

**DECEMBER 29, 2008**

The South Harrison Township Committee held a special meeting on Monday December 29, 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, William Zeigler, Solicitor – present, Colleen Bianco, Administrator – present, Nancy Kearns, Municipal Clerk – present.

**Old Business:** **Ordinance O-08-34**  
**An Ordinance Amending Ordinance O-08-32 Entitled An Ordinance Amending Chapter 90 of the Code of the Township of South Harrison to Amend the Mandatory Development Fee Requirements to Assist the Township in Meeting Its Affordable Housing Obligations**

Public hearing and final adoption.

**Open Meeting to the Public:**

Motion to open the meeting to the public on this ordinance only was made by Robert Campbell, second by Gary Spinner. Motion carried.

No comments or questions were received from the public.

**Close Meeting to the Public:**

Motion to close the meeting to the public on this ordinance was made by Gary Spinner, second by Cornelius McIntyre. Motion carried.

Motion to adopt Ordinance O-08-34 was made by Gary Spinner, second by Robert Campbell.

**Roll Call Vote:** James McCall - yes, Cornelius McIntyre - yes, Charles Tyson – yes, Robert Campbell – yes, Gary Spinner – yes. **R.C.V.: 5 - yes', 0 - no's. Motion carried.**

**Ordinance O-08-35**

**Ordinance of the Township of South Harrison Repealing Ordinance O-07-04 "Ordinance of the Township of South Harrison to Establish a Board of Ethics"**

Public hearing and final adoption.

**Open Meeting to the Public:**

Motion to open the meeting to the public on this ordinance only was made by Robert Campbell, second by Cornelius McIntyre. Motion carried.

No comments or questions were received from the public.

### **Close Meeting to the Public:**

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

Motion to adopt Ordinance O-08-34 was made by Cornelius McIntyre, second by James McCall.

**Roll Call Vote:** James McCall - yes, Cornelius McIntyre - yes, Charles Tyson – no, Robert Campbell – no, Gary Spinner – yes. **R.C.V.: 3 - yes', 2 - no's. Motion carried.**

### **Sub-Committee Report**

Mayor Tyson made a motion to table this report. Mayor Tyson would like to have a chance to read it and would like the Solicitor to have a copy of it. Nancy Kearns, Municipal Clerk advised that there is motion on the table with no second, if no second the motion will die. Deputy Mayor Campbell said why don't we go into closed session and read and discuss it and then come out and discuss it. Committeeman Spinner stated that basically what the sub-committee is going to do is report on the findings.

Committeeman McIntyre states that at the November meeting he was actually the Committeeman who called for a sub-committee about an incident that happened here in the spring. The sub-committee was formed of Committeemen Spinner and McCall and all this is, is what was found in a month and a half of investigation, the intention all along was just to present it at this meeting. So the residents would be aware of what went on.

Solicitor Zeigler stated that without reading it he does not know if it is appropriate to take into closed session, He would have to read it, to make a determination.

Committeeman Spinner suggested taking a recess to allow Mr. Zeigler an opportunity to read it and then come back with his determination.

Motion to leave the report on the agenda and proceed with it was made by Cornelius McIntyre, second by James McCall.

Committeeman McIntyre made a motion again to leave it on the agenda as is and proceed.

William Zeigler stated that the motion didn't die because there was still ongoing discussion.

Committeeman Spinner asked if there is a question as to whether or not this is a closed session matter. Mayor Tyson stated he needs to have a chance to read the material. Committee Spinner said we are not taking a vote on this material. There have been many times that I have sat here for the last 24 months where things were put in front of me while the presentation was being made and at that time, I never objected to it, nor did anybody including yourself ever object to it at that time. We are not taking a vote on this. The committee was formed; hours were put into this investigation with the understanding that we would be giving a presentation of our findings this evening.

Solicitor Zeigler asked for 5 minutes to read the conclusions. I might be able to offer an opinion on whether or not it is appropriate for open or closed session.

Committeeman Spinner suggested going through the rest of the agenda. Maybe the Solicitor can read it and then we'll come back and do it.

Motion was made by Gary Spinner to leave the report on the agenda, vote on the other resolutions, take a 5 minute recess, and then come back and talk about the report before going into closed session; second by Robert Campbell. All other motions were withdrawn. Motion carried.

**New Business:** **Resolution R-08-120**  
**Resolution of the Township Committee of South Harrison Township Gloucester County, New Jersey Endorsing the December 2008 Housing Element and Fair Share Plan and Petitioning the Council on Affordable Housing for Substantive Certifications**

Motion to adopt Resolution R-08-120 was made by Gary Spinner, second by James McCall.

**Roll Call Vote:** James McCall - yes, Cornelius McIntyre - yes, Charles Tyson – yes, Robert Campbell – yes, Gary Spinner – yes. **R.C.V.: 5 - yes', 0 - no's. Motion carried.**

**Resolution R-08-121**  
**Resolution of the Township Committee of the Township of South Harrison Requesting Review and Approval of a Municipal Affordable Housing Trust Fund Spending Plan**

Motion to adopt Resolution R-08-121 was made by Gary Spinner, second by Cornelius McIntyre.

**Roll Call Vote:** James McCall - yes, Cornelius McIntyre - yes, Charles Tyson – yes, Robert Campbell – yes, Gary Spinner – yes. **R.C.V.: 5 - yes', 0 - no's. Motion carried.**

**Resolution R-08-122**  
**Resolution of the Township Committee of South Harrison Township requesting that the Council on Affordable Housing Review and Approve the Township's Development Fee Ordinance**

Motion to adopt Resolution R-08-122 was made by Robert Campbell, second by Gary Spinner.

**Roll Call Vote:** James McCall - yes, Cornelius McIntyre - yes, Charles Tyson – yes, Robert Campbell – yes, Gary Spinner – yes. **R.C.V.: 5 - yes', 0 - no's. Motion carried.**

**Resolution R-08-123**  
**Resolution Amending Resolution R-08-06 "Resolution for Designating Depository of Funds for the Township of South Harrison" To Add the Administrator and Municipal Clerk as Authorized Signatures for All South Harrison Township Accounts**

Motion to adopt Resolution R-08-123 was made by Cornelius McIntyre, second by James McCall.

**Roll Call Vote:** James McCall - yes, Cornelius McIntyre - yes, Charles Tyson – yes, Robert Campbell – yes, Gary Spinner – yes. **R.C.V.: 5 - yes', 0 - no's. Motion carried.**

**Resolution R-08-124**  
**Resolution for Excluding the Public (Personnel Matters)**

Motion to adopt Resolution R-08-124 was made by Cornelius McIntyre, second by Gary Spinner.

**Roll Call Vote:** James McCall - yes, Cornelius McIntyre - yes, Charles Tyson – yes, Robert Campbell – yes, Gary Spinner – yes. **R.C.V.: 5 - yes', 0 - no's. Motion carried.**

Five minute recess; meeting resumed at 7:07 p.m.

Solicitor William Zeigler explained that he read the report created by the Special Investigatory Committee by virtue of a prior resolution, which was conducted in accordance with the authority that the legislation has delegated to municipalities. Mr. Zeigler can not guarantee, in any way, whether the statements, findings and conclusions set forth in this document could result in some litigation by him against the Township. Mr. Zeigler notes that exhibit 5 is a copy of state police investigation report from the cyber crimes unit, squad 2 with a case number. This document concludes that there was no criminal activity involved and no criminal charges. When that is the case those records generally become public record subject to the open public records act. On that level, it appears that all of the exhibits to this report would, if an appropriate open public records act request was made, constitute public records. Therefore, none of the exhibits are problematic. The Township Committee is free to address the findings and conclusions in open session, in closed session, or both at their discretion.

Motion was made by Cornelius McIntyre to leave the report on the agenda and proceed in open session, second by James McCall. Motion carried.

Mayor Tyson extended an offer to the person in the room who is part of the investigation to come forward and give testimony.

Committeeman McCall stated the sub-committee reached out to this person, and he refused to come in. When he was subpoenaed they received a letter from his lawyer stating that he chose to plead the fifth. At this point we should proceed with the conclusions and findings, and if he wants to make a statement at the end he is more the welcome to.

Committeemen Spinner and McCall read pages 14 thru 22, starting with the summary of findings of the NJ State Police Cyber Crime Unit and concluding with the conclusions and findings of the investigation.

Mayor Tyson requested that Mr. Warner to come forward, and Mr. Warner shook his head no.

Deputy Mayor Campbell stated the allegations about him are totally false. I covered up nothing and at no time was I questioned by the State Police, the Local Police Department, or the FBI. I agreed to be interviewed by this sub-committee in an attempt to help, and instead they have not told the truth. I tape recorded my conversation and am so glad that I did. I will agree to take a polygraph and I am also suggesting that both Matt Warner and Chief Mabey take a polygraph so that we can get to the bottom of what went on.

Committeeman Spinner stated that just for the record, it is noted in the report that Mr. Campbell did come in and speak with us, and he did tape record the proceedings. We never said that he was interviewed with the FBI, the Chief of Police, the Prosecutors' Office or the New Jersey State Police. In the report we indicate that he received a phone call from them, and that information came right from the State Police Report.

Committeeman McIntyre thanked Jim and Gary for the time and efforts and based on their findings made the following motion:

Motion was made by Cornelius McIntyre to adopt a resolution asking the Department of Community Affairs to conduct an administrative investigation to determine if Mr. Campbell violated any laws, second by James McCall.

**Roll Call Vote:** James McCall - yes, Cornelius McIntyre - yes, Charles Tyson – no, Robert Campbell – abstained, Gary Spinner – yes. **R.C.V.: 3 - yes', 1 0 abstention, 0 - no's. Motion carried.**

Solicitor William Zeigler looked briefly at the statute that enables the sub-committee and at stated that at this point the Township Committee has taken the action

recommended in the report. The report gets filed with the Township Clerk and shall that conclude the matter.

### **Open Meeting to the Public:**

Motion to open the meeting to the public was made by Cornelius McIntyre, second by James McCall. Motion carried.

Janice Huggins Lincoln Mill Road addressed the Committee stating that as we approach the end of another year it is usually customary for an individual or organization to reflect on their performance and whether they are positive or negative. Reflecting on this Township some of the positives are the hard work of our many volunteers, the dedicated, hard working township employees, the residents choosing to support each other, and the Police Department, Fire Company and Ambulance Squad for keeping the community safe. Ms. Huggins spoke about the Master Plan as a negative, as well as a few township leaders belittling the residents and having our Town be labeled as a racist one. Regardless of your race you should not be allowed to violate the security of the Township. I was told last year at this time, by Mayor Tyson, that the Township needed to go in a new direction. I believe the direction has been downward and hopefully Mayor Tyson and the Committee will use this time wisely to reflect on the past year and be accountable to make this a positive place to live in once again.

Jack Fitzpatrick 911 Monroeville Road asked if the County taxes for the library in relation to taxation for the EMS. Why didn't they set it up the same way? Committeeman McCall explained that the County mandates that if you don't want to join the library system you must have a library in your own town. Solicitor William Zeigler verified that, if you opt out of the County Library you are still required to pay the Library tax, however it has to either go to the County Library or to your local Library, this is a state statute. Mr. Fitzpatrick then stated that anyone that has committed perjury should resign from office and should be prosecuted, and residents should not be allowed to check their email on the Township network. Mayor Tyson stated that we have people in and out of the employees' offices, and advised that the door was open. Roger Samartino asked Mayor Tyson if he thinks that justifies what happened. Committeeman McIntyre stated that it is still trespassing.

Harold Holmstrom PBA Local 122 asked Mayor Tyson when he is going to get a response to the letter that he sent to him. Mayor Tyson advised that he does not have an answer yet. Mr. Holmstrom then asked why that wasn't put in a return letter and when he would respond. Mayor Tyson told Mr. Holmstrom to send another letter. Mr. Holmstrom asked if everyone has to send two letters before getting a response. Mr. Holmstrom then requested that the Committee please read Robert's Rules of Order and abide by them.

Roger Samartino 14 St Johns Lane thanked Jim and Neil for all of their hard work and effort on the Committee. Gary you're a sharp guy and I appreciate the way you handle yourself. Mr. Samartino asked about the task force and Committeeman Spinner explained that the resolution of June 2007 was passed to create a resident task force of three people that were IT professionals to assist us in looking at the system to see if there were any deficiencies and make recommendations. This was probably about 3 weeks before the administrator came on board. Once the administrator came on board it fell by the wayside until this incident occurred in April of 2008, while the Committee was reviewing IT contract proposals.

Michelle McCall asked Mayor Tyson about his intentions regarding Bob Gaines. Mayor Tyson stated it is up to Gaines whether he takes his seat. Deputy Mayor Campbell said it was turned over to the prosecutor's office, and they came back and said there were no charges to be filed against Mr. Gaines. They are still free to file a charge of harassment, and he will not be put on the police committee.

Jeannine Campbell 706 Lincoln Road hopes there are positive things happening in 2009. The Seniors Club is a great group of people that has been left by the wayside and she hopes that changes. Ms. Campbell thanked the two Committee members who won't

be on the Committee next year and gave them tokens of appreciation. Ms. Campbell is volunteering to get old photographs out to document township history. If anyone else wants to volunteer, please contact me.

Dan Webster 300 Ferrell Road spoke about the statements made by Bob Campbell at the last meeting. The statements about race bothers me. I too am a black man and I understand racism affects people. I understand what happened with Charlie to be painful and hurtful. But as a Township Committeeman you are different from the rest of us because you own a certain representation. The statements you make hurt everyone - black, white, Puerto Rican - everyone on this side of the fence feels that they now live in a racist community. We do not live in racist community, and I am not raising my children in a racist community. The reason there is a lot of disrespect directed to the Township Committee members is because there is a lot of anger and disrespect coming from the Township Committee, and as our representatives you set the tone.

Craig Harper 108 Lafayette Drive stated South Harrison Township is broken, paradoxically, by the very men who volunteered to fix it. During his research he has found things that are unacceptable. There should not be people on the Board of Elections whose husbands' are running for office. There are allegations of public shouting matches since the new people have been elected. There are two harassment cases filed in South Harrison Township Court. These things concern me; it is unprofessional. If I complain do I have to check ethic background before I complain or disagree? In general you have brought divisiveness and disgrace. Mr. Harper thanked Committeemen McIntyre and McCall for his time. Mr. Harper feels that the two newly elected people should not serve. Mr. Harper stated he is color blind and by his observation Mr. Campbell is not a strong leader. Mr. Harper feels Gary Spinner should be Mayor.

Colleen Campbell 15 Raccoon Creek Court read a letter advising that she is here as a concerned resident, and thanked each Committee members for pubic service on behalf of the community. Ms. Campbell went on to say that her Christmas Eve was ruined by the article in the Philadelphia Inquirer. Ms. Campbell stated she was offended on so many levels, and saw no mention in the article that Mayor Tyson received the largest number of votes in the year he was elected. It certainly didn't sound like a racist community if you put that in. Ms. Campbell suggested that the residents present at this meeting show, by standing, just how opposed we are to any racial attack on any member of our community. Everyone in the room stood. Ms. Campbell shared a story about South African Bishop Desmond Tutu and how he deal with racism. It is imperative that 2009 begin a new era for South Harrison. There should be rules for leadership in South Harrison Township going forward. Also South Harrison Township, through the administrative staff, received grant money that we never got before, which saves us a considerable amount of taxes. The people on the Board hired that administrative staff and for that you are to be applauded. Ms. Campbell also spoke about ethics, saying that ethics is something that when you wake up in the morning you say I am going to do the right thing. Leaders solve problems, they do not create them.

Jean Riggs 1556 Commissioners Road spoke about the good old days and how people moved to this community because it offers something that a lot of other communities do not offer; it is a quality of life and we have lost that here. We used have a community that worked together it did not matter what your political party was; we need to get back to that with this Committee.

Sarah Freeman 781 Eldridges Hill Road spoke about the Recreation Committee and how she is very disheartened that it is being thrown under the bus. If the information was not given to the new committee, then it had no guide lines to go by. And now there are only 2 volunteers.

Joe Hegarty addressed the Committee stating he has lived in the community for 30 years and has regarded this as a model community with regards to race. The cooperation between people in this community is a model for the rest of this country. The fact of life is prejudice and discrimination in private are part of life. I almost suspect that what has been going on here is politically motivated. Mr. Hegarty stated that when we have

control at local level it means a lot, and when people like Bob Diaz make themselves available day and night for years and years on end, and build relationships with the people of this community that is worth an awful lot. We want Unity Ambulance and we want it here. We are happy people with Bob Diaz and his crew - we don't want strangers He has been such a star for this community in many, many ways and he has never cared about his position on the Township Committee, he has cared about serving people. This is a fantastic township to live in, black people working to help white people. To have accusations that suggest this is a racist community couldn't be further from the mark. This is a wonderful community and may god bless us.

Mike Bowen 619 Tomlin Station Road thanked Mr. McIntyre and Mr. McCall for their years of service. I used to serve on the Recreation Committee and I know how much work went into that and I feel sorry for the young lady that does run that committee, but please don't walk away. As far as the integrity on this Board we are going to miss a lot of that with you two gentlemen leaving. Fortunately we still have Mr. Spinner. I wish you two gentleman would change the way you operate around here. Mr. Bowen then asked if the person attempting to get on the computer network was trying to access information about our community to hurt somebody's personal life. Mr. Bowen was advised that there were attempts to log on to the system but nothing was actually obtained.

Barbara Visalli 670 Franklinville Road addressed the Committee stating she does not know anybody in the community that has used the ambulance squad more that we do. We used the ambulance 27 times in 27 years. Unity is there working on the patient before the ambulance even arrives. Mrs. Visalli thanked Bob Diaz and the Unity Ambulance volunteers.

Marian Eileen Sharp 1608 Commissioners Road addressed the Committee asking if when the 2009 Budget is being worked on, you could include a line item for the acoustics in council room. Mrs. Sharp believes people like Mayor Tyson, but the don't like his politics.

Lester Shoemaker stated leadership should be done from the front and should be done by example. You are as you are perceived.

Melanie Shoemaker 568 Franklinville Road addressed the Committee stating that they have caused a ripple effect by saying South Harrison is racist. Ms. Shoemaker has lost friends because of the article. If you have nothing nice to say then don't say anything. You show by the article that you have no leadership qualities.

Mary Howard 4 Hollybrook Road asked the Committee how the professionals are going to be selected for the up coming year. It was explained that "RFP's" are requested and proposals are voluntarily submitted. The proposals are reviewed and the selection is made by the Township Committee. Appointments are made at the re-organization meeting. The discussion of the RFP's will be done in closed session.

Marc Nagtegaal 719 Franklinville Road stated that this past year the Planning/Zoning Board had a separate engineer from the Township engineer and feels that having separate engineers is better than having one engineer for both.

Ron Ambruster Lincoln Mill Road stated that he has lived here for 42 years and thanked Jim and Neil for all of their hard work for this community. Mr. Ambruster thinks Gary Spinner is doing a good job, but needs to step up a little bit further. Mr. Ambruster expressed his feeling that we should keep Unity Ambulance.

Jonathan Feinbaum Raccoon Creek Road has been a resident for 12 years and has served over the last 6 years on the school board. Mr. Feinbaum thanked Jim and Neil for their work on the Committee and stated that even through disagreements both gentlemen treated him with respect. He asked if the ordinance about political contributions will be used as part of the deliberations when choosing professionals for next year. Mr. Feinbaum asked specifically if Mr. Eastlack will be considered for 2009, as he made a

\$2,000.00 contribution. Deputy Mayor Campbell advised that Mr. Eastlack's money was returned to him.

Bob Diaz Foxford Lane thanked everybody for their kind words about the ambulance. The letter sent out from the County does not say they will put an ambulance in the township. The County stated they will not bill County residents. Under State requirements they must bill, but you can select who you will go after for the money. Mr. Diaz spoke about deliberative privilege regarding an OPRA request for a document that Mr. Campbell read into the record at the December 10, 2009 meeting, which was denied. Mr. Eastlack determined that the item is not subject to OPRA due to deliberative privilege. Regarding Mr. Feinbaum's statement, Mr. Diaz believes political contributions should be considered, but qualifications are the primary concern.

Mel Robertson 103 Foxford Lane asked about the library and discuss of partnering up with Pitman. Mr. Zeigler advised that there is pending legislation to alter the statute to try and balance the needs. Mr. Robertson feels that the County is saying our way or the highway regarding the ambulance squad. Why can't we keep our squad and rely on the County as a backup? If we can get out of the library obligation, how come we can't with the ambulance?

Paul Prince asked Mayor Tyson and Deputy Mayor Campbell if they support the police. Both said yes, 100%.

**Close Meeting to the Public:**

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

**Return to Open Session:**

Motion to return to open session was made by Gary Spinner, second by Robert Campbell. Motion carried

Motion to return to a 5 day work week was made by Charles Tyson, second by Gary Spinner. Motion carried.

**Payment of Bills:**

Motion to approve payment of the bills was made by Gary Spinner, second by Robert Campbell.

**Roll Call Vote:** James McCall - absent, Cornelius McIntyre - absent, Charles Tyson – yes, Robert Campbell – yes, Gary Spinner – yes. **R.C.V.: 3 - yes', 0 - no's. Motion carried.**

**Adjournment:**

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

Respectfully submitted,

Nancy E. Kearns, RMC  
Municipal Clerk