

TOWNSHIP OF SPRINGFIELD
COUNCIL MEETING AGENDA
7:30 PM
OCTOBER 2, 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. Discussion-Best Practices Survey
7. Monthly Reports Submitted for Approval
8. Bills Submitted for Approval
9. Correspondence
10. Township Officials' Business
 - Zoning Board Appointments
11. Public Comment*
12. Executive Session

No. 2014-10-01 – 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 (Personnel and Real Estate Acquisition)

13. Adjournment

**TOWNSHIP COUNCIL MEETING
OCTOBER 2, 2014,**

The meeting of the Springfield Township Council was called to order by Mayor McDaniel with Council Members David Frank, John Hlubik, Anthony Marinello and Peter Sobotka present. 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.

DISCUSSION

Best Practices Survey - Mr. Sobotka asked about question number three regarding fringe benefits and whether or not the Police Chief is excluded from this and Mr. Keller responded

that he did not know if the Chief is excluded but he could find out. Mr. Marinello and Mr. Frank both commented that they believed he would be excluded.

Mr. McDaniel asked if this discussion is mandated by the State and Mr. Keller explained that this is a State survey and he added that we qualified with enough points so that we are not penalized with respect to the amount of state aid we receive.

Mr. Sobotka made a motion seconded by Mr. Frank to accept the results of the survey.

Mr. Frank finds it bizarre that the State queries towns in a tradition of getting aid based on the towns exceeding the requirements set by State Statute.

All were in favor. Motion carried.

REVIEW OF DEPARTMENT REPORTS

Council agreed to hold the reports until next week.

REVIEW OF BILLS

Mr. Sobotka commented on the amount being spent on ammunition and asked the Manager to make sure that it is being kept in a safe place.

Council agreed to hold the bills until next week.

REVIEW OF CORRESPONDENCE

1. BC Farmland Preservation – Acquisition Targeting List- Mr. Frank stated that some of the landowners need to be updated and Mr. McDaniel asked Mr. Frank to forward those addresses to the Township Clerk so that the correct information can be sent to the County.
2. Recreation Committee – Harvest Run. Mr. Sobotka stated that this 5K run will be held at the County Fairgrounds and is to raise money for recreation. Mr. Sobotka made a motion seconded by Mr. Hlubik to support this event. All were in favor. Motion carried.
5. Draft Shared Services Agreement as approved by Special Counsel. Mr. Keller stated that no action needs to be taken this evening because there are still revisions that need to be made. He added the target date is November 1, 2014.

TOWNSHIP OFFICIAL'S BUSINESS

Mr. McDaniel stated that there is one opening on the Zoning Board and that will be discussed in Executive session under personnel.

Mr. McDaniel stated that the erosion on Jobstown-Juliustown Rd. has been taken care of and the storm drains on Paddock are being taken care of. Mr. Keller added that some of the areas on Paddock are being taken care of and we are going to be videotaping some areas.

Mr. Marinello stated that on John Hancock there are two areas that look like the paving comes together and they tarred the seam. He added that you can see it is two different pavements and he is concerned about that area cracking. Mr. Keller responded that he will look at it.

Mr. McDaniel stated that he asked the Freeholder Director about Mt. Pleasant Rd. and the Director indicated that he did not see the letter sent by the Township. Mr. McDaniel added that the Township Clerk should forward a copy of the letter to him again.

Mr. Marinello would also like to see another letter go to the County asking them to revisit the 35 mile per hour speed limit in Jacksonville.

Mr. Sobotka stated that at the golf outing there were approximately 30 people and a few of the Council Members sponsored holes.

Mr. Sobotka also would like Council to recognize Jason Zabodyn for removing the fence around the tennis court in Juliustown Park.

Mr. Sobotka stated that only four people showed up to the Helis Farm event.

Mr. Sobotka has asked residents in the area of Johnson's Farm to come tonight about problems at the farm. Mr. Frank stated that he is concerned because Mr. Sobotka is an adjoining land owner and he has a personal interest which is entirely appropriate, however, you can't be up on the dais as a council member talking about a personal interest because that would be a conflict of interest. Mr. Sobotka stated that his concern as a council member is over home rule and jurisdiction. Mr. Frank added again that Mr. Sobotka has a personal stake and should not be representing himself as a Council Member on this matter. Mr. Frank added that we do not have jurisdiction and this is a matter that should be addressed at the County Agricultural Board. He added that we as a township have a voice but no jurisdiction. Mr. Sobotka stated that the people that did show up at the County Board were told that these are State regulation and while they listened to the residents they also told them they could not do anything to address their concerns. Mr. Sobotka added that this brings up the question of who will insure that Johnson's Farm is complying with the State regulations. Mr. Hlubik stated that the State rules and regulations do not supersede the need to get a site plan if necessary.

PUBLIC COMMENT

Mr. Dunn Juliustown-Georgetown Rd. stated that he realizes that most of this stuff is not under the Township's regulation however he just wants Council to be aware of some of the concerns because if this thing takes off there may be problems. He added it is a lot harder to stop any problems once they get going. He stated his one of his concerns is traffic exiting on Juliustown-Georgetown Rd., which is a small road that can't handle the amount of traffic this site will generate. He added that when they addressed this issue with the Agricultural Board the response was that the roads are not their jurisdiction and advised residents to consult their attorney. Mr. Frank stated that the long range plan is for an exit on Monmouth Rd. and Mr. Frank agreed that we need to find out when this would happen.

Mr. Dunn stated that noise is also a problem especially if this is going to be an all year around business. He wants to make sure that the quality of life for the residents is protected. Mr. Dunn added that he is a supporter of agriculture but if the commercial aspect begins to overtake the agricultural aspect he does not support that. Mr. Dunn is concerned that lighting could be an issue as well if they put lights up to keep the commercial aspect going.

Mr. Marinello asked about the type of noise and Mr. Frank added that would be an issue of public health but it is very hard to regulate. Mr. Dunn stated that he has already heard the music coming from the facility. Mr. Marinello asked if the noise they are generating would fall under the Right to Farm Act and Mr. Frank stated that the Right to Farm Act was expanded to include agricultural tourism which is what the Johnson's are proposing for this site. Mr. Frank stated that this is something we should be able to address with the Johnson's Farm now because they have said that they want to be good neighbors.

Mr. Dunn asked if the County Agricultural Board will be monitoring the site because he is concerned that they have jurisdiction but there will be no oversight. Mr. Frank stated that there are limits to what can be done under agricultural tourism label. Mr. Frank added that they can do some marketing production of the farm in the exception area and that should all be happening inside and not outside. Mr. Dunn mentioned the Medford facility and Mr. Frank stated that in Medford they exempted about 10 acres from the farmland preserved portion and that is where the commercial part is located at that facility so the expansion at this facility would not be able to happen to that degree. They should not be able to recreate what they do in Medford in Springfield either from a Zoning or Farmland Preservation stand.

Mr. McDaniel asked about the music and Mr. Dunn stated that they have live bands and the resolution he has from the Agricultural Board does indicate that they are approved for different types of music. Mr. Dunn added that there are limitations to the types of events they can do. Mr. McDaniel and Mr. Frank both stated that the State has laws as to what can and can't be done on a preserved farm. Council further discussed the music and Mr. Frank stated that noise could be considered pollution if to an extreme and would not be allowed. Mr. McDaniel added that there is a gray area as to what is considered noise pollution.

Ms. Falconello, 753 Juliustown-Georgetown Rd. stated that she lives directly across from the exit and she is concerned about the traffic coming out and the ability to navigate the turn on such a narrow road. She added that the buses can't make the turn without coming onto their property. She also mentioned that at night the lights from the cars could be an issue as well in the future. She said that it is a township road and the Township should be able to control what happens on the road and Council responded that the Township can only enforce the traffic laws. Mr. McDaniel confirmed that any damage to the resident's property was correctable and that it is more about the inconvenience.

Mr. Castle 737 Juliustown-Georgetown Rd. expressed concern about the lack of municipal oversight and who will prevent this from becoming too big. He is also concerned about the amount of traffic on this local road and how that will wear on the road. Mr. Frank responded that if we can make sure that they do move forward with the plans to have all traffic go in and out on Route 537 then there will be no reason for any traffic to be on the local road.

Mr. Castle stated that there are tree frogs in that area and he was wondering environmentally what will happen if they start clearing out the property for commercial purposes. He would like to help to keep this as farmland and not see it turned into a commercial site.

Ms. McElwain, 41 Applegate Rd. is sickened by what is happening and is concerned she will not be able to sell her house because no one will want to move next to this type of place. She also commented that Route 70 is a State highway and has much better visibility than Route 537. She added that we already have increased traffic on Route 537 because of the base going to Route 206. She can't believe the Township can't do anything to monitor this site and she is concerned that this is going to snowball. She mentioned that this site is 300 acres and the one in Medford is only a 100 acre. Mr. Frank responded that the Medford facility only has access to Church Rd. not Route 70 and he added that they have a 10 acre exception area for the commercial store. He added that at the Springfield property there is only a 2 acre exception area and they won't have the opportunity zoning wise to do what they can do in Medford.

Ms. McElwain said Johnson's Farm kind of took the backdoor so far and only after the County Agricultural Board told them they did not adequately notice did residents receive notice. She added that they did not want to hear anything the residents had to say and they kept telling the residents to take it to their Township regarding issues about the noise, traffic and road. Mr. Frank stated that the only thing the Township would have control over of those things is

the noise. He stated that we can't keep them off the road. Ms. McElwain commented that the Township would be tremendously impacted by the increased traffic on Route 537.

Mr. Marinello asked what the chances are of getting Johnson's to come to a Council meeting to address these issues and explain what their plans are. Mr. Frank responded that they already came months ago and Mr. Marinello responded that was before the residents had these concerns. Mr. Frank stated that he will be contacting Mr. Johnson directly tomorrow to let him know the concerns Council heard tonight and Mr. McDaniel thought that one on one would be the best way to handle this. Mr. McDaniel stated that property owners have the right to farm and we can't tell them they can't do something if they are farming the property. Mr. Hlubik said with these kinds of agricultural tourist farms the Agricultural Board will tell someone if something they are doing at a site is not allowed under the Agricultural Tourism rules and regulations. He added that Mr. Johnson has asked for some patience with the access to the property and asked that he be given some time to get the entrance/exit both on 537. Mr. Frank added that if there is too noise from the site then we can do something about that issue.

Mr. Lawrence Juliustown stated that Mr. Johnson hinted at allowing wedding receptions which was an issue with the last property owner and it was determined that he was not allowed to do that type of event. Mr. Frank acknowledged that Mr. Johnson did not rule that out but that he is not sure how that would be related to farming.

Mr. Lawrence did agree that damage that could be done to Juliustown-Georgetown Rd with the increased traffic and that is concerning especially since the Township has just spent a lot of money repairing some roads in the township.

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

Mr. McDaniel stated that there is no magic wand to wave to fix the problem but we need to keep an eye on the situation. Mr. Frank asked Mr. Dunn and Ms. McElwain to write down the times they are hearing loud music at the site. Mr. McDaniel stated that we do have an Agricultural Advisory Board and he asked Mr. Hlubik if we can get some input from them to the extent we can define agricultural activities.

Mr. Sobotka made a motion seconded by Mr. Frank to approve Resolution No. 2014-10-01 for the purpose of discussing Real Estate Acquisitions 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 8:44 PM.

RESOLUTION 2014-10-01

**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: _____);

 x 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);

 X 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 9:55 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 9:55 PM. All were in favor.

Respectfully submitted,

Patricia A. Clayton
Township Clerk