

HAINESPORT TOWNSHIP COMMITTEE MINUTES

**October 11, 2016
7:30 P.M.**

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of October 11, 2016 was included in a meeting notice sent to the Burlington County Times and Courier Post On January 11, 2016 and January 14, 2016 and advertised in said newspapers on January 13, 2016 and January 19, 2016, respectively posted on the bulletin board in the municipal building on January 19, 2016 and has remained continuously posted as required under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.

1. **CALL TO ORDER** - by Mayor Dickinson at 7:30 P.M.
2. **FLAG SALUTE**
3. **ROLL CALL** - present were Committeeman Krollfeifer, Committeeman Clauss, Committeeman Fitzpatrick, Deputy Mayor Porto and Mayor Dickinson. Also present was Administrator/Clerk Leo F. Selb, Jr. and Solicitor Theodore Costa.
4. **MINUTES**
 - A. **APPROVAL OF REGULAR COMMITTEE MINUTES OF SEPTEMBER 13, 2016**
 - B. **APPROVAL OF EXECUTIVE SESSION MINUTES OF SEPTEMBER 13, 2016.**
 - C. **APPROVAL OF SPECIAL MEETING COMMITTEE MINUTES OF SEPTEMBER 22, 2016.**
 - D. **APPROVAL OF EXECUTIVE SESSION MINUTES OF SEPTEMBER 22, 2016**

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

5. REPORTS

- A. Tax Collector – September, 2016 and 3rd Quarter Report**
- B. Code Enforcement – September, 2016**
- C. Fire Official – September, 2016**
- D. Construction – September, 2016**

Motion to approve the reports and spread the Tax Collector's across the minutes.

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

ORDINANCES

- A. ORDINANCE 2016-13-9 – Ordinance of the Township of Hainesport, County of Burlington, State of New Jersey, Granting Easements for Storm and Sanitary Sewer Under, Through and Across Greenwood Avenue (Public Hearing and Final Adoption)**

Solicitor Costa explained to the committee that the ordinance was originally set up to cover two aspects; one for a sanitary sewer drain and two for a regular sewer storm water drain. At this time it has been determined that only half of that is necessary. So we are removing the sanitary sewer drain. Therefore, the sanitary sewer drain is coming out. We are amending the ordinance because half of it is not needed. Mr. Costa said that because this is removing something and the law would allow such a change of subtraction. Mr. Selb said because of that we don't have to re-introduce the amended ordinance.

- B. ORDINANCE 2016-13-9 MOTION TO AMEND**

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

- C. ORDINANCE 2016-13-9 PUBLIC HEARING**

There were no public questions or comments on this ordinance.

- D. ORDINANCE 2016-13-9 MOTION TO ADOPT**

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

6. RESOLUTIONS

A. RESOLUTION 2016-156-10 RESOLUTION PROCLAIMING OCTOBER 9 TO OCTOBER 15 FIRE PREVENTION WEEK

Mayor Dickinson said he had spoken to Chief Wiley tonight and on Friday they are having a demonstration over at the school at 1:30 and there will be more information coming out tomorrow. We will get it out via Facebook as well as the Hainesport website.

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

Mr. Selb asked the mayor to amend the agenda to include a new resolution 2016-157-10 which the committee should have in front of them. This resolution is regarding a performance bond for Bear Tire and Auto Center. Once this is amended he will explain to the committee why this is occurring.

Mr. Krollfeifer made the motion to amend the agenda and Deputy Mayor Porto seconded the motion. All yes.

Mr. Selb explained to the committee that Bear Tire and Auto Center had come in front of the committee back in November of last year but at that time they hadn't come up with the money for the performance bond. Therefore, the committee tabled it. They still didn't have the money in December so because of the end of the year, the resolution died. Finally, they realized they still had to come up with the money and they did just that today. They are up against the time clock and that is why it is being put in at the last minute so they can be approved. This will prevent a delay for their construction at Bear Tire and Auto Center. So they have their performance bond, we do have the letter from Alaimo approving it and everything is okay.

Deputy Mayor Porto made a motion to approve the Resolution 2016-157-10 and Mr. Clauss seconded it. All yes.

7. CORRESPONDENCE

A. Public Notice: State of New Jersey Department of Environmental Protection

Mr. Selb explained that the letter received from the DEP is concerning the drought up in north New Jersey. They are very concerned and are now even including Burlington County. The DEP is cautioning everyone to be aware of the drought and be careful of the water situation. Burlington County did not have the amount of rain as much as we would have liked to. They are asking us to tell the public to continue to save water as much as we can.

There were no reports from the State Police tonight.

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

Jennings Black, 2505 Elm Avenue – said he would like to build a garage on his property and he has been told that they have to go to Trenton to fill out all these papers and submit \$1,000. He said that is quite a lot of detail there and he believes this was all cleared up when they built their house 31 years ago. Mr. Black said they went through all these hoops to get approval to build on the Rancocas Creek then. They have neighbors that have built homes and garages along there and around 2001 the township had a need for a pumping station so they acquired the lot that it is now on from the Blacks. Mr. Black said that the pumping station is on what they call wet lands or the flood plain there. He went on to say that his property is not on wet lands. There has been no flooding in their area in the past several years. There has been a change in the law recently that anything with 150 foot of flood plain they have to go to Trenton and submit money and get Trenton's approval to build. Mr. Black's thought on this is if that property can be used for a pumping station then why can't they put a 2 or 3 car garage on their property. Mayor Dickinson asked if Mr. Black had already addressed this with Kathy Newcomb in the Construction Department and Mr. Black said he had. Mr. Black said he lives in Hainesport and why is someone in Trenton going to say what he can do here. He pays his taxes and lives in Hainesport. He believes the committee should assist him in building a home. He is a Vietnam veteran and is dealing with Agent Orange issues. He could certainly use a garage. It would be a big help in his health situation. Mayor Dickinson asked Mr. Selb if this is a problem for the Planning Board and Mr. Selb said it is a Planning Board and NJ DEP situation. Because he lives along the creek that is what the problem is. Mayor Dickinson suggested that they get together this week and talk to Kathy Newcomb and see what they can do to help Mr. Black. He said we can't promise anything but they will try to help him.

Diana Schneider, 611 Broad Street – got up to talk about a situation that has occurred in the township. On October 4, 2016 she and her husband Roger asked Mr. Foster of 20 Lumberton Road if they could put up 2 yard signs on his property for the Democratic Party. He was a longtime friend of her deceased father-in-law, Leo Schneider as well as her husband, Roger. He is also a Republican. Mr. Foster gave them his permission to put the signs up at which time they placed the signs on his property. Today they noticed that both signs had been removed and asked him what had happened to them. He told them that some Republicans came to his home and removed them from his property after telling him that his Republican neighbors would be very upset with him. Keep in mind this is an eighty some year old man. He told them that he didn't want any problems with his neighbors and he was visibly shaken when they spoke to him. He couldn't identify the people he spoke to. Mrs. Schneider said this is a true demonstration of harassment and intimidation on the part of the Republicans. Mayor Dickinson asked Mrs. Schneider if Mr. Foster could tell them who it was that did this and she said he could not. She then asked where the signs were and Mayor Dickinson said he did not know. She went on to ask why any Republicans would touch their signs and Mayor Dickinson replied that he did not know. There was a discussion about who and/or why anyone would do something like that. Mayor Dickinson suggested that Mrs. Schneider talk to the State Police

Officer in the back of the room about the situation. He also said he would stop by and speak to Mr. Foster.

Anna Evans, 63 Parry Drive – said she wanted to address a couple of things that happened at the special meeting when the committee went into executive session for 4 hours. When they came out they said that there were going to be 2 positions advertised. One of them was for the CFO position and the other was for the municipal clerk. She wants to make 1 point about each of those positions. The outgoing Financial Officer that was full time and had health benefits. So Mrs. Evans asked why it is that the position being advertised is part-time for up to 30 hours a month. How come we have suddenly, as a small town, gone from needing a full-time Financial Officer, with benefits, to a part-time Financial Officer for 30 hours a month? Deputy Mayor Porto said that they relied on the expertise of our administration and listened to them. Mrs. Evans questioned if that was an answer. Moving on, she asked about the Municipal Clerk's job. She said she went on to the lovely Hainesport website and looked up the position of Municipal Clerk. It said that Hainesport Township had combined both positions of Municipal Clerk and Administrator to save salary and fringe benefit costs thus saving tax dollars. So why have we now decided that it is not in Hainesport's best interest to save salary and fringe benefit costs thus saving tax dollars by splitting the administrators/municipal clerks job into those two roles? Deputy Mayor Porto said that the position of the committee was that they were going to interview the position and determine who's best for the job just like any other position that comes up. Mrs. Evans said that the position has not come up and Deputy Mayor Porto said it has come up because the term of office is three years and the committee wants to make sure before they grant lifetime tenure to an employee, like any other employee, that they have the best person for the job. Mr. Fitzpatrick told Mrs. Evans that the committee thinks Mr. Selb is a great guy and they have encouraged him to re-apply for the position of Municipal Clerk. He asked her how long she has known Mr. Selb and she answered since she has been coming to the meetings in March. He said she has known Mr. Selb for a few months and is saying he is a great guy, which the committee agrees with, but to say that she knows better than individuals that have actually worked with him for the past three years is kind of odd. Mr. Fitzpatrick said she sings Mr. Selb's praises constantly but she doesn't know a thing about him. She said she also had significant interaction with Mr. Selb around the Kermit the Frog meme and found him very pleasant, easy to deal with and very efficient. So she does have some personal experience dealing with him on a personal level.

Frank Masciocchi, 91 Parry Drive – said he wanted to address the issue according to the signs that were removed. He saw the post on Facebook and he responded. His response was that no one involved in their campaign has done anything to take anyone's signs; if there is a complaint he encouraged them to report it to the police. We are all friends here, we live in the same town, whatever happens with the election happens and that's fine. All four candidates that are running want what's best for the town. The sign issue shouldn't be happening. He just wanted to put that on the record. He attempted to do that on Facebook but the thread had been removed.

Catherine McNelis, 407 Bischoff Avenue – said she knows of four different locations where signs were removed because of Republican pressure. One place where the Democrats were going to put their sign on, the people got so upset by the calls they got from the Republicans that they won't even talk to her now. And they said nobody was going to put a sign on their property. Mayor Dickinson asked Mrs. McNelis if she knew whose property it was and she said it was the Jones' property across from the church. Mr. Fitzpatrick told her that it should be reported to the Board of Elections and she said that is what she is thinking about doing. She also said last year the Republicans used the Fire Department and Our Lady Queen of Peace Church to get elected. Now one of the candidates is using the "Support the Troops" box out in the foyer. That has been out there for six years. The American Legion Ladies Auxiliary has been collecting things for our troops and have sent hundreds of boxes over to Afghanistan and Iraq. Now they are more centered on veterans because there are not so many people over there now. Mayor Dickinson said that Mrs. McNelis has been running that box in the foyer and he doubts that anyone has been using it for any political motive. If there was any post about the box it was to make people aware of it. She said one of the Republican candidates put it in that everyone should be supporting it and in her opinion it is a way to come out and support the veterans so you can get a vote. To her, this is the first time in six years that the box has been used for political gain. There was a discussion about the box being used for a political reason. Mrs. McNelis went on to say that she noticed that the people that are cleaning up the wells have moved off of the Hitco Property and they did not put a well in the hole where all the acid was poured. She was surprised at that and suggested they look into that.

Mary McCleery, 135 Tartan Lane – said the committee is posting Mr. Selb's job out there for someone to take it over, someone who is better. Deputy Mayor Porto said she is not right. Ms. McCleery said that is what was said. Deputy Mayor Porto said that the committee recommended that Mr. Selb apply for the position. He went on to say that she was grandstanding if she wants to run for office. She told him that he is ignorant. Ms. McCleery asked if nobody gets the position and Mr. Selb gets it, does that mean that he gets tenure. Solicitor Costa said that once tenure is obtained that is it. She said they are not giving it to him, he is being let go. Mayor Dickinson said that he is not being let go. He is applying for his job and if he gets it he will get tenure. Ms. McCleery told Deputy Mayor Porto that he is the most ignorant person on the dais and someone should replace him.

Kathy Parker, 1819 Creek Road – said if she had one of those fortune teller balls she could have predicted two and a half months ago that this was going down. The committee got rid of Mr. Boettcher and then Mr. MacLachlan left. The people stood right there and said the committee was working towards getting rid of Mr. Selb, getting their master majority vote that it takes four people to vote. They brought in Mr. Clauss and Mr. Krollfeifer and now all of a sudden they are giving up Mr. Selb's job. Mrs. Parker asked why. She said she has dealt with him during the elections; he is professional, he knows his stuff and if he has a question he goes to them and asks. She has never seen anything but professionalism from him. As for Mr. Fitzpatrick, Mrs. Parker said that what he had just said makes her feel like what has Mr. Selb

done that is so bad. He was asking Mrs. Evans if she knew him and what has he done wrong. Mr. Fitzpatrick said Mr. Selb has not done anything wrong. Mrs. Parker said he made it sound like Mr. Selb had a tawdry past and that is why the committee doesn't want him here. Her objection to all of it is that they are splitting the cycle, they are getting rid of Mr. Selb or trying to get rid of him; if he is doing a good job why don't they let him continue. Is it because if they get rid of him a position opens up and next will be the administrator's position which opens it up to a lot of people. Mansfield guy can come down and take over in Hainesport. Mayor Dickinson asked her if this was her looking into her crystal ball or was it her opinion. She answered that it is both. She said she has a magic ball, because she had already predicted what would happen; they got rid of Mr. Boettcher, then Mr. MacLachlan left and now all of a sudden they want Mr. Selb to leave. It seems that anyone that does some good for the township they want to get rid of. She said the sad part is that they are the ones that need to go.

Deborah Plaia, 50 Bancroft Lane – said she had heard about an executive session that had taken place sometime last month that lasted four hours and she understood that what had come out of it was an ordinance or resolution that talked about at will employment and she thought it was very strange that it said that all employees are at will employees. The reason she is bringing it up is because the committee is right. There is a disclaimer that says Hainesport is an at will employer. She went on to explain about a 1985 Supreme Court case that ended up saying that New Jersey employees are at will employees unless there is a contract. The point she was trying to make is that it is redundant and a waste of the taxpayers' money to hire a lawyer and spend four hours in executive session and out of that comes a resolution that talks about at will employees. Mayor Dickinson explained that the resolution was not about that. The committee actually revamped the entire personnel policy. It was 135 pages that were gone over, it wasn't only that page that was gone over. Ms. Plaia asked if there was an ordinance that came out of that because it is not attached to their agenda but somebody did share with her something that came out of that. She was shown something that came out of that executive session that said that all employees of Hainesport and independent contractors are at will employees. Solicitor Costa said the township would be glad to give her a copy of the employee manual and she could see there are no surprises. Ms. Plaia said she is not looking for a copy of the handbook she is just looking for the ordinance or resolution that came out of the executive session. Mayor Dickinson said that the resolution concerned the employee handbook and she is welcome to see the handbook. Mayor Dickinson said it sounds like she is saying that the committee did a resolution to change the handbook to say that the employees are at will and it was actually the entire handbook that was gone over. They went into executive session to handle two things and when they came out both were resolutions. There were a couple people yelling in the audience when they came out. He said there were 135 pages of the handbook that had to be gone over and they went through it. Ms. Plaia said she is not saying the committee changed anything, she is saying that it is redundant because they made a resolution saying that all employees are at will but your handbook already says that. Mayor Dickinson said that there was no resolution about the at will employees; the resolution was concerning the whole handbook nothing about that one line. Mr. Fitzpatrick said he

was not sure why Ms. Plaia was stuck on that one thing. She said she is not stuck on that one thing; what she is saying is that she was shown an ordinance or resolution. She was asked if she had it with her and she said it was sent to her as a private message. Mayor Dickinson told her that Mr. Selb could show her what was actually passed at the time.

Diane Beharry, 7 Melodie Court – wanted to share a few things with the committee. She worked very closely with Mr. Selb when she found out about the basin on her property. She provided information to him that she received from the state. Mr. Selb was very professional and forwarded all the information to Mr. Costa. He responded to the emails every day and she doesn't know the committee's business process, how they operate in terms of what they decide about allowing Mr. Selb to apply for the same position, which doesn't make any sense to her. She asked if this is just Hainesport's policy to have someone apply for their own position or is this nationwide. Solicitor Costa said this is an ad hoc basis, there is nothing set in stone. She asked if it was determined by the committee members and Mr. Costa and was answered that it is the governing body that determines what will be done. Mrs. Beharry asked if there was an opportunity for Hainesport residents to speak about this and sign a petition because she has interacted with Mr. Selb for the past three years and she is very upset with what she is hearing for the first time. She went on to say that she feels that because he is doing such a good job he should be able to remain in this position. The other thing that Mrs. Beharry wanted to share was about the basin document that was implemented that she talked about before. She talked about applying the rules of the retention basins. She said she understands that Mr. Costa is handling the situation now but she wants all other homeowners with retention basins to have the same treatment that she is now getting. Mrs. Beharry just wanted to share her feedback.

Shirley Powell, 503 Lumberton Road – just wanted to know why they are not doing the sewage for Hainesport Enterprise. Is it because it is just a parking lot? Solicitor Costa said that Hainesport Truck owns a lot of lots, more or less side by side, but some of them are separated by paper streets that are no longer necessary. Therefore, they have asked that these streets be vacated. That way it will mean a greater assemblage of lots where they can conduct more business and presumably pay more taxes to the township. Mr. Costa went on to say that being that no one is using those streets between their lots the township has acquiesced to vacate those streets. Mr. Selb interjected that we are not vacating any streets right now but we granted an easement to Hainesport Enterprise. Ms. Powell said she has been told that there is no plan right now. That is up against her property and she doesn't want anything started. Mr. Costa said if she has land that butts up against any of these streets she would end up with more land; she would get half of the road. She said this is what she has heard but they have more money than she does. Mr. Costa said that legally, she is entitled to half of the land. Ms. Powell said that the sewage is just because they are building a parking lot. Mr. Costa said it is his understanding there will be no building abutting her land. There has to be a buffer zone and any subsequent building will have to be approved by the Land Use Board.

9. COMMENTS FROM THE ADMINISTRATOR

Mr. Selb said not to forget that Clean-up Day is this Saturday at 100 Broad Street. We will be there from 7 to 12. There was something that was brought to his attention from Facebook. Something about TVs; we will be taking them on Saturday. We have been contacted by one of the places recently that we took TVs to that we had to pay them to take them. We have just been contacted that we will probably get a refund of all that money from that vendor. We are not sure why, we have a meeting scheduled this week with our Clean Communities person who is going to meet with that vendor as well as other towns also. We will get some money back that we didn't anticipate we thought was gone. Again, there will be a shredding truck here the day of Clean-up Day from 8 until 12. Mr. Selb said we will be shredding, preferably no more than four boxes, he doesn't want someone to bring a whole truck full. The county has shredding events off and on during the year. Also, the newsletter will be coming out this week; the delay is a little bit because of Community Day. It was a successful Community Day. We thank everybody who came out and participated, Paula and the staff that worked with her were great. Thank you to one of our committeemen who does it year in and year out and brings help from his family. Thank you to Mr. Clauss. We really appreciate his help.

10. COMMENTS FROM THE SOLICITOR

Mr. Costa had nothing to say.

11. COMMENTS FROM THE COMMITTEE

Mr. Krollfeifer went home sick.

Mr. Clauss had no comments.

Mr. Fitzpatrick had no comments.

Deputy Mayor Porto had no comments.

Mayor Dickinson wanted to put out a thank you to everyone that helped out on Community Day. It was really nice. The fact that we had two Black Hawk choppers there as well as the State Police was absolutely amazing. Paula and the staff did an unbelievable job. He wanted to thank the Tiver family and the Clauss family who came out and helped; the whole families. Mayor Dickinson had two quick notes. The Ladies Auxiliary of the Fire Company are having their seventh annual Comedy Show fund raiser. It's a great time and it is November 12th at seven o'clock. Contact anyone at the Fire Hall for information. It's a great time, do not sit in the front row. Do not wear a funny sweater because they will make fun of you. Also, November 6th is the Fall Festival also at the Fire House. There will be more information coming out

about that. We asked the girls to send us over some information and we will blast it out for everybody. Mayor Dickinson thanked everybody for coming out tonight.

12. BILL LIST

Mr. Fitzpatrick abstained from voting on PO 16-00789.

Motion: Committeeman Clauss. Second: Deputy Mayor Porto. Absent: Committeeman Krollfeifer. All others yes.

13. ADJOURNMENT @ 8:28 P. M.

Motion: Deputy Mayor Porto. Second: Committeeman Clauss. Absent: Committeeman Krollfeifer. All others yes.