

CINNAMINSON TOWNSHIP COMMITTEE
June 6, 2016

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 5, 2016 and sent to the Courier Post on March 22, 2016.

Committee Members Present: Mrs. Fitzpatrick, Mr. Minniti, Mr. Young, and Mayor McCarthy. Also Present: Attorney George Morris, Attorney Ron Morgan, Director King, Administrator, Michael Minton, Director of Economic Development

Mayor McCarthy opens the meeting with the Pledge of Allegiance

Presentation from Mark Remsa, Burlington County Economic Development Committee. Also present are Ed Fox, Regional Planning Coordinator and Jason Miller, GIS/Planner on "Findings and Questioned Costs" the River Route Revitalization Project. Speaker is Ed Fox. The freeholders have added four municipalities, Bordentown City, Bordentown Township, Fieldsboro, and part of Mansfield. Request the Township to name 4 persons to sit on a steering committee along with other municipalities and the County.

Motion to add Resolution 2016-68 in support of update to the River Route corridor revitalization plan to the agenda is made by Mrs. Fitzpatrick, seconded by Mr. Minniti. All aye.

Motion to approve Resolution 2016-68 made by Mr. Young, seconded by Mayor McCarthy. All aye. Resolution is approved.

MAYOR MCCARTHY: Free exercise class can be removed from agenda. They are not going forward with it.

MR. MINNITI: We need to have a discussion about how some of these things are being executed. I think the cart is winding up before the horse far too often. It's becoming more and more apparent and concerning to me that the Parks group is starting to fall back into a pattern of 10 years ago that brought about its dissolution and restructuring under the current form. And that is this idea that the Sewerage Authority or the Planning Board are quasi autonomous bodies that do their own thing separate and apart from Township Committee when in actuality they are an advisory group. And I don't know that we're reinforcing that reality the way that it should be reinforced. I spent some time in the parks and there is a laundry list of problems that has to be addressed. A lot of it is coming from consent and advice being given at the Parks and Rec committee where they have no authority. This free exercise class is though it's not going to be pursued, the order in which it happened, the symptom of what the problem is. This group speaks to Parks and Rec, Parks and Rec gives them the warm and fuzzy. They're happy about it and then it comes to the governing body who has to actually make the decision. The diligence we put into it is not necessarily what the Parks would do because they're looking at things from a Parks perspective. We're looking at it from an administration perspective. The first thing that I'd like to do as a matter of practice is that all these presentations that are going to Parks and Rec should be coming to us first, much like when we make a decision to change something and we send it to Planning Board for a comment. These should be coming to us. The governing body is who is ultimately giving permission or denying permission to engage in these activities. With this latest proposal for the exercise classes, the Parks group completely brushed over the policy ramifications of permitting this sort of activity to occur. It's not that exercise classes are not a good idea or that anybody would want to take away an offering. But there's Green Acres to think about. There are administrative issues to think about. And the Parks group isn't equipped, they don't have that body of skill that we have to deal with these things. So I really think these should come to us first. We can give the requisite examination and discussion then we can then kick it over to Parks and Rec and see how they feel about it, do they have field space, things like that. Sort of reverse the order in which this is happening. Permissions

are being given to things that a lot of times we're not aware of. They are only now in the last year or two coming back on the consent agendas. We never knew about before. As I continue to say because we've invested millions of dollars over the last however many years. They are an extraordinary popular amenity. With all the positivity that comes with the great parks that we have we are facing problems that we've never had in the past. And we need to be cognizant of a simple reality and it's a reality that Parks and Rec and sports organizations need to be cognizant of. These parks do not belong to Parks and Recs. They do not belong to the sports organizations. They belong to the taxpayers of New Jersey, broadly and to Cinnaminson Township specifically. We permit use of these fields and facilities under our authority. We are the stewards of these facilities. We need to have the proper oversight and control over every aspect of what goes on in these parks because the governing body is the one ultimately responsible. If Green Acres violations are occurring, if we've got issues with our vending and concessions. We are responsible to see that there's oversight and that all of the proper regulations are being followed. There's a proliferation of advertisements and signs on township property sold by the sports organizations. That is a blatant violation of Green Acres regulations. Sports organizations aren't the ones responsible for it; we are the ones responsible for it. It's not their responsibility to know that you can't advertise on township owned backstops etc. We know that. That's why these decisions need to be happening here first and then when a decision is made we forward it to Parks and Rec for advice or input because obviously we don't know the inner workings of the Parks quite the way all the commissioners do. And that's why all the commissioners are on Parks and Rec. But there are a lot of issues that need to be addressed. I've spoken to Ben about it. I've spoken with Mickey about a few items of concern. This exercise class is just another example of when tight oversight is not being exercised. With regard to these classes we talked about zumba, tennis classes. I'd like to see the Township Committee out of that business altogether. There's no reason for us to be offering Zumba or tennis lessons. The school district runs all these programs very effectively. I would argue far more effectively than we could run them. Maybe this is something we should talk to Sal Illuzzi about. Instead of us holding Zumba and trying to administer and collect money why not have the school district administer it? They offer a full itinerary of nonacademic activities for the community at large. I think that we should probably stick more towards maintaining and providing the infrastructure for which the different sports organizations can operate the programs. I think that's the better way to go about this. I don't even think this should be coming to us. That's just an opinion. That would take a policy discussion but it's something to think about.

MRS. FITZPATRICK: I have a few comments. First while Mr. Brauckmann is liaison to parks I think this discussion would be better had with his input since he works very closely with the Parks group. And to say that the Parks and Recs board doesn't show the diligence that this committee would show I think is disrespectful to their service because many of those members have been members of that board for many years and they care as deeply about what goes on at those parks as much as the people in these seats. So I don't think that can be said. For twenty plus years these programs have been running seamlessly.

MR. MINNITI: What programs are you speaking of?

MRS. FITZPATRICK: For baseball and running the permits. It's been running seamlessly. Pat has been there for twenty years, for well over twenty years. So I think that there is a difference between problems and perception of problems. I think what some people see as a problem others just perceive as a service and a program that enhances our community. Many of our residents enjoy volleyball and zumba and I don't know anything about the exercise program that was going to be proposed because they aren't here to propose it. But I don't view that as a problem and I don't view it as something we should take away from our community and transfer to someone else because we're afraid of liability. It's been running seamlessly. What we do need to do is get information on these so that we don't scare people and say no you can't do that. We should get information on insurances and have Pat Hafner come in here and speak to this group and tell them how everything has been running and where she sees the problem since she works as the Board Secretary for Parks and Rec. What she thinks that we can improve and what is running fine. So to jump ahead and dive into this when this has been running fine for all these years without garnering the input of the people that do it I think is foolhardy. So let's wait until Don is part of this discussion and he can shed more light as to where he thinks we need to go.

MR. MINNITI: This is an item on the agenda and I am here to speak about this so we are going to speak about it. I'm going to address your comments directly. Nobody is saying that the Parks and Recs people are not working hard and earnestly. When I say that they do not have the ability to provide the diligence that we have that is a statement of fact. They don't know Green Acres regulations; in fact I don't know that we know them. But you know who does, the attorneys know them. They don't understand Green Acres regulations. They don't understand the impact of allowing activities to occur and what happens when you establish a precedent.

MRS. FITZPATRICK: I think they do understand.

MR. MINNITI: If they did they would understand the slippery slope you go down when you allow a private business, which is what Core Fitness is, to be given the opportunity to promote themselves by a free offering on taxpayer funded property. Once you start that you cannot stop anybody else from doing the same.

MRS. FITZPATRICK: Are we going to entertain any suggestions for improving our residents?

MR. MINNITI: No. First of all you need to understand the policy impact of choices you are making when you do these things. There are soccer academies that this town has reacted somewhat coldly to where they also don't charge. They are a business. They provide free soccer. But when you do this, allow one business to offer something for free, you have now lost the ability to tell other businesses no. You have to do one of two things. There has to be a policy decision that says we are going to allow this activity or we are not going to allow it. If we do allow this activity here are the tight parameters for which we will allow it to occur. But absent a decision by this body to allow something like this to happen it cannot happen. That goes to a multitude of other violations of Green Acres regulations. I go back to the advertising. You can't do that. It must stop. It is blatantly violative of Green Acres regulations of which we are obligated to enforce. We talk about everything works seamlessly for 20 years. I don't agree with you at all. If you're looking at things in the broad sense and not looking at the details or the policy ramifications are things working? They're working until they're not working. We have people operating illegally motor vehicles on a walking path in direct violation of motor vehicle law for one but the town's own posted rules saying you cannot operate a motor vehicle in the park.

MRS. FITZPATRICK: I don't know if it's considered a motor vehicle.

MR. MINNITI: Is it a motor vehicle?

DIRECTOR KING: Yes.

MR. MINNITI: I'm not going to allow this to continue to occur, which is what happens over and over again. We push it off that we don't bother because it's winter. There are things actively going on in the parks today that violate Green Acres regulations as well as our own town ordinances. They must be brought into compliance until such time that the town, us, the governing body, develops a policy that allows it to occur. We built concession stands at almost \$800,000 and they've been turned into cooking facilities which violates fire codes, health codes.

MRS. FITZPATRICK: That's not true. Here's the situation. We can continue to go down this path. We can just disallow everything. We built an \$800,000 concession stand. Let's not use it. Let's not allow anyone to use it. Of course there are rules but the rules are being made up as we go along by people that perceive problems in every situation. So what I suggest is Pat Hafner has been doing this job. To bring Pat Hafner in. Pat has never spoken to us as a group. I have never perceived as problems some of the situations that you perceive as problems. Let's discuss it, not just say we're not doing this anymore. We can't discuss it without these entities here.

MR. MINNITI: Respectfully to Pat Hafner, I think Pat Hafner does a wonderful job. Pat Hafner is tasked with implementing the policies that this body develops. Right now things are being done from the hip.

MRS. FITZPATRICK: That's not true. You are saying definitively that things are happening and I'm saying that is not true.

MR. MINNITI: I'm going down a list. I could provide you with photographs of the activities occurring.

MRS. FITZPATRICK: I'm not saying the activities aren't happening I'm just saying you can't make a blanket statement and you can't say no we're not having these activities. I've been on this committee for nine years and I see very few problems.

MR. MINNITI: What is stunning to me is that any committee member could be witness to what is happening and not be saying "Wait a minute before you start this, this isn't allowed.

MRS. FITZPATRICK: How long have you been on Committee Tony? Fifteen years. So these activities have been going on for the lion's share of your tenor.

MR. MINNITI: That's not true.

MRS. FITZPATRICK: The bottom line is that this has all been happening for years. We discuss it comprehensively. We are here to serve and not to rule.

MR. MINNITI: We are responsible for seeing that the sports organizations follow the law. We didn't make up the law. The law is the law. The law is not subject to negotiation. What I am talking about is enforcing the law. You cannot advertise on Township property. I'm speaking of specific violations that I've witnessed firsthand that should not be happening.

MAYOR MCCARTHY: Just because they've been going on for 14 years doesn't mean it's right to allow it.

MRS. FITZPATRICK: We can't not hear people that want to come and improve this community. And we can't not entertain it.

MAYOR MCCARTHY: We can certainly entertain it but we have to entertain it the right way.

MRS. FITZPATRICK: That's what I said when I initially began my conversation. Let's get the facts together by the people who know the facts.

MAYOR MCCARTHY: Let's agree to disagree here. I appreciate both of your inputs. Everybody's point is understood. I'm going to add this as far as the Parks go. At least twice I've observed, and I didn't do anything about it, there was an exercise class going on at Wood Park. Also clearly on one night, Trunk or Treat night, there was someone giving soccer lessons one on one. How do you stop that? If someone doesn't come to committee and just goes out and using the Park what do we do.

MR. MINNITI: By allowing stuff like this we have taken an affirmative action to allow an activity to occur. People are going to break the law. People are going to use it. Until we establish a precedent that allows it to happen.

GEORGE MORRIS: This committee has adopted an ordinance establishing a policy on all these issues. You need to enforce the ordinance.

MR. YOUNG; The problem that we've got right now is that Pat has not read the ordinance. She's doing things as she's done them for many, many years. In her eyes it's running seamlessly except they're ignoring the ordinance. And they're ignoring the ordinance because we decided back in March that we would look at suspending fees. The problem is everybody thinks the whole ordinance is gone and it's not. The ordinance has been in effect since the 21st of September of last year. All these things are spelled out in it and nobody's paying any attention. I guarantee you that there's not one concession permit issued. I've never seen them come across at the parks meetings. I've never seen them come across our desk. So therefore all these people are doing the same old thing. We went through this with the baseball batting cages. We have to unlock them and let people use them. That's the rule; it's Green Acres law. Same with the bocce courts. They don't have to unlock their equipment but they have to unlock the courts. Those are the things that we're obligated to do with Green Acres. The signs are up. Nobody pays any attention to them. I guarantee you that there are at least 4 items that no one pays any attention to. Alcoholic beverages, I know we've had alcoholic beverages in the park. We can't ignore them because they are Green Acres regulations.

MRS. FITZPATRICK: That's our fault for not communicating it to the sports groups. We increased the ordinance to such degree that honestly there are things in there that I think shouldn't be in there.

GEORGE MORRIS: You voted for it. You adopted it. Now it's on the books and now you need to enforce it.

MRS. FITZPATRICK: It has been communicated by another committee member that we are going to revisit those issues. So until we do it hasn't been communicated to the sports group so you can't hold these people to task for a law without communicating it.

MR. MINNITI: Nobodies talking about revoking permits or fining. We're talking about ending activity and I spoke at length to baseball about this. 45 minutes I spent with them explaining to them about the illegal advertising, the illegal cooking, and the illegal vending from the cart, the illegal use of the cart. What I saw from 30' away, that cart, which is operated by a teenager was

puttering along and a 3 or 4 year old kid was riding his bicycle with training wheels. That kid looked like this and flipped that thing over not 2 feet. If he had turned it the other way he would have gone right into the front of that gator.

MRS. FITZPATRICK: That's your version of it. I heard a very different version from a parent; that nothing happened. The kid fell but it wasn't because of the gator. If we're having this ordinance then someone has to be responsible for enforcing it. Why have it and if something's going to be changed someone has to communicate to this committee what needs to be changed. You can't enforce something when it's so up in the air. It's not fair.

MR. MINNITI: I had this conversation with Don last year about the vending in the park and the cooking, in those facilities. When we approved the construction of those concession stands it was intentional that they did not have sinks, that they did not have HVAC. Which means that you can't cook in them.

MRS. FITZPATRICK: You can operate a hot dog cooker.

GEORGE MORRIS: You cannot. It's a violation of the Board of Health.

MRS. FITZPATRICK: I called the Board of Health and asked them how they come out for inspections. They said frankly we don't come out for inspections unless somebody calls. And Mr. Minniti called. So instead of working with the sports groups you called the health department to cause a fire.

MR. MINNITI: To prevent a fire. I would be happy to make those emails public where I asked for guidance on what is permitted. And I was told

MRS. FITZPATRICK: I was told by the Board of Health that they don't have the resources to go out and do spot check. I just think it was handled wrong. I don't think we should ambush our sports organizations.

MR. MAYOR: The free exercise classes will not be occurring. The people that made the offer withdrew. Let's move on.

Resolution 2016-65 award of contract for reconstruction of Cuthbert Blvd.

Resolution 2016-66 ADA Curbs and Ramps

Resolution 2016-67 New Fuel Dispensers at DPW and Police Dept.

Motion to approve all three made by Mr. Young, seconded by Mayor McCarthy. All aye. Resolutions are approved.

Old Business

Salary increase for Director King.

Comments:

MR. YOUNG; I made a motion last fall based on his activities that he was performing that I thought he was deserving and I recommended a \$10,000 raise.

MAYOR MCCARTHY: And this is for Director of Administration.

MR. YOUNG: That's correct although it could be applied many ways because if you look at his skill set on both sides it's actually valued on both sides.

MAYOR MCCARTHY: Understood. Mr. King holds Director of Public Safety and Director of Administration.

MR. YOUNG: When he took this task on I met with Mr. King and asked him if he would take on these duties on a temporary basis to handle administration while we decided what we wanted to do. He agreed to do that. Then we talked about going out for interviews. Then we decided to make the position permanent and it became permit with a \$50,000 increase. That job description that he took on has evolved immensely since that time. It has expanded into the economic development. Along with that there's been the other duties in terms of community policing has been expanded and moved over to the administration side as well as on the police side. We've had changeover of personnel with new people on board which more than justifies the fact of the \$10,000 increase. In fact based upon some surveys I did of other towns it's a bargain.

MR. MAYOR: On top of which for the last 2 years he has overseen the Department of Public Works.

MR. MINNITI: I agree with Ben. It's a value just on the salary line. But if you look at if we went out and got two new people we'd have to pay health insurance which we don't pay for. I would also say being involved in labor negotiations since 2002, I think that Mickey more than saves us just in the legal fees with labor council how quickly he seems to be able to get both parties to the table and

agreeing. I've never seen negotiations go as smoothly as the last two rounds in both departments. Until Mickey got here we would usually ratify the CPA contract when it was expiring and then we'd be right back in it the entire term. I think its money well spent.

MRS. FITZPATRICK: So we're speaking of merit I think we're very fortunate here at Cinnaminson Township because many of our employees deserve merit increases. Unfortunately we're bound by taxpayer funded salaries and so this is taxpayer money we're speaking of. I think many people here that sit at the table and work every day and do multiple jobs deserve that. But we're faced with the reality that we have a 2% cap and that's what our employees receive. A \$10,000 increase for the administrator position equals a 19% increase for that position. 19% total compensation for the public works and the administrator is over \$140,000 plus the administrator also receives the benefit of an automobile that he is able to take home, so gas and insurance. That is estimated by the accounting world to equal about a \$10,000 benefit. So to offer 19% for one position as an increase sets a completely bad precedent for all of our employees. We're speaking about precedent; that's a precedent, with regards to Parks and what's allowed. This is taxpayer dollars and I know that our residents aren't receiving a 19% increase in their jobs. Certainly with two kids in college I wish my husband was getting that but unfortunately he's not because in today's tough economic times that's a really excessive increase, merit aside. While everybody is carrying baggage and doing more. I went in the tax office today and there were papers everywhere. They had their heads down and they didn't even look up to say hi. Because everybody is doing more with less. We just can't go around offering 19% increases with taxpayer monies. I think it's a bad precedent and I think it's irresponsible for us as elected officials to offer that to the highest paid employee in the Township.

MR. YOUNG: Two sides to the coin. There have been larger increases because of the change in duties.

MRS. FITZPATRICK: There hasn't been any change in job description as far as I can see and with regard to overseeing Public Works this committee is remiss in not looking to hire. We were waiting for a situation to happen internally. I don't know what happened to that. But I believe, and I'm not alone in this, that we should seek someone to run Public Works because having all of our eggs in one basket to have one, as great as a person may be, to have somebody run administration, public works and the police is not a wise management choice. No town around here has one person doing three roles. So this committee should hire someone for that position. I've said that before. We haven't agreed on that. I wasn't the only one that has said that. It's just you can't put all of your eggs in one basket for an employee. Like I said merit increases, everybody deserves 20% in my opinion but financially we're responsible to the taxpayers and that's an irresponsible increase within any company or organization but especially within a municipality.

MR. MINNITI: Just to clear up the misinformation, in our organizational structure when we speak of eggs in baskets, they all answer to the administrator anyway. Whether you have three people doing, the administrator and two subordinates they all answer to the administrator. All the eggs are in his basket because he is the ultimate authority in our organizational structure. And with regard to the, this is not a merit increase. You have someone who is doing three department head jobs. All of these jobs if bid separately would cost in excess of \$100,000 each, plus the health benefits which is typically in the \$25,000 to \$30,000 dollar range. So if we're concerned about making it about something else and we don't want people to be upset. If you negotiated for any one of these department heads to not take a health benefit, an increase in salary commensurate with an offset for choosing to not take a health benefit is absolutely within practice of governing bodies all around and even with business. So if you can save \$75,000 in health benefits, setting the salary side of it aside all together, for a \$10,000 increase in salary you can justify it very, very easily. To apply 100% of this increase to one position when it is 3 plus department head positions that are being handled it looks quite different. All of our employees do a fantastic job. They do their jobs. What Mickey is doing is his job, two other people's jobs and probably a couple other half jobs.

MRS. FITZPATRICK: It does look different because if we had three employees we would have somebody working the hours of three employees. No company I know would have three main position manage by one person. Capability isn't an issue. I'm saying this committee has decided not to hire for Public Works. The administrator and public works has been bifurcated. It's worked out well. As many employees have done a great job. We're all doing more with less. 19% increase is a 19% increase and we can justify it but our last two administrators didn't have health insurance. So

we saved, we can find somebody if we look but we've chosen not to look. And again to give 19% is an excessive amount and I can say no one gives 19% increases to anyone.

MR. YOUNG: The only one who didn't take benefits was Mr. Locantore.

MRS. FITZPATRICK: Mr. Locantore and Mr. King. Our current and previous administrators.

MR. YOUNG: I believe it's merited and I put it on the table for Committee to consider. I'll make the motion to approve Resolution 2016-69, seconded by Mr. Minniti.

MAYOR MCCARTHY: I agree 100%. Even though you can argue that this is a raise of 19% it's still saving the township a ton of money over the three positions and over the last three to five years that he has been doing the job. If you spread that money out it's not that big of a deal. I agree 100% and Mickey you've been doing a great job.

MRS. FITZPATRICK: I apologize to the rest of our employees who are also doing a great job and aren't getting a 19% increase. Aye Mr. Minniti, Mr. Young, Mayor McCarthy. Opposed Mrs. Fitzpatrick. Resolution is approved.

Cinnaminson Home update.

(RON MORGAN AND GEORGE GILLESPIE do not participate in this conversation)

MR. YOUNG: There is a three year extension to their approval. It was about to run out because of the permit extension act. There's not going to be any funding around in 2016 and maybe not until the later of 2017. If it does come through we will be in the construction phase which means we'll need to get out until 2019. We need to pull the agreement and change 2017 to 2019. Reach out to Doug on that. There was a question about it being 3 years, but in reality to do 1 year would have them just coming back because nothing is going to happen until 2019. It's not going to be for low income/affordable. It's going to be for senior housing. It was adopted unanimously at the zoning board.

MR. MINNITI: The Cinnaminson Home is a central piece of our affordable housing plan. Regardless of whether or not it's built. It's not that you have to have it built. You have to have a plan for how you will accommodate your affordable housing obligation. So to continue to have a partner commit for three years demonstrates to the court that we're making all the requisite commitments to our constitutional obligation to provide realistic opportunities for affordable housing.

MR. YOUNG: I would also like to add that MEND did make an application last year. They got a perfect score. They came in number nine on the ranking and they only funded five. The funding all went into Sandy money for the most part. They gave away 2016 money last year. That's why there's no opportunity this year because there's money this year. Everybody worked long and hard to put this together.

DIRECTOR KING: Doug Heinold is our conflict solicitor on this matter. I did send this over to him for review and he is in agreement that it can be amended to three years at this point and there's no problem with that.

Comments on Consent Agenda only – No comments

Consent Agenda

Resolution 2016-64 Liens for DPW work performed

Motion to approve consent agenda made by Mr. Young, seconded by Mayor McCarthy. Mr. Young, Mr. Minniti and Mayor McCarthy aye. Mrs. Fitzpatrick abstain. Consent agenda approved.

Bill List

MR. YOUNG: Just a couple observations. Interesting note, the \$1,600 water bill at Wood Park this month is \$19.79 or something along that line. It seems that the problem that we had is gone. At Memorial Park, not Wood Park.

MAYOR MCCARTHY: Did they adjust the \$1,900 bill?

DIRECTOR KING: No, we challenged them. They told us they only reconcile residential bills. Their opinion is there was a problem with the line. They can't explain but they say the water did come into Memorial Park and through the meter. We did not have the ability to test the meter.

Motion to approve made by Mr. Young, seconded by Mr. Minniti. All aye. Bill list approved.

PUBLIC COMMENT - None

COMMENT FROM COMMITTEE

Motion to go into closed session made by Mayor McCarthy, seconded by Mr. Young. All aye.

Motion to adjourn meeting made by Mr. Young, seconded by Mr. Minniti. All aye.

Meeting adjourned.

Duly passed and adopted

Respectfully submitted

Lisa Passione