

**EASTAMPTON TOWNSHIP COUNCIL
REGULAR SESSION MINUTES
September 10, 2007
7:30 p.m.**

Call to Order

Mayor Nagler called the meeting to order at 7:30 p.m.

Pledge to the Flag

Everyone participated.

Opening Statement

Notice of this meeting was published in the Burlington County Times on January 9, 2007. Notice was posted on the Municipal Bulletin Board and sent to the Courier Post for information.

Roll Call

PRESENT: Mr. Maroccia, Mr. Renzulli, Mr. Hartman, Mr. Tafe and Mr. Nagler

ALSO PRESENT: Township Solicitor Eileen Fahey, Township CFO Gerald Mingin, Township Manager Scott Carew and Township Clerk Linda Lovins

Township Manager's Report

Phil Polios put Scott in touch with Mr. Hofbauer. He is currently the Hazmat Health and Safety Coordinator for the County. He is interested in being the Emergency Management Coordinator for Eastampton and understands the commitment and the things required to do the job and is actually looking forward to it. In all likelihood, Manager Carew will appoint him as coordinator at the end of the month when Ed's term is up.

Annually the Township receive's a share of franchise fees from Comcast per an agreement. The amount increases each year. The Mayor noted the amount on his bill and did some math which did not coincide with the amount that the Township should be receiving. Chief Mingin requested a revenue audit from Comcast because he noticed that some serviced streets were missing. Comcast stated that due to privacy laws, they cannot give the information that the Township is requesting.

Chief Mingin will give them the name of the streets in question and they will look into it. Mayor Nagler asked how does the Township hold Comcast accountable if the Township does not have the information that they are asking for. Solicitor Fahey stated that there is some information that they can share and some that they cannot. Eileen suggested going to their regulatory body and they will be an advocate to make sure the Township is getting their share.

Ms. Fahey suggested a motion regarding going to the BPU relative to the franchise fees. Ms. Fahey noted that the Township does get 2% of the premium channels. Comcast is not obligated to give the Township 2% of the premium channels.

The contract provides 2% of the gross profit and they are wrapping themselves in the privacy act to not be held accountable. This is impracticable because it does not allow for an audit pursuant to that Franchise Agreement.

Mayor Nagler asked if the Township could go back a number of years to look at it. Mr. Hartman suggested waiting to see what BPU says.

Chief Mingin asked for an audit of the amount from the present. He fears that if the Township scares them it could cause trouble.

Mr. Renzulli suggested looking at other companies to see who has a franchise at this point and possibly putting it out on the table.

Motion by Councilman Hartman, seconded by Councilman Tafe to have Manager Carew contact the BPU to try to get the information the Township is looking for. All voted in the affirmative.

Councilman Renzulli suggested a carbon copy to the surrounding Townships within the County for their information.

Manager Carew and Chief Mingin are meeting with the County regarding the safe walking routes in light of RV cancelling the bus routes. Manager Carew tried to get the JIF to help and they cannot. Manager Carew is going to first assess the possible walking routes. Then once an expert tell us, based on actual data, what is safe and what is not, the Township can then develop a plan. Manager Carew is looking into everything within two miles.

RV officially delayed the cancellation of the bus routes and advised that they were not going to make this change until the 2008-09 school year. All but one school board member voted to delay it.

Manager Carew followed up with Dan Paolini regarding the Township's questions about the sale of the vehicles that were given to them. Dan has not gotten back to him.

Student Drive and Knightsbridge Road has been stripped. Knightsbridge has not been fully completed and the bike lanes have not been marked yet.

The new community school did open today. Accolades to the police department for handling the traffic and to Steve Murray for once again putting himself out. He delayed taking his son to college by taking his own time to do inspections.

Councilman Renzulli asked about a large pile of mulch on Indian Way and asked Manager Carew to have public works remove it.

The delivery and completion date for the recreation building is the beginning of October. Dan Chieco is a licensed architect and landscape architect who is putting together a plan

that will enhance the privacy issues. Rich Parks is pricing out vinyl for the fencing. Scott talked to Mr. Aziarry last week when he delivered the site plan to him. Mr. Aziarry offered to help install the fence.

The Township is hiring an expert to help the Township with the Waste Management tax appeal. The assessor assessed their property at a lot more than it was allegedly worth. The expert will tell us if the Township has a chance to win this case. There are two potential problems (1) fight and lose and owe Waste Management a lot of money, or (3) in the alternative, the Township fights it and wins but will have to spend a lot of money on professionals. This person will evaluate the situation. The cost of the professional will be about \$6,000.

Since the Township has the Shared Service Agreement with Maple Shade, the expense falls on them to pay it. The Township gave them \$8,000 for operating expenses and Maple Shade has not spent it. Maple Shade was happy that the Township gave them something to spend it on or they would lose it.

Manager Carew reminded Council that the Township is a not the deepest staffed office. There are things that the Township can do to increase efficiency and customer service. Twenty-five years ago there was a municipal action catalog which listed each department and what services they gave to the residents. Manager Carew is looking to replicate that document. This document will help with awareness. Manager Carew is going to require the staff to keep a phone log. There are times that the Township gets calls from angry residents who state that they do not get their calls returned. Manager Carew will collect the phone log at the end of the month and then he will be able to look at it and verify any complaints.

The final thing is to help with efficiency. Doris La Vacca maintains two offices. One on the second floor for the Tax Collector position and one on the third floor for the Treasurer position. Manager Carew is thinking of moving Doris to his office so that she is more easily accessible to the public. The Manager's office will then go to the second floor and Jerry will take the third floor for the CFO office. This will help improve accessibility to the senior citizens. Manager Carew will keep Council abreast on the situation.

Chief Financial Office Mingin spoke about re-allocation of capital funds. In 2000 the Township adopted a bond ordinance to purchase open space. That note was paid off and there is an unexpended balance of about \$255,000. This money can be transferred to surplus. The Township has until the end of the year to make this decision. If this is done by ordinance, by reallocating, it will have to be done between two meetings. Councilman Renzulli suggested that some of the money goes to the police building for capital improvements.

Chief Mingin stated that there is also very little in road improvement monies which is very important to have a plan in place.

Chief Mingin explained to Council the new rules as a result of school shootings which promulgated additional training, assault weapons, ballistic shields, helmets, etc. for Police Departments. Chief Mingin will be asking for \$20,000 to fund the training and equipment.

Councilman Renzulli asked if the State was going to reimburse the Township for yet another

mandate. Councilman Renzulli is not against the equipment or training. He is just disappointed with another State unfunded mandate. Chief Mingin reminded council that any state mandate that requires the Township to spend money is out of CAP. Councilman Renzulli commented that the taxpayers do not care if it is in or out of CAP, it still comes out their pocket.

Councilman Tafe asked about shared services with other townships regarding this matter. Chief Mingin explained that everyone must be trained. Different options were discussed.

Councilman Renzulli took exception to the comment that there is no plan in place for roads. Councilman Renzulli stated that the previous Council put a plan in place to put away a \$25,000 bond every year for roads.

Manager Carew reminded Council that the township will possibly have to put money into crosswalks and sidewalks as well.

Mayor Nagler asked for a short list of priority capital expenses. Councilman Renzulli would like to see everything on the list. Mayor Nagler suggested furthering this conversation at the next meeting and reviewing the list at that time.

Chief Mingin explained that the other benefit of doing a bond ordinance is that the Township can raise Section 20 expenses and it doesn't have to be taken out of the budget.

Solicitor Fahey suggested that something be done in October due to holidays, etc

Looking into a grant to train the trainer to the attorney generals office was suggested by Councilman Renzulli and re-iterated by Mayor Nagler.

Councilman Maroccia suggested mass ordering if this is mandated for every municipality. Manager Carew will bring it up with the Burlington County Shared Services forum next week.

Manager Carew has been in contact with Mitchell Sklar who is willing to help Council with the criteria and selection of new Police Chief.

Correspondence from the FOP was discussed regarding the criteria for the Police Chief. The Law states that the promotion to Police Chief must come from within based on merit.

Councilman Renzulli asked what happens if no one qualifies. Chief Mingin stated that if no one qualifies based on the meritorious factor the Township can look outside the Township.

Manager Carew and Chief Mingin stated that any one officer who has been with the Township for eight years or more will qualify to be looked at.

Council adopts the criteria and then the Manager makes the selection. Councilman Renzulli would ask for the help with the criteria from Chief Mingin as this Council nor the previous or previous has hired a Police Chief.

Councilman Hartman asked if they usually bring in a psychologist for participation. Chief

Mingin stated that Scott could do that if he would like to.

Manager Carew reminded Council that he would also ask for guidelines at the September 24 meeting on contract negotiations for the unions.

Acceptance of Minutes

Motion by Councilman Maroccia, seconded by Councilman Hartman to accept the Eastampton Township Environmental Commission Minutes of April 25, 2007, June 27, 2007 and July 25, 2007. All voted in the affirmative.

Approval of Current Year Minutes

Motion by Councilman Tafe , seconded by Councilman Renzulli to approve the July 9, 2007 Regular Session Minutes as revised. All voted in the affirmative.

Motion by Councilman Hartman, seconded by Councilman Maroccia to approve the August 13, 2007 Regular Session Minutes. All voted in the affirmative with Mayor Nagler abstaining.

Resolutions

Consent

Motion by Councilman Maroccia, seconded by Councilman Renzulli to adopt the following Resolutions:

2007-85 Resolution Requesting Approval of Items of Revenue and Appropriation NJSA 40A-4-87 All voted in the affirmative.

Resolution 2007-86 Authorize Submission of Application for State Transportation Trust Funds for Roadway Improvements was not considered for adoption.

Solicitor Fahey made comments that 85 is for donations and 86 is for Knightsbridge not Student Drive as stated in the Resolution.

Old Business

Re-affirmation of Resolution regarding Post-Retirement Health Care Benefits -

Manager Carew stated that council passed a resolution in the beginning of the year for post-retirement health benefits for employees with 15 years of service or more and noted that Judy was the only person affected by it and reaching full retirement age as it pertained to PERS.

It came back for a revision to one of the checked boxes and when it came back Scott made the correction that Scott added all employees reaching full retirement age enrolled in PERS,

based upon his understanding of Council's intent in the motion. There is a disagreement between Jerry and Scott.

Manager Carew asked if it pertains to all PERS employees or all PERS employees within ASCME. Councilman Renzulli, Councilman Hartman and Mayor Nagler believed it was all PERS employees.

Motion by Councilman Renzulli, seconded by Councilman Tafe to approve the addendum as revised to include post-retirement benefits for all employees enrolled in PERS who reach full retirement age. All voted in the affirmative.

Recommendations to the Land Use Planning Board concerning CCRC in PO and BP zones.

Motion by Councilman Renzulli, seconded by Councilman Hartman to ask for recommendations from the Land Use Planning Board to add CCRC as an allowed use in the PO and BP zones. All voted in the affirmative.

New Business

Proclamation for Constitution Week. (Mayor Nagler) September 17-23 National Constitution Week.

Public Comments

Mayor Nagler opened to the public at 8:57 p.m.

Larry Behern, 8 Gloria Court representing Eastampton MEWS Homeowners Association Board of Trustees. Suggested looking at insurance policies due to the new mandated. He also suggested looking at PERS employees that become disabled before retirement age to be eligible for health benefits.

There have never been any repairs made to the sidewalks etc. There was supposed to be a maintenance bond posted and he doesn't know what happened to it. They have had to replace \$18,000 of sidewalks. The planning board approved the trees there that are uprooting the sidewalk. Solicitor Fahey stated that the road frontage is the private homeowner's property and the Township takes over at the curb.

Mr. Berhen asked for help with the County because the County stated they couldn't ask the Trenton Times to remove the newspaper vending machines from that area. Ms. Fahey stated that is their private property. Mr. Berhern has stated that there have been signs also placed there.

Township Manager stated that he can call the Township Public Works and they will remove the signs.

Regarding safety issues - the street lights are not bright enough to illuminate possible drug activities he believes is going on. He is asking for one more street light in the area of the tot lot. Councilman Renzulli stated it is private property. He is asking for a street light

across the street from the lot. Councilman Renzulli suggested that the police department look into. Chief Mingin will look into it by contacting PSE&G. Manager Carew asked if the homeowners set a curfew on the tot lot can the police enforce it? Chief Mingin stated that they can.

He asked if they designate assigned parking areas if the Police Department can enforce it. Chief Mingin stated that the Township would have to get together with the Department of Transportation and then the Township would have to adopt an ordinance. Chief Mingin will work with them. Mr. Berhen asked Chief Mingin if he could attend the next board meeting the second Monday of the month. Chief Mingin stated he will have his traffic officer attend.

Robert Vidigni, 10 Stafford Court asked for clarification on the property owner's responsibility from the sidewalk to the curb. He asked who was responsible for an uneven sidewalk. Solicitor Fahey stated that the homeowner is. He cited a law suit he filed and lost regarding that issue. He will bring in paperwork in for Eileen to look at.

Mr. Berhen stated that the tax maps in this office show that their property ends on the far side of the sidewalk. Mr. Berhen would like to be copied on the information learned from Eileen's review.

Tom Iziarry thanked Scott for his cooperation with the recreation building.

Comments

Solicitor Fahey asked for good thoughts and best wishes to families of the 9/11 victims.

Manager Carew reminded everyone of the flag retirement service tomorrow.

Councilman Tafe asked if they were accepting flags tomorrow night. Councilman Renzulli stated that maybe one but it takes about 10 minutes to properly cut up a flag.

Councilman Hartman advised Council that he was contacted by the person that runs the motocross track. He is looking for an expansion of the property. 50% of the membership is Eastampton residents. Eastampton Township has not been forthcoming with inviting them to stay in Eastampton so far. Don was invited out there last year for a special event for kids fight against cancer and they raised \$32,000 in one day. They are very organized. He asked Don to write a letter of recommendation to the City of Trenton. He was also looking to see if the council members were in favor of having a motocross track in the Township of Eastampton.

Manager Carew has reservations. The gentleman's son has been world renowned and is seven years old at this point. The liability of having a seven-year old drive an ATV is grand. Manager Carew does not think that the Council should be condoning this activity.

Councilman Renzulli stated that the property in question is private property.

Councilman Hartman stated he is looking for land. Manager Carew and Council stated he has never approached the Township regarding any land.

Councilman Hartman stated that he would write a letter of support. Solicitor Fahey suggested he proceed with caution.

Mayor Nagler received a call from Mr. Krastek who complimented the Police Department. He was very pleased with how smooth the first day of school went with the help of the Police Department.

Mayor Nagler advised that the Mayor's Healthy Cook Off is on October 2 from 4-8 p.m. in West Deptford and he will be there.

Adjournment

Motion by Councilman Renzulli, seconded by Councilman Tafe to adjourn at 9:28 p.m. All voted in the affirmative.

Respectfully submitted,

Linda M. Lovins, RMC
Township Clerk