

JULY 25, 2007

The South Harrison Township Committee held a special meeting on Wednesday July 25, 2007 at 7:30 p.m. in the South Harrison Township Municipal Building.

Mayor Charles T. Tyson called the meeting to order and was followed by the flag salute.

Requirements of the "Open Public Meetings Act" were met. Notice of this meeting was given by: (1) sending sufficient notice herewith to the Today's Sunbeam of Salem and the Gloucester County Times of Woodbury; and (2) posting notice on the public bulletin board at the South Harrison Township Municipal Building.

Roll Call: Cornelius McIntyre - present, James McCall - absent, Charles Tyson - present, Robert Campbell - present, Gary Spinner - present, Colleen Bianco, Administrator - present, John Eastlack, Solicitor - present, Steve Bach, Engineer - present, Nancy Kearns, Municipal Clerk - present.

Resolution - R-07-81

Resolution for Excluding the Public (Pending Litigation)

Motion to adopt Resolution R-07-81 was made by Robert Campbell, second by Gary Spinner.

Roll Call Vote: Cornelius McIntyre - yes, James McCall - absent, Charles Tyson - yes, Robert Campbell - yes, Gary Spinner - yes. **R.C.V.: 4 - yes', 0 - no's. Motion carried.**

Open Meeting to the Public:

Motion to open the meeting to the public was made by Gary Spinner, second by Robert Campbell. Motion carried.

Rich Mishura 22 Raccoon Creek Ct. stated he was at the June 12th meeting regarding the easement and drainage problems with his property and was asked to submit information to Mr. Bach, as of this date he has not heard anything. Mr. Campbell called last week to ask if anything had been done, and I (Mr. Mishura) told him nothing had been done. He gave me Steve Bach's number to call, which I did, and I am upset that I did not get a return call. Steve Bach stated we have been out to the site and inspected, the trouble I'm having is I do not have the approved set of plans; I am trying to find something with the approval to latch onto so I can recommend to the Committee to put up a cattle gate or chain. Without these documents we would ask the Township Committee to go to the Planning Board and request an amendment to the approved plans. Mr. Mishura stated I did what I needed to do and have been dealing with this since 2002, the last engineer did not return my calls either so I'm a little...I just don't want this to go any further. My other question is, years ago there was an issue with another inspector who was not qualified to inspect houses at that time. If I remember correctly that was the year our house was built, can anybody corroborate this story? Steve Bach stated he has never heard this. Mr. Mishura replied that there was an article in the Courier Post. Mr. Mishura was advised that that inspector was indicted for not fulfilling his responsibility in certain ways. Mr. Mishura stated that his point is that he doesn't know what he inspected. Mr. Mishura was advised that in 2003, if a home owner requested it their home was re-inspected. You may have to file a claim with your house warranty and or speak to an attorney. We need to get the approved plans from the planning board to hold the proper party responsible and I am working on it. If you can't get a hold of me, call the same office and ask for Rich Fini. It could be a 3 to 6 month process. Deputy Mayor Campbell questioned Mr. Bach as to why he did not return Mr. Mishura's calls or emails. Mr. Bach apologized saying he was hoping to have some answers. Deputy Mayor Campbell stated, when a resident calls they should get the courtesy of a return call. Deputy Mayor Campbell addressed Mr. Bach stating you say you got a copy of these plans from Nancy's files and a copy from the other engineer, but they don't match? Mr. Bach replied yes, they don't match. Mr. Bach stated, we are going through the

resolutions and review letters to determine which is really the final plan they voted on, when I do my review letters, I date everything and use the plan numbers; this was not done in the past. This is not the strongest trail to follow. We will have to follow code to put up something that is legal and functional. It may not be beautiful and pleasing. Mr. Mishura spoke regarding a letter received in the mail wanting to put two new residential lots instead of one. Mr. Mishura was advised that apparently an application going before the board to do something that requires notification to neighbors. Mr. Mishura responded yes and the letter says I would be able to see plans, where would I go to do that? Mr. Mishura was advised to see the Township Clerk and was asked if he knew the name. Mr. Mishura thought the name was Andre Brzozowski, and the only reason I bring it up is because our residents got together to not have this done. We had a realtor come in and say when you build something like that it devalues our homes. After the Committee declined the application the owner sent some one to cut down a bunch of trees, my neighbor stopped it, but nothing was ever done about it. I am going to the Planning and Zoning Board to tell them about it. I hope the Township does not let them get away with no consequence for what they did.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Gary Spinner, second by Cornelius McIntyre. Motion carried.

Motion to go into closed session was made by Robert Campbell, second by Cornelius McIntyre. Motion carried.

The Committee discussed the purchase of lands, which may be wetlands, being threatened with development. It was decided to set up a meeting to hear what the owner has to say. If the property is unbuildable he has nothing to use as leverage and he could possibly just preserve as a second option.

Return to Open Session:

Motion to return to open session was made by Gary Spinner, second by Cornelius McIntyre. Motion carried.

Deputy Campbell advised that the Committee met with the auditors about 10-12 days ago and they haven't got back to us yet. Deputy Campbell requested Colleen to follow up on this and call to find out when they propose to meet with us, so that we can discuss the specifics we would like disclosed. Discussion about when and who should attend. It was decided a full committee was not needed and the meeting should be as soon as possible in the evening.

Resolution R-07-82

Resolution of the Township Committee Setting the Work Hours of the Township Clerk

Deputy Mayor Campbell stated, Nancy this is in regard to what we talked to you about. All of us should take a couple of minutes to read it; it was prepared by Mr. Eastlack. Nancy has a copy. This resolution comes off the documents we have been given concerning the revised township clerk job description outlining your specific duties and part time employment of 24 hours per week. Mr. Eastlack stated, I was asked by the Committee to craft a resolution to set the work hours in accordance with the job duties and descriptions of the Township Clerk that were recently proposed in light of the Township Administrator being hired. The Administrator took over some duties, the appropriate method would be for the Mayor to ask for the motion and a second, if there is a motion and a second, of course there could be a discussion, after which you would call for a vote, just like any other resolution. Committeeman McIntyre asked a question on point #3, stating I know I mentioned this before, but doesn't that set precedent in the future for part time employees, by saying you provided benefits, health insurance? Mr. Eastlack stated he doesn't believe it does, we are entitled to make distinctions between job descriptions in this town, with other employees if they get benefits or not depending on the job and hours. I think it is important for our Clerk to maintain benefits; it does not

set a precedent because she has a statutory position, and other employees don't necessarily have statutory positions. The reason we can do this by resolution is because this Township does not have an ordinance in regard to the Township Clerk, in fact there isn't even a provision for a Township Clerk, but statutorily we need to have one. Oddly it isn't even in our code book, but we are not setting precedent. What if Nancy leaves and another clerk comes in, would that still stand? No, we would individually assess the circumstances. This is specific to our Township Clerk right now. Does the adoption of this resolution suggest that we should also, since we don't have one, prepare and create an ordinance to cover this? Mr. Eastlack, I think eventually there should be an ordinance to become part of our code setting forth the position, oddly, bizarrely; we have a position for a deputy clerk on the books. We have a position of a township administrator, when that position wasn't even filled. Nancy Kearns asked a question stating that on the second page, second line, it reads closed session. Mr. Eastlack responded that, yes that is wrong I will cross it out. Make sure if it is adopted the word closed is left out and the word open is part of the original document. This resolution is effective immediately.

Motion to adopt Resolution R-07-82 was made by Robert Campbell, second by Gary Spinner.

Roll Call Vote: Cornelius McIntyre – yes, James McCall – absent, Charles Tyson – yes, Robert Campbell – yes, Gary Spinner – yes. **R.C.V.: 4 - yes', 0 - no's. Motion carried.**

Mayor Tyson stated the other resolution I'd like to bring forward is for the newsletter. We need to talk to Yvonne to set up the account, because what is happening now is we are asking local businesses to donate and put ads in the newsletter, so we need an account to put the money into. Mr. Eastlack, so basically those ads are covering the cost of the newsletter, right? Right. Does there have to be a form for a specific account to accept those donations? Mr. Eastlack responded that he seemed to remember Washington Twp. needing to do this and their auditor Nick Petroni being involved did not see it being a problem, but the State picked it up as a problem. There has to be a specific bank account set up for donations and disbursements for that purpose. So yes, there is something that needs to be done. Colleen Bianco will contact Yvonne to set everything up.

Discussion on another resolution regarding the invoices. The approved \$3,000.00 in bills tonight needs to be paid by Friday. Celeste needs to be contacted about the \$5,600.00, in invoices for the Master Plan, Deputy Mayor Campbell stated, I want everything you can find and get your hands on to have the checks cut by Friday. No matter what that number is, a \$25,000.00 flat payment is to be made to them. We will hold that money in abeyance as to where we will charge it till such time you have had a chance to audit the unpaid invoices and reconcile them. Mr. Eastlack, stated I would suggest it would all be against inspections, right. This will be a resolution approving partial payment to Bach Associates for engineering fees that have been billed to the Township or escrow accounts, in the amount of \$25,000.00. Make sure there are no problems paying the \$25,000.00, and since there is no problem with the specific bills, just check on the flat payment. Is there anything that precludes us from getting the checks cut by Friday? Colleen Bianco responded that there shouldn't be. Motion was made by Robert Campbell, second by Gary Spinner. Motion carried.

The Committee discussed a letter received from the Planning/Zoning Board. The Board is looking to make several changes to Chapter 90 in the Code, specifically, the Board wants to increase the buffer area from 50 feet to 100 feet, to require the fencing to be placed on the inside of the developers side, as well as a tree ordinance. Mr. Eastlack stated, the only thing to make sure of, because my firm is involved in some litigation about some buffer requirements in Woolwich, is that you are not seeking to propose a buffer that would not be legally acceptable. Mr. Eastlack will check into this and the tree ordinance and bring back suggestions. The other thing the Board is requesting is a form to go out to residents in a development asking if they have anything of interest they need addressed. Mr. Bach stated we have never done that, my firm has always been in a position to make sure all the bonding and permits have been done and the job is complete. I know we are running into maintenance bonds being released with problems still being out there. I can tell you that will not be the case in this Township as long as

my firm is here. If it is not 100% right and in good condition, things will be fixed before the bond is released. We actually go out and inspect before we release the maintenance bond. In talking to your residents, have them send to Colleen any maintenance issues, so we can keep track of them. Invite them to do so; do not make it a requirement.

Deputy Mayor Campbell read onto the record portions of a letter dated May 4 1993 the he received from Ed Crispin. The letter is from Carmen Malignaggi and to Chairperson Pino. The South Harrison Twp. Environmental Commission had all the South Harrison tax maps digitized through a \$5,000.00 matching grant. It was agreed all major subdivisions would be updated by the Township Engineer and financed from the escrow accounts applied by the major subdivision developer. This is a part of the engineering fee required because of the development, to date there has not been any digitized updating of the tax maps. The property maps of South Harrison Twp. have not been certified since 1963. The digitized - oh this gets better - the digitized tax maps were taken from these 1963 standards as updated by the successive township engineers. He goes on to say - the digitized tax maps need to be updated for all the township needs, as well as not to waste the tax monies already expended to develop it. We recommend the Planning Board and Township Committee direct the necessary action required to keep the maps updated. Discussion went on as to who, when, how? One option, if there is a link as to what has been certified set since 1963. If these have not been stamped since the 60's..... is it inappropriate to send a copy of this letter to Chris Perks with a notation to please advise? Mr. Bach, I would love to see what we have, some of which would be useless. Discussion began on the most cost effective answer and will be looked into. Make sure the developer coming in knows his fair share has to go to the tax map updates. Nancy, are they doing that now? Nancy Kearns advised that there is a tax map maintenance fee collected.

Adjournment:

Motion to adjourn was made by Gary Spinner, second by Cornelius McIntyre.
Motion carried.

Respectfully submitted,



Nancy E. Kearns, RMC
Municipal Clerk