

**BOROUGH OF CLEMENTON
OCTOBER 3, 2017
CAUCUS MEETING
OF THE MAYOR AND COUNCIL**

OPENING: Mayor Weaver called the meeting to order at 7:09.

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 called the roll, which resulted in the following members present: Mayor Thomas Weaver; Councilman Mark Armbruster; Councilman Jonathan Fisher; Councilwoman Meghan Milano; Councilwoman Christine Nucera; Councilman Thomas Shaw; Councilwoman Holly Strobl.

Also present was Solicitor George J. 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:**

Mayor Weaver opened the floor to the public for comment on matters appearing on the agenda.

Allison McNally, 89 East Atlantic Avenue- Ms. McNally asked for an explanation of the purpose of Ordinance 2017-12, which would require the Clementon teams to pay for the home field use. Ms. McNally also inquired if surrounding towns had implemented ordinances with the same intention. Mayor Weaver noted that the ordinance was for introduction only and that the final adoption and public hearing would not take place at the current meeting.

Nick Sapio, 66 Palethorpe Avenue- Mr. Sapio stated that he felt it was asinine for the home team to pay for the use of the recreational fields, as they were created and maintained for that specific purpose. Councilman Shaw stated that the ordinance did not specifically state that the CYAA would be required to pay for the use of the field, and that the governing body would continue to maintain the ability to waive usage fees for those organizations that were appropriate. Mr. Sapio stated that the intent behind the ordinance was clear, and that he believed that it was a deliberate attack of the CYAA. Councilman Shaw stated that the ordinance was intended to ensure fairness for all teams and organizations across the board, noting that the Pine Hill based team, with a roster including mainly Clementon residents, should have equal access to the field if approved for use. Councilman Armbruster noted that the Clementon Youth Athletic Association (CYAA) was not a Borough organization, nor were they registered as a non-profit organization. Councilman Armbruster alleged that failure of the organization to register as such may be in violation of tax laws.

Tara McGetts, 48 Higgins Avenue- Ms. McGetts stated that she believed that discussion and consideration of the matter by Councilwoman Nucera posed a conflict of interest, and recommended that any member of council with a conflict should recuse themselves from the discussion or decision related to this matter.

Ms. McGetts provided a reading of a FaceBook social media post written by Councilwoman Nucera, and noted that the post displayed the fact that Councilwoman Nucera had developed her opinion on the matter prior to discussion of the governing body. Solicitor Botcheos stated that he

did not agree with the opinion of Ms. McGetts and did not recognize a conflict, thus all members were able to vote on the matter.

Susan Shaw, 39 White Horse Avenue- Mrs. Shaw stated that the concept of the ordinance had already been adopted in the Code of the Borough of Clementon, and only items "C" and "D" were being amendments to the current legislation.

Jason Nassaur, Oak Lane- Mr. Nassaur stated that he did not agree with the possibility of the fee being waived for certain groups and believed that if it was to be waived for one group, it should be waived for all. Councilman Fisher noted that the facilities were maintained by tax dollars and the parents of the Clementon children already contributed to the fields, and should not be mandated to incur the cost of the field usage as well.

Shannon Fisher, Laurel Springs- Ms. Fisher stated that she was the treasurer for the CYAA in 2009, following a term of office when previous officers had stolen funds from the organization and depleted the bank account. Ms. Fisher stated that a fund raiser organized by Debbie Dougherty each year allows the organization to continue to exist. Ms. Fisher noted that Wayne Lemma and her father built the fields on their own time, with their own funds, and pleaded that the organization be allowed to continue use of those same fields.

Nick Sapio, 66 Palethorpe Avenue- Mr. Sapio stated that he wished to know the basis for the introduction of this ordinance, as it appeared to be a personal vendetta. Councilman Shaw stated that the issue arose following a meeting at which another Pine Hill based team was denied access to the fields and building.

Councilman Armbruster explained that the ordinance for usage, and fees included in such, were originally adopted to address the use by adult teams. Councilman Armbruster stated that he did not believe that any Clementon group should pay.

Jennifer Ryan, 29 Narragansett Avenue- Ms. Ryan stated that the approval of this ordinance would effect other organizations such as the HAS, Clementon Elementary School and Girl Scout Groups. Ms. Ryan stated that these organizations are in dire need of revenue and the imposition of a fee would rob them of scarce resources that are necessary for their organizations to flourish.

Dan McNally, 89 East Atlantic Avenue- Mr. McNally stated that he specifically had concern related to the prohibition of equipment storage at the facility, noting that there were no other locations that would be equipped to hold the sports equipment. Mr. McNally stated that equipment was currently stored at East Clementon Ballfield and Carver Avenue ballfield.

Wayne Lemma, Clementon- Mr. Lemma asked Councilman Shaw if the application for use that was denied involved a travel ball team that he was coaching. Councilman Shaw stated that the team that he coached was a 9U team with a roster consisting of 70% Clementon kids. Mr. Lemma suggested that a provision be incorporated in the ordinance to allow automatic waiver of fees for any team comprised of 50% or more Clementon residents. Mr. Lemma noted that the timing of the proposed ordinance was inappropriate because it was introduced immediately after his organization was forced to pay. Councilman Shaw emphasized that the ordinance would allow for waiver of fees for organizations deemed appropriate by the Governing Body. Councilman Shaw noted that this was not a personal attack on any organization. Mr. Lemma stated that he understood the need to collect revenue for the municipality, but suggested that it not be done on the backs of the children of the town.

Christy Weaver, 131 Garfield Avenue- Mrs. Weaver asked if anyone had researched how this matter is handled in other surrounding towns. Mrs. Weaver suggested that the investigation be done and data gathered to possibly obtain successful methods of handling the matter.

DJ Gearhart, 555 2nd Avenue- Mr. Gearhart stated that he had been asked to attend the meeting, as he was employed in the maintenance of the Voorhees fields, which were used for out of town and travel teams. Mr. Gearhart stated that Voorhees did impose fees for the field usage, and visiting teams had no access to the stands or bathrooms. Voorhees Township provided portable toilets that were accessible for use by the renters.

Jennifer Ryan, 29 Narragansett Avenue- Ms. Ryan stated that she had repeatedly heard members of council refer to the failure of the Clementon Youth Athletic Association to register as a 501c and non profit organization. Ms. Ryan noted that certain members of the governing body were using them interchanging.

Ms. Ryan pointed out that the organization was not required to obtain a 501c license to be registered as a non profit organization. Ms. Ryan noted that Clementon was a poverty stricken town, and the money required to obtain the 501c license would be passed on as increased registration fees to the children of the town.

John Schmidt, Gloucester City- Mr. Schmidt stated that he wished to call into question the comment made in the meeting by the Solicitor. Mr. Schmidt asked if any of the members of the governing body were officers or trustees of the entity requesting the rental of the fields. Mr. Schmidt stated that in those positions, the individual would have a fiduciary responsibility to both the entity and the Borough, which would create a conflict. Councilwoman Nucera pointed out that as reported by Councilman Armbruster, the CYAA was not a registered non profit corporation, and no such offices would exist.

Shannon Fisher, Laurel Springs- Ms. Fisher stated that her children were members of a team based in Laurel Springs, and utilized the fields in Stratford due to a lack of home fields. Ms. Fisher stated that Stratford did not charge the Laurel Springs team for use of the fields. Ms. Fisher stated that the Clementon Youth Athletic Association did great service to the municipality, including conducting holiday food and toy donations for needy families, as well as donating sports equipment to those children unable to obtain their own. Councilman Shaw stated that allowing the CYAA to store equipment and records at the location in the club house posed a liability threat to the municipality, specifically when sensitive documents could be lost or stolen at the location.

Mayor Weaver closed the privilege of the floor to the public upon over exhaustion of the allotted time allowed.

ADMINISTRATOR/COUNCIL REPORTS:

Councilwoman Holly Strobl reported that the Clementon Library would be hosting a literacy day on October 14 from 9am-12pm, coinciding with Fire Prevention Day.

Councilman Thomas Shaw reported that he had held a committee meeting related to the community center rental policies. Councilman Shaw stated that the suggested amendments compiled by the committee would be presented at the forthcoming council meeting for introduction and consideration.

Councilman Jonathan Fisher reported that the Borough had offered employment to two new police officers, who he anticipated would be sworn in at the Council Meeting scheduled for October 17th.

Councilman Mark Armbruster stated that he had contacted Freeholder Jeff Nash concerning the use of portion of county owned property on New Freedom Road. Councilman Armbruster stated that Mr. Nash seemed receptive to the use for installation of a soccer field at East Clementon Fields. Councilman Armbruster stated that Camden County Parks would need to agree. Councilman Fisher asked if the CYAA would be required to pay a fee for the use of the soccer fields being constructed at this location.

Councilman Armbruster concluded by reporting that the water discoloration issue being experienced in the Pine Grove section of town was improving. Councilman Armbruster stated that automatic hydrant flushers had been delivered and were slated to be installed. Councilman Armbruster also stated that he wished to advise the public that the final water results for the testing performed in the Pine Grove section had been received and no harmful substances had been found. Councilman Armbruster stated that it was his suggestion, as discussed at a prior meeting, that the excess charges on the third quarter water bill for the effected residents, be waived due to excessive water usage to clear the lines.

Councilman Armbruster stated that he had met with Jenai Johnson to review the proposed general capital projects, and she would be working with the CFO and bond counsel to have the ordinance introduced once the remaining cost estimates were obtained. Jenai Johnson noted that she would distribute the all-inclusive list of projects and funding upon receipt of same.

Councilman Armbruster stated that issues had been experienced with the light at Berlin and Gibbsboro Roads. Councilman Armbruster stated that funding had been approved at the previous meeting, and the Borough was awaiting the signature of the engineer on the timing counts. Councilman Armbruster cautioned that it may become necessary to obtain a traffic study to get the traffic count. Councilman Armbruster also noted that the repairs at the location could also trigger implementation of MUDC guidelines for signage and could become a costly project.

Councilwoman Christine Nucera stated that the Fall Fest would be held on Garfield Avenue from 10AM-4PM on Saturday, followed by Trunk or Treat on October 30th. Councilwoman Nucera reminded everyone that Clean Communities would be held on October 21 and 22 behind the library.

Councilwoman Meghan Milano reported that the library was seeking donations.

Jenai Johnson stated that the committee had held interviews for the CFO position, and would be returning at a later date with a recommendation to the governing body. Jenai also noted that the Solid Waste and Recycling Collection bid had been advertised.

Councilman Armbruster stated that he continued to wish to explore the feasibility of purchasing our own equipment for collection, or doing a joint cooperative purchase and collection with a neighboring town. Councilman Fisher stated that a financial analysis may be necessary to determine the course of action. Councilman Fisher stated that the cans were approximately \$60.00 each. Councilman Armbruster stated that it would provide the borough with more control of the service, and possibly offset other costs.

Councilman Armbruster stated that Melvin Applegate, Public Works Director, had discussed the possibility of obtaining services from Berlin Borough.

Mayor Weaver stated that he had nothing additional to report at the present time.

ORDINANCES AND RESOLUTIONS:

INTRODUCTION/FIRST READING

ORDINANCE 2017-11 AMENDING AND SUPPLEMENTING CHAPTER 281 OF THE CODE OF THE BOROUGH OF CLEMENTON ENTITLED, "VEHICLES AND TRAFFIC". Mayor Weaver read by title. Councilwoman Nucera motioned to approve on first reading, seconded by Councilwoman Milano and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl.

INTRODUCTION/FIRST READING

ORDINANCE 2017-12 AMENDING AND SUPPLEMENTING CHAPTER 125 OF THE CODE OF THE BOROUGH OF CLEMENTON ENTITLED, "FEES". Mayor Weaver read by title. Councilman Shaw motioned to approve. Councilwoman Milano requested that the provision be added allowing automatic waiver of usage fees for organizations comprised of 50% or more Clementon residents. Councilman Armbruster also stated that he wished to tighten up the definition of an "organization" for purposes related to this ordinance. Solicitor Botcheos suggested that the ordinance be tabled to allow the opportunity to redraft with the requested amendments, and circulate for approval of the governing body. Councilman Armbruster motioned to table, seconded by Councilman Shaw and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl. (TABLED)

INTRODUCTION/FIRST READING

ORDINANCE 2017-13 AMENDING AND SUPPLEMENTING CHAPTER 43 OF THE CODE OF THE BOROUGH OF CLEMENTON ENTITLED, "OFFICERS AND EMPLOYEES". Mayor Weaver read by title. Councilman Fisher stated that he had concerns with the intent of the ordinance and Councilwoman Nucera agreed. To allow for further discussion, Councilwoman Nucera motioned to table the ordinance introduction, seconded by Councilman Shaw and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl. (TABLED)

RESOLUTION R17-146 AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENSE 0411-33-008-006 FOR 2017-2018 LICENSE TERM. Mayor Weaver read by title. Councilman Fisher motioned to approve, seconded by Councilwoman Milano and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl.

RESOLUTION R17-147 DESIGNATING RECIPIENTS FOR THE CAMDEN COUNTY IMPROVEMENT AUTHORITY HOUSING REHABILITATION PRORAM AND AUTHORIZING CAMDEN COUNTY IMPROVEMENT AUTHORITY AS ADMINISTRATIVE AGENT. Mayor Weaver read by title. Councilman Fisher motioned to approve, seconded by Councilwoman Milano and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl.

RESOLUTION R17-148 AUTHORIZING TEMPORARY SEASONAL PART TIME HIRE OF LABORER FOR THE DEPARTMENT OF PUBLIC WORKS FOR A PERIOD NOT TO EXCEED 6 MONTHS. Mayor Weaver read by title. Councilwoman Milano motioned to approve, seconded by Councilman Armbruster and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl.

RESOLUTION R17-149 AUTHORIZING ADJUSTMENT OF WATER ACCOUNT FOR BLOCK 125, LOT 2, OTHERWISE KNOWN AS 51 WHITE HORSE AVENUE. Mayor Weaver read by title. Councilwoman Nucera motioned to approve, seconded by Councilman Shaw and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl.

RESOLUTION R17-150 AMENDING PERSONNEL POLICY AND PROCEDURE MANUAL DAED JULY 12, 2016. Councilman Armbruster motioned to approve, seconded by Councilman Shaw. Brief discussion occurred related to amending the proposed changes to include the provision that officials and employees would be limited to one data connection. Councilwoman Nucera motioned to table the resolution to allow for redrafting, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Fisher; Milano; Nucera; Strobl. Nays: Armbruster; Shaw.

RESOLUTION R17-151 AUTHORIZING GRANT SUBMISSION AND EXECUTION WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF LAKE AVENUE AND DELEWARE AVENUE PROJECT. Mayor Weaver read by title. Councilwoman Nucera motioned to approve, seconded by Councilwoman Strobl and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl.

RESOLUTION R17-152 AUTHORIZING REMOVAL PROPERTY FROM TAX SALE. Mayor Weaver read by title. Councilman Armbruster motioned to approve, seconded by Councilwoman Strobl and motion was carried upon the call of roll. Ayes: Armbruster; Fisher; Milano; Nucera; Shaw; Strobl.

UNFINISHED BUSINESS:

Councilman Fisher noted that Councilman Armbruster utilized a free employee rental of the hall a few months prior, which incurred an overtime cost in the amount of approximately \$200.00 to the police department due to the specific group of individuals expected to attend. Councilman Fisher stated that as the Public Safety Director, he was requesting that Councilman Armbruster reimburse the Borough the \$200.00 paid in overtime. Councilman Armbruster stated that he refused to agree to the request, citing that Chief of Police chose to have additional officers working, and it had not been necessary. Councilman Fisher stated that the residents of the borough should not have to incur costs associated with a rental organized by Councilman Armbruster for a motorcycle club group. Councilwoman Nucera asked the Acting Chief, who was in attendance, if he brought in additional manpower of his own accord. Chief Grover responded that he was required to do so with the information provided to him due to a public safety concern. Councilman Armbruster noted that he declined to reimburse the Borough.

NEW BUSINESS:

Councilman Armbruster stated that he wished to voluntarily discontinue his data connection to the Borough issued tablet.

PRIVILEGE OF THE FLOOR:

Nick Sapio, Clementon- Mr. Sapio stated that the “walk/don’t walk” signage was not operational on Gibbsboro Road and White Horse Avenue. He also noted that it was not functioning on Gibbsboro and Berlin Road intersection near Harper’s. Councilman Armbruster stated that the previously discussed new system should rectify the problem.

Gary Saunders, 17 Elm Avenue- Mr. Saunders asked if the Borough had a date for the work to begin for the replacement of the bridge on Berlin Road. Acting Chief Freiling stated that the county anticipated work to begin in April

John Schmidt, Chairman of the Clementon Housing Authority- Mr. Schmidt stated that he wished to schedule a meeting with Councilwoman Milano, Commissioner Doreen Closs, Mayor Weaver, Councilman Armbruster, the executive director of the CHA and Jenai Johnson. He wished to discuss the improvement of the parking lot, and prohibition of parking in the front of the Authority.

Allison McNally, 89 E. Atlantic Avenue- Ms. McNally asked the governing body to consider the fact that the CYAA has multiple teams and utilizes multiple fields, which causes difficulty in scheduling practices. Ms. McNally stated that allowing use by outside teams would greatly reduce the amount of practice time available per field.

Mr. Bonds, 10 California Avenue- Mr. Bonds stated that he was in attendance to ask for consideration of pay raises for crossing guards. Mayor Weaver stated that he had discussed this matter with the Chief and it was a matter that would be considered in January during budget preparation.

Jason Nassaur, Oak Lane- Mr. Nassaur asked if any discussion had occurred related to paving or overlay to Hillside Drive. It was currently stone and located near the Borough Garage. Councilman Armbruster stated that they were aware of his request, and all decisions would be based upon the cost of the project.

John Schmidt, Gloucester City- Mr. Schmidt stated that he had a procedural question relevant to Resolution R17-15-. Mr. Schmidt noted that there had been a motion and second to approve the resolution. Following that, a roll call was not completed prior to the motion to table. Mr. Schmidt suggested that the resolution should not be tabled and all other resolutions following should be void until a roll call was complete on the original motion. Solicitor Botcheos disagreed with his opinion.

Mr. Schmidt stated that he was disappointed with what he witnessed at the meeting, and recommended that the personal attacks between members of council be held for outside of the meeting. Mr. Schmidt asked for a commitment from the members of the governing body to return to normal business for the remainder of the year.

EXECUTIVE SESSION:

Councilman Armbruster motioned to enter executive session at 9:05pm for matters related to pending litigation between the Borough of Clementon and Randall Freiling for a period of time estimated at no more than 10 minutes, seconded by Councilwoman Nucera and hearing none opposed, motion was carried.

Councilman Shaw motioned to re-enter open session at 9:09PM, seconded by Councilwoman Nucera and hearing none opposed, motion was carried.

ACTION AS A RESULT OF EXECUTIVE SESSION:

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

ADJOURNMENT:

Councilman Fisher motioned to adjourn at 9:10PM, seconded by Councilman Armbruster and hearing none opposed, motion was carried.

RESPECTFULLY SUBMITTED,



Jenai L. Johnson,
Municipal Clerk/Administrator