



Borough of Haddonfield

New Jersey

Board of Commissioners
Colleen Bianco Bezich
Mayor
Director of Public Affairs & Public Safety

Director of Revenue and Finance

Frank Troy
Director of Public Works, Parks & Public Property

August 20, 2024

Via Regular and Certified Mail R.R.R.

Neal Rochford
Committee of Petitioners



Jim Twitchell
Committee of Petitioners



Claudette Fonshell
Committee of Petitioners



Terry Sentman Harris
Committee of Petitioners



Lisa Quanci
Committee of Petitioners



Re: Non-Binding Referendum Question

Dear Mr. Rochford, Mr. Twitchell, Ms. Fonshell, Ms. Sentman Harris, and Ms. Quanci,

The Borough is in receipt of your Petition and accompanying documents for a non-binding referendum to be placed on the ballot for a vote in the November 2024 election. The petition was received by this office on August 8, 2024.

Upon receipt of any such petition, including the one you filed, the Clerk must review the proposed petition and determine that it meets all requirements set forth by the statutes and other regulations of the State of New Jersey. If the petition is found to meet all necessary requirements, then the petition is put forth to the Board of Commissioners for action. The Borough Clerk nor the Board of Commissioners are permitted to request the petition as presented be included on the ballot in the next general election as the petition presented is legally deficient for the following reasons. The petition and non-binding referendum presented to the Borough Clerk is attached hereto for convenience of reference as "**Exhibit A**".

The State of New Jersey requires that a petition, like that presented here, must be signed by 10% or more of the voters registered and qualified to vote in the last general election in Haddonfield and must not be otherwise barred. N.J.S.A. § 19:37-1.1. The petition presented was required to have at least 1,023 signatures, which is 10% of the 10,230 voters who voted in the last general election in Haddonfield, to have a non-binding referendum question to be placed on the ballots in November 2024. The petition submitted has only 530 signatures, which is 493 signatures short of the required 10%. Therefore, the petition presented is deficient, and so the Borough Clerk must reject it, and the Board of Commissioners cannot take action to request that the Clerk of Camden County print the proposed question for the next general election, in this instance, on November 5, 2024.

Second, proposed referendum questions are subject to several restrictions with regard to the subjects for which they can request action. Specifically, N.J.S.A. § 40A:12A-28 explicitly states that “no revision or amendment of an ordinance or resolution” under New Jersey Local Redevelopment and Housing Law shall be submitted or adopted by referendum. The presented proposed referendum’s subject matter falls directly within this prohibition as it proposes action to revise existing ordinances and resolutions passed by the present and preceding Board of Commissioners. As such, the Borough Clerk cannot legally accept the presented petition as it violates N.J.S.A. § 40A:12A-28.

The Supreme Court of New Jersey has confirmed and further explained the restrictions of N.J.S.A. § 40A:12A-28 as recently as 2015. In re Ordinance 2354-12 of Tp. Of West Orange, Essex County v. Township of West Orange, 223 N.J. 589 (2015), a bond ordinance was being challenged by a voter brought referendum. In West Orange, several township residents formed a committee to challenge the validity of a redevelopment bond ordinance for \$6,300,000 in bonds to finance a redevelopment project. Id. at 593. They filed a referendum petition with the Township Clerk, who rejected the petition due to an insufficient number of signatures and the preclusion of such a referendum question by Local Redevelopment and Housing Law. Id. The challenge was also not filed within the 20-day time frame following the final publication that is required under R. 4:69-(b)(11) or N.J.S.A. § 40A:2-49. The Court found that the Township Clerk acted properly by denying the petition and further that “the Legislature has unambiguously decreed that an ordinance enacted under the Local Redevelopment and Housing Law is not

subject to approval at the ballot box.” Id. at 598. The Court also denied the validity of the referendum petition because it was not filed within the 20-day time frame. Id. at 598.

Here, you filed for a referendum to be included on the ballot that directly falls into decisions made by the Board of Commissioners, both past and present, that declared the “Bancroft” property an area in need of redevelopment. As early as 2005, this area was declared an area in need of redevelopment and the Amended Redevelopment Plan for the “Bancroft” property was specifically adopted by ordinance on April 6, 2016. The presented non-binding referendum seeks to undo what has previously been approved and, as such, the request for a referendum on this topic is not only inappropriate but violates N.J.S.A. § 40A:12A-1 et al. Referendum questions regarding topics governed by the Local Redevelopment and Housing Law are expressly prohibited and there is no exception. The referendum question sought by your committee is improper and is not permitted as it violates Local Redevelopment and Housing Law.

Finally, if the above two bases for rejection are not sufficient, and were able to be cured, which they are not, there exists a third basis to reject. The petition papers provided for initiative or referendum are not uniform. According to N.J.S.A. § 40:69A-184-85, voters have the power of initiating an ordinance or proposing a referendum by obtaining signatures through petition. A petition for either purpose, the papers circulated “. . . shall be uniform in size and style,” N.J.S.A. § 40:69A-186, and all papers for the petition “. . . shall be assembled and filed with the municipal clerk as one instrument.” N.J.S.A. § 40:69A-187. The cover letter submitted spells out what you, the committee, are proposing as the referendum question, which is entirely different from the petition description at the top of each signature page, which presumptively was read and agreed to by each signee. A copy of your cover letter, proposed ordinance and a one page of the signatures presented (as a sample) are attached as “**Exhibit B**”. Given this discrepancy, the eligible voters who signed the petition did not agree to the referendum question presented to the Borough Clerk, and as such, it cannot be confirmed that they were not provided with the actual referendum language as presented to the Borough Clerk.

The above statute provides that either an initiated ordinance or a proposed referendum can be sought through petition by voters, but they are two different mechanisms. Here, the attached petitions are clearly asking for both to be considered, but the process and requirements for each are separate. See N.J.S.A. § 40:69A-184 and 185.

Given the multiple issues presented above, your petition is hereby rejected as deficient and not a legal permissible use of the referendum mechanism. The referendum request, as presented, is both inadequate and improper under New Jersey law.

Please let me know if you have any additional questions.

Sincerely,

Deanna Bennett, RMC
Borough Clerk

cc: Colleen Bianco Bezich, Mayor
Frank Troy, Commissioner
Sharon McCullough, Borough Administrator
Salvatore J. Siciliano, Esquire, Borough Solicitor

Enclosures

Exhibit A- Cover Letter/Submission of August 8, 2024

Exhibit B- Page 1 Petition with Signatures

Exhibit A

8/8/2024



To: Deanna Bennent
Municipal Clerk,
Borough of Haddonfield

From: Neal Rochford, Jim Twitchell, Claudett Fonshell, Terry Sentman Harris,
Lisa Quanci

Please accept the following documents to proceed with a Non-binding referendum on behalf of the residents of Haddonfield regarding the future of the Bancroft site.

The petitioners ask a non-binding referendum question to be put on the ballot as follows:

Should the Borough of Haddonfield preserve the Bancroft for public use, including parks and recreational facilities, and for 10 units of affordable housing, rather than developing the area for other purposes such as residential or commercial projects?

Yes _____ No _____

- Proposed Sample Ordinance for Future Consideration if the Commissioners decide that the voters prefer Open Space Option.
- Signatures requesting a non-binding referendum (530)
- Affidavits of signatures
- Committee of Petitioners

The petitioners' committee asked for a ballot question on the November 5th, 2024 general election.

Please feel free to contact us if you need any additional information.

Thank you for your attention to our request.

Committee of Petitioners

Committee of the Petitioners

Neal Rochford



Jim Twitchell



Claudette Fonshell



Terry Sentman Harris



Lisa Quanci



****BOROUGH OF HADDONFIELD, NEW JERSEY** **ORDINANCE NO. [XXXX]**
****AN ORDINANCE TO DESIGNATE THE BANCROFT SITE AS PERMANENT OPEN SPACE** *****

WHEREAS**, the Borough of Haddonfield recognizes the importance of preserving open spaces for the benefit of its residents, and ****WHEREAS****, the Bancroft site, located at 425 Kings Hwy Address/Parcel Number], is of significant historical, environmental, and recreational value to the community, and ******

WHEREAS**, it is in the public interest to ensure that this site remains undeveloped and accessible to the public for recreational and conservation purposes, ****NOW, THEREFORE, BE IT ORDAINED**** by the Mayor and Commissioners of the Borough of Haddonfield, County of Camden, State of New Jersey, as follows:

Section 1. Purpose The purpose of this ordinance is to designate the Bancroft site as permanent open space to protect its environmental, historical, and recreational value for current and future generations.

Section 2. The Bancroft site, identified by the following legal description [insert legal description of the property], is hereby designated as permanent open space.

SECTION 3. Use Restrictions A. The Bancroft site shall be used solely for the following purposes: 1. Public recreation, including but not limited to walking, hiking, and picnicking, organized sports field activities,. 2. Environmental conservation and educational activities. 3. Preservation of historical features and landmarks. B. No development, construction, or alteration of the site shall be permitted, except as necessary for 10 affordable housing units. the borough will be responsible for maintenance and enhancement of its use as open space. The parcel for Lullworth Hall is also excluded from the Open space designation.

Section 4. Management and Maintenance The Borough of Haddonfield shall be responsible for the management and maintenance of the Bancroft site to ensure its continued availability for the purposes outlined in this ordinance.

Section 5. Enforcement The Borough of Haddonfield's Code Enforcement Officer shall be responsible for enforcing the provisions of this ordinance. Any violations shall be subject to penalties as provided by Borough ordinances.


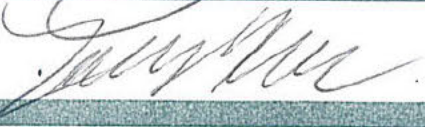

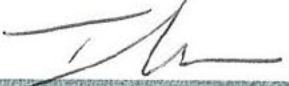

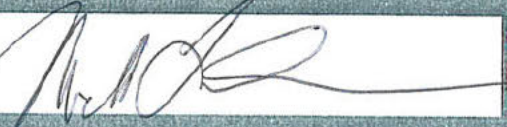

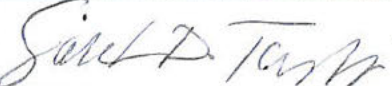

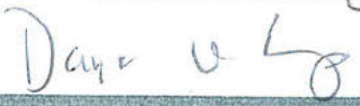
Section 6. Severability If any section, subsection, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. ###

Section 7. Effective Date This ordinance shall take effect immediately upon final passage and publication as required by law.

Exhibit B

Open Space Referendum for Bancroft Site

The following petition is to require the commissioners to pass an ordinance or to put a referendum for voter consideration as an open space ordinance at Bancroft site. By signing this petition I certify that I am a registered voter in Haddonfield.

Printed Name	Signature	Address
KRISTIN MILANNA		[REDACTED]
Lindsay Kenney		[REDACTED]
Conrad Koepfer		[REDACTED]
TREVER MILLER		[REDACTED]
Colin Baker		[REDACTED]
Mark D. Tambussi		[REDACTED]
Darcy M. Durham		[REDACTED]
Sarah Tambussi		[REDACTED]
Matthew Sharp		[REDACTED]
Dayna Sharp		[REDACTED]

COMMITTEE OF THE PETITIONERS

- Neal Rochford, [REDACTED]
- James Twitchell, [REDACTED]
- Claudette Fonshell, [REDACTED]
- Terry Sentman Harris, [REDACTED]
- Lisa Quanci, [REDACTED]

**BOROUGH OF HADDONFIELD, NEW JERSEY ORDINANCE NO. [XXXX] AN
ORDINANCE TO DESIGNATE THE BANCROFT SITE AS PERMANENT OPEN
SPACE**

WHEREAS, the Borough of Haddonfield recognizes the importance of preserving open spaces for the benefit of its residents, and ****WHEREAS****, the Bancroft site, located at Kings Hwy, also known as 2 Hopkins Lane/Parcel Lot 2, Block 14 is of significant historical, environmental, and recreational value to the community, and

WHEREAS, it is in the public interest to ensure that this site remains undeveloped and accessible to the public for recreational and conservation purposes, Now, **THEREFORE, BE IT ORDAINED** by the Mayor and Commissioners of the Borough of Haddonfield, County of Camden, State of New Jersey, as follows:

Section 1. The purpose of this ordinance is to designate the Bancroft site as permanent open space to protect its environmental, historical, and recreational value for current and future generations.

Section 2. The Bancroft site, identified by the following legal description [Lo 2, Block 14], is hereby designated as permanent open space.

Section 3. Use Restrictions A. The Bancroft site shall be used solely for the following purposes: 1. Public recreation, including but not limited to walking, hiking, and picnicking, organized sports, concerts, field activities. 2. Environmental conservation and educational activities. 3. Preservation of historical features and landmarks. B. No development, construction, or alteration of the site shall be permitted, except as necessary for 10 affordable housing units and development of recreation facilities. The borough will be responsible for maintenance and enhancement of its use as open space. The parcel with Lullworth Hall is also excluded from the Open space designation.

Section 4. Management and Maintenance - The Borough of Haddonfield shall be responsible for the management and maintenance of the Bancroft site to ensure its continued availability for the purposes outlined in this ordinance.

Section 5. Enforcement - The Borough of Haddonfield's Code Enforcement Officer shall be responsible for enforcing the provisions of this ordinance. Any violations shall be subject to penalties as provided by Borough ordinances.

Section 6. Severability - If any section, subsection, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date - This ordinance shall take effect immediately upon final passage and publication as required by law.

Affidavit of Circulator

Borough of Haddonfield, State of New Jersey, County of Camden

1. That my name is Claudette Finshell

and I reside at 

2. That I am a circulator of the petition to place the initiative titled "Open Space Referendum" on the 2024 ballot for Haddonfield New Jersey November Election.

3. That each of the signatures on the accompanying petition sheets was made in my presence, and to the best of my knowledge and belief, each signature is the genuine signature of the person whose name it purports to be, and each signer is a registered voter in the State of [State], and resides at the address provided on the petition.

4. That I circulated the petition and witnessed each signature being affixed to the petition.

5. That, to the best of my knowledge and belief, none of the signatures on the petition sheets were obtained in violation of any law governing the collection of petition signatures.

6. That I am aware of and understand the laws of the State of New Jersey regarding the penalties for fraudulent signature gathering, including but not limited to fines and imprisonment.

7. That I have not paid or offered to pay, and I am not aware of anyone else paying or offering to pay any signer for their signature on this petition. I hereby certify under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct.

Date 6/27/24

Printed name of Circulator Claudette Finshell

Signature of Circulator 