

CINNAMINSON TOWNSHIP COMMITTEE
December 21, 2015

The Regular Meeting of the Township Committee is being held at 6:30 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ 08077. This meeting is being held in accordance with the "Open Public Meetings Act," P.L. 1975 c.231, having been advertised in the Burlington County Times on January 7, 2015.

Committee Members Present: Mr. Brauckmann, Mr. Young, Mr. Minniti, Mrs. Fitzpatrick, Mr. McCarthy. Also Present: Mr. Gillespie, Attorney, Director King, Administrator, Mr. Minton, Economic Development Coordinator.

Mayor McCarthy opens the meeting with the Pledge of Allegiance

Presentation – Timothy Prime, Esq. (Wawa)

MR. MINTON: I'd first like to wish everyone a Merry Christmas. Myself, Mr. Young and the economic development team have been working hard on Rt. 130 and Taylors Lane. Mr. Prime has wanted to bring this project to Cinnaminson for a long time. The three things we need from Committee are; is it consistent with the Master Plan, any redevelopment issues, we're asking that you submit them and let us work them out with the economic development team, and last, enter into a Redevelopers Agreement. This is Mr. Tim Prime, Attorney for the applicant.

MR. PRIME: We are in a Redevelopment Zone on 130 and Taylors Lane. I have been involved in a lot of redevelopment projects. I'm very excited about this one. Wawa averages 40-50 employees per store. It's a privately owned business.

MR. MICHAEL GALLAGHER, Engineer/Project Manager

This site is currently a garden center and is all impervious. We'll reduce that. Access is a driveway from Rt. 130 and we've already submitted to NJDOT and there is full access from Taylors Lane. It will be heavily landscaped. There are signage packages per ordinance. There are three rows of two pumps, with a canopy. The tower is a crisp clean tower.

MR. PRIME: Thank you Mickey, Mike and Mr. Gillespie's office.

MR. GILLESPIE: Is this the same façade and elevation of Maple Shade?

MR. PRIME: Yes

MR. MINNITI: Thanks to Mr. Prime and Wawa for sticking through this. We've been working on this for about 10 years. Thanks to the Economic Development team also.

A MOTION IS MADE BY MR. MINNITI, seconded by Mr. Young to grant approval subject to the elevation, layout and architectural being consistent with the redevelopment requirements. A Redevelopment is required. VOICE VOTE: ALL AYE, no opposed, motion passes.

MR. MINTON: That property is under agreement. They have listed and Wawa signed. It was voluntarily. We wish Riverton Pool and Garden all the best.

Liaison Reports

Economic Development – Mr. Minniti – no report

Administration/Finance– Mrs. Fitzpatrick

I'd like to welcome Dawn Lewis to our financial team, assisting the CFO. And, Merry Christmas everyone!

Parks and Recreation and Health and Senior Services – Mr. Brauckmann – no report

Public Works – Mr. Young

Thank you Mr. Mayor and Good Evening to you All: Our Public Works staff is completing the last monthly pass through the community on leaf collection. While our leaf collection is very close to being on schedule, it does create a minor problem for some of our residents in Zones 3 & 4, which is the third and fourth full week of the month. Since Christmas falls this 3rd week, and it is a short week, unfortunately, some leaf piles may still be in the street over this coming week. The following week is a short week for New Years as well, however, it would appear that, barring bad weather, we should complete the town by month's end. I want to remind you all once again – we do not pick up brush or leaves between November and February. Mixed brush with leaves creates a situation that we can't handle the leaves without separating. Unfortunately we do not have time or manpower capacity to do this. Please take some extra care and avoid the situation. I would like to take a minute to recognize the efforts of our Public Works group in getting the Christmas Tree Lighting and the Senior Christmas Dinner set up and ready to go on the same day. In addition to that, we have completed some renovations here in the town hall. They really were extremely organized and were able to stay within the time frame that was set for them. My personal thanks as it was all hands on deck and congratulations to all involved. Thank you. We wish everyone a safe holiday season and a Happy New Year. As your Liaison of Public Works, I say again as I have in previous years, tongue in cheek, I will never wish for a white Christmas. It appears as if the weather man is cooperating this year as well. Mr. Mayor, this concludes my report. Thank you.

Public Safety – Mr. McCarthy

Cinnaminson Police and Fire held their 4th Annual Breakfast with Santa on Sunday December 13th at the Merion. Apporx. 1500 people attended and the proceeds from the event went to Ovarian Cancer research and Hunter's Heroes.

MAYOR MCARTHY opens the **Public Hearing - Ordinance 2015-24** Amend certain provisions of Chapter 10, Section 10-12

CINDY PIERSON, 622 S. Pompess Ave. – What is it?

MR. GILLESPIE: It clarifies that the Administrator should have the authority, as the Personnel Officer, to hire transfer, promote and demote any employees subject to Civil Service and approval of Township Committee. Lesser forms of discipline can be performed without Committee's approval, but are still subject to Civil Service regulations.

MAYOR MCCARTHY closes the public hearing.

MRS. FITZPATRICK: It's understood that this ordinance is subject to Civil Service, however, I have a concern. I understand that hire, transfer, promote and demote requires Committee approval. Our world has always been major and minor discipline. Are there other forms of major discipline that the Administrator is allowed to issue without Committee approval?

MR. GILLESPIE: There are. Example, a 6 day suspension, 10 day suspension, 30 day suspension, a fine in lieu of a 5 day suspension, etc. same as in the current ordinance.

MRS. FITZPATRICK: Cinnaminson operates a little different because we have one person in two positions. That allows for a lot of authority for one person, not withstanding Mr. King's wonderful performance. I don't think issuing authority to one person seems fitting. I'm concerned about this ordinance.

MR. MINNITI: We've had this discussion and I understand on the surface why there is concern. The Administrator is always the top of the chain of command, even if there were a different Director. The Director always was under the authority of the Administrator with the exceptions of IA's, etc. So, really this isn't a change at all, the ultimate authority still lies with the Administrator, as it always has.

MRS. FITZPATRICK: And with the oversight of Committee. Because of recent past situations where the public questioned how it was handled, and I was unaware of it because the authority lies within one person. I have difficulty with this.

MR. MINNITI: The authority has always been vested in the Administrator. We have to keep in mind that the two biggest departments, discipline is governed by a contract. Our Administration is covered by the Civil Service process. Ultimately only Committee can hire or fire, but all disciplinary rules are covered by Civil Service or the bargaining units. We have a labor council who advises the Administrator of actions. This takes away the perception that individual committee members have a say in the disciplinary process. That's not what we're here for. That's why we have an Administrator. This ordinance strengthens that and further isolates Committee from being persuaded by the public to interject themselves into the process. This is the fairest and cleanest way to handle it.

MRS. FITZPATRICK: The issue is that one member has the authority and doesn't have to communicate with Committee, so that we don't even know what's going on. I think this should filter down to Committee, especially with the issues that have been brought to my attention.

MR. MINNITI: Any Committee person has the ability to ask a question and the Administrator has the ability to answer if it's not being covered by a confidentiality or non-disclosure agreement, or an IA. If the Administrator is able to answer, he will. In any situation you could have five Committee members with five different opinions of discipline, and you can't run a township that way. No discipline will be done without the consent of labor council. I think this promotes good government.

MRS. FITZPATRICK: Without getting into the past situation, it is cause for concern that one person may decide to share with Committee the discipline affecting promotions and the township.

MR. MINNITI: When the public has a question, they can come in and ask the Administrator and if it's appropriate for him to give the information, he will. What isn't appropriate is coming to Committee members to go to the Administrator for information.

MRS. FITZPATRICK: This is an issue of oversight. I don't think one person should have the authority to issue discipline without funneling through this Committee.

MR BRAUCKMANN: My question is with major discipline, demoting, discharging, etc. With a 30 day suspension why wouldn't Committee be asked for a recommendation instead of just getting notification?

MR. GILLESPIE: There is a pretty extensive list of major, which would be anything over 5 days. As done in the past, the Administrator has at least come to Committee and advised them of the game plan. This ordinance allows the discipline just short of demotion without Committee approval, but certainly subject to Civil Service regs.

MRS. FITZPATRICK: Because Committee doesn't need to approve it, it doesn't always funnel down and that's my concern. Not just for Director King, but anyone who sits in this position.

MR. MINNITI: We often go into closed session and are briefed as to an action and advise from labor council and many times a representative of the affected employee. We're told what the game plan is and what the result is going to be. There are times, due to confidentiality or separation statements that we're not going to be informed of that. A separation is different than a demotion or firing.

MRS. FITZPATRICK: with all due respect, that didn't happen in the past and with this ordinance we are giving carte blanche that discipline can be imposed on our employees without us knowing. If Director King so chooses to tell us, that's great, but he doesn't necessarily have to.

MR. MINNITI: I believe in every major discipline Administrator King has informed Committee of what was going on and what was going to happen, except in the cases of separation agreements. Mickey, as this been the practice that we've followed?

DIRECTOR KING: Absolutely.

MAYOR MCCARTHY: With that being said, Mrs. Fitzpatrick, I completely understand your concern, and Don thank you for your question. As a Committee, we've hired an Administrator and put our trust in the Administrator. We pay the Administrator to do the job. He has limitations on what he can and cannot do as far as discipline, and that's very clear. We've talked about this prior to this meeting and everyone has made their opinion clear. With that, I'd like to have a motion.

A MOTION IS MADE BY MR. YOUNG, seconded by Mr. Minniti to adopt Ordinance 2015-24. VOICE VOTE: ALL AYE, opposed: Mrs. Fitzpatrick, Mr. Brauckmann, motion passes.

MAYOR MCCARTHY opens the **Public Hearing - Ordinance 2015-25** Amend certain provisions of Chapter 85, Section 85-5

MR. GILLESPIE: This is the same type of ordinance, but applies to the Police Department the Director of Public Safety. This ordinance files the gap should the Administrator and Director not be held by the same person.

MAYOR MCCARTHY opens the meeting to the public and closes the public hearing since there are no comments.

MR. BRAUCKMANN: This isn't anything personal to Mr. King. I'm talking about a position, not a person. I feel that we are responsible for any legal fees that come about. We're the ones writing the checks. We are responsible for all of our employees, including our Administrator. If it ever came to be that our Administrator wasn't administering consistently with what we would like, or putting the township at risk, I would like to know that. The only way to know that is to know what leads up to it. He's done a great job of advising us. I'm just concerned we're minimizing our oversight. I understand the spirit here and why we're doing it, I just have reservations. This is no reflection on Mr. King.

MR. MINNITI: There's an oversight of Committee and NJ Legislature decided to pass what is allowed for Civil Service communities. The process is guaranteed. Every employee is protected by that. The Administrator cannot overstep the procedure that is by-law, codified. We're a Committee of five and we came together on a decision to hire him and act as the Administrator, which the five of us are not capable of doing. I'm confident in the work of the Administrator and we do have labor council that advises him.

MRS. FITZPATRICK: The sole purpose I cannot support this ordinance is that it doesn't require oversight. It's suggested that Director King has complied in certain circumstances, but he might not always be sitting in that seat. It's important to me as a committee member to understand the effect of discipline within our rank and file. I care about our employees and what happens to them.

MR. MINNITI: I think Mrs. Fitzpatrick just misspoke, she said Director King in "certain instances" and it has been in all instances that he has followed the process. I don't want the record to reflect that Mr. King didn't follow the proper processes. I want the record to be clear on that.

MAYOR MCCARTHY: I'm sure I can speak for all of us that we are concerned about our employees and our Administrator. No matter who is in that position, they will have to follow the same rules and guidelines.

A MOTION IS MADE BY MR. MINNITI, seconded by Mayor McCarthy to adopt Ordinance 2015-25. VOICE VOTE: ALL AYE, opposed: Mrs. Fitzpatrick, Mr. Brauckmann, motion passes.

MAYOR MCCARTHY opens the **Public Hearing - Ordinance 2015-26** Amend certain provisions of Article I, Sections 80-11 & 13

MR. GILLESPIE: This will bring the ordinances into conformance with the Personnel Policy that was adopted. It also includes how personnel files are stored and who has access to what files.

MAYOR MCCARTHY closes the public hearing since there are no comments.

A MOTION IS MADE BY MR. YOUNG, seconded by Mrs. Fitzpatrick to adopt Ordinance 2015-26.

VOICE VOTE: ALL AYE, no opposed, motion passes.

Public Comments on Consent Agenda items only - none Consent Agenda

Resolution 2015-154 Authorization to cancel outstanding checks for Municipal Court

Resolution 2015-155 Authorizing refund of prepaid 2016 taxes

Resolution 2015-156 Budget Amendment - Alcohol Education Grant

Motion to Approve raffle licenses for Springville School, PTA for 3/11/16

Motion to Accept and File Monthly Municipal Court Report of Receipts and Disbursements for month ending November 30, 2015

End of consent Agenda

A MOTION IS MADE BY MR. MINNITI, seconded by Mrs. Fitzpatrick to adopt the Consent Agenda as listed. VOICE VOTE: ALL AYE, no opposed, motion passes.

Minutes A MOTION IS MADE BY MR. BRAUCKMANN, seconded by Mr. Young to adopt the minutes of December 7, 2015 as submitted. VOICE VOTE: ALL AYE, no opposed, motion passes.

Bill List and addendum - A MOTION IS MADE BY MRS. FITZPATRICK, seconded by Mayor McCarthy to approve the bill lists as submitted and pay the bills. ALL AYE, no opposed, Mr. Young abstains, motion passes. Mr. Minniti explains that he can now vote on Parker McCay bills since he no longer has a conflict.

Comments from the public – Cindy Pierson, 622 S. Pomess Ave. – There are people digging along the creek.

MR. YOUNG: That's the EPA.

MRS. PIERSON: I spoke with her and she gave me her card. She said she will send me the results. Happy holidays to you all!

Comments from Committee

MRS. FITZPATRICK: There is a blood drive on January 3rd for Mark Wojcik. Thank you Don for the work you put into the tree lighting ceremony.

MR. MINNITI: I'd like to acknowledge Mr. McCarthy for his first mayoral term. And, Rose, the triplets and I wish you all a Merry Christmas!

MAYOR MCCARTHY: I will be at the blood drive, and also wish everyone a Merry Christmas.

A MOTION IS MADE BY MRS. FITZPATRICK, seconded by Mr. Young to adjourn the meeting. VOICE VOTE: ALL AYE, no opposed, motion passes. The meeting is adjourned at 7:32 p.m.

Duly passed and adopted

January 25, 2016

Respectfully submitted,

Pamela McCartney