

REGULAR MEETING MAY 23, 2017

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MAY 23, 2017
7:00 P.M.**

Mayor Brown called the meeting to order at 7:00 p.m. read the following statement and led the flag salute.

NOTICE OF THIS MEETING WAS GIVEN BY ANNUAL NOTICE PUBLISHED IN THE ATLANTIC CITY PRESS, HAMMONTON GAZETTE, EGG HARBOR AND HAMMONTON NEWS ON JANUARY 4, 2017, AND POSTED AT TOWN HALL.

Roll Call:

Committee Present: Larry Riffle, Christopher Silva, John Walther, James Brown

Committee Absent: Ed Hagaman

Municipal Clerk: Kimberly Johnson

Solicitor: Tracy Siebold

Chief of Police: John Thompson

Mayor Brown moved correspondence to the first item of business.

Correspondence: Mayor Brown read a resignation letter from Committeeman Hagaman effective immediately due to personal reasons. Mayor Brown stated Mr. Edward Hagaman is one of the most dedicated, caring, resident, Committeeman, and politician that Mullica Township has seen. Mayor Brown made a motion to accept his resignation, Mr. Silva begrudgingly seconded the motion. RCV: Yeas: All voted yes.

Approval of Committee Minutes: Mayor Brown entertained a motion to approve the minutes of the May 9th meeting; so moved by Mr. Walther seconded by Riffle. RCV: Yeas: Mr. Riffle, Mr. Walther, Mayor Brown. Abstain: Mr. Silva.

Public Discussion Relating to Agenda Items: None.

Hearing: Ordinance #5-2017 / Capital Improvement: Mayor Brown entertained a motion to read by title; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

An Ordinance Appropriating \$45,000 from the Capital Improvement Fund for Municipal Facilities Improvements & Purchases for the Township of Mullica, County of Atlantic, State of New Jersey.

Mayor Brown opened to the public. No public comment. Mayor Brown entertained a motion to adopt; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

Committee Reports:

Department of Development of Housing: Mr. Silva reported From March 27th until April 26th cases remitted to Community Champions was 21 and the township received \$6,300.00.

Department of Public Works: Mr. Riffle reported the Public Works has been busy with the following: Cutting grass on the shoulders of the roadways, weed Whacking (telephone poles – sign post – guide wires and Guard Rails around the Township), maintenance of recreation fields and Pine Cone Zone; replacement of street signs, removed Graffiti off the Chestnut Avenue bridge, chipping, and maintenance to municipal complex.

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Department of Administration: Mr. Walther reported the following: Municipal Offices will be closed on May 29th for Memorial Day. On Memorial Day May 29th, Mullica in the Pines will again pay tribute to our Veteran's at the Hilda Frame School, after the ceremony at the Batsto Pleasant Mills Cemetery. Mullica Twp. Seniors will be holding Yard Sales on July 15th, and September 16th from 8:00 a.m. - 4:00 p.m. at the Mullica in the Pines Historical Building. Spaces are available for \$10.00. For more information contact Adrian (609) 561-2420

Department of Revenue & Finance: Mayor stated the April Treasurer's report was e-mailed to members of Committee and will be included in the minutes of tonight's meeting. Mayor Brown reported due to the State of NJ revenue shortfall, we've received notice that our reimbursement for the Homestead Rebate Property tax credits issued on the May tax bills will be delayed until sometime in July. The total amount due from the State of NJ is \$227,339.56. This is a significant financial impact on the Township. School & County taxes still have to be paid by the municipality on time, but the State isn't making their reimbursement on time. Mayor indicated spending at this time will be for essential items only.

Old Business:

Resolution #88-2017 / Self-Exam Budget: Mayor Brown entertained a motion to approve; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

Resolution #89-2017 / Confirm Land Sale / Block 11208, Lot 1 / Trenchard: Mayor Brown entertained a motion to confirm in the amount of \$1,500.00; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

Budget Discussion / Efficiencies: Mayor stated Committee was reviewing the issue of chipping and the possibility of charging. Mr. Riffle reported currently chipping has not been much and suggested we review for the next couple of months. Mayor and Committee discussed the proposed Peace and Good Order Ordinance. Mr. Silva suggested striking items c and i, noting we already have a noise ordinance in place. Mr. Silva questioned item b. and requested further clarification as it is vague. Mr. Riffle suggested language relating to horse manure, noting the Board of Health has restrictions. Chief Thompson suggested comparing some of the items to the noise ordinance. Ms. Siebold said she will compare and suggest updates if needed. Mr. Silva requested adding except for police enforcement to item l. Mr. Silva and Mayor Brown had concerns with item i. Ms. Siebold to review.

Bail Reform Analysis: Mayor Brown reported earlier in the year when Bail Reform was instituted the Chief requested an additional supervisor due to the increased workload. Mayor stated he was against the a promotion until facts could be produced regarding this new reform. Mayor reported after the Chief's presentation the Committee agreed to a 90 day temporary promotion to Officer Lupinetti as a Corporal and after the 90 days the Chief would report back. Mayor explained unfortunately the ninety days passed prior to the analysis being submitted. Mr. Walther stated he suggested the 90 day compromise and it was agreed that within that timeframe information would be submitted to the Governing Body to further decide. Mr. Silva stated he thought this analysis would validate the promotion, noting he would rather promote on merit and not on finances, adding this analysis shows a savings. Mayor Brown stated this does not show the impact on the Police Department. Chief Thompson reported there were four warrants that Officer Lupinetti was involved in and saved the municipality \$742.00 in overtime funding. Ms. Siebold reported she reached out to the Prosecutor's Officer per the Mayor's request regarding a supervisor regarding warrants under Bail Reform. She was advised that it does not have to be a supervisor, but it can be the senior officer on duty; therefore, adding this could be addressed possibly through scheduling. Chief stated his department is young and developing and he needs to rely on senior people to make senior decisions. He stated unfortunately there are incidents when officers are working who have less than three

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years on combined working together. He stated the proof is in his analysis showing \$739.00 in overtime saved by having Officer Lupinetti in the position, noting the increase in salary is only \$1,400.000 annually. Mayor Brown stated the analysis submitted does not indicate the impact on the department due to bail reform. Mr. Walther stated the Governing Body extended themselves to Chief Thompson by granting the 90 day temporary promotion with an analysis to be submitted which we just received. Mr. Silva stated we have this issue with bail reform and we also have another issue that the Chief has requested additional supervisors during budget discussions. Mr. Riffle stated he agreed with Mr. Silva that Officer Lupinetti should be promoted based upon his performance and the \$1,400.00 investment already a \$700.00 return in three months. Mayor Brown entertained a motion to extend the temporary promotion for sixty days so Committee can review all the facts. Chief Thompson requested Committee consider moving forward in a positive direction, noting this is prolonging the disconnect between the Police Department and the Governing Body. Chief stated what they do is to serve the community under the tightest dollar and that has gotten worse over the years, which is why he put the bottom dollar in the analysis. Mr. Silva reported there has never been any discussion to get rid of our Police Department on a Committee level.

Mr. Walther seconded Mayor Browns' motion. Mr. Silva requested the motion be modified to promote Officer Lupinetti on his merits as he goes above and beyond. Mayor stated it has nothing to do with the Officer it has to do with the need of the additional supervision. Mr. Silva stated for \$1,400.00 Officer Lupinetti has proven himself. Mayor Brown stated that is not the issue, the issue was due to bail reform. Chief asked that Committee identify what analysis they are looking for as he feels he has already provided it. Mayor asked if the promotion is because of bail reform or because we need another supervisor. Chief Thompson stated he should be promoted for both reasons. Mayor requested Chief Thompson make the request and take the bail reform cloud away from the picture. Mr. Silva agreed to take bail reform off the table and to request supervisors on merit. Chief stated he is formally requesting another supervisor. Mr. Silva made a motion to continue Officer Lupinetti in his position until the Chief makes his recommendation at the next Township meeting and Committee takes formal action seconded by Mayor Brown. RCV: Yeas: Mr. Silva, Mr. Walther, Mayor Brown. Abstain: Mr. Riffle, promotion should occur now. Mayor Brown withdrew his motion to continue for 60 days.

Pilot Program Discussion: Mayor Brown reported we received from Legal Counsel of the Atlantic County Board of Freeholders a request to support a Resolution to join the County as a plaintiff in a lawsuit challenging the casino pilot program. Mayor Brown stated due to possible county assessing more information will be available in the next couple weeks and he suggested we should wait to consider the Resolution. Mr. Silva moved to hold at this time seconded by Mr. Walther. RCV: Yeas: All voted yes.

New Business:

Resolution #90-2017 / Chapter 159 / Click it or Ticket: Mayor Brown entertained a motion to insert \$5,500.00 into the budget; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

Resolution #91-2017 / Renew Liquor Licenses / Sweetwater Ops, Forks' Landing: Mayor Brown entertained a motion to renew; so moved by Mr. Silva seconded by Mr. Walther. Mr. Silva suggested the Governing Body put some regulations in place regarding pocket licenses. RCV: Yeas: All voted yes. Mayor stated he had a meeting with the owner of Sweetwater River Deck who assured him they will be applying to re-build.

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Payment of Bills: Mayor Brown entertained a motion to approve the bill list; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

Public Discussion:

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Ms. Wendy Jensen questioned the Peace and God Order Ordinance and the noise regulations. Mr. Silva explained the focus of the Ordinance is a catch-all to plead out a lesser statute in municipal court.

Ms. Barbara Sarraf asked the Mayor if he has the same feeling regarding tax dollars when promoting Officer Lupinetti and paying attorney fees. Mayor Brown stated he feels the same on all monies spent. Ms. Sarraf stated Officer Lupinetti is a great Officer who should be promoted. Ms. Barb Sarraf stated she was interested in running for the seat left vacant by Mr. Hagaman. Mayor Brown stated she would need to speak with her political party.

Mr. Mike DeMaio asked that Committee elaborate on the applicability of ordinance in regards to smell, noting fuel oil is currently regulated under state laws. Ms. Siebold stated the sample ordinance is vague regarding smell. Mr. DeMaio stated there was a tremendous amount of support present for Officer Lupinetti and hoped that Committee address the issue with an open mind.

Mayor Brown entertained a motion to enter Executive Session; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes. Clerk read Resolution ES 7-2017 in full, to discuss COAH settlement and to review Executive Session Minutes.

Mayor Brown moved to come back to regular session at 8:20 PM seconded by Mr. Silva. RCV: Yeas: All voted yes. Clerk reported in Executive Session the Governing Body was updated on the following: COAH settlement, tort claim, ejection of persons in municipal property and reviewed the Executive Session Minutes.

Mayor Brown entertained a motion to adjourn; so moved by Mr. Silva seconded by Mr. Walther. RCV: Yeas: All voted yes.

Respectfully submitted,

Kimberly Johnson, Municipal Clerk