

**MINUTES OF THE
BOROUGH OF CLEMENTON
APRIL 15, 2014
COUNCIL MEETING**

OPENING: Mayor Nicholson called the meeting to order at 7:03 p.m.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT: "This meeting has been properly advertised and posted pursuant to N.J.S.A. 10:4-6, the Open Public Meetings Act."

ROLL CALL: Peggy Giordano called the roll which resulted in the following members present: Mayor Jack Nicholson; Councilman Mark Armbruster; Councilman Thomas Avellino; Councilman John Fisher; Councilwoman Christine Nucera; Councilman Thomas Weaver; Councilman Thomas Williams

SALUTE TO THE FLAG: Mayor Nicholson lead in the salute to the Flag.

SWEARING IN CEREMONY FOR NEWLY APPOINTED OFFICERS OF CLEMENTON FIRE RESCUE: Chief Frieling introduced members of the Clementon Fire Rescue present at the meeting. Mayor Nicholson then proceeded to swear in the following newly appointed officers of the Clementon Fire Rescue

Fire Services Coordinator – Randal Freiling
Deputy Fire Services Coordinator – Troy Bishop
Captain – Robert Freiling
Lieutenant – Edward Hummel
Lieutenant – Jill Bishop
Lieutenant – Christopher Amos
Safety Officer – John Baricelli
Safety Officer - Richard Godin

The Mayor, as well as Councilman Armbruster thanked the members for their service and for all that the members do for the town. The group was then excused from the meeting by the Mayor.

DISCUSSION REGARDING MT. CARMEL LAND DEVELOPMENT: Jeff Baron, the attorney representing GSM Management, stated that the property located at Brand Avenue and the White Horse Pike, comprised of about 25+ acres, was approved in 2005 for 180 condominium units, with 9 garages per building. Mr. Baron noted that there were two conditions placed on the initial approval that were of great significance to the Borough, one being an age restriction and the other an improvement to the pumping station at Heritage Square. As conditions of the approval, the applicant agreed there would be a community center, a 1% contribution to the general fund per the sale of each unit, a homeowners association and ultimately the understanding that the pump station would be owned and maintained by the homeowners association. Mr. Barons stated that he was seeking to obtain a feel for the opinion of the governing body regarding the changes made from the original proposal of age restricted housing to that of the condominiums. Mr. Baron also noted that the passage of Ordinance 2013-16, adopted on November 12, 2013 substantially changed the zoning of the property and Open Space requirements. Mr. Barons stated that it was not his client's intent to litigate with the borough regarding the issues with Ordinance 2013-16 but would like to come to some understanding with the Borough to be able to move thru with the project. Mr. Barons stated that it was his desire to go to the Planning & Zoning Board with the governing body's general approval. The only major change would be eliminating the age restriction. The condominium project would be a 12-15 million dollar ratable for the Borough. Councilman Weaver clarified that GSM intentions were not to put apartments but rather condominiums. Mr. Baron indicated that GSM would also do a school study if the Borough deemed necessary. Councilman Armbruster spoke of his concern that the sanitary sewer system calculations were based on seniors using the system, and not general housing. Mr. Barons stated that they would be happy to look to see if any changes were necessary. The Mayor along with the Council gave their approval for GSM Management to proceed with approaching the Planning & Zoning Board in moving forward with the Condominium project.

ENGINEER REPORT: Wayne Roorda, Municipal Engineer, provided a verbal Engineer Report on the following matters:

Leewood Project: Mr. Roorda reported the he received plans for the revised sewer anticipates getting the revised water plans on Wednesday April 16th so that within the next week or two he will be able to complete a compliance review and if everything is satisfactory will be able to move forward with the Borough endorsing the application so that Mr. Fink can go to the State and move along in his process. Councilman Armbruster questioned what would the effect of the Leewood Development going forward to the state with the water & sewer plans be if the new project (Mt. Carmel) is approved, what would the new developer have to do? Wayne Roorda said that at this point they would be tying into different points in the system the impact would be deemed as some what negligible if at all for Phase 1 of the Leewood Development. For Phase II & III they would revisit the issue as far as what the anticipating loading, etc. and that would probably dictate improvements down the line. Armbruster expressed concerns with have both developments together would lead to some infrastructure changes regarding the lines down Ohio Avenue and then out to Gibbsboro Road. Mr. Roorda said he will look into that as the projects move forward. Mayor Nicholson informed Council that he and Mr. Fink went to the State last week and received his financing for the Leewood Development and should be breaking ground this summer. *Councilman Fisher* inquired about fencing at Daniel Dougherty Field – Mr. Roorda was waiting for sketches from Mel Applegate to see about what area specifically was being discussed. If there are no issues with having to work around any existing encroachments (would have to work out with Solicitor Botcheos) and it was within Borough Property, there should be no issue. *Councilman Armbruster* also questioned about the time frame for the Fire Department Generator, Wayne stated that it was being worked on by another associate in his office with the Electrical Engineers. From what he understands it is being worked on and he will check on the time frame. Mel Applegate received specs on that, and was questioned on how long it was to be run for and what size they wanted to use and stated that there would have to be an oversized tank. *Councilman Avellino* asked what the latest news on Grant money for the center of town, Wayne stated at the engineering meeting a few weeks ago he reported on two grants put out by the NJDOT, 1) Safe Routes to School and has spoke with Chief Freiling regarding what can be with that – upgrading signal flashing system at the school. The other grant opportunity is Transportation Assistance Program (TAP Fund) only downside to that particular grant program was that you had to have a “shovel ready” project ready to go before you can even apply. The Borough does not have anything viable that is shovel ready, didn’t seem to make sense to even apply. Mayor stated that in the Master Plan Route 30 is the Borough’s central business district so he does not believe funds would be available to do the streetscape that Councilman Avellino would like done on Berlin Road. Wayne Roorda was excused at 7:47 pm.

PRIVILEGE OF THE FLOOR FOR A TOTAL TIME NOT TO EXCEED 10 MINUTES FOR ITEMS APPEARING ON THE AGENDA ONLY:

Keith Cybulski ,Van Horn Ave – Mr. Cybulski questioned Resolution R14-63 pertaining to Clementon Lake Park and the respective fees for amusement games. Mr. Cybulski stated that R14-63 was not on the agenda and asked if it would be replaced with R14-76. Mr. Cybulski also inquired to determine if the annual licensing fees for amusement games were being amended by ordinance 2014-07. Mayor Nicholson answered yes to both questions posed, and additionally noted that the increase in fees would be effective for the 2015 licensing term.

APPROVAL OF BILL LIST: Councilwoman Nucera motioned to approve the bill list as presented upon proper review and certification, seconded by Councilman Armbruster and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera; Weaver & Williams.

APPROVAL OF MINUTES:

MINUTES OF MARCH 18, 2014 COUNCIL MEETING-Councilman Williams motioned to approve the minutes as presented, seconded by Councilman Fisher and motion was carried upon the call of the roll. Ayes: Armbruster, Nucera, Fisher, Avellino, Williams, Weaver

ORDINANCES AND RESOLUTIONS:

INTRODUCTION/FIRST READING

ORDINANCE 2014-07 AMENDING AND SUPPLEMENTING CHAPTER 74 OF THE CODE OF THE BOROUGH OF CLEMENTON, ENTITLED “AMUSEMENTS” Mayor Nicholson read by title. Councilman Weaver motioned to approve, seconded by Councilman Williams and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

SECOND READING/PUBLIC HEARING

ORDINANCE 2014-05 BOND ORDINANCE AUTHORIZING COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF EQUIPMENT IN AND FOR THE BOROUGH OF CLEMENTON, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$157,150 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF CLEMENTON, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO

\$149,292; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING Mayor Nicholson read by title and opened the hearing to the public. Hearing no comments from the public, Councilwoman Nucera motioned to adopt on second reading, seconded by Councilman Weaver and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

SECOND READING/PUBLIC HEARING

ORDINANCE 2014-06 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK PURSUANT TO NJSA 40A:4-45.14 FOREGOING Mayor Nicholson read by title and opened the hearing to the public. Hearing no comments from the public, Councilwoman Nucera motioned to adopt on second reading, seconded by Councilman Armbruster and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

RESOLUTION R14-68 AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY. Councilman Weaver motioned to approve, seconded by Councilwoman Nucera and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher, Nucera, Weaver, Williams.

PUBLIC HEARING FOR 2014 INTRODUCED MUNICIPAL BUDGET - No Comments

RESOLUTION R14-69 TO AFFIRM THE BOROUGH OF CLEMENTON'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS Mayor Nicholson read by title. Councilwoman Nucera motioned to approve, seconded by Councilman Weaver and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

RESOLUTION R14- 70 ADOPTING REVISED PERSONNEL POLICIES AND PROCEDURES DATED APRIL 15, 2014 Mayor Nicholson read by title. Councilman Weaver motioned to approve, seconded by Councilman Williams and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

RESOLUTION R14-71 AMENDING THE 2014 TEMPORARY BUDGET Mayor Nicholson read by title. Councilwoman Nucera motioned to approve, seconded by Councilman Armbruster and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

RESOLUTION R14-72 TO CONFIRM ADJUSTMENTS TO VARIOUS WATER ACCOUNTS IN THE BOROUGH OF CLEMENTON Mayor Nicholson read by title. Councilwoman Nucera motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

RESOLUTION R14-73 AMENDING THE 2014 INTRODUCED MUNICIPAL BUDGET **PUBLIC HEARING WILL BE HELD ON TUESDAY, MAY 6, 2014 AT 7:00PM AT 101 GIBBSBORO ROAD** Mayor Nicholson read by title. Councilwoman Nucera motioned to approve, seconded by Councilman Armbruster and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

RESOLUTION R14-74 ACCEPTING AND ADOPTING THE CAMDEN COUNTY MUNICIPAL JOINT INSURANCE FUND'S 2014 SAFETY AND COMPLIANCE PROGRAM Mayor Nicholson read by title. Councilman Weaver motioned to approve, seconded by Councilwoman Nucera and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

RESOLUTION R14-75 AUTHORIZING THE USE OF GOVDEALS FOR ONLINE AUCTIONING OF SURPLUS EQUIPMENT Mayor Nicholson read by title. Councilwoman Nucera motioned to approve, seconded by Councilman Weaver and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

RESOLUTION R14-76 APPROVING LEGALIZED GAMES OF CHANCE AMUSEMENT GAME LICENSES FOR THE 2014 SUMMER SEASON AT CLEMENTON LAKE PARK/SPLASHWORLD Mayor Nicholson read by title. Councilwoman Nucera motioned to approve, seconded by Councilman Williams and motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher; Nucera, Weaver, Williams

UNFINISHED BUSINESS: None

NEW BUSINESS:

DISCUSSION REGARDING OBJECTIVES OF CODE ENFORCEMENT DEPARTMENT- Councilman Fisher stated that discussion had occurred at the previous meeting regarding the extension of hours of the Code Enforcement Department, to include limited hours on Saturdays. Councilman Fisher noted that the goal was to accommodate residents who worked during the week, and allow interaction between Code Enforcement and the resident. It was noted that there were some discrepancies regarding the final decision on the extended Saturday Hours. After brief discussion, it was the consensus of the Governing Body that each Code Enforcement Officer would be required to work one (1) Saturday per month in the time period between Memorial Day and Labor Day. It was also decided that the Code Enforcement Officers would be given the ability to select which Saturdays they would prefer to work an 8 hour day, and in return, would be granted off on the following Monday. It was also noted that if the Code Enforcement Officers were unable or unwilling to select and agree upon their designated Saturdays to work, the Chief and Administrator would develop the schedule to be followed.

WOOD CHIPS-Councilman Armbruster asked if there were any objections to him receiving wood chips that are given to Borough Residents on occasion as a result of the chipper collecting brush and wood. There were no objections by the Governing Body.

Mayor Nicholson commented on the success of the Bunny Hop and opening day of the CYAA and thanked those responsible for it.

PRIVILEGE OF THE FLOOR:

Mr. Teshner, 265 Berlin Road – Expressed great concern over recurring problem with code enforcement officers. Mr. Teshner stated that a lack of available parking on his street had forced his family to park on the front lawn, which was a violation of the Code of the Borough of Clementon. Mr. Teshner stated that he felt that he was being harassed by the Code Enforcement Officer, with the issuance of tickets and violation notices. Mr. Teshner stated that he had come to the meeting as a last resort to obtain assistance from the Mayor and Council with the current issue. Mayor Nicholson reported that the Governing Body had noted his concern and would investigate the matter, but did not have enough information to provide a response at the present time. Mr. Teshner stated that he could not afford to pay the fines that would be placed upon him by the court, nor was he able to pay for the repairs needed to his property. Councilman Armbruster stated that the Code Enforcement Officer is charged with enforcing the ordinances put into place in the Borough, and noted that there had been previous issues with residents utilizing their front lawns for parking, which was remedied by the Code Enforcement Department. Councilman Armbruster suggested mediation between the Code Enforcement Department and property owner to attempt to attain a solution acceptable to all parties involved. Solicitor Botcheos concurred with Councilman Armbruster's recommendation and suggested that the Council Committee meet with the Code Enforcement Officer and the property owner.. It was determined that Councilman Williams would meet with Chief Freiling & Code Enforcement and Mr. Teshner along with Councilman Weaver to mediate a solution.

EXECUTIVE SESSION: None

ADJOURNMENT: Meeting was adjourned at 8:17pm

Respectfully Submitted,

Jenai L. Johnson,
Municipal Clerk/Administrator