

REGULAR MEETING
TOWNSHIP COMMITTEE

March 17, 2010

Chairperson Spatola 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 Spatola led the flag salute.

The Clerk was at a Joint Insurance Fund Meeting in Vineland, and the Deputy Clerk, Cheryl Tramontana, filled in for her.

The Deputy Clerk took roll call and members present included, Mr. Stanzione, Mr. Laurella, Mr. Laueremann and Mr. Spatola. Ms. Musso was at a conference in Washington and was not present.

Departmental Reports

The Deputy Clerk presented reports from the Construction Office, Zoning/Housing Officer and the Tax Collector.

Mr. Laurella made a motion, seconded by Mr. Laueremann, to accept and file the departmental reports. The Committee approved.

Ordinances

The Deputy Clerk presented Ordinance #2010-1 On Second Reading And Public Hearing Of An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A CAP Bank (N.J.S.A.40A: 4-45.14).

Mr. Stanzione made a motion, seconded by Mr. Laueremann, to open the public hearing on Ordinance #2010-1. The Committee approved.

There being no comment from the public, Mr. Laurella made a motion, seconded by Mr. Stanzione, to close the public hearing on Ordinance #2010-1. The Committee approved.

Mr. Laurella made a motion, seconded by Mr. Stanzione, to adopt Ordinance #2010-1 On Second Reading, Public Hearing And Final Adoption. Roll Call Vote:

Mr. Stanzione	Yes	Mr. Laueremann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

Resolutions

The Deputy Clerk presented Resolution #10-90 Authorizing Change Order For Asphalt Paving Corporation In Connection With Contract For Work Performed For The Resurfacing Of Maple Street In The Amount Of \$7,036.22.

Mr. Laueremann asked what the change order was for and why the contract was being charged over the amount.

Solicitor Testa stated that it was based on Fralinger's Change Order estimate #2 and it was attached explaining it. He stated that the original contract unit price is in totals and then you will see the one next to it with estimate #2 that shows where the difference was.

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After reviewing Estimate #2, Mr. Laurella made a motion, seconded by Mr. Stanzone, to adopt Resolution #10-90. Roll Call Vote:

Mr. Stanzone	Yes	Mr. Lauermann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

The Deputy Clerk presented Resolution #10-91 Awarding A Contract To Sweetwater Environmental Management, LLC As A Licensed Operator For Water Treatment Systems.

Mr. Stanzone made a motion, seconded by Mr. Laurella, to adopt Resolution #10-91. Roll Call Vote:

Mr. Stanzone	Yes	Mr. Lauermann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

Old Business

Mr. Laurella stated that the Committee had received a copy of a letter from the Department Of Environmental Protection and stated that they would like to stay out of the issue concerning Mr. Parsio's property and the water problem. He stated that they would like the Township to handle it and noted that we are in violation of our permit. Mr. Laurella stated that he spoke to Chuck Fralinger, Township Engineer, and asked him what permit the DEP was speaking about and the only thing he could think of was that there was a pipe there at one time but when the road was being corrected the pipe was collapsed and filled with dirt. Mr. Laurella stated that another concern is water being dumped from one property to another across the road and would like to know if this is permitted. He stated that usually you could not dump water from one property to another.

Chairperson Spatola asked Mr. Laurella if that pipe was part of the initial permit and Mr. Laurella stated that it was not and that it was there before.

Mr. Stanzone stated that he spoke to the woman on the phone at the Department of Environmental Protection and they are stating that the Township is in violation of the water going over the road. He stated that she said that the Township caused the problem when we resurfaced the road and he told her that it did not make any sense to him because we resurfaced the road not mill it so this meant that the road became higher not lower and when you have a hard rain there is really nothing that can be done to prevent this.

Mr. Laurella stated that the Cumberland County Improvement Authority takes measurements of the rain and when you get a lot of rain the water has to go somewhere. Mr. Stanzone stated that it is very hard to control the water because the resident in question built his house on the lowest parcel of land on that whole block and it all pitches in and down towards his house, so as it rains everything in the forty (40) acre field runs to his house and collects and the Township can not make it go across the street unless the resident gives the Township a right of way. Mr. Laurella stated that it would be more than one resident that would have to give that because it would have to go down to a County drainage pipe.

Chairperson Spatola stated that the resident across the street has a pipe under his driveway and Mr. Laurella stated that there is and that the resident put it there himself. He also stated that they dug a ditch along the road so the water would flow down. Mr. Stanzone stated however that the ditch that the resident dug up fills up with water and once it fills up it will now run to his house and will get the water in his basement.

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Mr. Stanzione stated that the only thing that could be done is an Engineer comes in and the resident gives them permission but his wife stated that she does not want any pipe running through their yard and it is their property and you can not divert somebody else's water to their property. He stated that it is a situation that is going to take a long time to settle because after talking to the DEP they stated that if the Township has to get a permit to put a ditch in deeper so the water would run back to the County right-of-way they are talking two to three years to get that permit.

Mr. Stanzione stated that he believes what needs to be done is that the Zoning/Planning Board can not give out variances to build a house in an area where it floods out. Chairperson Spatola and the Committee agreed but knowing that it is common sense not to give out variances like that there is nothing said that if this resident really wanted this property you could build a house there but with stipulations put in place.

Mr. Laurella stated that the Ordinance has to be updated to relate to issues like this particular one in question.

Chairperson Spatola stated that he has questioned the liability we have with this because the Township did not choose to build the house there the resident did and the water problem has not originated from our road. He stated that the water problem is caused by the farms that are behind the resident and feels this is causing the flooding not our road.

Solicitor Testa stated that he does not see any liability on this issue.

Mr. Stanzione stated that he told Mr. Parsio that the Township has gone far beyond of what the Township should have done because what was done a few years ago is the Township dug down by the road and put in stone and then put two drain ditches to help out, but with the heavy rain you will not be draining into anywhere, it will just evaporate in the ground because once it fills up there is not anywhere for the water to go.

Chairperson Spatola stated that the extent of our liability that has not been noticed by many people is the ditch on the side of the road and a car losing control and going into it because there are no guardrails.

Mr. Laurella stated that the property owner created the ditch but Chairperson Spatola stated that the ditch is in our right of way and if somebody goes off the road and is killed because there is no guardrail the Township will now have a real problem.

Mr. Laurella stated that he had been in contact with Chuck Fralinger and with the DEP and today he had spoke to the Soil Conservation gentleman and a letter was to be faxed to the Municipal Building and would like the farmer to call him not the Township for technical advise.

Mr. Stanzione stated that there was an emergency breakdown with the ambulance and had to have it fixed. He stated that the Township may be able to have the bill paid by Ford since there is a claim, so the Township will be filing one out to see if the money can be reimbursed due to fact that the model engine that is in the ambulance should be taken care of by them.

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Mr. Stanzione stated that there is a copy of a 2010 Harvest Festival Form showing that this year there is going to be a One Dollar Admission to get into the festival because of the economy being down. He stated that they did not want to lose any money, maybe make a little bit of money to be able to do more to upgrade the parks and build up their fund. He stated that it would be a One Dollar all day admission fee so when you pay at the gate you would get stamped and that would allow you to come and go all day to the festival. Mr. Stanzione stated that there would not be an admission on Friday. He stated that the Recreation Committee wanted this brought to the attention of the Township Committee to discuss and Mr. Stanzione stated that he thinks it would be a good idea.

Mr. Laurella asked Mr. Stanzione how they would control the people from getting into the festival. Mr. Stanzione stated that the park is all fenced off except for the front that will have two booths up for the payment of admission.

Chairperson Spatola stated that the intention was to create a very vivid entrance to create a more controlled area. He stated that the document that the Committee was looking at was for Anthony Stanzione who takes care of all the press and advertising for the festival and wants to advertise this ahead of time so everyone is aware of the fee this year. The Committee agreed to have the advertisement for the fee to the festival be published.

Mr. Laueremann asked if there would be any pets allowed and Mr. Stanzione stated no. Mr. Laurella stated that it is not stated in the Ordinance. Mr. Laueremann stated the dogs were a concern of his and always have been because he has seen pit bulls there.

Chairperson Spatola stated that there was an issue with a bar-b-que vendor across the street that was a private resident who was cooking over there. He stated that the Recreation Committee wanted to know if there was a way that they could prevent this from happening. Chairperson Spatola stated that the ordinance should be changed to state that no other activities should take place during the Harvest Festival weekend.

Chairperson Spatola stated that he would like to have the Administrator/Township Clerk take out the Ordinance pertaining to this issue and put it in each Committee's bin so they can discuss this issue at the next meeting.

Solicitor Testa stated that the only recommendation he would have is to change the free performances to just performances because they are paying the One Dollar to get in.

Chairperson Spatola stated that he has spoken to the Administrator at the school and Mr. Laueremann and himself are going to schedule a meeting with them that will be the same day they will be discussing their budget to discuss the snow plowing and yard maintenance of their property being lifted from our list of duties.

New Business

Mr. Laurella stated that there has been a discussion at the last couple of Zoning Board Meetings about the fees for the Use Variances. He stated that the people are going over the Seven Hundred Dollar Fee so the Board thought it was best to increase it to One Thousand Dollars because it takes some time to get the additional money they owe the Board especially if their application is refused. He stated that he would like to have a motion made to increase the fee.

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Solicitor Testa stated that since Mr. Laurella and The Mayor were associated with the board it should be tabled until the next meeting.

Mr. Laurella made a motion, seconded by Mr. Stanzione, to table the proposed increase for Use Variances (Residential) from \$750.00 to \$1,000.00. Roll Call Vote:

Mr. Stanzione	Yes	Mr. Lauermann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

Chairperson Spatola stated that after speaking to Mr. Lauermann they both agreed that it would be better handled to go into an Executive Session because there are so many issues in the Policy and Procedures Manual to discuss the changes rather than handing a list from each Committee Member to sort through it could be done all in one night.

Mr. Stanzione made a motion, seconded by Mr. Lauermann, to adopt Resolution #10-92 To Review The Personnel Policy And Personnel Manual In An Executive Session On March 31st, 2010 At 7:00 p.m. Roll Call Vote:

Mr. Stanzione	Yes	Mr. Lauermann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

Chairperson Spatola stated that the Committee needed to pick a date for the Senior Citizens Luncheon For Older Americans Month and they agreed on Thursday, May 20th, 2010.

Mr. Stanzione made a motion, seconded by Mr. Laurella, to set Thursday, May 20th, 2010 For The Luncheon Date For Older Americans Month. Roll Call Vote:

Mr. Stanzione	Yes	Mr. Lauermann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

The Deputy Clerk presented A Raffle License On Premises Raffle For St. Mary's Church On April 21st, 2010.

Mr. Stanzione made a motion, seconded by Mr. Lauermann, to approve the Raffle License On Premises Raffle for St. Mary Church on April 21st, 2010. Roll Call Vote:

Mr. Stanzione	Yes	Mr. Lauermann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

The Deputy Clerk presented A Raffle License Off Premises Raffle For Big Brothers And Big Sisters On October 10th, 2010.

Mr. Laurella made a motion, seconded by Mr. Lauermann, to approve the Raffle License Off Premises for Big Brother And Big Sisters On October 10th 2010. Roll Call Vote:

Mr. Stanzione	Yes	Mr. Lauermann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

Communications

The Deputy Clerk stated that there were no communications this evening.

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The Deputy Clerk presented Resolution #10-93 For The Payment Of Bills.

Mr. Laurella made a motion, seconded by Mr. Stanzione, to adopt Resolution #10-93. Roll Call Vote:

Mr. Stanzione	Yes	Mr. Lauermann	Yes
Mr. Laurella	Yes	Chairperson Spatola	Yes

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

John Barbagello, Emergency Management Director, came before the Committee, to thank the Rosenhayn Fire And Rescue for the tremendous job they did during the wind and rainstorm we had last week. He stated that there were three or four calls about wires being down and since he was under the weather, Mr. Jilinski, the Rescue Captain told him if there were any issues the department would handle it. Mr. Barbagello stated that the Township was lucky again.

There being no other comment from the public, Mr. Stanzione made a motion, seconded by Mr. Laurella, to close the meeting to the public. The Committee approved.

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

Frank R. Spatola, Jr., Chairperson
Township of Deerfield

ATTEST:

Cheryl Tramontana, Deputy Clerk
Township of Deerfield