

REGULAR MEETING
TOWNSHIP COMMITTEE
MAY 1, 2019

Chairperson Terrigno 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 7:01 p.m.

Chairperson Terrigno led the flag salute.

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

Minutes

The Clerk presented the minutes of April 3 and April 17, 2019. Mr. Brago made a motion, seconded by Mr. Stanzione to approve the minutes as written. The Committee approved.

Closed Session Minutes

The Clerk presented the Closed Session minutes of April 3, 2019. Mrs. O'Brien made a motion, seconded by Mr. Stanzione to approve the minutes as written. The Clerk noted that the Closed Session minutes would not be released to the public until the reason for them remain closed is no longer applicable and the Solicitor has had an opportunity to review them.

Proclamations

The Clerk presented Proclamation 2019-1 Proclaiming The Month Of May As "Older American Month" and the Theme for 2019 "Connect Create Contribute". She reminded everyone that the ice cream social would be held on Monday, May 13, 2019 at 12 pm.

Ordinances

The Clerk presented Ordinance #2019-3 – Second Reading And Public Hearing Of An Ordinance Providing For Salaries And Compensation Of The Officers And Employees Of The Township Of Deerfield, Cumberland County, New Jersey. Mrs. O'Brien made a motion, seconded by Mr. Brago to open the public hearing on Ordinance #2019-3. The Committee approved.

There being no comment from the public, Mrs. O'Brien made a motion, seconded by Mr. Brago to close the public hearing on Ordinance #2019-3. The Committee approved.

Mrs. O'Brien made a motion, seconded by Mr. Brago to adopt Ordinance 2019-3.
Roll Call Vote:

Mr. Brago	Yes	Mrs. O'Brien	Yes
Mr. Stanzione	Yes	Mr. Terrigno	Yes

Resolutions

The Clerk presented Resolution #19-55 – Amending Appointments To The Recreation Committee. Mrs. O'Brien made a motion, seconded by Mr. Brago to adopt Resolution #19-55. Roll Call Vote:

Mr. Brago	Yes	Mrs. O'Brien	Yes
Mr. Stanzione	Yes	Mr. Terrigno	Yes

The Clerk presented Resolution #19-56 – Authorizing The Exclusion Of The Public From A Meeting of The Township Committee To Be Held On Wednesday, May 1, 2019 – Pertaining To Contract Negotiations. Mr. Brago made a motion, seconded by Mrs. O'Brien to adopt Resolution #19-56. Roll Call Vote:

Mr. Brago	Yes	Mrs. O'Brien	Yes
Mr. Stanzione	Yes	Mr. Terrigno	Yes

Old Business

The Clerk presented Reports From Department Chairpersons. Mr. Stanzione stated that he and Mr. Danna have not had an opportunity to meet with the fire company. He also updated as to the Recreation Committee. Mr. Stanzione indicated that Recreation is still working on the plans for the Harvest Festival. He further indicated that Youth Night was held at 6:00 pm this evening and everything went very well.

Mrs. O'Brien updated as to buildings and grounds. Mrs. O'Brien stated that she and Mr. Brago met with the public works supervisor to go over some items that he wanted to discuss. She further stated that while they were here they stopped in the senior center as they had requested some outdoor space for a raised garden bed. Mrs. O'Brien indicated that Clean Communities money could be used for that and to get them a picnic table and bench and build a raised garden.

Mrs. O'Brien indicated that during the meeting with public works they went to the old VoTech and looked at the backstop and fencing to be reused at LoBiondo Park as well as some benches. She further indicated that she is waiting to memorialize that with Mr. Velazquez of the CCIA until we know exactly what we will be taking.

Mr. Brago stated that public works contacted him today that a water heater for the senior center bathrooms (40 gallon) is leaking in the basement and asked the Administrator to contact the water treatment supervisor about eliminating that water heater and redirect the water from the 80 gallon water heater to service the bathrooms.

The Clerk presented Update-Discussion – Facilities Use Application From Heaven's Saints Worship Center For Use Of LoBiondo Park On August 24 and 25, 2019 (Rev. Herbert Pierce, Jr.). The Clerk noted that at the last meeting it was recommended that Mr. Pierce come before the Committee to discuss any issues and the parking for that time. The Clerk invited Mr. Pierce to join the discussion. Herbert Pierce, Jr., Pastor Heaven's Saints Worship Center and his associate, Charlotte Gould came before the Committee. Mr. Brago noted that the question the Committee had at the end of the last meeting was how traffic was going to be controlled and where parking was to take place.

Mr. Pierce asked if the field could be used for parking and he was going to contact the County Fire Police to direct traffic. Discussion was held regarding the parking situation and it was recommended that parking take place on the park towards the back of the property near the baseball field. Mr. Stanzione noted that there was a request for lighting. Mr. Stanzione suggested that Mr. Pierce get in touch prior to the event to make sure someone can come out and turn the lights on for a couple of hours.

Mr. Terrigno did not see an issue with parking and the use of Fire Police for directing traffic. Mr. Brago felt that the Fire Police could direct traffic off of Morton Avenue down the street next to the fire house and then back towards the back of the park. Mr. Pierce noted that there will be individuals taking care of the direction of parking.

Mr. Pierce also noted that there may be a camper or two over night to keep track of the tents and chairs and other items that will be used for the event. Mr. Terrigno asked that Mr. Pierce provide the Clerk with the information for the campers so that we will have that information. Paul Hoffman from the Recreation Committee indicated that Mr. Pierce should get the name of the individual and all vehicle information and call the Trooper Barracks and give it to them so that they are aware that the vehicle is there in case they come through they'll know why the individual and camper is there. It was also recommended that the information also be provided to the Clerk.

Mr. Pierce was reminded that there is a Township noise ordinance and that the event needs to be wrapped up by 11pm. It was noted that their request was until 10pm. There being nothing further, the Committee thanked Mr. Pierce for his attendance.

The Clerk presented Update-Discussion Regarding Modifications To Peddlers Ordinance (Chapter 144). Mr. Terrigno started the discussion with regard to fees. Mr. Terrigno noted that the daily license was zero; weekend license: \$600 and weekly license: \$1400. Mrs. O'Brien noted that she had asked that there not be a daily license and there would be a special events permit (for a day). Mr. Terrigno noted that an annual license may be for vendors who go to a facility on a daily basis. Mrs. O'Brien felt that those individuals should be held to the same standard as everyone else. Discussion was held among the members as to the definitions of weekly and weekend license. Mr. Terrigno noted that this ordinance is providing for a weekend license, but it doesn't note the exception for the weekend of the Harvest Festival. Mr. Stanzione agreed and noted that there are no outside vendors during the Festival. Discussion was held among the Committee regarding vending during the Harvest Festival weekend and whether or not there should be any notation in the peddler ordinance. It was noted that in a previous ordinance that no vending was allowed outside the Festival because individuals were selling food from their homes and there was concern about the Township being blamed for food being sold and not regulated.

Mrs. O'Brien noted that the current ordinance does not allow for a vendor to sit for more than an hour and any truck near the Festival could not sit for more than an hour unless they bid for a spot at the Festival. It was also noted that there is no parking in front of the Festival. Mr. Terrigno stated that he did not want to see any business suffer because they don't have access to a food truck. It was noted that the wineries are included in the activities during the Festival and if a food truck is at a winery individuals would be able to eat at that location.

Mr. Stanzione noted that there's also another ordinance about no vending in the street during the Harvest Festival. Mr. Terrigno asked if the Clerk to pull that ordinance so that everything is under one ordinance and it can be referenced in the peddler ordinance. Mr. Brago asked that definitions be added as to weekly and weekend licenses. Mrs. O'Brien agreed unless there is a special event permit.

Mr. Brago asked if there could be discussion regarding the "one hour" time limit. Mr. Brago asked where can a truck go in the Township, even if it's for an hour, and set up. Solicitor Testa noted Section 144-3 of the ordinance and that it states "shall be in full compliance with the subdivision and zoning ordinance and construction code ordinances of Deerfield Township. Presence at one location for over one hour shall constitute a fixed, stationary location." Solicitor Testa clarified that a food truck would need to set up in the proper zone. The Clerk indicated that was the concern of the zoning/housing officer, Anthony Lamanteer, as the matter needing to go before the Land Use Board and at least get a recommendation from them as to how this peddlers ordinance pertains to certain areas and where the vendor is going would that property owner need to amend their site plan. Mr. Brago read the Section into the record regarding zoning. Mr. Brago also confirmed that no vendor is now able to set up anywhere because none of the current businesses have the zone or site plan prepared for

the addition of a food truck. Solicitor Testa agreed with Mr. Brago. Solicitor Testa noted the current language notes a fixed, stationary location above one hour, but time less than one hour is not considered a fixed, stationary or regular location within the meaning of Section 144-3.

Discussion was held among the members regarding as where the locations of food trucks can be allowed. Solicitor Testa recommended that the Committee take the existing ordinance and the redrafted suggestions and 2 of the Committee members get together and formulate a recommendation and bring it back to the rest of the Committee, Mr. Casella and himself. Mrs. O'Brien stated she would do that and Mr. Brago offered to join her with that review and recommendation. Solicitor Testa noted that definitions, fees, location and time need to be fine tuned for the ordinance.

Discussion was held among the members as to food trucks, restrictions, paying taxes, business potential and the impact on brick and mortar businesses.

Mrs. O'Brien stated that she is happy to go over the ordinance again and write down the recommendations and bring it back in order to avoid wasting more time. She further stated that she would like to present to the Land Use Board and get something back from them. She noted that is why everyone was asked to get their comments in so that Mr. Casella could put something together and at this meeting say this is how we are moving forwarding and present to the Land Use Board.

Discussion was held among the Committee regarding the license fees. It was discussed that a weekend license would still only cover the one hour time limit, but a special event permit would allow for an all day event. A weekly or weekend license would allow for only one area/one hour time limit (depending on how a vendor operates). Vending at a winery or special event would be a special event permit of \$50.00. Discussion was held regarding what constitutes a "special event" and the fee, the amount of inspections and paperwork. Mr. Terrigno felt that \$150 per event is appropriate under the circumstances. Mrs. O'Brien did not want discourage business and wants the food trucks to make money. Discussion was held regarding the ability of food trucks to make money in the Township and at special events.

Mr. Brago wanted to clarify a weekly set up (example: at a winery) versus a special event and what would the fee be. Discussion was held among the Committee as to weekly, weekend or special event fee. Additional discussion was also held as to distance from other food establishments.

Mr. Brago made a motion, seconded by Mrs. O'Brien to open the meeting to the public as to the discussion of the peddlers ordinance/food trucks. The Committee approved.

Joseph Griebau, 514 Kenyon Avenue came before the Committee. Mr. Griebau stated that he has gone to Cedar Rose Winery a couple of times, and noted that more people are going there and are finding it. He also stated that he also notices people leaving to go buy food and if the winery had a food truck there they would have more business. Mr. Terrigno relayed how microbreweries are not allowed to sell food as they are not a restaurant. He also noted that there is a competition between food trucks versus a restaurant and the overhead and taxes of a restaurant.

Mrs. O'Brien noted that amending the ordinance has added a couple of things into the ordinance that did not exist before (inspection of equipment, violations and inspection by the fire marshal). She further noted that there is no determination as to whether or not they are detrimental to brick and mortar businesses. Mr. Brago questioned whether people who leave a winery come into Deerfield or someplace else. Mr. Griebau noted that people that have left the winery have headed to Vineland or Millville for food.

Mr. Griebau felt that foods trucks are being looked at in 2 different ways. He noted that there is the food truck that attends an event for 3-5 hours with unprepared food and the roving food truck that has their food prepped and ready to move on. Mrs. O'Brien noted that the City of Bridgeton put out a certain number of permits for vendors to purchase for the entire year and can sit in one location all day on City of Bridgeton property. She also noted that the City of Bridgeton can look at that vendors books any time they want and also get a percentage of their intake.

Discussion was held regarding limiting special permits to the same location. Additional discussion was also held as to increase parking at any establishment. Mr. Stanzione stated that he felt that the matter should have gone to the Land Use Board first and their solicitor should be looking into this matter. He further stated that the Land Use Board should be bringing it to the Township Committee instead of the Committee bringing it to them. Mr. Brago agreed with Mr. Stanzione as to the Land Use Board telling the Committee where food trucks can operate.

Issues of definition, location, fees and time were reiterated. Discussion was also held as to the number of special permits and parking locations. It was recommended by the Committee for the Clerk to provide the Land Use Board Secretary with a copy of the Township peddlers ordinance and modifications with the request that it be forwarded to the Township's Land Use Board Solicitor, Engineer and Land Use Board Members, as well as an Agenda item for the Land Use Board meeting on May 8, 2019. Mrs. O'Brien made a motion, seconded by Mr. Brago to close the meeting to the public as to this discussion. The Committee approved.

New Business

The Clerk presented Off Premises Raffle Application From Big Brothers Big Sisters Of Cumberland & Salem Counties For Sunday, October 13, 2019 - 8:00 PM. Mrs. O'Brien made a motion, seconded by Mr. Brago to approve the raffle application. Roll Call Vote:

Mr. Brago	Yes	Mrs. O'Brien	Yes
Mr. Stanzione	Yes	Mr. Terrigno	Yes

The Clerk presented Request From The Juvenile Diabetes Research Foundation To Use The Deerfield Township Municipal Building Parking Area As A Rest Stop For Bicycle Ride On June 15, 2019 From 7AM To 3PM. The Clerk noted that she obtained a Hold Harmless and Certificate of Insurance. Mrs. O'Brien made a motion, seconded by Mr. Stanzione to approve the use of the municipal building parking area for the bicycle ride on June 15, 2019. Roll Call Vote:

Mr. Brago	Yes	Mrs. O'Brien	Yes
Mr. Stanzione	Yes	Mr. Terrigno	Yes

Mr. Brago stated that he sent an email out to the Committee members regarding an incident at the school. He further stated that he spoke with Principal Kula at the school and the matter is being handled by the NJ State Police however no information can be released. Mr. Brago indicated that parents were contacted through the "blackboard" communication system. He further indicated that the school budget was passed on Thursday, April 25th and when school ends for the semester, a security vestibule will be added to the school and an additional 12 security cameras were added during the Spring break. Mr. Brago stated that with regard to the mold issue that occurred at the beginning of the school year, they have purchased a hand held humidity monitor that was recommended by the remediation company as well as some mobile dehumidifiers to have on hand. He noted that the budget will allow for upgrades to the HVAC and further cleaning of the duct work and 2-way radios. Mrs. O'Brien stated

that she has not been getting updates from the school and asked the Clerk to please see about getting everyone added.

Communications

The Clerk stated that there are no communications this evening.

The Clerk presented Resolution #19-57 - For The Payment Of Bills. Mrs. O'Brien made a motion, seconded by Mr. Stanzione, to adopt Resolution #19-57. Roll Call Vote:

Mr. Brago	Yes	Mrs. O'Brien	Yes
Mr. Stanzione	Yes	Mr. Terrigno	Yes

Public Comment

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

The Finance Officer asked for clarification about the threat at the school. Discussion was held about safety and security at schools.

There being no further comment from the public, Mrs. O'Brien made a motion, seconded by Mr. Stanzione to close the public portion. The Committee approved.

PRESENTATION:

The Clerk presented Mark Blauer of Blauer Associates – Review and Instructions for scoring sheets for Engineering Proposals in connection with NJ DCA Grant Project 19-0432-00-Frank LoBiondo, Sr. Park and Eugenia Johnson Memorial Park.

Mr. Blauer came before the Committee. Mr. Blauer stated that the Township accepted proposals from engineers for the Small Cities – ADA Compliance projects at the parks. He further stated that the Township received 6 proposals (an unprecedented amount). Mr. Blauer indicated that the Township is trying to comply with what the State wants in terms of procurement of engineering services and spending \$10,000 of the grant funds to pay partially our engineer and the balance of funds are coming from the local match. Mr. Blauer noted that he and Clerk tried to obtain specific guidance on whether or not the advertisement plan was satisfactory but instead got a reiteration of the rules. He further noted that we have been following the rules by Resolution, advertised in the newspaper giving at least 20 days for responses, provided for a scoring system that provided for technical and cost related criteria and the ad specified the scoring system as noted on the scoring sheet. Mr. Blauer gave a sample scoring sheet to the Committee. Mr. Blauer indicated that the sample shows points given to the criteria. He noted that there could be a variety of prices by the engineering firms, but price is just one of the factors being considered in the process. Mr. Blauer stated that a majority of the scoring is for managerial and technical qualifications. He further stated that the scoring is a subjective process and are individually decided, after reading the proposals, how to score the firms. Mr. Blauer recommended that everyone take the next few weeks to read the proposals, score them and then at the meeting in June, decide who is the top engineering firm and then a Resolution would be prepared awarding to the specific firm. He further stated that after that point he and the Clerk would write a summary of the scoring that would be made available to the public and put the ad in the paper noting the selection.

Mr. Blauer indicated that he has done this many times and it is not uncommon but the State of New Jersey is particular about the notes. Mrs. O'Brien asked if the

individual sheets will be included in the summary. Mr. Blauer stated “no”, but if asked to produce them by DCA we would do so. He further cautioned that notes should be in general terms as to projects, communications with other town managers, etc. Mr. Blauer indicated that price is one of many factors and it’s about who you think is most advantageous and qualified to serve the Township on this particular job.

Lorraine Boyer, CFO, asked if prior negative experience can be included in the scoring process, specifically as to previous negative experience and not someone else’s experience. Mr. Blauer noted the scoring sheet and successful provisions of similar projects and noted that perhaps we’ve heard that the project turned out very badly, that type of non-performance can factor into your score. Mrs. Boyer wanted to make sure that negative experience wasn’t included in the Committee scoring sheets unless it was specifically with our Township. Mr. Blauer recommended focusing on the positive: worked on a certain number of projects, is great on working on sanitary sewer systems but not ADA compliance. Mrs. O’Brien confirmed the return date of the scoring sheets as June 5, 2019.

Mr. Blauer stated that he tried to hit on the 4 scoring points in his example and it accentuates the positive and suggests being positive, but not split the hairs. Mrs. O’Brien questioned the cost factor. Mr. Blauer indicated that the lowest cost firm gets the full amount of points and the highest a handful of points. He further indicated that unless the Township is going to tell an engineering firm exactly what to do during the job, how many sets of plan, whether or not they are going to require “as built”, whether or not they’ll need a flagging crew, etc. or the Township is going to micro manage the job you can’t really compare apples to apples and define the job specifically. Mr. Blauer recommends picking a firm that you feel comfortable with and has done a successful job with others and that through this process you have arrived at that. He noted that the least expensive may be the least qualified and the most expensive the most qualified, but somewhere in between is a firm that matches the capability and price that you like. The Clerk noted that once the Committee starts reading the proposals the Committee will see things that they like and things they like less and that will influence the point values on the criteria.

Mrs. Boyer asked if the notes should be brief and to the point. Mr. Blauer said the scoring instructions are not that clear and the only thing that he has heard is that Trenton did not like the specificity of the comments and recommended that the comments be kept brief and to the point. He further stated that he has not had to go through the process of having to defend anyone’s comments.

Mr. Brago asked if the walking path is set to a specific length. Mr. Blauer stated that it was in the draft plan of the engineering report. Mrs. O’Brien noted that these are not contractor specs but engineering services and if you’re engineering for a ¼ or 3/8 of a mile it’s not going to make a difference and the services are for a path going around the perimeter of the field. Mr. Blauer indicated to get an “apples for apples” price for engineering you would have to “pre-engineer” the project. He further noted that large municipalities with staff engineers do detailed specifications for an outside engineering firm to quote on a particular project. Mr. Brago clarified that once an engineer is chosen the Township would meet with the engineer to detail the contractor specifications. Mr. Blauer confirmed that the Township and engineer would come up with a bid packet that would be bid out and get firm prices from contractors. He further noted that the engineer would provide contract administrator services during construction and construction inspection services. The Committee thanked Mr. Blauer for attendance.

Mrs. O’Brien made a motion, seconded by Mr. Brago to go into Executive Session per the Resolution this evening. Roll Call Vote:

Mr. Brago	Yes	Mrs. O'Brien	Yes
Mr. Stanzione	Yes	Mr. Terrigno	Yes

Mrs. O'Brien made a motion, seconded by Mr. Stanzione to reconvene the regular meeting. The Committee approved.

There being no further business, Mrs. O'Brien made a motion, seconded by Mr. Brago, to adjourn the meeting. The Committee approved.

Michael Terrigno, Chairperson
Township of Deerfield

ATTEST:

Karen Seifrit, Clerk
Township of Deerfield