

NOVEMBER 5, 2008

The South Harrison Township Committee held a special meeting on Wednesday, November 5, 2008 at 6:00 p.m. in the South Harrison Township Municipal Building.

Mayor Charles Tyson called the meeting to order and was followed by the flag salute.

Requirements of the "Open Public Meetings Act" were met. Notice of this meeting was given by: (1) sending sufficient notice herewith to the Today's Sunbeam of Salem and the Gloucester County Times of Woodbury; and (2) posting notice on the public bulletin board at the South Harrison Township Municipal Building.

Roll Call: James McCall - present, Cornelius McIntyre – present, Charles Tyson - present, Robert Campbell – present, Gary Spinner – present, Colleen Bianco, Administrator – present, Celeste Keen, Deputy Clerk – present.

Old Business:

The Committee discussed the need for \$15,000 necessary for Lea Furey, Township Planner, to proceed with the COAH requirements of a Fair Share Plan. The Committee agreed to discuss further at a special meeting to be held November 19, 2008 at 5:00 pm at the Municipal Building.

Ethics Board

Daniel Webster, Carol Brodtkin and Colleen Campbell, members of the Ethics Board, appeared before the Committee to discuss the hiring of a part time secretary. The position was not anticipated at the inception of the Board and therefore not budgeted. Mr. Webster stated that the Ethics Board members are now of the opinion that the Committee is not only determining the need of a part time secretary but an Ethics Board in general.

Gary Spinner stated that at the time of the prior meeting the Ethics Board was requesting \$1,500 for the part time secretary and an undetermined amount for additional fees. Ms. Brodtkin advised that due to the case by case basis the Ethics Board would not be able to determine a finite budgetary amount. Ms. Brodtkin stated that the Ethics Board would take more of a "referee" stance between neighbor to neighbor issues.

Cornelius McIntyre advised that he had recently gone back and listened to the Committee meeting tapes relating to discussions and public hearings that the Committee had whether or no, the Township should establish an Ethics Board. Each point that the Committee member broached as possible negatives that were then dismissed are now being brought to light. The possibility of the Ethics Board needing a budget; those Committee members in favor of the Ethics Board assured the others that no budget would be necessary. The issue of whether or not Ethics matters being appealed would be able to do so was also dismissed by those in favor. Now it is understood that if the Municipality has an Ethics Board the State will not assist in any appeals.

Committeeman Spinner asked the Ethics Board when their first meeting was held and whether the Board is up and running. Ms. Brodtkin stated that it was held in August of 2007 and the Board is yet to be functioning.

Committeeman McCall stated that another issue would be to find this part time secretary space in an already crowded office area.

Ms. Campbell stated that it is up to the Committee to determine not only whether the Township can afford the Ethics Board but whether the Township can afford not to.

Deputy Mayor Robert Campbell stated that, yes, the Township can afford it and no, the Township can not afford not to.

Motion to proceed with the Ethics Board was made by Robert Campbell, as there was no second the motion failed.

Committeeman McCall stated that the vote should be done at the regularly scheduled meeting to be held on November 12th. The matter was added to the agenda of the November 12, 2008 meeting.

Committeeman Spinner introduced the matter of office hours of the Administrator and Clerk's Office in the Municipal Building. It was agreed that it would be discussed at the Reorganization Meeting in January, 2009.

New Business:

Election Night Incident of 11/4/08

Motion to discuss an email from Chief Warren Mabey regarding an incident that had happened the evening prior was made by Cornelius McIntyre, second by James McCall. Motion carried.

Committeeman McIntyre, referencing Chief Mabey's email, advised that prior to the election results during yesterday's election an incident took place that he believed warranted this Committee's attention. Deputy Mayor Campbell advised that he was unaware of the email and asked to read a copy. Committeeman McIntyre advised that according to the email an individual that was elected the night before had been overheard threatening a police officer. Committeeman McIntyre stated that he is not a member of that party, but his recommendation is that pressure be put on that person not to take the elected position. Committeeman McIntyre can not believe that a person that made those comments is going to be sitting on the Township Committee representing the people of this Township.

Committeeman McIntyre asked Deputy Mayor Campbell, who was present during the incident, if the summation within the email was accurate. Deputy Mayor Campbell reiterated that he had not read the email and would like to read it presently. Committeeman McIntyre asked Deputy Mayor Campbell if he would stand up for the Police, stand up for the people; when question was left unanswered Committeeman McIntyre stated that the silence was deafening.

Committeeman McCall noted that at the time of the officer in question's recent promotion, there was an effort to remove his promotion resolution from the September 10, 2008 regular meeting's agenda. The other Committeemen had to fight to get his promotion put back on the agenda.

Open Meeting to the Public:

Motion to open the meeting to the public was made Gary Spinner, second by James McCall. Motion carried.

Michael Kramer, PBA Vice President of Local 122, apprised the Committee and the public of the contents in Chief Mabey's email which included a summation of an incident that occurred on August 17, 2008 and Committeeman-Elect Gaines' residence. On September 10, 2008 there was a conversation recorded between Sgt. Priore and Committeeman-Elect Gaines in which Mr. Gaines asserted his displeasure "about this". Mr. Gaines proceeded to state that when he is elected in January, "this is gonna be taken care of". The next incident happened on September 30, 2008 Officer Barbetta and Corporal Weston were on call in the Township. Officer Barbetta was dispatched to a Mayor Tyson's residence. While there a conversation became heated at which time Officer Barbetta requested back up due to being verbally assaulted by Mayor Tyson. When Corporal Weston arrived on the scene Mayor Tyson was initially volatile and later apologetic stating that he is behind the Police Department. The most recent incident occurred last night prior to the election results being announced. Corporal Weston and Officer Barbetta were on duty outside of the Council Room doors. Robert Gaines, Jr., Robert Campbell, Robert Diaz and Marc Nagtegaal were in the entrance hall of the building. During a conversation, although not directed at Officer Barbetta, the conversation was boisterous enough that it was easily overheard by both officers.

Quotation taken from report of Corporal Weston: "If I get in, Barbetta is going to get f**king fired, you can bank on that! I'll make it my mission. I'm going to send him back to grade school where he belongs. They don't know who they're messing with. I'm going to straighten out that whole department. F**king Barbetta is lucky I was asleep that night he came to my house. He's lucky I didn't wake up or I would have beaten the shit out of him, took his pistol and used on him. They would have had to pull me off of him. He don't want to deal with me again. F**king retard, coming to my house at three o'clock in the morning shining a flash light in my family's face." At this point we heard someone say in a low voice, "Watch what you say, he's right down the hall." Gaines replied, "F**k him; I want Barbetta to hear this! I don't know what happened to this police department, there's no courtesy anymore. The only two half decent officers are Theresa and Weston."

Vice President Cramer asked the Mayor and Committee to please address this issue and further stated that this is political corruption at its best. The PBA is willing to take this issue to the Attorney General's office. Minimally there should be an apology by the Mayor and Committeeman-Elect Gaines.

Michelle McCall of 46 Cedar Grove Road, asked Deputy Mayor Campbell if he was present? Does he disagree with the account of Mr. Cramer because she heard D. M. Campbell say, "No"? D. M. Campbell stated that some of what he said is true. Ms. McCall asked if he felt that was ok for him to say what he said and then to sit on the Committee and represent the residents? D. M. Campbell stated that he felt that every one should sit down with the police department and resolve this. Ms. McCall asked how it could be resolved. Mayor Tyson suggested that he did not agree with what was said and that it should be discussed in closed session with the solicitor. Mayor Tyson further stated that if not for him this police department would not be here. Ms. McCall disputed that comment stating that a resident of the Township took charge in forming and circulating a petition which greatly impacted the decision of maintaining our police department.

Committeeman McIntyre stated that he is not sure that this is a Committee, as a whole, issue and is urging the Democrat party to address him personally to suggest that he not take the Committee position. Mr. McIntyre further stated that he does not believe that a Town Father should behave in such a manner. Mr. McIntyre commented that D. M. Campbell was there and asked of him if Mr. Gaines made the comment regarding taking the weapon and using it against the officer. D. M. Campbell stated that he would not comment at this time.

Carol Brodtkin of 412 Ferrell Road made the comment that this person was elected by registered voters of this Township and does not believe that it is up to one party or another to suggest that he not take his seat. Ms. Brodtkin stated that there must be a procedure. Committeeman McIntyre stated that it is of his opinion that Committeeman-Elect Gaines be asked not to assume his seat. At which time the party with which he is affiliated would make three (3) recommendations and someone would be picked from those three by the Committee.

Jeanine Campbell of 706 Lincoln Road would like to reiterate her comments from the previous meeting. This allegation is quite substantial and is but one more example of the lack of unity within the Township. The Committee needs to

Mayor Tyson stated that he was attacked the day prior in front of the Municipal Building and asked Ms. Campbell and Mary Howard if they witnessed the incident. Ms. Howard stated that she felt that these issues are stemming from not have a core of ethical leadership. Mr. Tyson was approached by another individual and it did get into a heated argument but it did not relate to the issue that was just on the floor, but did stem from other issues that are questionable in ethics. We are going to continue to have these issues until we have leaders that are ethical. Ms. Campbell stated that she is unaware of the cause of the argument that occurred around 10:00 am, someone approached with citations in hand. Statements were made by the person that Ms. Campbell interpreted as a joke . . . Mayor Tyson interjected, "It wasn't a joke, someone attempted to take my life. Someone in this Township threatened me. This is an ongoing thing ever since I became mayor. This is going to stop. This is going to stop. There is another person in this building that I

know, right here, right now that is going to be investigated. It better stop. It's been going on and on I've been sitting back taking it easy. The time has come. These two people, one right in front of my door, at the Mayor's Office I had to slam the door in his face to get him away from me."

Ms. Campbell stated that she understood that he was upset. During yesterday's argument both sides got very angry and she stepped in to say, this is not the time or place. Chief M stepped outside to break it up and it did not appear to be related to race.

Daniel Webster of 300 Ferrell Road stated that he believes the people need a voice. One of the reasons he feels an Ethics Board is necessary is to give the people a place to go to voice their opinions. The infighting of the Committee is very discouraging to the residents seeking leadership. The matter of gain being the only offense seems to be a reoccurring issue. Perhaps there should be a broader definition of an ethics violation. Agrees with some of what McIntyre stated, possibly if there was a local ethics board for the residents to turn to there would be more accountability. McIntyre stated that these issues are exactly why he feels the ethics board should be removed from the community to eliminate any impropriety.

McIntyre apologized for losing his decorum earlier in the meeting. Believes when you see a wrong you try to rectify it. Mr. Webster agreed and from what he heard from the earlier testimony finds it disgusting and commended the South Harrison Police Department. Mr. Webster stated he feels that anyone who threatens to take a police officers weapon and use it against him should not be sitting on the Township Committee. In addition to the current infighting going on, to add that element does not make sense.

Robert Diaz of Foxford Lane advised that his name has been bantered around this evening and that he was the individual who got his face clamped in the door yesterday. Mr. Diaz had asked the mayor why he was in the building during the election when earlier in the day the Election Board had asked you to leave. At which time Mayor Tyson began cursing at Mr. Diaz telling him that he was not going to allow Mr. Diaz to vote. Mayor Tyson called Mr. Diaz a liar. Mr. Diaz stated that Election Day began with Mayor Tyson, without authority to do so, advised Mrs. Diaz, a poll worker, that she was not allowed to perform her duties. Mr. Diaz concedes that perhaps she should not have been working the polls however it was not Mayor Tyson's place to ask her to leave. Someone had contacted the Election Board regarding Mrs. Diaz working the polls a few days earlier. Why wouldn't that person have approached her prior to the morning of the election? Regarding the events of election night, it was he that Mr. Gaines was shouting. Mr. Diaz does not recall verbatim the rant of Mr. Gaines. He recalls the posturing of Mr. Gaines and was concentrating on not escalating the circumstances. Mr. Diaz did recall certain phrases that were referenced by Mr. Kramer. He advised Committeemen Spinner and McIntyre immediately thereafter that there had been an incident, without going into much detail. Although Mr. Diaz does not feel that there is any lingering animosity between himself and Mr. Gaines however the comments made by Mr. Gaines about the officers and what he would do once in office concerns Mr. Diaz a great deal.

Mayor Tyson advised that he has no qualms with the South Harrison Township Police Department and they know that.

Corporal Weston of the South Harrison Township Police Department stated that what is in his report is not alleged because he was there and it is accurate due to the timeliness of his reporting of it in his notepad while it was being said by Mr. Gaines. Thanked Committeemen McIntyre and Spinner for their doing the right thing. Corporal Weston asked that the Committee stand behind the Police Department.

Mayor Tyson advised that everyone knew about this incident except for him. Cpl. Weston requested that, now that is he aware of the situation, that he do the right thing. Mayor Tyson stated that he always advises the police department, not to get the Township into any lawsuits.

Committeeman McIntyre acknowledging that Mayor Tyson is now becoming aware of this situation. He asked the mayor if he would go on record as saying if the

allegations are true, will he ask Mr. Gaines to resign his seat? Mayor Tyson stated, absolutely.

Mayor Tyson apologized for his earlier behavior.

Joe Barbetta, father of Nicholas Barbetta advised that he has 31 years of experience, 25 of those years with the Philadelphia Police Department. Mr. Barbetta advised that during the last calendar year he has buried four (4) of his colleagues due to gun violence. Attending this meeting as a parent. He takes threats of gun violence against police officers very seriously and feels that any one who wants to represent a constituency has no business making these types of statements. He implored upon the Committee to do the right thing.

Jeannine Campbell of 706 Lincoln Road stated that she was present at the "Meet and Greets" and had a private conversation with Mr. Gaines and another party. There was a comment made by Mr. Gaines that as of January 1st the ax will fall, meaning on the personnel in the municipal building. While no names were mentioned, she feels it referred to the women in the building. Mr. Gaines' actions are over the top.

Chris Konawel of 207 Cedar Grove Road spoke regarding his confrontation with Charles Tyson on the day of the election. He called Mr. Tyson a liar for accusing him of saying anything racial during the confrontation.

Sarah Freeman of 781 Eldridge's Hill Road addressed the lack of unity in the Township. As a member of the Recreation Commission she is embarrassed by the actions of the Committee.

Colleen Campbell of 15 Raccoon Creek Court stated that as a citizen she believes the behavior is systematic due to the leadership of the Committee.

Mary Howard of 4 Hollybrook Road stated that as adults raising children we would not allow them to behave the way some members of the Committee are behaving. She can not imagine this elected official will voluntarily step down.

Janice Huggins of 22 Lincoln Mill Road in response to earlier comment by Ms. Howard regarding children's behavior. In her experience as an educator, any child that exhibited that sort of behavior would be able to return to school without a psychiatric evaluation.

Liz Spinner of 102 Antelope Drive advised that while challengers are legal, those selected were questionable. Suggested that in the future challengers not be so involved with the Committee.

James McCall of 46 Cedar Grove Road stated that one of the challengers during the election was an accused hacker.

Michelle McCall of 46 Cedar Grove Road inquired as to who the challengers were and who appoints them. Ms. McCall was advised that the Democratic County Committee Chairperson appoints challengers and was further advised as to the challengers names.

Joseph Wille of 738 Lincoln Road stated that the Township is in need of unity.

Theresa Roeder of 100 Revere Drive stated that there is a need to set higher standards.

Gary Spinner advised that this meeting had been attempted to be cancelled.

Daniel Webster of 300 Ferrell Road requested that the Committeeperson-elect do the right thing. If this person is sitting on the Committee in January, how would the residents remove him.

Mr. Webster was advised that it would have to be by a Recall Election.

Sergeant Nicholas Priore advised that he has been an officer for 15 years. Any action taken by the Township and/or residents will be separate from any action that the Police Department take. Sgt. Priore stated that he does not question Corporal Weston's statement.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Gary Spinner, second by Robert Campbell. Motion carried.

Gary Spinner

Joseph Wille asked the Committee who is on the Public Safety Sub-Committee. He was advised that it is Robert Campbell and Gary Spinner.

Adjournment:

Motion to adjourn was made by Gary Spinner, second by Robert Campbell. Motion carried.

Respectfully submitted,

Celeste Keen
Deputy Clerk

Information Only