

**WORK SESSION
MUNICIPAL BUILDING**

**January 8, 2019
DELRAN, NJ**

Sunshine Statement: Be advised that proper notice has been given by the Township Council in accordance with the sunshine law in the following manner. Notice advertised in the Burlington County Times and Camden Courier Post on January 4, 2019 and posted on the bulletin board on the same date.

ROLL CALL: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. O'Connell and Mr. Catrambone.

ALSO PRESENT: Mr. Paris, Mayor, Mr. Platt, Solicitor, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

FLOATING HOLIDAYS

Mr. Hatcher stated the CWA has submitted their request for the two floating holidays as allowed for in the contract. The days must be approved by Council. This year they have requested Thursday, December 26th and Friday, July 5th. Mr. Hatcher stated that from an operational standpoint he has no objection to either date.

Council had no objection to either date requested.

PROPOSED ORDINANCE AMENDMENTS

Mr. Catrambone stated that there were four issues of concern that Jerry DeSanto, Public Works Superintendent wanted to bring to our attention.

The first issue is surrounds the placement of trash and recycling carts being place in front of other properties without the owner's permission.

Mr. Hatcher stated that Mr. DeSanto has had some issues with this and wanted to bring this to the attention of Council to consider an ordinance amendment.

Mr. Hatcher stated that the next issue is similar in nature with regards to leaves and branches. We have had issues with residents putting leaves and branches in front of municipal properties and neighbor's properties.

Mr. O'Connell asked what we have on the books now.

Mr. Hatcher stated that the ordinance does not discuss the placement of the containers.

Mr. Hatcher stated that the final issue surrounds complaints about resident that do not rake their leaves which is a little harder to enforce.

The final issue brought up in the memo is a recommendation to limit bulk items to three per week.

Mr. Hatcher stated that he has concerns on the enforcement of the bulk pick up and the requirement of raking leaves. The biggest issue he sees is the placement of the trash and recycling containers leaves and branches.

After discussion, Council agreed to table the discussion until additional information is gathered on the requirements in other municipalities. Council would also like some time to think about the issues and would like Mr. DeSanto to be in attendance when these issues are discussed again to get a better grasp on the severity of the issues.

CRIMINAL BACKGROUND CHECK ORDINANCE

Mr. Platt stated that it was request of his office last year to draft a comprehensive background check ordinance for individuals involved in youth sports program in the Township. Mr. Platt stated that the proposed ordinance has been revised per past discussion. This background ordinance goes above and beyond the criminal background checks and includes disclosure of the revocation of any professional license.

Mr. Mormando suggested adding arrests to the self-reporting requirements under 84-3 C.

Mr. Platt stated that he has concerns that is something that could be challenged but Council can add that language if they choose. Mr. Platt stated that if Council has concerns on this issue maybe we also add arrest to the initial disqualification portion.

Mr. Mormando stated that 84-4 B. states that in the event that the youth program already has a background check policy and procedure in place, the Township will accept the results from the administration of that policy, provided the policy and results are disclosed to the Township and the Township is satisfied that the policy and procedures are sufficient to satisfy the standards and purpose of this chapter. Mr. Mormando suggested changing the will accept to may accept. Council agreed that as long as the organization is following the same regulations that the Township would they will leave the language as is.

Mr. Mormando also brought up the question of whether an offense under Megan's Law was covered in the ordinance. Mr. Platt stated that the law is included in the ordinance.

After discussion, Council agreed to amend the language to add arrests to the initial background check requirements and will temporarily disqualify an applicant until the matter is adjudicated. Arrests will also be added to the self-reporting section of the ordinance.

Mr. Platt stated that we will make those changes and submit a draft ordinance to Mr. Hatcher.

AELCF

Mr. Hatcher stated that over a number of years if the Township had a dividend from the Burlington County Joint Insurance Fund they would use those funds to keep the increase flat in the following year's budget. If there was excess money above that we were putting those funds in the Aggregate Excess Liability Contingency Fund (AELCF). The BCJIF would hold those fund should the Council need those funds for a future increase or assessment. Each year we have to make a decision on utilizing our dividend which we have already indicated that we will

apply it towards this year's assessment. In order to get to a 0% increase in the assessment this year we would need to utilize \$36,000 of the \$65,633 remaining in the AELCF, due to taking on the workers compensation insurance for the Emergency Squad. Mr. Hatcher stated that we have only made a commitment to cover the workers compensation insurance for one year so Council may want to consider using a portion of the AELCF and have a slight increase assessment for 2019.

After discussion, Council agreed to use \$36,000 from the AELCF to have a 0% increase in the 2019 assessment.

Mr. Hatcher stated that there was a Resolution prepared which was included in the agenda packet should Council choose to adopt. Council agreed.

Mr. Catrambone asked for a motion to adopt the following Resolution.

**TOWNSHIP OF DELRAN
RESOLUTION 2019-20**

**RESOLUTION AUTHORIZING RELEASE OF A PORTION OF THE
AGGREGATE EXCESS LOSS CONTINGENCY FUND**

WHEREAS, the Township had set aside funds with the BURLCO JIF in the Aggregate Excess Loss Contingency Fund which balance is \$65,633; and

WHEREAS, the Township of Delran wishes to apply \$36,000 of this fund toward the 2019 Assessment Premium; and

WHEREAS, the Township Council hereby authorizes the \$36,000 to paid through the A.E.L.C.F.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Delran, County of Burlington, State of New Jersey that \$36,000 be released from the A.E.L.C.F. to pay the 2019 Premium.

Mr. Mormando made a motion, seconded by Mr. Burrell to adopt Resolution 2019-20.

There being no questions, the roll was called.

Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**DISCUSSION ON APPOINTMENT OF TEMPORARY PROSECUTOR/REVIEW RFP
TOWNSHIP PROSECUTOR**

Mr. Catrambone stated that at the Reorganization Meeting Council did not appoint a Township Prosecutor. We need to appoint a Township Prosecutor tonight in order to have coverage for court tomorrow. We have asked a Prosecutor from a nearby town that is willing to cover on a temporary basis with authorization from Council.

Mr. Platt stated that Council can adopt a Resolution tonight by title which would a Resolution to appoint Daniel Gee, Esq. as the Temporary Township Prosecutor under a non-fair and open process until such time as a 2019 Township Prosecutor is appointed by Council.

Mr. Catrambone asked for a motion to adopt the following Resolution.

**TOWNSHIP OF DELRAN
RESOLUTION 2019-21**

**APPOINTING DANIEL GEE, ESQ. AS THE TEMPORARY TOWNSHIP PROSECUTOR
UNDER A NON-FAIR AND OPEN PROCESS UNTIL SUCH TIME AS A 2019
TOWNSHIP PROSECUTOR IS APPOINTED BY COUNCIL**

Mr. O'Connell made a motion, seconded by Mr. Mormando to adopt Resolution 2019-21.

There being no questions, the roll was called.

Mr. Mormando, Ms. Parejo, Mr. O'Connell and Mr. Catrambone voted aye. Mr. Burrell abstained.

Ayes: 4
Nays: None
Abstained: 1

Motion Approved

Mr. Catrambone stated that the second part of the discussion is to review the RFP for the Township Prosecutor position.

Ms. Eggers stated that provided in the packet was the original RFP. As discussed, we want to amend the RFP to indicate that the Township Prosecutor is required to appear at two court sessions per month. After discussion, Council also indicated that they want to receive an annual fee proposal.

REPORTS

Ms. Eggers – Ms. Eggers reported that dog and cat licenses are due by January 31st in order to avoid a late fee. The Township will be open this Saturday and again on January 26th from 11-2 PM for licensing.

Ms. Eggers reported that the next Blood Drive will be held on February 12th from 1:30-6:30 PM at the Municipal Building.

Mr. Hatcher – Mr. Hatcher reported the Burlington County Sherriff's Department along with several municipalities along Route 130 are participating in a large scale radar detail under the Route 130 Safe passage way grant. They want to run the detail on Jan 19th. They originally asked for five police officers and we only provide three. The grant covers \$55.00 per hour for salary. If the highest paid officer was to work all hours the cost per hour would be \$81.00 which means the total cost to the Township would be \$400.00.

Mr. Burrell made a motion authorizing participation in the grant and authorizing the differential. The motion was seconded by Mr. Mormando.

There being no questions, the roll was called.

Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. O'Connell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

Mr. Riso – No report.

Mr. O'Connell – Mr. O'Connell stated that he was attending a meeting of the Delran Seniors and they were asking for speakers. One member recommended having someone from Council speak. Mr. O'Connell stated that he would be happy to speak if Council agreed.

Mr. Platt stated that he has volunteered to go to different organization and explain how the type of government works in the community. He would be happy to do that in Delran.

Mr. Burrell – Mr. Burrell noted the passing of Candy Cure's husband. Candy is a volunteer on the RAC and has just been appointed to the Green Team.

Mr. Burrell stated that he has been working on updating the website along with Ms. Eggers and Mr. Hatcher. We are ready to go live with the new site with Council's approval. Council had no objections.

Ms. Parejo – No report.

Mr. Mormando – Mr. Mormando suggested having cell phones for use by Mayor and Council to conduct Township business. He had concerns over using his phone for Township business and work business.

Mr. Burrell stated that there has also been case law surrounding OPRA and phone use and wants to make sure we stay on top of this issue.

Mr. Platt stated that text messages from any source have the potential to be requested under OPRA no matter the device. Mr. Platt stated under OPRA they would not be entitled to receive all outgoing phone calls from your personal cell phone. Many towns do issue Mayor and Council members a cell phone for Township business.

Council agreed to discuss this at a future work session.

Mr. Catrambone – Mr. Catrambone brought up three issues that have been ongoing.

- Dollar Tree parking lot which was supposed to be improved as Phase II of the development.
- Heritage Square parking lot condition.
- Pot holes on road behind Mancine Optical.

Mr. Hatcher stated that he will touch base with the new Construction Code Official on these issues.

Mr. Catrambone stated that he had a question posed from the Chairman of the Zoning regarding switching Engineer's. The advice that we have received from the prior Township Attorney was that the Township Engineer could not serve as the Zoning Board Engineer due to the Township Council acting as the appeals Board. Mr. Catrambone stated that in talking with Mr. Platt it appears the Township Council would make their decision based on already existing testimony and not new testimony. The conflict would occur if the Council asked the Engineer to explain pertinent information in the Engineering Report that caused the application to be denied. Mr. Catrambone suggested that Township appoint a conflict Engineer if the Zoning Board appoints CME Associates to serve as the Zoning Board Engineer. The appointment of a Conflict Engineer would be the Mayor's appointments.

Mr. Platt stated that there is a provision in the code that allows an applicant to appeal a decision of the Zoning Board to Council. Council can only make a decision based on the record. If there were Engineering issues that needed to be addressed Council a Conflict Engineer could review the record.

Mr. Paris asked why we are addressing the need for a Conflict Engineer when the Zoning Board has not made a decision on the appointment.

Mr. Catrambone stated that the Zoning Board has not held their Reorganization meeting. They receive two proposals for Engineer and have asked if they have the ability to appoint CME Associates as they serve as the Township Engineer. Mr. Catrambone stated that he would ask the Township Solicitor for an opinion and whether the Township could appoint a Conflict Engineer if needed.

Mr. Platt stated that the Township Engineer and Zoning Board Engineer can be the same. The only conflict would only come up if there was an appeal.

Mr. Hatcher stated that we have had appeals go through Superior Court. Mr. Hatcher stated that maybe one or two came to Council in thirty years.

Mr. Catrambone asked if the standard should be that appeals go to the Superior Court.

Mr. Platt stated yes. The Municipal Land Use Law states that the only appeals that can be heard by the Governing Body are the granting of a use variance by the Zoning Board. The current Township ordinance allows for any appeal to come to the Governing Board. To some extent the ordinance is outdated.

Mr. Paris stated that he is okay with preparing an RFP for a Township Conflict Engineer and we can address this once the Zoning Board makes a decision.

Mr. Catrambone stated that we also need to address the current ordinance and make changes if necessary. We can discuss this at a future meeting.

Mr. Paris – Mr. Paris stated that for everyone's information his e-mail address is kparis1@delrantownship.org.

PUBLIC PORTION

Mr. Burrell made a motion to open the meeting to the public. The motion was seconded by Mr. Mormando. All were in favor, motion approved.

Tom Lyon, 23 Heather Glen Lane, stated that in regards to the limiting the bulk trash pick up some towns do have stickers or make residents call for pickup because of logistics. Some towns actually charge for pickup.

Mr. Lyon stated that in regards to the Criminal Background checks he agrees that temporary suspending someone due to an arrest limits the liability to the Township.

Lynn Jeney, 38 Cranberry Lane, stated that he believes the School District has a policy in place that may help address some of the issues with the ordinance.

Mr. Burrell made a motion to close the meeting to the public, seconded by Mr. O'Connell. All were in favor, the motion was approved.

Mr. Burrell made a motion, seconded by Mr. O'Connell to enter into closed session for discussion on the following issues: Contract Negotiations – Police Unions

Mr. Burrell made a motion to end the closed session and reopen the meeting to the public. The motion was seconded by Mr. Mormando. All were in favor, motion approved.

Mr. O'Connell made a motion to adjourn the meeting, seconded by Mr. Burrell. All were in favor, the meeting was adjourned.

Respectfully submitted,

Jamey Eggers, Township Clerk