

REGULAR MEETING
TOWNSHIP COMMITTEE
MAY 2 2018

Chairperson O'Brien called to order a regular meeting of the Township Committee of the Township of Deerfield, County of Cumberland and State of New Jersey, at the Municipal Building, 736 Landis Avenue, Rosenhayn, at 7:00 p.m.

Chairperson O'Brien led the flag salute.

The Clerk took roll call and members present included Mr. Terrigno, Mr. Danna, Mr. Stanzione and Mrs. O'Brien. Mr. Brago was unavailable this evening.

Minutes

The Clerk presented the minutes of March 28, April 4 and April 18, 2018. Mr. Terrigno made a motion, seconded by Mr. Danna to approve the minutes as written. The Committee approved.

Closed Session Minutes

The Clerk presented the Closed Session minutes of April 4, 2018. Mr. Stanzione made a motion, seconded by Mr. Terrigno to approve the minutes as written. The Committee approved.

The Clerk noted that the Closed Session minutes would not be released to the public until the reason(s) for them remaining closed are no longer applicable and the Solicitor has had an opportunity to review them.

Proclamation

The Clerk presented Proclamation 2018-1 – Proclaiming The Month Of May As “Older Americans Month” and that the theme for 2018 is “Engage At Every Age”.

2018 MUNICIPAL BUDGET

The Clerk presented Resolution #18-96 Authorizing The Municipal Clerk To Read The 2018 Budget By Title Only. Mr. Danna made a motion, seconded by Mr. Terrigno to adopt Resolution #18-96. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

Mr. Stanzione made a motion, seconded by Mr. Terrigno to open the Public Hearing on the 2018 Municipal Budget. The Committee approved.

There being no comment from the public, Mr. Stanzione made a motion, seconded by Mr. Terrigno to close the Public Hearing on the 2018 Municipal Budget.

The Clerk presented Resolution #18-97 Adopting The 2018 Municipal Budget. Mr. Terrigno made a motion, seconded by Mr. Danna to adopt Resolution #18-97. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

Ordinances

The Clerk presented Ordinance #2018-3 for Second Reading, Public Hearing Of An Ordinance Providing For Salaries And Compensation Of The Officers And Employees Of The Township Of Deerfield, Cumberland County, New Jersey.

Mr. Stanzione made a motion, seconded by Mr. Terrigno to open the public hearing on Ordinance #2018-3. The Committee approved.

There being no comment from the public, Mr. Terrigno made a motion, seconded by Mr. Stanzione to close the public hearing on Ordinance #2018-3. The Committee approved.

Mr. Stanzione made a motion, seconded by Mr. Danna to adopt Ordinance #2018-3. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

The Clerk presented Ordinance 2018-4 – First Reading Of An Ordinance Amending The Fees For Smoke Detectors And Carbon Monoxide Alarms In The Township Of Deerfield. Mr. Terrigno made a motion, seconded by Mr. Danna to adopt Ordinance #2018-4 on first reading and to set Wednesday, May 16, 2018 for second reading, public hearing and final adoption. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

Resolutions

The Clerk presented Resolution #18-98 – Certifying The Salaries Of Certain Municipal Employees. Mr. Terrigno made a motion, seconded by Mr. Stanzione to adopt Resolution #18-98. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

The Clerk presented Resolution #18-99 – Authorizing The Acceptance Of Bids For Certain Township Owned Properties And The Rejection Of Bids For Certain Township Owned Properties Offered For Public Sale. Mr. Stanzione made a motion, seconded by Mr. Danna to adopt Resolution #18-99. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

The Clerk presented Resolution #18-100 – Awarding A Contract To Comtec USA For The Installation Of A New Phone System For The Deerfield Township Municipal Building And Rosenhayn Fire Hall. Mr. Terrigno made a motion, seconded by Mr. Danna to adopt Resolution #18-100. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

The Clerk presented Resolution #18-101 – Authorizing Minimum Bids For Certain Township Owned Properties To Be Offered For Public Sale. Mr. Stanzione made a motion, seconded by Mr. Terrigno. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

Mr. Stanzione voted no as to Block 19, Lot 9.

Old Business

The Clerk presented Reports From Department Chairpersons. Mr. Terrigno stated that with regard to streets and roads Mr. Stanzione had brought to his attention that the streetlight at Morton and Landis was out. He further stated that he contacted Mr. Lopez of Atlantic City Electric and the light should be fixed soon.

Mr. Stanzione indicated that he had a resident call him with regard to Vineland Avenue and that the telephone company is going to wireless. He further indicated that instead of the telephone company taking the wire down they release it from the pole and let it fall to the ground. Mr. Stanzione stated that the resident called because it was on their property. He further stated that if there are more calls the telephone company should be notified and they will come out and pick up the wire.

As to Recreation, Mr. Stanzione stated that he attended for Mr. Brago and the Recreation Committee is moving along and getting ready for the Harvest Festival.

Mr. Stanzione stated that he has no report with regard to the fire department.

New Business

The Clerk presented Presentation From Triad Associates – Proposal For USDA SEARCH Grant For The Expansion Of Water And Sewer In Deerfield Township – Motion To Authorize Proposal For USDA SEARCH Grant With Triad Associates.

Carolyn Zumpino and Howard Henderson came before the Committee on behalf of Triad Associates. Miss Zumpino stated that they are based in Vineland and are a municipal consulting firm specializing in grant writing, economic development and housing rehabilitation. She further stated that they had discussed with Mr. Terrigno and Mr. Danna about potential grant opportunities for water and waste disposal programs. Miss Zumpino stated that Mr. Henderson is the former State Director with USDA and is part of the Triad Team.

Mr. Henderson indicated that he worked for USDA for 40 years and was State Director for the last 8 years. He further indicated that one of the most popular programs that USDA has is the public water and sewer program had have done a number of projects. Mr. Henderson stated USDA tried to do a project in Deerfield a number of years ago. Mr. Stanzione noted that the Township tried to get water and sewer and after going through the whole plan DEP sent a letter 2 years later saying that the Township couldn't go to the Cohansey basin, but instead had to go to the Maurice River basin.

Mr. Henderson stated that Mr. Terrigno approached Triad for options on how to pay for some predevelopment costs to consider whether Deerfield Township, in particular Rosenhayn, should connect to the Bridgeton public sewer system. Mr. Terrigno noted that the last "try" we weren't allowed to connect to the Bridgeton system because of the Cohansey aquifer and the Township would have to go to the LSA. Mr. Henderson noted that it would be up to the engineer in which direction .

Mr. Henderson presented a flyer entitled "SEARCH – Special Evaluation Assistance For Rural Communities And Households" Mr. Henderson stated that the program helps with predevelopment costs before the expense of constructing a water or sewer system. He further stated that Deerfield is eligible to apply and rural areas with a

population of 2500 or less. Mr. Henderson noted that Deerfield's population is just over 3100. He further noted that because of some special provisions USDA can look at separate and distinct areas like Rosenhayn. Mr. Henderson stated that Rosenhayn's population is 1100 people and would qualify for the SEARCH grant application.

Chairperson O'Brien asked if there was an opportunity to extend the study to Carmel, which is another village. Mr. Henderson stated that it would be to keep the population served under 2500 and that would be the key. Chairperson O'Brien questioned whether the Township would have to make 2 separate applications and if possible review the Carmel area as an option. Miss Zumpino stated that they would look into that also.

Mr. Henderson indicated that there is a "Plan B" if the population were to go over the 2500 but grant opportunity wouldn't be as good as to keep the population under 2500.

Mr. Henderson reviewed the remainder of the flyer and noted that the grant would pay for the "whole works". Mr. Henderson explained that if Triad develops the application then that could be included in the grant recovery and this would be a 100% grant. He further explained that there is not a lot of risk factor for the municipality. Mr. Henderson noted that when he was with USDA they did a lot of grants after Hurricane Sandy and the limit on the grant is \$30,000. He further noted that the Township engineer can do it for under that and there would still be reserves to pay the Triad expenses. Miss Zumpino stated that they have consulted with Fralinger Engineering and the way the proposal is written that the initial application to USDA is written for free and if they award the grant then Fralinger would be paid and Triad. She further stated that if for some reason no grant is awarded then it's just a risk Triad has taken. Mr. Henderson noted that it is a good opportunity and there is some funding available and it's a good opportunity to find out what your options are. Mr. Terrigno asked how long before the Township would find out if the Township qualified for the grant. Mr. Henderson stated that within 30 days the Township should have an answer. Chairperson O'Brien asked if there was a deadline and Mr. Henderson noted that it's a rolling submission.

Mr. Henderson indicated that the bigger decision will be after the study is completed. He further indicated that the application is to do the preliminary design work and study to see what the options are to what's feasible and what isn't. Mr. Stanzione noted that the initial design was coming from Bridgeton unless DEP changes its mind. Mr. Henderson noted that Vineland has gone up and down as to whether they have adequate capacity in their waste treatment facility. Mr. Terrigno noted that Bridgeton would be happy to have us if we could tie in. He further noted that this application would answer questions that the Township doesn't know and it won't cost the Township anything. Miss Zumpino noted that if the project is determined not to be feasible the grant doesn't have to be paid back and there is no commitment by the Township. Mr. Terrigno questioned as to if the Township does receive the grant and decides to move forward then Triad would be the "go to" for any other grants. Miss Zumpino indicated that the Township would have to openly "procure" Triad to bid on the project and the next steps would be to seek additional funding through USDA so there would be a pre-application and then full application and they determine a percentage of the grant loan, but that is further down the line.

Mr. Henderson noted another flyer in the packet entitled "Water & Waste Disposal Predevelopment Planning Grants" which is the "Plan B" if all the residents were to be connected and exceeds the 2500 resident threshold and this grant has 10,000 resident threshold. He further noted that difficulty with this program is that there is a 25% match required but the Predevelopment Planning Grants go a bit further and some municipalities have used this as a "Step 2" before they get into the decision. Mr.

Henderson stated that the municipality can do some design and environmental work with the Pre-Planning grant if the Township decided to go that way.

Mr. Henderson noted a third flyer which is the financing program for USDA which is for down the road. Mr. Stanzione asked about the percentage of a loan and Mr. Henderson noted that the interest rate is 3 7/8% and Deerfield would be eligible for a reduced interest rate of 3 1/8 % . Mr. Henderson noted that the advantage of the USDA funding is that it has a moderately low interest rate but the advantage is the term and USDA has a 40 year term. He further noted that if the Township were to Bond it out themselves they could only get 20 year terms and that is significant in terms of repayment.

Chairperson O'Brien asked if Deerfield would qualify for the lowest interest rate and Mr. Henderson indicated that Deerfield would not qualify as those municipalities would have to fall below the Federal poverty rate and Deerfield does not. Miss Zumpino stated that depending on how this project progresses, Triad will look at other opportunities to leverage this funding as well. Mr. Stanzione asked how the process would start and would it start with DEP. Mr. Henderson stated that DEP has generally been receptive to municipalities tying in to a neighboring waste water treatment plant.

Chairperson O'Brien said she had a question about the specifics of the payment method of the contract. She noted that the Township does not have money appropriated in the budget and the contract indicates that \$7,000 is due directly upon approval of the application receipt of any funding. Miss Zumpino stated that can be revised as it will be a draw down process and Triad will do the draw down. Chairperson O'Brien noted that the Township would not be able to cut a check. Miss Zumpino agreed and would make arrangements to have the language revised.

Mr. Henderson noted that the SEARCH grant gives the municipality options and Mr. Terrigno agreed and will give the Committee the ability to have answers. The Committee thanked Miss Zumpino and Mr. Henderson for attending.

Mr. Terrigno inquired of Solicitor Testa and Solicitor Testa noted that it does not appear that it will cost the Township anything and it's something worthwhile looking into further. Mr. Terrigno made a motion, seconded by Mr. Danna to authorize the proposal for a USDA SEARCH Grant with Triad Associates. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O'Brien	Yes

The Clerk presented Discussion Regarding Correspondence From The ACMJIF Regarding Decision IN The Matter OF West Wildwood v. NJ MEL. The Clerk indicated that the correspondence from the JIF was in the packets this evening. Solicitor Testa noted that the matter was included for this evening because the JIF and the MEL wanted to make sure that the municipalities discussed it to stress the importance of following their procedures anytime there is a claim or potential claim that is brought to the municipality's attention. He further noted that this is one of the more drastic results of what can occur if a municipality does not. Solicitor Testa outlined for the Committee the lawsuit against West Wildwood. Solicitor Testa noted that a previous administration fired the individual and the new administration came in and reinstated the individual in the hopes of putting the lawsuit to rest. He further noted that West Wildwood did not notify the JIF or the MEL that they were going to do that and never got a release from the individual and her whistleblower lawsuit. The case went to trial and West Wildwood lost with a 1.7 million verdict against West Wildwood. West Wildwood turned to the MEL to pay the verdict and the MEL said "no" because West Wildwood took action without the MEL being informed, promoted the individual without the MEL knowing it and did away with the disciplinary charges with the MEL not knowing it and the MEL

could have settled as West Wildwood did not follow the procedures set forth in Agreement with West Wildwood. The Judge in the decision found for the MEL and told West Wildwood they were on their own.

Solicitor Testa stated that the “take away” of this is if there is a claim or potential claim, notify the JIF and every step of the way keep the JIF informed in case something goes south the Township does not want to be the ones to write the check. Mr. Terrigno asked if the MEL did not cover the verdict who did. Solicitor Testa stated that the municipality has to pay. Solicitor Testa noted that West Wildwood can’t afford to pay and their attorney is entering into an agreement for a pay out over a number of years.

Chairperson O’Brien noted that everyone in West Wildwood has ownership of the verdict and questioned if the Solicitor did too. Solicitor Testa stated that their Solicitor counseled against them doing what West Wildwood did.

Communications

The Clerk stated that there are no communications this evening.

The Clerk presented Resolution #18-102 For The Payment Of Bills. Mr. Stanzione made a motion, seconded by Mr. Danna, to adopt Resolution #18-102. Roll Call Vote:

Mr. Terrigno	Yes	Mr. Stanzione	Yes
Mr. Danna	Yes	Chairperson O’Brien	Yes

Public Comment

Mr. Stanzione made a motion, seconded by Mr. Terrigno, to open the meeting to the public. The Committee approved.

Saul Levin of 213 Morton Avenue came before the Committee. Mr. Levin stated that he owns four lots on Poplar Street and has an individual interested in the four lots. He further stated that the lots are on a paper street and can’t do anything with them. Mr. Levin indicated that he came before the Committee to ask if the Township would open the street in order for him to sell the properties.

Suzanne Totino, a companion to Mr. Levin, addressed the Committee. Miss Totino stated that the properties are Block 33, Lots 23, 22, 21 and 20. She further stated that the properties are next to each other and they would need to be an acre to build in that location and the four lots combined make the one acre.

Mr. Terrigno noted there is Township owned properties on that street, Lots, 24, 25 and 26 and they boarder Mr. Levin’s properties. Chairperson O’Brien clarified that Mr. Levin is asking the Township to open the street. Miss Totino asked if the proposed buyer could open the street. She noted that there are a lot of people who own ground in that section and it’s useless. Miss Totino stated that it would be a benefit to the Township as far as rateables and bringing people into the area. She further stated that the person who wants to buy the property used to live in Rosenhayn.

Mr. Terrigno noted that Township owns property, Block 33, Lot 18, is also going up for auction. He noted that Mr. Levin may be able to purchase that property at auction which would give Mr. Levin access on to those four lots from Pine Street. Discussion was held regarding Block 33, Lot 18. It was noted that it would make a flag lot to Mr. Levin’s properties and that is not allowed.

Mr. Stanzione inquired whether Mr. Levin could come before the Land Use Board informally. It was noted that Mr. Levin could attend the next Land Use Board meeting and speak during the public portion and ask if these questions to the Land Use Board informally.

The Committee let Mr. Levin know that they will keep him apprised as to when the Township's auction will take place.

Miss Totino clarified that at this time the Township would not be willing to open the road at this time. Mr. Terrigno noted that to open a road is a very expensive project. Chairperson O'Brien informed Miss Totino that she may want to ask the Land Use Board if an individual could have an easement on the paper street to the properties. Chairperson O'Brien also noted that due to the amount of distance from the road there would need to be fire apparatus access. Chairperson O'Brien recommended that the questions be made to the Land Use Board and also check with the Zoning/Housing Officer.

Michele Kelly of S. Kelly Real Estate came before the Committee regarding Harvest Lane. Miss Kelly came to confirm that the Township has the buyer's attorney information. Solicitor Testa stated he did not have that information and has only heard from one of the members who work for the company but not from their attorney. Miss Kelly inquired who was going to prepare the contract. Solicitor Testa stated that the Township will work with their attorney. Solicitor Testa indicated that he would prefer discussing the terms with the other attorney before the Township sends an Agreement out. He suggested that the buyer's attorney get in touch with him.

John Barbagello, 405 Morton Avenue addressed the Committee. Mr. Barbagello questioned whether the grant would only be for Rosenhayn. Chairperson O'Brien stated that if the Township has a population of more than 2500 we're not eligible for that specific grant and Deerfield Township has a population of 3100 people. She further stated that if Triad does the village of Rosenhayn only they fall within the criteria for that grant. Chairperson O'Brien noted that she did ask specifically about giving the benefit to the entire area of the Township. Mr. Barbagello indicated that he lives in the Carmel area. Mr. Terrigno stated that once the feasibility study is completed the Township will know exactly where the pipes are going, where we can connect in and who's going to be able to connect in. He further stated that if the Township has to go to Vineland or Millville, Morton Avenue will be the big run. Chairperson O'Brien indicated that they are going to do the study and she noted that there are other areas of Deerfield Township that could benefit. She further indicated that there are areas on Landis Avenue, a major thoroughfare in the State of New Jersey, that are not in Rosenhayn and could benefit.

Mr. Barbagello stated that there are a lot of people cleaning up and there is a lot of trash flying all over the roads. He further stated that Lebanon Road, Morton Avenue and even Landis Avenue have trash all over the place. Discussion was held regarding the "tarp rule" on going to the landfill and possibility of fines. Chairperson O'Brien questioned if the landfill could issue some type of fine. Mr. Stanzione noted that the landfill used to have an enforcement officer. Mr. Terrigno noted that he spoke with Tony Riviera at the CCIA and they discussed the tarps and there is a reason they don't enforce the tarp issue. Mr. Stanzione advised Mr. Barbagello that if he sees trash come off someone's vehicle to call the landfill and tell them and they can address them when the person arrives at the landfill. Discussion was held regarding the possibility of a new enforcement officer. Mr. Terrigno stated that he will bring up the issue with Mr. Riviera at the CCIA.

There being no further comment from the public, Mr. Stanzione made a motion, seconded by Mr. Terrigno to close the public portion of the meeting. The Committee approved.

There being no further business, Mr. Terrigno made a motion, seconded by Mr. Stanzione, to adjourn the meeting. The Committee approved.

Abigail P. O'Brien, Chairperson
Township of Deerfield

ATTEST:

Karen Seifrit, Clerk
Township of Deerfield