

HAINESPORT TOWNSHIP COMMITTEE SPECIAL MEETING MINUTES

September 22, 2016

7:00 P.M.

This special meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of the meeting were sent to the Burlington County Times and the Courier Post on September 19, 2016. In addition copies of the notices was posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk on the aforementioned date. Notices on the bulletin board have remained continuously posted. Proper notice has been given, and the Municipal Clerk is directed to include this statement in the minutes of the meeting.

1. **CALL TO ORDER** - by Mayor Dickinson at 7:00 P.M.
2. **FLAG SALUTE**
3. **ROLL CALL** – present were Committeeman Clauss, Committeeman Fitzpatrick, Committeeman Krollfeifer, Deputy Mayor Porto and Mayor Dickinson. Also present were Administrator/Clerk Leo J. Selb and Solicitor Theodore Costa.

4. DISCUSSION

JIF Safety Incentive Money Allocation

Mr. Selb said every year we participate in the JIF Safety Incentive Program and we have always been very good in our participation and safety accomplishments. Each town receives a certain amount of money from JIF as an incentive to thank the employees and the staff that are involved in the JIF. This year the amount we received went up and we received \$1650. As the committee knows we also put on a “Thank You” luncheon for the staff at Christmas time. There is always an amount of money remaining after the luncheon that. If it’s not spent, we could possibly lose it by November 30th. In the past we have given thank you gifts to the staff of jackets and shirts that have the Hainesport Township logo on them. Mr. Selb said he would like to get some feedback from the committee as to how they want to do this. The staff has talked about some collared shirts that maybe the committee has seen the staff in. We haven’t bought anything like that in a while; it is a dungaree type of shirt. That involves all of our staff and the committee. Mayor Dickinson asked if the staff liked either the dungaree shirt or the collared shirt and Mr. Selb said that was the consensus of the staff. Mr. Self said there was a vendor that we always use because his prices are the lowest and he has the logo for the township. Deputy Mayor Porto asked if the \$1650 was more than in previous years and Mr. Selb said yes, it previously was \$1500 but because the township has leaked more money back to JIF we have had the increase. Our town is rated as a small town. Mr. Fitzpatrick verified with Mr. Selb that the luncheon is a “Safety Luncheon” and Mr. Selb said yes it was. It was decided that Mr. Selb would come up with the prices and the shirts and/or jackets. He will put out the information to everyone and when he gets the feedback from everyone he will place the order. He said he just has to have everything done by November 30th or we could lose the money. Mayor Dickinson asked when the “Safety Luncheon” was planned for and Mr. Selb said he doesn’t know the exact date yet, but it will be in December.

EXECUTIVE SESSION

A. RESOLUTION 2016-153-9 – Resolution to Enter into Executive Session – Action Will Be Taken

- a. Litigation - Whitman/HITCO**
- b. Personnel - Personnel Manual**
 - Hiring Procedures**

Motion to go into Executive Session – 7:09pm

Motion: Deputy Mayor Porto. Second: Committeeman Fitzpatrick. All yes.

Motion to come out of Executive Session – 11:17pm

Motion: Committeeman Clauss. Second: Deputy Mayor Porto. All yes.

There was a heated discussion between Pat Macken and Mayor Dickinson about what action was taken in the Executive Session. Mr. Costa said no action was taken in Executive Session that will not be disclosed in the meeting tonight.

5. RESOLUTIONS

A. RESOLUTION 2016-151 -9 Resolution Awarding A Contract to Command Co., LLC for \$177,772.00 for Construction of the Pickleball Courts at the Township Municipal Park.

Motion: Committeeman Clauss. Second: Committeeman Krollfeifer. All yes.

Deputy Mayor Porto said there had been questions the last month and he believes they had mis-information when they passed the resolution that we were at the state's minimum. Actually, they were the maximums under the law. Due to the circumstances involved with these sewer connection fees, Deputy Mayor Porto therefore introduced the resolution with the provisions that rate per annum for the first \$1500 of delinquencies shall be set at 5% and 7% per annum for any amount in excess of \$1500 and an additional penalty of 6% to be collected against delinquencies in excess of \$10,000 on properties that fail to pay the delinquency prior to the end of the calendar year. And then, there is section 2, under the resolved: if the delinquency is in excess of \$10,000 and in arrears beyond December 31st an additional penalty of 6% shall be charged against the delinquency as written.

B. RESOLUTION 2016 -152-9 Resolution Adjusting the Rate of Interest to be Charged on Delinquent Sewer Connection Fees

Motion: Deputy Mayor Porto. Second: Committeeman Fitzpatrick. All yes.

C. RESOLUTION 2016-154-9 Resolution Updating Personnel Policies and Procedures

This is subject to the changes discussed which the committee directed our labor attorney to make.

Motion: Deputy Mayor Porto. Second: Committeeman Clauss. All yes.

D. RESOLUTION 2016-155-9 Resolution to Affirm the Township of Hainesport's Civil Rights Policy

Motion: Committeeman Fitzpatrick. Second: Committeeman Krollfeifer. All yes.

Deputy Mayor Porto made a motion to amend the agenda to include a resolution to advertise the position of CMFO and direct the administrator to place appropriate ads.

Motion: Deputy Mayor Porto. Second: Committeeman Fitzpatrick. All yes.

Deputy Mayor Porto then made a motion to advertise the position of CMFO for Hainesport Township and to direct the administrator to place appropriate ads.

Motion: Deputy Mayor Porto. Second: Committeeman Fitzpatrick. All yes.

Deputy Mayor Porto made a motion to amend the agenda to advertise for the position of Hainesport Municipal Clerk and to direct the administrator to place the appropriate ads in the State Clerks Association and the New Jersey League of Municipalities.

Motion: Deputy Mayor Porto. Second: Committeeman Fitzpatrick. Yes: Mayor Dickinson. No: Committeeman Krollfeifer. Abstain: Committeeman Clauss.

Deputy Mayor Porto then made a motion to advertise the position of Hainesport Municipal Clerk and to direct the administrator to place the appropriate ads in the New Jersey League of Municipalities and the State Clerks Association.

Motion: Deputy Mayor Porto. Second: Committeeman Fitzpatrick. Yes: Mayor Dickinson. No: Committeeman Krollfeifer. Abstain: Committeeman Clauss.

Mayor Dickinson asked Mr. Selb to amend the agenda for the HITCO property. Mr. Selb said as they had discussed they want to move forward on that and remove tanks as well as the fluid in the tanks. The township has 2 quotes and 1 of those quotes comes from Whitman and the other set of quotes is from Active Environmental which is in Mt. Laurel. The 1 from Whitman which is up in Cranbury, NJ is for the removal of the liquid which has to be done before the tanks can be removed. That is for \$2380 which included Whitman oversight. The 1 from Active Environmental \$1173. Comparing apples to apples the actual removal of the liquid is \$1173 under this 1 and under Whitman it is \$1950. We have also found out if we can coordinate it when Whitman is on site then we can do away with their LSRP oversight because they will be there anyway and will save us \$880. Mr. Selb's recommendation is that the township go with the quote which is cheaper from Active Environmental because they are local and it will save us some money with that. The additional motion that was discussed was that the state requires us to remove the tanks that are in the ground. The quote that Mr. Selb got from Whitman was for \$32,900 and for the same work from the company that is local is for \$16,290. His recommendation for that work is to go with the local company Active Environmental. Mayor Dickinson said, as discussed, Whitman will be at the site and will supply LSRP and Mr. Selb

agreed. Whitman will supervise the removal of the tanks because they will already be at the site. Additional testing will be done after the tanks are removed to see if there is any soil contamination. If there is none we will get away and resolve that issue. The next issue is the ground water and that will have to wait until the tests come back. Mr. Selb asked that the committee move forward with this and we do have the money set aside for this. Mayor Dickinson said we could also apply for a grant from the DEP. They have an account for remediation for brown fields and this is a brown field. We can get as much as 25%. We can make an application and we may be successful.

Deputy Mayor Porto made a motion to amend the agenda to include a motion to approve Active Environmental for the removal of the tanks and the liquid at the HITCO property.

Motion: Deputy Mayor Porto. Second: Committeeman Clauss. All yes.

Deputy Mayor Porto made a motion to approve a contract with Active Environmental in the amount of \$16,290 for said tasks mentioned prior and approve the removal of the liquid in the tanks in the amount of \$1173.

Motion: Deputy Mayor Porto. Second: Committeeman Clauss. All yes.

6. COMMENTS FROM THE PUBLIC (Comments are limited to 5 minutes)

Anna Evans, 63 Parry Drive – asked if the CMFO was Dawn Emmons and Mayor Dickinson said it is. She said she thought Mr. Selb performs the duty of the Municipal Clerk. Mayor Dickinson said he does and he will also be applying for the position. She asked if they have a problem with Mr. Selb's work and Mayor Dickinson said he could not answer that. Mrs. Evans said she had a couple issues with the personnel amendment resolution. She said they had a fair amount of time to look it over while they were waiting for the committee. She said she had an issue with 2 resolutions which talked about "at will employment". She went on to say that township employees are not "at will employees". Mr. Costa interjected that it is the opinion of our legal counsel/labor attorney that employees are generally at will in New Jersey unless they are governed by collective bargaining agreement. In Hainesport Township, we would call the employees "employees at will". Mrs. Evans said that she had stood up at the meeting 2 months ago and said that if they took action that would not have been taken by Bruce and Bill when they were on the committee, and if it ended up with something happening like the firing of our administrator then it would suggest that the ordinance that they introduced to dispose of Bruce and Bill was done with that purpose in mind. That would be an abuse of power. She said she applauds Committeeman Krollfeifer for saying no to their resolution on the clerk position and she also applauds Committeeman Clauss for abstaining. Mrs. Evans said she thinks the 3 of them are deplorable.

Roger Schneider, 611 Broad Street – said he finds it a little strange that the committee is approving a handbook this late in the year. Mayor Dickinson said it has to be back to JIF by October 1st to qualify for our EPL deductible. So it has to be done every 2 years. We just got our handbook back from the attorney this week and we had to go over it and approve it. Mr. Schneider said he thinks it is really late. There was a discussion about the time that was taken.

Pat Macken, 116 Masons Woods Lane – said she also wanted to comment about what Mr. Schneider had to say about the handbook; if they know the deadline is October 1st, why wasn't this given earlier in the year. Mayor Dickinson said he believes it was given to us in August. We actually had the JIF changes and started going over it and then we had the labor attorney go over it. Mrs. Macken asked why

it took so long for him to get it back. Mayor Dickinson said they did not anticipate the time it would take him to work on the handbook. Mr. Selb said there is a certain delay in getting it from JIF as well. This meeting was not set to have anyone miss anything from the local high school or the grammar school. This was set because our attorney gave Mr. Selb the information that he wouldn't have it back until this week. Mr. Selb said he got the information on the 19th just before midnight and the 20th. Mrs. Macken asked if all the townships got the JIF review at the same time and Mr. Selb said it can happen at different times of the year. It's dependent upon counsel, when the clerk brings it to them and once the clerk does that they make a decision on whether or not they want to review it themselves or have the EPL attorney review it. Mr. Krollfeifer interjected that the attorney was away for an extended period of time in Europe on his honeymoon. That also created an issue. Mrs. Macken said her question was could they have gotten this earlier to JIF or from JIF earlier in the year. Mr. Fitzpatrick said yes and that it is incumbent on the administrator to bring that to the committee and get that ball rolling. Mrs. Macken said she would read between the lines of what he says and that there is probably a game going on here. She went on to ask if there was some reason that the committee did not offer to Mr. Selb a contract for 3 years; he has been doing a great job as the administrator and clerk and this township loves him. She asked why they didn't just offer him the job, why are we going through all these hoops. Mayor Dickinson said he didn't think they ever offered anyone a contract. She said Paul Tuliano had a contract; she has copies of it. Her question again was; Mr. Selb has been doing such a great job and this town loves him. Why are they not offering him future employment here? Why is this game going on? Is he doing a bad job? Mayor Dickinson said she knows he can't answer that. Mr. Costa said that Mayor Dickinson cannot answer the question. She asked who was going to take his job. If they are going to advertise, where are they going to do so? Mr. Selb said it will be advertised in the League of Municipalities and the Municipal Clerks Association. The position for the CMFO will be advertised in the League of Municipalities and the CMFO Association. Mrs. Macken thanked Mr. Selb and said obviously he knows his job and Mayor Dickinson does not. Mayor Dickinson apologized to her that she did not hear it. She said she is tired of the games with the 3 of the committeemen. And now they are costing the township the best thing they ever had.

Catherine McNelis, 407 Bischoff Avenue – said she would like to know why the committee is not offering Mr. Selb the job. Mayor Dickinson said that he has been given the opportunity to apply for the job. He went on to say that it is not a 3 year contract. Ms. McNelis said in the last 3 years that he has been here she assumes that it would be for another 3 years and Mayor Dickinson said there is no contract. She said she understands that Mr. Selb does not get medical benefits which saves the township \$90,000.

7. COMMENTS FROM THE ADMINISTRATOR

Mr. Selb reminded the people that the Hainesport Community Day is this Saturday at 12 P.M. He also said that the butterfly garden is complete so people should go out and see it.

8. COMMENTS FROM THE SOLICITOR

Mr. Costa had no comments.

9. COMMENTS FROM THE COMMITTEE

Mr. Fitzpatrick had no comments.

Deputy Mayor Porto reminded the audience about the Hainesport Community Day also. He thanked all the volunteers for their help. Paula and Donna have put a lot of work into the day and he welcomes everyone to Community Day.

Mr. Krollfeifer had no comments.

Mr. Clauss said he hopes to see everyone at the Hainesport Community Day.

Mayor Dickinson also asked everyone to come out to Hainesport Community Day.

10. ADJOURNMENT @ 11:45 P. M.

Motion: Committeeman Krollfeifer. Second: Committeeman Clauss. All yes.