

OCTOBER 12, 2011

The South Harrison Township Committee held a finance and regular meeting on Wednesday, October 12, 2011 at 7:30 and 8:00 p.m. respectively in the South Harrison Township Municipal Building.

Mayor James McCall 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: Robert Diaz – present, Robert Gaines – present, Mary Howard – present, James McCall – present, Gary Spinner – present, Brain Lozuke, Solicitor – present, Steven Bach, Engineer – present, Nancy Kearns, Municipal Clerk – present

Minutes:

Motion to approve the regular session minutes of September 22 and September 27, 2011 was made by Robert Diaz, second by Robert Gaines.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Committee Reports:

Police Department – September 2011 Report
Construction Code Official – September 2011 Report
Engineering Report – October 2011 Report
Recreation Commission – September Report
Tax Collector's Report – August 2011
JIF Update – Verbal Report by Committeeman Diaz

Old Business:

Ordinance O-11-11

An Ordinance Amending Chapter 7 of the South Harrison Township Code Entitled "Claims Approval"

Open Meeting to the Public:

Motion to open the meeting to the public on Ordinance O-11-11 only was made by Robert Gaines, second by Robert Diaz. Motion carried.

No questions or comments were received from the public.

Close Meeting to the Public:

Motion to close the meeting to the public on Ordinance O-11-11 was made by Robert Gaines, second by Gary Spinner. Motion carried.

Motion to adopt Ordinance O-11-11 was made by Robert Diaz, second by Robert Gaines.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes’, 0 – no’s. Motion carried.**

Ordinance O-11-12

An Ordinance Authorizing the Appropriation of \$17,499 from the Parkland Trust Fund for Construction of a Walking Trail for Stewart Memorial Park

Open Meeting to the Public:

Motion to open the meeting to the public on Ordinance O-11-12 only was made by Robert Gaines, second by Mary Howard. Motion carried.

Marc Nagtegaal asked if this is an allowable improvement. Yes.

Close Meeting to the Public:

Motion to close the meeting to the public on Ordinance O-11-12 was made by Robert Gaines, second by Gary Spinner. Motion carried.

Motion to adopt Ordinance O-11-12 was made by Robert Diaz, second by Robert Gaines.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes’, 0 – no’s. Motion carried.**

Ordinance O-11-13

An Ordinance Amending Chapter 55 of the South Harrison Township Code Entitled “Construction Codes, Uniform”

Open Meeting to the Public:

Motion to open the meeting to the public on Ordinance O-11-13 only was made by Robert Gaines, second by Gary Spinner. Motion carried.

No questions or comments were received from the public.

Close Meeting to the Public:

Motion to close the meeting to the public on Ordinance O-11-13 was made by Robert Diaz, second by Robert Gaines. Motion carried.

Motion to adopt Ordinance O-11-13 was made by Robert Gaines, second by Robert Diaz.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes’, 0 – no’s. Motion carried.**

Resolution R-11-69

Resolution to Amend the Resolution to Set the Contracting Fees for the Services of the South Harrison Township Off Duty Law Enforcement Officers and Township Owned equipment

Motion to table Resolution R-11-69 was made by Robert Diaz, second by Robert Gaines.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

New Business:

Ordinance O-11-02-A2

An Ordinance of the Township Committee of the Township of South Harrison Amending Ordinance O-11-02

Introduction and first reading.

Motion to adopt Ordinance O-11-02-A2 on first reading was made by Robert Gaines, second by Robert Diaz.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Public hearing and final adoption set for November 9, 2011 at 8:00 pm.

Ordinance O-11-14

An Ordinance Appropriating the Sum of \$27,000.00 from the Capital Improvement Fund for the Cedar Grove Road – Phase 2 Project

Introduction and first reading.

Motion to adopt Ordinance O-11-14 on first reading was made by Robert Gaines, second by Mary Howard.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Public hearing and final adoption set for November 9, 2011 at 8:00 pm.

Ordinance O-11-15

An Ordinance Appropriating the Sum of \$25,000.00 from the Capital Improvement Fund for the Repair of the Outflow on Oldmans Creek Road, Inlets in Windy Way, Mullica Crossings and Overlay of Lake Street Caused by Storm Damage and in Conjunction with Fema Funds Being Made Available

Introduction and first reading.

Motion to adopt Ordinance O-11-15 on first reading was made by Robert Gaines, second by Gary Spinner.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes’, 0 – no’s. Motion carried.**

Public hearing and final adoption set for November 9, 2011 at 8:00 pm.

Ordinance O-11-16

Ordinance Establishing a Policy for the Use of E-Mail Communications by Members of the Governing Body and Employees of the Township of South Harrison

Introduction and first reading.

Motion to adopt Ordinance O-11-16 on first reading was made by Robert Diaz, second by Robert Gaines.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes’, 0 – no’s. Motion carried.**

Public hearing and final adoption set for November 9, 2011 at 8:00 pm.

Resolution R-11-76

Resolution of the Township Committee of the Township of South Harrison Increasing the Number of Hours for the Part-Time Assistant to the Chief Finance Officer effective Upon Commencement of the CFO’s Maternity Leave

Resolution R-11-77

Resolution Authorizing Health Insurance Benefits Contract to Oxford Health/LBTY HMO

Resolution R-11-78

Resolution Authorizing the Cancellation of Charges as Uncollectible

Resolution R-11-79

Resolution Authorizing Transfer of Funds and Termination of Planning & Zoning Escrow Account Number P003-110-04 and Zoning Escrow Account Number Z011-324-03

Resolution R-11-80

Resolution Denying Request for Release of Performance Guarantee of Robert J. Pacilli Homes, LLC, Regarding South Harrison Self-Storage

Resolution R-11-81

Resolution of the Township of South Harrison Proclaiming and Designating October as Community Planning Month in the Township of South Harrison

Motion to adopt Resolutions R-11-76, R-11-77, R-11-78, R-11-79, R-11-80 and R-11-81 was made by Robert Gaines, second by Robert Diaz.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes’, 0 – no’s. Motion carried.**

Resolution R-11-82

Resolution Excluding Public Participation within a Portion of a Meeting of the Township Committee Pursuant to N.J.S.A. 10:4-12

Motion to adopt Resolution R-11-82 was by Robert Gaines, second by Gary Spinner.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – yes, Gary Spinner – yes. **R.C.V.: 5 – yes', 0 – no's. Motion carried.**

Mayor McCall spoke about the soccer fields in Stewart Park and the need for drainage from the fields. Engineering for the drainage is being donated. Mayor McCall cited that there are 147 children from South Harrison Township in the soccer program already and the soccer organization would like to install lighting and possibly a well for the fields once the fields have been engineered and drainage issues resolved.

Mayor McCall and the Committee along with Craig Harper discussed electric bids. Mr. Harper is with Energy Market Exchange, he explained that if the Township signed up with his company, authorizing them to look at the usage along with the Township's credit they would be able to recommend to the Township a company that should be able to save on our electric costs. Brian Lozuke, Township Solicitor advised that the Township would have to do a bid package for this, under Local Public Contracts Law.

Open Meeting to the Public:

Motion to open the meeting to the public was made by Robert Gaines, second by Gary Spinner. Motion carried.

Marc Nagtegaal stated that it would give them exclusive rights and does not think the Township should sign with them. Mr. Nagtegaal then asked about the minutes and agendas being posted to the web site and feels that the agenda should be put on the web site, at least by the day of the meeting being held. Mr. Nagtegaal then directly asked Deputy Mayor Spinner if he still resides at his address and if he is he must be staying in the basement. Deputy Mayor Spinner responded that yes he still lives at his residence in the Township.

Robert Shearer, Harrison Township Committee Member addressed the Committee reading a letter that was sent to our Mayor from the Harrison Township Mayor regarding Pacilli Self-Storage and the problems being encountered by the Harrison Township residents that live in County View Estates which backs up to the Self Storage. The Self Storage is holding flea markets on Wednesdays, Saturdays and Sundays.

Brian Lozuke, Township Solicitor advised that he has been in contact with Brian Duffield, Harrison Township Solicitor regarding this issue. Mr. Lozuke updated Mr. Shearer and the public present advising that the hearing has been scheduled for November 1 and a significant number of charges have been filed and continue to be filed.

Ron Moore, President of the HOA of County View Estates addressed the Committee stating that it is taking too long; it seems that we are not getting anywhere.

Tom Valich asked why is the burden on us? Mr. Lozuke responded that he is entitled to his day in court. Mayor McCall and Deputy Mayor Spinner wanted the flea market shut down immediately but have to follow the rules.

John McClay addressed the Committee regarding the speed of traffic on Porches Mill Road, especially during the morning and evening school bus runs and suggested that the Township look into getting one of the “machines” that flash the persons speed.

Mark Townsend asked for the Solicitor’s address for his attorney. Mr. Townsend suggested the non business items be removed from the web site.

Lisa Sharp advised the Committee that she filled out a formal zoning complaint and Mr. Pacilli is still operating. Ms. Sharp stated that she is afraid of the accidents that could be caused by the amount of traffic that is unfamiliar with the roads.

Bob Campbell advised that he checked the guide star website and the last return that Unity Ambulance filed was for 2008 with net assets of \$397,000.00. Mr. Campbell feels that this is the Township’s money and Unity Ambulance should return it to the Township. Mr. Campbell further advised that Unity Ambulance did not return all of the money that the resolution said they had to return. Unity Ambulance subtracted out their legal fees, used to defend themselves in a law suit brought by the Township. Mr. Lozuke advised that the Township has no control over private entities.

Fran Phillips asked the Township Committee if they reviewed the pictures he submitted regarding the Bach report. Mr. Bach stands behind his report, citing that no injury/damage was done to Mr. Phillips property and that his improvements were/are in the right of way. The Committee advised Mr. Phillips that he would not be receiving any compensation regarding this matter.

Frank Plitz of County View Estates asked about the “chuck wagon” being there on Wednesdays’ when the GC Bd of Health permit is only for Saturdays’. Mr. Plitz when asked about an “injunction”. He was advised that the Township would like to get through the hearing first before taking further action.

Kate Lockerbie advised that ASAP Auto Glass is running their business out of their storage site. Their business address is listed as 500 Tomlin Station Road. Mr. Lockerbie feels others are also doing this, how is that allowed. Again, Mr. Lockerbie and the public were advised that the hearing has been scheduled.

Mayor McCall excused himself from the meeting at 10:00 pm and Deputy Mayor Spinner assumed the Chair.

Jennifer Pustizzi asked about the variance. Mr. Lozuke explained what Mr. Pacilli was legally authorized to do at the location. Mr. Lozuke advised that if he is found guilty and still continues to do illegal activity at the site an injunction would be considered.

Mark Townsend suggested calling the Division of Taxation. Mr. Lozuke advised that they have already been called.

Matthew Warner asked about the extra/off duty police fees and why some organizations are not being charged. Mr. Warner stated he does not know who or what organizations they are; just that he heard a rumor. Mr. Warner was advised that that is not the case.

Ed Crispin addressed the Committee asking for a line item to be placed under the Recreation Budget for the veteran's donations. Ms. Kearns spoke to Mrs. Ehret, who said that it is not a problem and she can take care of it. Mr. Crispin thanked the Township.

Close Meeting to the Public:

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

Committeeman Gaines discussed with the Committee an idea of having an ordinance for uniformity of what people and place on their property and the manner of how it is placed, especially at the property line.

Return to Open Session:

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

Approve Payment of the Bills:

Motion to approve payment of the bills including voucher #'s 10-0070, 0071, 0072, 0073 and 11-00701 that are not on the present bill list was made by Robert Gaines, second by Mary Howard.

Roll Call Vote: Robert Diaz – yes, Robert Gaines – yes, Mary Howard – yes, James McCall – absent, Gary Spinner – yes. **R.C.V.: 4 – yes', 0 – no's. Motion carried.**

Adjournment:

Motion to adjourn was made by Robert Gaines, second by Robert Diaz. Motion carried.

Respectfully submitted,

Nancy E. Kearns, RMC
Municipal Clerk