of the Galloway Township Council and Utilities Division was held on the above date at 6:30 PM in Council Chambers, 300 E. Jimmie Leeds Road, Galloway, NJ with Mayor Keith Hartman presiding. Council Members present were:

BASSFORD  
KLEINERCOPPOLA  
PURDYGORMAN  
ULLMAN

Also present were: Township Manager Roger Tees, Engineer Kevin Dixon and Solicitor Michael Blee.

Township Clerk, Lisa A. Tilton read the following announcement: On January 6, 2010 notice of the meeting was mailed to The Mainland Journal, The Press, The Current, and duly posted in Council Chambers.

Pastor Dean Bult Sr. from Mainland Baptist Church gave a Moment of Meditation.

Councilman Coppola led the flag salute.

On motion of Kleiner, seconded by Purdy and carried the Regular Meeting Minutes of September 14, 2010 was approved as received: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

On motion of Purdy, seconded by Kleiner and carried the Open Session Special Regular Meeting Minutes of September 13, 2010 was approved as received: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### PROCLAMATION – NATIONAL CAUSES/AWARENESS & PINNING DAY / AVA HOLLY FUBRST

Mayor Keith Hartman presented Ava Holly Fuerst Lewis with a proclamation proclaiming support for in her dream to take National Causes/Awareness & Pinning Day to a higher level and urge all citizens, family & friends to go their website @ [www.4astar.com](http://www.4astar.com) to aid her quest for this cause.

#### PRESENTATION – PLAQUE TO GT/AL STANLEY FROM US CENSUS 2010

Mayor Keith Hartman presented Al Stanley with a plaque from the US Census Bureau for recognition in completing the 2010 Census and thanked Mr., Stanley for his hard work and dedication.

#### PRESENTATION – SUPPORT OF NATIONAL NIGHT OUT PRESENTED BY SGT FRANK J. WEIR

Sgt. Frank Weir presented appreciation plaques to Waszen Brothers, D'Arcy, Johnson & Day, Icon Hospitality, Chispanic Enterprises, Petrosch Big Top and Trump Entertainment Resorts for supporting the National Night Out Event.

#### PRESENTATION – NJDOT/BIKEWAYS STUDY

Regina DeVecchio and Layla Frye presented Council with the NJDOT Bike Master Plan for Galloway Township.

#### DISCUSSION – NEW LEAF COURT BASIN

Township Engineer Kevin Dixon presented Council with an update on the construction status on the site. This is to give Council a full picture of the time, effort, care and concern that went into the design of the basin. The drainage solution based upon the existing problem we had that started in this office in 2005 and extends all the way to the current construction project underway at this time. In 2005 we were asked to look at drainage situation at the corner of New Leaf Court and Jimmie Leeds Road. Just east of Pitney Road there is a major low point in Jimmie Leeds Road that collects water from a very large watershed. A watershed which has been developing from more and more homes, businesses and impervious coverage through the years and it has been collecting and flooding this area.

Jimmie Leeds Road would become inundated with water; the water would crest over the center line of the roadway and flood from curb to curb, overtop the curb, go down through the yards, run through the roadway of New Leaf Court, collect in the low area of New Leaf Court and become a no wake zone. We didn't think a very large rain storm would do that, but it was doing that quite often. It was a life threatening situation. When we examined it, we had to look at the entire watershed. The entire water shed ends up on Jimmie Leeds and the flows down New Leaf Court, through the yards, through the woods and then there on. The watershed contributes to the drain problem and flow path. The flow path continues past New Leaf Court and Jimmie Leeds Road. All the water gathers in the intersection and floods the area, overloads the County drainage system and continues on the flow path from there.

The path continues beyond New Leaf Court and that cul-de-sac back into the property behind there, on past the property behind New Leaf Court and on towards Highlands Avenue then continues to flow from there. Any solution that we would implement is going to have to take into count the ultimate discharge point for the water and that flow path went through a lot of back yards and a lot of woods. We first looked at taking the water all the way down Jimmie Leeds Road to Seaview Country Club. That would require getting up over the highpoint in the road and the pipe would probably be 20 feet deep, it was very expensive and crossing over a watershed boundary. We then looked at the possibility of going down to Ridgewood and traveling north on Ridgewood and west on Highland and discharging it somewhere beyond that point, which would have required taking another route beyond the residences on Highlands. This route was also overcoming the topography; the pipe would have been very deep in the ground, it would have required additional property acquisition and thousands of feet of pipe.

We looked at the property that the basin is now as a potential candidate in that process and evaluating alternatives. We thought about making a smaller basin with potential outfall pipes from that basin leading over along the flow path towards Highlands Avenue, it would then have to go from Highlands to some point beyond the residents on the other side, which was again 2,000 feet of pipe away from the basin. If we did not make the basin the size we made, a smaller basin would require an outfall. We didn't decide how big the basin had to be. The basin is subject to the Permit the Township has that was issued by DEP in conjunction with the storm water management regulations which we wrote, and the permit which is monitored and renewed by the DEP. We had requirements that we had to meet with respect to the design of storm water management facilities and basically that's the 100-year storm. We had to meet the design outlined by the DEP which has been translated back into our own ordinance as a requirement of DEP. And I would add, those are new regulations that were adopted in 2004. Those regulations preceded this project which began in 2005. Applying those regulations to those watershed criteria calculating the runoff comes up to a volume that needed to be handled. It needed to be controlled a basin that is sized to completely handle the storm in which case the piping and discharge alternatives I talked about would be necessary or any size would require an outfall. Any alternative with an outfall pipe would have about doubled the cost of the project based upon the project that was designed.

Any discharge point before or near those homes would not have been a feasible alternative from an engineering standpoint. It would have put a pipeline in someone's yard. It would have subjected that property to risk of potential flooding. Even a 100 year storm is only a limited design criteria. The feasibility of the site lent itself to this design because of the location, geographically and topographically. The basin is sized as we are required to size it as promulgated by DEP and written in our ordinance. We calculated the volume and flow in the 100 storm that calculation results in a volume which is the basin we designed. We acquired that property in order to do this project. We were instructed as well to size the basin in the absolute minimal amount of property that could be obtained and still be able to do this project. The property was acquired after negotiating with the property owner through the process of condemnation or eminent domain. This was a process that was undertaken as a means of fast tracking the project so as not to delay it. The Township and property owner settled on the price and configuration of the property. The front portion of the property would be maximized to the property owner and still owned by the property for future development or commercial development along Jimmie Leeds Road.

We had to squeeze the dimensions of the basin which made it deeper; we were able to do that because of the soils. We did soil investigation in 2005 which was preliminary investigations. We did test pits in 2008 additional investigations in 2010. We encountered very clean sand, uniformly graded porous sandy material. This soil was going to provide a good to excellent medium for the infiltration from the bottom of the storm water basin. We went 12-14 deep in depth. When we had more clear land we would be able to get in there and dig deeper to see what was below. We were able to dig holes up to 20 feet deep which would put us 10 feet below the bottom of the basin and no ground water was encountered. We were able to get a clear reading of the of the soil profile. We had not hit water at 20 feet; we also didn't hit seasonal high water at 20 feet.

A couple comments were made that we didn't follow our own rules, there's an explanation to the procedural aspect of this project that intersects with the technical aspects. Our ordinance requires an application for a land use development to prepare information that would be submitted to a planning agency of the Township. That information is necessary for the Boards Professionals to make a reasonable determination about the suitability of the project as it advises the board on how to vote. The difference with a capital project the township does, a capital project does not go before a regulatory board of the Township. The MLUL exempts the Governing Body from having to take such action except as courtesy to the board.

Once the excavation started we continued down to bottom of the basin. We were able to examine the soils even further. We dug a hole that was about 17 feet deep and it was bone dry. There is currently 17 feet separation from the bottom of the basin and where ground water is. DEP concurred with our findings and conclusions. DEP did say the plans we submitted to them that Galloway Township is operating in accordance with their Municipal storm water permit and function to its design.

**Mayor Hartman:** Would you say in your opinion, the reason for the flooding was the overdevelopment of the watershed in that area and poor management of the storm water management?

**Engineer Kevin Dixon:** Yes, there certainly was. New Leaf Court was a subdivision with no drainage basin with a few underground inlets. The developments along Jimmie Leeds Road contributed to the collection and increase in the water fort that intersection.

**Councilman Kleiner:** Have you seen any indication that the season high has reached 8 foot high and how quick should it drain.

**Engineer Kevin Dixon:** You look at the soil coloring to see characteristics for oxidation of the soil. You can see a band in the soil. We were double the rate for K-5 Soil for quicker drain.

**Councilman Gorman:** If the basin were to hold water for a few days, do you believe it would pose a threat to the basements in the area? Is there anyway we can have more trees planted?

**Engineer Kevin Dixon:** I do not. The first drops that are coming in the basin are coming in at 10 feet below the ground. They are coming in below anyone's basement in the surrounding area. If the basin wasn't there, it would be absorbed in the ground as it flows across the ground. We will utilize some of the Forestation Grant to supplement the trees in the area.

**Councilman Kleiner:** How close is the basin to the property lines? Are we putting up some kind of fence and the part behind the homes maybe put a PVC fence?

**Engineer Kevin Dixon:** 35 Feet, Yes we are putting a fence and we discussed it the homeowners, it was agreed upon and black vinyl chain link fence was a preferable alternative.

**Councilman Coppola:** I drove down New Leaf Court and to look right to what was an undisturbed wood is now a giant swap of clear land. There could have been an office building there. I would like to see us move forward in a responsible way. I don't think anyone would disagree that this needed to be done.

Engineer Kevin Dixon: We are making every effort to address the issues. We will get a signoff from the residents, especially the neighbors that adjoin this basin.

Deputy Mayor Purdy stepped off the dais to abstain.

ORDINANCE # 1826- REPEAL & REPLACE LAND MGMT CODE CHAPTER 233-65 / GUARANTIES  
REQUIRED

Mayor Keith Hartman asked if there was any public comment on the above Ordinance?

There was none.

On motion of Kleiner seconded by Gorman and carried the above Ordinance passed final reading after public hearing on same: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Ullman, Aye)

RESOLUTION # 237 - ESTABLISH PERFORMANCE GUARANTEE POLICY

On motion of Kleiner, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Ullman, Aye)

Deputy Mayor Purdy returned to the dais.

RESOLUTION # 238- AUTHORIZE MAYOR TO EXECUTE INDEMNIFICATION AGREEMENTS/K HOVNIANIAN

On motion of Purdy, seconded by Gorman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 239- RELEASE PERFORMANCE GUARANTEE UPON POSTING OF MAINT GUARANTEE / MANCHESTER VILLAGE

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 240- RELEASE PERFORMANCE GUARANTEE UPON POSTING OF MAINT GUARANTEE / WEXFORD VILLAGE

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 241 - RELEASE CASH PERFORMANCE GUARANTEE UPON POSTING OF MAINT GUARANTEE / COOLIDGE AVENUE / SIROD LLC

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 242 - RELEASE PERFORMANCE GUARANTEE UPON POSTING OF MAINT GUARANTEE / OXFORD VILLAGE

On motion of Kleiner, seconded by Purdy and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 243 - RELEASE PERFORMANCE GUARANTEE UPON POSTING OF MAINT GUARANTEE / NOTTINGHAM VILLAGE

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 244- CHG ORDER #1 INCREASE CONTRACT FOR NEW LEAF COURT

On motion of Purdy, seconded by Kleiner and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Abstain; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 245 - AWARD CONTRACT TO MJJ CONST LLC FOR SENIOR CENTER REHABILITATION PROJECT

On motion of Ullman, seconded by Gorman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Abstain; Ullman, Aye)

RESOLUTIONS # 246 - AUTHORIZE MAYOR TO EXECUTE SERVICE AGREEMENT/EASTERN ARMORED INC.

On motion of Kleiner, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 247 - AUTHORIZE MAYOR TO EXECUTE MAINT AGREEMENT / NEW WORLD SYSTEMS

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

RESOLUTION # 248 - REIMBURSE EXCESS TAX BILLING

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 249 – GRANT APPROVAL FOR CHARITABLE ROADWAY SOLICITATION

On motion of Kleiner seconded by Gorman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 250 – ADOPT MULTI-JURISDICTIONAL PRE-DISASTER HAZARD MITIGATION PLAN

On motion of Kleiner, seconded by Gorman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 251 – ADOPT CORRECTIVE ACTION PLAN / POLICY FOR LEGAL DOCUMENTS

On motion of Purdy, seconded by Ullman and carried the above Resolution was tabled: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 252 – ESTABLISH ABSENCE FROM MTG POLICY FOR MUNICIPAL OFFICIALS

On motion of Kleiner, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## CONSENT AGENDA – MOTION – NJ STATE FIREMEN'S MEMBERSHIP APPS/MILLIGAN, DICKERSON &amp; AMODIO

On motion of Purdy, seconded by Gorman and carried the above Consent Agenda was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 253 – PAYMENT OF BILLS

On motion of Kleiner seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 254 – CLOSED SESSION

On motion of Kleiner, seconded by Purdy and carried the above Resolution was adopted: (Roll Call Vote: Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

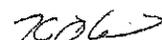
Manager's Report begins on Tape #1 at #2843.

Council's Reports begins on Tape #1 at #2856.

Public Participation begins on Tape #1 at #3047

There being no further business on motion of Kleiner seconded by Purdy and carried the meeting was adjourned.

APPROVED:

  
Mayor Keith P. Hartman

Respectfully submitted,

  
Lisa A. Tilton, Township Clerk