

**MINUTES OF THE  
BOROUGH OF CLEMENTON  
SEPTEMBER 6, 2016  
CAUCUS MEETING  
OF THE MAYOR AND COUNCIL**

**OPENING:** Mayor Thomas Weaver called the meeting to order at 7:01PM.

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

**ROLL CALL:** Jenai Johnson, Municipal Clerk/Administrator, called the roll which resulted in the following members present: Mayor Thomas Weaver; Councilwoman Carol Andrews; Councilman Thomas Weaver; Councilman Jonathan Fisher; Councilwoman Meghan Milano; Council President Christine Nucera; Councilman Gordon Schaeffer. Also present was Solicitor George Botcheos.

**SALUTE TO THE FLAG:** Mayor Weaver led in the salute to the flag.

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

Sheila Freiling, Clementon Borough- Sheila Freiling, stated that she wished to know why the Public Works Position was not posted. It was noted that the individual being transitioned to permanent status had been hired and employed by the Borough in a seasonal temporary part time status for the past six months. Mrs. Freiling inquired how the public would know about the opening. Jenai Johnson reiterated that the resolution was allowing the individual currently employed on a temporary basis to transition to a permanent part time status. Jenai Johnson also noted that there is a constant pool of miscellaneous applicants who submit their applications, and are held on file at Borough hall for future consideration.

Sheila Freiling, who also serves as the emergency management coordinator, then inquired why the appointment for Robert Freiling to the position of Deputy Emergency Management Coordinator was listed as temporary. Councilman Armbruster advised that the appointment was temporary, as it ran to the end of the year when a new appointment would be needed. Jenai Johnson noted that it was specifically to cover the period of leave of Deputy Albert Sexton, and stretch to the end of the year to ensure coverage in the event of an emergency. Sheila Freiling stated that she was able to appoint multiple deputies, with the consent of the Mayor and Council, noting that she wished to have the appointment completed without the term "temporary" utilized.

Michael Fink, Leewood Development- Mr. Fink stated that he was in attendance to present a request to the Governing Body for the release of the Water and Sewer Improvement Bonds, as conveyed in his correspondence dated September 6, 2016. Mr. Fink stated that he had been in communication with Wayne Roorda of Bach Associates, who did not agree that the release was appropriate at the time, being that the roads had not been dedicated and turned over to the Borough. Mr. Fink stated that he had suggested an easement to remedy the concern, but had not reached a satisfactory conclusion. Mr. Fink stated that he felt the release was mandated by Municipal Land Use Law, which dictates that bonds must be released upon 100% completion of the improvements.

Councilman Armbruster stated that the body had been previously made aware of the conversations between Mr. Fink and the Borough Engineer, and noted that they were in agreement previously that the Borough would not benefit from release of the bonds. Councilman Armbruster stated that at present, it was his belief that manholes were still protruding, paving and grading had not been completed, and these specific areas could be damaged if the Borough prematurely agreed to release the bonds.

Mr. Fink responded that the Borough would still have the comfort of the maintenance bonds upon release of the performance bonds in question. Steven Bach stated that there was nothing at present compelling the municipality to accept the improvements and release the bonds until the roadway was 100% completed and topped, and noted that upon release of the performance bonds, the maintenance bonds would automatically extinguish in a period of two years regardless of the status of completion of the project. Mr. Fink stated that he believed that this concern was covered by the declaration of conveyance and emphasized that the



Borough had required 3 separate bonds to be posted. Mr. Fink stated that it was his position, which he believed to be backed by the law, that it was appropriate to release the bonds. Mr. Fink stated that the cost of the bonds have an impact on the development, as well as the developer in any project. Steven Bach stated that the bonds had already been reduced to the minimum 30% statutorily required, and stated that it was his belief that the water and sewer improvements could not be accepted until the right of way is dedicated, which had not been done to date. Solicitor Botcheos stated that he was in agreement with the opinions of Mr. Bach, the municipal engineer, in that release of the bonds would not be appropriate at the present time.

Wayne Roorda of Bach Associates also noted that the state permit underlying was still pending until such time that all units are connected and drawing water, which was not yet occurring. Mr. Roorda stated that all 49 anticipated units would be required to be drawing water for the water/sewer portion to be considered 100% complete.

Mr. Fink stated that all items listed individually on the bonds had been completed and suggested that the Borough include further requirements to the bond in the future to avoid conflicts of this nature. Mr. Bach stated that he just wished to again state that the underlying approvals are what dictate a completed project, not completion of an itemized list.

After short discussion, the solicitor was directed to review the bond documents and related MLUL law, and report back with an opinion to the Governing Body as to whether release of the bonds was appropriate and required at present.

Hearing no further comments, the floor was closed to the public.

Councilwoman Andrews stated that she had concern related to the Executive Session being held early in the meeting, forcing the public to evacuate the room. Councilwoman Andrews stated that past executive sessions were typically held after all business was completed.

Mayor Weaver stated that the executive was being held early in the meeting to afford the governing body the ability to have the engineer present in the conversation, as he had other obligations to attend.

Councilwoman Andrews stated that the engineers were among the professionals paid by the Borough and should make themselves available to stay, since they were being paid for their services.

Councilman Armbruster noted that the firm did not charge the borough for attendance at the meetings, and that they were in attendance as a courtesy. Councilwoman Andrews stated that she disagreed with this practice, noting that she felt that they should accommodate the Borough's needs and make themselves available.

Mayor Weaver stated that executive appeared on the agenda, and asked for a motion to enter executive session.

#### **EXECUTIVE SESSION:**

Councilman Schaeffer motioned to enter executive session at 7:24pm for a period of approximately 20 minutes to discuss the following:

**DISCUSSION REGARDING PENDING LITIGATION- MT. CARMEL LAND COMPANY**

Councilman Fisher seconded the motion and hearing none opposed, motion was carried.

Councilman Fisher motioned to reenter open session at 7:46pm, seconded by Councilwoman Nucera and hearing none opposed, motion was carried.

There were no actions taken as a result of executive session.

Steven Bach and Wayne Roorda of Bach Associates were excused from the meeting at 7:47PM.

#### **ADMINISTRATOR/COUNCIL REPORTS:**

Councilwoman Meghan Milano stated that the History Museum would be hosting an open house on October 13<sup>th</sup>, and noted that Mr. Mumie would be contacting Chief John Busch to ascertain if there would be interest from Clementon Fire Rescue in hosting an open house on the same date.

Councilwoman Christine Nucera stated that the Overdose Awareness event would be occurring on Sunday, from 6pm-8pm at Hero's Park. Councilwoman Nucera announced that refreshments would be served.

Councilwoman Nucera also reported that Trunk or Treat would be held on October 30<sup>th</sup> from 5:30pm-8pm in the Clementon Park lot.



Councilwoman Nucera stated that Clean Communities was being planned for October 15 and 16, and a community yardsale would again be hosted on October 15<sup>th</sup> in conjunction with the event. Councilwoman Nucera concluded by reporting that the Clementon Youth Athletic Association would be holding the soccer opening day on September 17<sup>th</sup> at the Daniel Dougherty Sports Complex.

Councilman Mark Armbruster stated that he had nothing to report at present.

Councilman Gordon Schaeffer also stated that he had nothing to report at present.

Councilman Jonathan Fisher reported that the Public Works Department had been utilizing the new painting machine to repaint the crosswalks and boxes within town. Councilman Fisher stated that 3 employees had been trained on the machine. It was noted that the repainting had to be temporarily stopped along Erial and Berlin Roads where the gas company was currently patching. Councilman Fisher invited everyone to attend the upcoming Overdose Awareness Event, and stated that the mayor would be speaking. Councilman Fisher was pleased to announce that 14 park benches had arrived and would be concrete anchor installed in various parks within the town. In conclusion, Councilman Fisher stated that work had begun to progress with the installation of a soccer field at the Daniel Dougherty Complex. Councilman Fisher stated that the field was being funded wholly by Camden County Open Space grant funds.

Councilwoman Carol Andrews stated that she had nothing at present to report.

**APPROVAL OF MINUTES:**

MINUTES OF THE AUGUST 16, 2016 CAUCUS/COUNCIL MEETING- Councilman Armbruster motioned to approve the minutes of the August 16, 2016 Caucus/Council Meeting as presented, seconded by Councilwoman Nucera and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Schaeffer. Abstain: Andrews.

MINUTES OF THE AUGUST 16, 2016 EXECUTIVE SESSION- Councilman Fisher motioned to approve the executive session minutes of August 16, 2016 as presented, seconded by Councilwoman Nucera and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Schaeffer. Abstain: Andrews.

**ORDINANCES AND RESOLUTIONS:**

RESOLUTION R16-128 AUTHORIZING ADJUSTMENT OF WATER ACCOUNT FOR BLOCK 75, LOT 33, OTHERWISE KNOWN AS 282 MACKEY LANE. Mayor Weaver read by title. Councilman Armbruster motioned to approve, seconded by Councilwoman Nucera and motion was carried upon the call of roll. Ayes: Andrews; Armbruster; Fisher; Milano; Nucera; Schaeffer.

RESOLUTION R16-129 AUTHORIZING PART TIME PERMANENT HIRE OF JOSEPH LACOMBE TO THE POSITION OF LABORER IN THE DEPARTMENT OF PUBLIC WORKS. Mayor Weaver read by title. Councilman Fisher motioned to approve, seconded by Councilman Armbruster and motion was carried upon the call of roll. Ayes: Andrews; Armbruster; Fisher; Milano; Nucera; Schaeffer.

RESOLUTION R16-130 APPROVING FIRE PREVENTION DAY PARTICIPATION ON OCTOBER 8, 2016 AT CLEMENTON ELEMENTARY SCHOOL. Mayor Weaver read by title. Councilwoman Milano motioned to approve, seconded by Councilwoman Nucera and motion was carried upon the call of roll. Ayes: Andrews; Armbruster; Fisher; Milano; Nucera; Schaeffer.

RESOLUTION R16- 131 APPOINTING ANTHONY H. OGOZALEK, JR, OF THE LAW OFFICE OF ANTHONY H. OGOZALEK, JR, TO THE POSITION OF MUNICIPAL PROSECUTOR FOR THE REMAINDER OF YEAR 2016. Mayor Weaver read by title. It was noted that Anthony Ogozalek had left the firm with which he was previously employed, and would be working under the Law Office of Anthony H. Ogozalek Jr. Councilman Schaeffer motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Andrews; Armbruster; Fisher; Milano; Nucera; Schaeffer.



**UNFINISHED BUSINESS:**

There were no discussions related to matters involving unfinished business.

**NEW BUSINESS:****APPOINTMENT OF TEMPORARY DEPUTY EMERGENCY MANAGEMENT COORDINATOR-**

Mayor Weaver stated that it was his intention to appoint Robert Freiling to the position of deputy emergency management coordinator with a term expiring December 31, 2016. Councilman Fisher stated that he wished to confirm that Mr. Freiling would be serving in the office of deputy, as an unsalaried person. Councilman Fisher stated that he had concern regarding the ability to discriminate which capacity Mr. Freiling would be serving in the event of an emergency response, due to his employment in the Public Works Department and volunteer status with Clementon Fire Rescue. Councilman Fisher noted that he was aware of a previous incident when Mr. Freiling responded with Clementon Fire Rescue and elected to continue in that capacity. Councilman Armbruster stated that the position in which he was being appointed was not a paid title, and noted that he would only be compensated if he were performing the duties of Public Works, or performing Deputy Emergency Management Coordinator duties during his normally scheduled work hours. Sheila Freiling, Emergency Management Coordinator, responded that the previous deputy had been paid to perform many of the deputy duties. Jenai Johnson noted that the prior deputy had been paid his normal hourly rate when performing duties related to Deputy during normal working hours, and had been paid his overtime rate when functioning as supervisor of public works during an emergency event. Brief further discussion occurred and it was determined that the governing body was not in agreement to provide salary funds for the attendance at meetings and other related hours, for the deputy coordinator. At this time, Sheila Freiling requested that the matter be tabled, as it was her belief that Mr. Freiling would not accept the position without compensation for the time necessary of the position. Councilman Armbruster suggested that she seek a volunteer or another individual who would be willing to serve in the position without depleting funds from the department of public works.

The matter was tabled for further discussion by the appropriate committee to determine if there were other interested qualified candidates, and to further discuss any qualified paid time of the position.

**PRIVILEGE OF THE FLOOR:**

*Dr. Mary Margaret Dalton, 53 Woodland Ave- Dr. Dalton stated that she had attended the June meeting of Mayor and Council to express a problem she was experiencing, that she felt was primarily caused by a lack of lighting at the end of her street. She noted that the Mayor had met her at the location and advised her that he would touch base with her again in August. She stated that the end of her street was pitch black near the dead end, and a recent situation had given reason to call emergency 911. Councilman Fisher stated that Mayor Weaver had asked him to look at the location during the evening hours and make a recommendation as to whether any action was needed. Councilman Fisher stated that the area was very well lit, due to the lights on the homeowners property, and also noted that he felt the street light assisted in lighting the area of her property. Dr. Dalton expressed discontent that the area was lit at her cost. Councilman Fisher stated that it was his recommendation, based upon surveying the area, that no additional lights be installed by the Borough at the present time. Dr. Dalton stated that she felt strongly that the situation needed to be addressed because of concern of trespassers on the property located adjacent to her, and additionally due to the abandoned properties in her vicinity. Councilman Armbruster stated that vacant properties were unfortunately a problem being faced both Borough and statewide. Dr. Dalton stated that a person whom she could not identify had once suggested moving the existing pole closer to her property. Councilman Fisher stated that he would look into the feasibility of moving the pole, but confirmed that he did not believe the installation of an additional pole was warranted.*

*Hearing no further comments from the public, the floor was closed.*

**ADJOURNMENT:** Councilman Fisher motioned to adjourn at 8:17, seconded by Councilwoman Milano and hearing none opposed, the meeting was adjourned.

  
Respectfully Submitted,

Jenai L. Johnson  
Municipal Clerk/Administrator