

**MINUTES OF THE
BOROUGH OF CLEMENTON
OCTOBER 15, 2019
CAUCUS/COUNCIL MEETING
OF THE MAYOR AND COUNCIL**

OPENING: Council President Mark Armbruster called the meeting to order at 7:00PM.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT: Council President Armbruster 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: Councilman Melvin Applegate; Council President Mark Armbruster; Councilman Jonathan Fisher; Councilman Thomas Shaw; Councilwoman Holly Strobl. Absent: Mayor Thomas Weaver; Councilwoman Meghan Milano.

SALUTE TO THE FLAG: Council President Armbruster lead in the salute to the flag.

ADMINISTRATION OF OATH OF OFFICE TO JORGE PEREZ TO THE OFFICE OF POLICE OFFICER IN THE BOROUGH OF CLEMENTON: Council President Mark Armbruster administered the oath of office to Jorge Perez to the position of Police Officer in the Borough of Clementon. The governing body wished Officer Perez great success and safety during his career within the Borough of Clementon.

ENGINEER REPORT: Mark Basehore of Bach Associates, presented a written engineering report, which has been placed on file in the appropriate manner. Mr. Basehore verbally reported upon the following items:

BOROUGH GARAGE UST- Mr. Basehore stated that Pennoni Associates submitted a proposal to provide Licensed Site Remediation Professional Services (LSRP) in the amount of \$11,200, which would include the immediate tasks to move the Site forward to achieving compliance with NJDEP regulations. It was noted that the Borough would investigate the possibility of year end transfers to cover the additional unanticipated engineering costs.

Mr. Basehore stated that the LSRP services would also be required for the Municipal Building Underground Storage Tank in the amount of \$14,750.

CHERRY LANE IMPROVEMENTS- Mr. Basehore stated that R Moslowski Excavating had commenced construction and there were no major issues or concerns with the project at the present time.

NJDOT & CDBG FY2018 and 2019 LAKE AVENUE PHASE II, CARVER AVENUE AND NAYLOR AVENUE- Mr. Basehore stated that Bach Associates had recommended award of the base bid, add alternate bid #1 and add alternate bid #2 to Landberg Construction in the amount of \$465,230.25 and Council had awarded the contract at the October 1, 2019 meeting. Mr. Basehore stated that Bach Associates was coordinating submittal of the initial payment voucher to NJDOT for reimbursement of the 75% upfront amount of \$348,172.69. Solicitor Botcheos noted that he had had the opportunity to review the documents and all were acceptable. Mr. Basehore stated that the notice to proceed would be issued with a start date of Monday, October 21, 2019.

BRAND AVENUE FY2017 NJDOT- Mr. Basehore stated that Bach Associates had provided a drawing to the contractor to install a concrete swale to address the ponding issue at the handicap ramp near the 1500 building, and were coordinating the construction schedule with the contractor to address the punch list item.

NJDOT FY2016 OHIO AVENUE PHASE II- Mr. Basehore stated that NJDOT concurred with the response letter drafted by Bach Associates and the final payment voucher and CFO certification had been sent to the Borough for signatures. Upon receipt, Bach stated that they would forward to NJDOT requesting reimbursement in the amount of \$78,171.08.

Following the report of the engineer, and during his continued attendance, Council President Armbruster noted that the Borough would need to find funding for the repaving after the drainage improvements were completed on Barry Place. It was his recommendation that consideration be given to capitalizing the project.

PRIVILEGE OF THE FLOOR FOR A TOTAL TIME NOT TO EXCEED 10 MINUTES FOR ITEMS APPEARING ON THE AGENDA ONLY: Council President Armbruster opened the floor to the public for comment. Hearing no comment from the public, Council President Armbruster closed the floor.

APPROVAL OF MINUTES:

MINUTES OF SEPTEMBER 17, 2019 COUNCIL MEETING

MINUTES OF SEPTEMBER 17, 2019 EXECUTIVE SESSION

Councilman Fisher motioned to approve the minutes as presented for the September 17, 2019 Council Meeting and Executive Session. Motion was seconded by Councilman Shaw and carried upon the call of roll: Ayes: Armbruster; Fisher; Shaw. Absent: Milano. Abstain: Applegate; Strobl.

MINUTES OF OCTOBER 1, 2019 CAUCUS MEETING

Councilman Shaw motioned to approve the minutes of the October 1, 2019 Caucus Meeting, seconded by Councilwoman Strobl. Motion was carried upon the call of roll. Ayes: Applegate; Armbruster; Fisher; Strobl. Absent: Milano. Abstain: Shaw.

APPROVAL OF THE BILL LIST: Councilman Shaw motioned to approve the bill list upon proper review and certification, seconded by Councilwoman Strobl and motion was carried upon the call of roll. Ayes: Applegate; Armbruster; Fisher; Shaw; Strobl. Absent: Milano.

ORDINANCES AND RESOLUTIONS:

SECOND READING/PUBLIC HEARING

ORDINANCE 2019-10 AMENDING AND SUPPLEMENTING CHAPTER 281 OF THE CODE OF THE BOROUGH OF CLEMENTON ENTITLED "VEHICLES AND TRAFFIC". Council President Armbruster read by title. Councilman Fisher motioned to adopt on second reading, seconded by Councilman Applegate. Council President Armbruster opened the floor to the public for any having comment related to Ordinance 2019-10. Hearing no comments, Council President Armbruster closed the public hearing. Ordinance 2019-10 was adopted upon the call of roll. Ayes: Applegate; Armbruster; Fisher; Shaw; Strobl. Absent: Milano.

RESOLUTION R19-153 AUTHORIZING REFUND OF PROPERTY TAX OVERPAYMENT FOR BLOCK 44, LOT 1, OTHERWISE KNOWN AS 101 WHITE HORSE PIKE IN THE BOROUGH OF CLEMENTON. Council President Armbruster read by title. Councilwoman Strobl motioned to approve, seconded by Councilman Shaw and motion was carried upon the call of roll. Ayes: Applegate; Armbruster; Fisher; Shaw; Strobl. Absent: Milano.

RESOLUTION R19-154 AUTHORIZING ADJUSTMENT OF CERTAIN WATER AND SEWER ACCOUNTS. Council President Armbruster read by title. Councilman Applegate motioned to approve, seconded by Councilwoman Strobl and motion was carried upon the call of roll. Ayes: Applegate; Armbruster; Fisher; Shaw; Strobl. Absent: Milano.

RESOLUTION R19-155 AUTHORIZING PERMANENT APPOINTMENT JOHN ZUGGI TO THE TITLE OF FIRE OFFICIAL IN THE BOROUGH OF CLEMENTON EFFECTIVE NOVEMBER 1, 2019. Council President Armbruster read by title. Councilman Fisher motioned to approve, seconded by Councilman Applegate and motion was carried upon the call of roll. Ayes: Applegate; Armbruster; Fisher; Shaw; Strobl. Absent: Milano.

RESOLUTION R19-156 ACKNOWLEDGING BEST PRACTICES SUBMISSION FOR YEAR 2019. Council President Armbruster read by title. Councilman Fisher motioned to approve, seconded by Councilwoman Strobl and motion was carried upon the call of roll. Ayes: Applegate; Armbruster; Fisher; Shaw; Strobl. Absent: Milano

RESOLUTION R19-157 AMENDING THE POLICY AND PROCEDURE MANUAL OF THE BOROUGH OF CLEMENTON. Council President Armbruster read by title. Councilman Fisher motioned to approve, seconded by Councilman Applegate and motion was carried upon the call of roll. Ayes: Applegate; Armbruster; Fisher; Shaw; Strobl. Absent: Milano.

UNFINISHED BUSINESS:

DISCUSSION REGARDING YARD SALE FEES AND ALLOWABLE FREQUENCY OF SALES- Discussion occurred regarding a recent resident complaint that the existing ordinance allowed two yard sales per year, but dictated that they be spaced apart by a period of six months. The governing body stated that they had no issue with eliminating the duration that must lapse between the dates of the yard sales, but noted that the fees seemed comparable to other surrounding towns, and would not be changed. It was noted that an ordinance amending the current regulations would be introduced at the upcoming meeting in November.

Councilman Armbruster stated that there had been an issue in the Grove Section and it was necessary to either change out the existing hydrant, or install a blower on the existing hydrant. Council President Armbruster stated that he had been made aware of the lack of a blow out and was notified by the Public Works Department that the existing hydrant would not accommodate a blow out valve. Council President Armbruster stated that he had met with the Supervisor of the W&S Department, who noted that manpower issues had delayed the response time to the issue. Council President Armbruster stated that the Blow Off Valves were only a temporary fix, and it was his belief that the cast iron piping may need to be replaced, as large pieces of rust had been visible. Council President Armbruster stated that the approximate cost to replace the necessary piping going into the Grove was estimated at \$300,000 or more.

Mr. Nick Sapio stated that he wished to advise the governing body that it was unacceptable to avoid a project that was in the best interest of the residents because of the cost of said project. Mr. Sapio stated that he was concerned the water flowing to his home was undrinkable for his family.

Councilman Armbruster stated that the water would be tested to ensure safety. Councilman Applegate ensured that the blow off would be installed or hydrant replaced as needed, but realistically it would take several weeks to get the part and schedule the job. Councilman Fisher inquired if the engineer had been involved in the issue to determine the cause of the water discoloration, as opposed to guessing. Councilman Applegate stated that he had personally contacted NJ American Water to get expertise on the cause and possible solutions. Councilman Shaw asked that the hydrant repairs/fixture be fast tracked.

NEW BUSINESS:

Councilwoman Strobl noted that as part of the Safe Routes to Schools Program, the following day was designated as “Walk to School Day”. Chief Charles Grover stated that paving would be occurring from 7pm-7am on Atlantic Avenue.

PRIVILEGE OF THE FLOOR: Council President Armbruster opened the floor to the public in attendance who wished to speak.

Nick Sapio, 66 Palethorpe Avenue- Mr. Sapio stated that he still had concerns with intersections within the Borough.

George Boyle, 46 California Avenue- Mr. Boyle stated that he wished to have traffic restrictions, prohibiting left turns onto California. He also noted that he was waiting for Rob Freiling from Public Works to mark out and alleviate some cut through traffic. Councilman Armbruster asked Chief Charles Grover if the design phase from NJDOT intersection project could possibly include no turns onto California. Mr. Boyle stated that he had spoken to some of the NJDOT representatives during the public meeting with the engineers from the state. Mr. Boyle had requested to determine if it were possible to make California a one way street until completion of the intersection. Chief Grover stated that an engineering study would be required for any intersection entering or exiting a state highway. Mr. Basehore of Bach Associates was asked to contact NJDOT and determine if a traffic study would be needed. Mr. Boyle reported that there was a tree located at White Horse Rd. and California Avenue that posed a safety hazard. Mr. Boyle was advised that the Shade Tree Commission would need to become involved prior to the removal of any trees.

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

EXECUTIVE SESSION: Councilman Fisher motioned to enter executive session at 7:54pm for matter regarding pending and anticipated litigation, seconded by Councilwoman Strobl and hearing none opposed, motion was carried. It was noted that the anticipated duration of the closed session was 20 minutes.

Councilman Fisher motioned to re-enter open session at 8:32pm, seconded by Councilman Armbruster and hearing none opposed, motion was carried.

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

ADJOURNMENT: Councilman Fisher motioned to adjourn at 8:32pm, seconded by Councilman Fisher and hearing none opposed, motion was carried.

Respectfully Submitted,



Jenai L. Johnson,
Municipal Clerk/Administrator