

TOWNSHIP OF SPRINGFIELD
COUNCIL MEETING AGENDA
7:30 PM
SEPTEMBER 4, 2014

1. Meeting called to order by the Mayor
2. Reading of the Sunshine Notice
3. Salute to the Flag
4. Roll Call: Mr. Frank, Mr. Hlubik, Mr. Marinello, Mr. McDaniel, Mr. Sobotka
6. Monthly Reports Submitted for Approval
7. Bills Submitted for Approval
8. Correspondence
9. Township Officials' Business
 - Public Works Operations : Policy & Procedure Issues: general discussion
10. Public Comment*
11. Executive Session
 - No. 2014-04-01 – Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meeting Act, N.J.S.A. 10:4-12 (Real Estate Acquisition)
12. Adjournment

**TOWNSHIP COUNCIL MEETING
SEPTEMBER 4, 2014,**

The meeting of the Springfield Township Council was called to order by Mayor McDaniel with Council Members David Frank (arrived at 7:31), Anthony Marinello and Peter Sobotka present. Mr. Hlubik was absent. Also present was Township Manager Mr. Keller.

The Sunshine Notice was read:

“Public notice of this meeting pursuant to the Open Public Meetings Act has been given by the Springfield Township Council in the following manner on January 6, 2014:

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, NJ
- b. Transmitting written notice to the Register News and the Burlington County Times
- c. Filing written notice with the Clerk of Springfield Township
- d. Mailing written notice to each person who has requested copies of the regular meeting schedule and who has prepaid any charges fixed for such services.”

Mayor McDaniel led the salute to the Flag.

Mr. Dan Guzzi explained that municipalities must make a change in contract according to the asphalt index increase or decrease from the date of bid to the date of paving. There was a substantial increase on this project so there was an increase of \$20,000 to the contract. Mr. Marinello asked if this increase is normal historically and Mr. Guzzi stated that there is usually an increase but not to this extent. Mr. Guzzi stated that this index is issued by the State DOT

and municipalities are required to make adjustments to the contract according to this index. Mr. Guzzi stated that this was not unanticipated just the amount of the increase. Mr. Frank asked how we did on our quantity estimates in the Hancock Road area. Mr. Guzzi responded that we did okay but in one area additional base work needed to be done and a little more pipe work was necessary which also resulted in an increase in the price. Mr. McDaniel asked if this applies to the fuel index because that decreased and Mr. Guzzi stated that an adjustment is not required for the fuel only the asphalt. Mr. Keller asked for the total cost and increase for the project and Mr. Guzzi responded that the contract price was \$978,290 and the increase was \$31,152 and about \$20,000 of that increase was attributed to the asphalt index.

Mr. McDaniel stated that we had some concerns from a resident from Springfield Acres about the sub-base and Mr. Guzzi stated that the sub-base material that was there was clay and not very good so they had to use a different process and create a good base. He added that in one section they had to go down twelve inches and in the rest of the areas eight inches which allowed a solid base to pave on. Mr. Sobotka stated that there was an intern at the project and Mr. Guzzi responded that the intern was only out there with another experienced inspector during the paving and pipe work.

Mr. McDaniel asked about the Folwell Station stop sign and Mr. Guzzi stated that they got a price of \$2,300 from the contractor on the road project and they are in the process of getting additional prices.

Mr. Guzzi stated that the next round of funding from the DOT is due sometime around October 15th. Mr. Frank stated that Neck Rd. is in bad shape and Mr. Keller added that something needs to be done soon because there is a drainage issue that is affecting a resident. Mr. Guzzi stated that you can submit one road application and include more than one road and a through road is the best. Mr. McDaniel is meeting with the Governor's office about this issue and will come back with any recommendations that he gets from that meeting. It was discussed doing Neck and finishing Columbus-Jobstown Rd. Mr. Guzzi stated that if that Township has been turned down for three years there is a greater chance of getting one this year.

Mr. McDaniel asked if it is too early to discuss next year's project for Smithville Rd. and Mr. Guzzi responded that they can begin doing preliminary work. Mr. Guzzi stated that you also have to decide when to go out to bid and if you bid too early you could still run into some weather issues. Mr. McDaniel stated that we should take care of the end of Jobstown-Juliustown Rd. because of the sharp angle and correct that. Mr. Sobotka stated that Mt. Pleasant Road needs to be taken care of and Mr. Frank noted that we are trying to give that road to the County and Mr. McDaniel added that we have not heard back from the County on this yet. Mr. Guzzi stated that if they want the road corrected first you could see if there could be a cost share to do that project. Mr. Frank stated that Gilbert Rd. is crumpling as well in areas. Mr. Guzzi stated that he will look at the estimates on the rest of the roads again. Mr. Frank stated that there is also a section on Arneys Mt. Birmingham Rd. that is in need of repair as well. Council agreed that Smithville, Mt. Pleasant and sections of Jobstown-Juliustown Rd. should be considered for the next round of paving.

REVIEW OF DEPARTMENT REPORTS

Mr. Frank raised the issue of agricultural housing and he feels we should look at the Ordinances to allow for that type of housing. Mr. Marinello stated that he believes that there was one property with illegal housing and when the Zoning officer went out there people were living in substandard conditions, no one spoke English and everyone ran when they saw him so he has some concerns. Mr. Frank stated that the way farming is going we need to allow some type of suitable housing for these workers and that housing should be brought up to code. Mr. Frank agreed that when someone is providing poor standards of living they should be violated.

Mr. McDaniel stated that COAH is ramping up again but they have in the past objected to any housing that linked to jobs. He stated that he will try again to see if we can get the agricultural housing considered as affordable housing. Mr. McDaniel stated that COAH really likes to see family units. Mr. Frank made a motion seconded by Mr. Sobotka to study the current Ordinances and to allow this type of housing and establish standards and Mr. Sobotka added that he would like to see some action within ninety days. Mr. Frank stated that if the agricultural housing is single family housing then site plan should not be required. Mr. Marinello asked what happens if it houses 50 people and Mr. Frank added that the Planning Board should distinguish between when site plan would or would not be required. Mr. Frank referred to case law that a family unit does not automatically mean you have to be related for a housing unit to be considered family. Mr. Marinello stated that right now you have trailers tied together with tarps and substandard and Mr. Frank responded that problem should be corrected. All were in favor. Motion carried.

Mr. McDaniel asked about the House of Furniture and Mr. Frank responded that it relates to signs that this company placed in Springfield and the business is located in Wrightstown. Mr. Frank stated that someone has log cabin signs all over town and Mr. Marinello responded that this is a home for sale and he is not sure if the Township should make him remove them. Mr. Frank stated that we do not allow that from realtors so we should not allow it for the homeowner.

Mr. Frank stated that Allied Recycling has stuff piled over the fence again and they also have a mound of tires and that is not okay because it is a public health issue. Mr. McDaniel asked if they have a DEP permit and Council discussed that they should have some type of permit. Mr. Frank stated that we should just issue him a summons each time they are in violation.

Mr. Frank stated that he commends Mr. Lawrence on removing his oil tank.

Mr. Sobotka asked about the Flynn property and Mr. Keller responded that he has been fined and we will probably be in court with this property.

Mr. Frank stated that at the Flynn garage in Juliustown there is a tractor trailer parked there. Mr. Marinello stated that it is a commercial property so he does not see a problem with the truck being parked there and added that the person is parking his own truck on his own property. Mr. Frank is concerned about the use of this property. He added that it was a garage and the truck being parked there now is a pool filling business. Mr. Frank further stated that you are not just allowed to park heavy duty vehicles on any commercial property unless it is related to the use of the property. Mr. Frank added that the garage is a pre-existing non-conforming use and it would not be approved under the current zoning in that area now. Mr. McDaniel expressed concern about maneuvering a truck of that size in that area. Mr. Marinello stated that if no one is complaining we should leave the owner alone and Council discussed that anyone can come to the Zoning Board for a use variance to allow the parking of that vehicle and Mr. Frank added that the Board could also require the owner to clean up the property as part of the approval.

Council agreed to hold the reports until next week.

REVIEW OF BILLS

Mr. Sobotka stated that we spent \$795 on a vest and asked if the officers are wearing the vests at all times and Mr. Keller responded absolutely and added that if not the officer would be disciplined and this has actually been the case in the past.

Mr. Sobotka asked about how fast the old equipment will be removed such as the metal detector and copiers. Mr. Keller stated the copiers were traded and he is working on a deal to trade the metal detector.

Council agreed to hold the bills until next week.

REVIEW OF CORRESPONDENCE

2. NJ DOT – 2015 State Aid Programs- Council has already discussed submitting an application for Neck and Col-Jobs.

3. Metro PCS –Lease Termination – Mr. Keller stated that AT&T bought out Metro PCS and they no longer need the use of this tower and Mr. Guest is reviewing the termination agreement. There is an option in the lease that allows the equipment to stay and the township to own it but it is obsolete so we would not want it and it appears that AT&T is trying to avoid the cost of removing it. Mr. Keller stated that Mr. Guest should have a report next meeting.

4. Public Notice-Johnson’s Farm – It was explained that this notice is required to be provided to property owners within 200 feet of the property and also to the municipality. Mr. Sobotka stated that he received a notice because he lives within 200 feet of the farm.

5. DOT – Red Wing Airport-Council is not aware of any problems with this airport.

TOWNSHIP OFFICIAL’S BUSINESS

PUBLIC WORKS OPERATIONS:

Mr. McDaniel stated that a couple of issues came up about procedures and communication. Mr. Keller stated that the best procedure is to go through the Manager’s office. Mr. McDaniel stated that he could come up with a thousand trees that could come down or be trimmed and asked how the Manger prioritizes that issue and Mr. Keller responded that the Township never takes a tree down unless it is dead.

Mr. Frank stated that when Mr. Eggleston used to do the mowing he would see issues and report them to the Township but now that he is not doing that work any more we need to come up with another way to monitor the maintenance work for the parks and municipal properties. Mr. Sobotka stated that the recreation committee does that now since they are there.

Mr. Frank stated that Jeff Antonucci used to be the one who would report signs being covered and he asked how that is being monitored now that Mr. Antonucci is retired. Mr. Keller stated that about 33 percent of the reports that Mr. Antonucci made did not need action.

Mr. McDaniel stated there is a cone by the bike path that was left by the contractor. Mr. McDaniel asked about the concern of a drain pipe being blocked by the construction and Mr. Keller responded that he spoke to the Engineer and stated that it was designed to allow for that area to drain but the Engineer will check it after the next heavy rainfall. Mr. Marinello stated that there is a mailbox that hangs over into the bikepath and Mr. Keller responded that he would look at it.

Mr. Sobotka stated that the 4th Annual golf tournament for recreation will by Sept. 26th at the Hanover Golf Course. Mr. Marinello asked why it is not at the Springfield Golf Course and Mr. Sobotka responded that no one would come to the Springfield Golf Course. Mr. Sobotka asked that if Councilmembers know anyone that would want to sponsor a hole to let him know.

PUBLIC COMMENT

Mr. Lawrence, Juliustown stated he is in favor of Mr. Mark Flynn being able to keep his truck on that property and he added that there are a lot worse issues that can be addressed in Juliustown. He stated that to go to the Board would cost the property owner money and he may not get the approval. He stated that the Mr. Flynn goes in and out with his truck no problem but there is a neighbor two properties down that has the loudest motorcycle ever.

Mr. Lippincott, Jobstown stated that he likes the idea of promoting agricultural housing.

Mr. Lippincott stated that the progress on the Saylor's Pond Rd. bridge has slowed to a trickle. He added the piling are in and they are now putting the framing for the end walls.

Mr. Lippincott stated that we lost a sign at the corner of White and Jobstown-Juliustown Rd. during the construction and Mr. Keller responded that it is on the punch list.

Mr. Lippincott stated that he does support Mark Flynn and he believes he does try to comply with the rules. He added that if you have an issue with Mr. Flynn he will solve the problem.

Hearing no further comments, Mr. Frank made a motion seconded by Mr. Sobotka to close public comment. All were in favor. Motion carried.

Mr. Frank made a motion seconded by Mr. Sobotka to approve Resolution No. 2014-09-01 for the purpose of discussing Real Estate Acquisitions, Potential Litigation and personnel. All were in favor. Motion carried. Mr. McDaniel stated that Council would invite the public back in when they returned to public session. Council entered into executive session at 9:13 PM.

RESOLUTION 2014-09-01

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting, and

WHEREAS, the Governing Body of Springfield Township has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Springfield Township will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon: _____);

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract: _____);

Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

Any investigations of violations or possible violations of the law;

Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is: Construction Fines) (If contract negotiation the nature of the contract and interested party is:)

Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 N.J. 478, the employee(s) and nature of discussion is: Zoning Board Appointment) ;

Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED that the Township Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Township Attorney advises the Township Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter. (Estimated date: upon authorization by the Township Solicitor) or upon the occurrence of Litigation resolved);

BE IT FURTHER RESOLVED that the Township Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Township Clerk to take the appropriate action to effectuate the terms of this resolution.

Council returned to public session at 9:46 PM and the public was invited back.

Mr. Sobotka made a motion seconded by Mr. Frank to adjourn the meeting. The meeting was adjourned at 9:46 PM. All were in favor.

Respectfully submitted,

Patricia A. Clayton
Township Clerk