

REGULAR MEETING
TOWNSHIP COMMITTEE
AUGUST 2, 2017

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 7:04 p.m.

Chairperson Spatola led the flag salute.

The Clerk took roll call and members present included Mr. Murphy, Mr. Danna, Mr. Stanzione, Mrs. O'Brien and Mr. Spatola.

Minutes

The Clerk presented the minutes of July 5 and July 19, 2017. Mr. Danna made a motion, seconded by Mr. Murphy to approve the minutes as written. The Committee approved.

Closed Session Minutes

The Clerk presented the closed session minutes from July 19, 2017. Mr. Stanzione made a motion, seconded by Mrs. O'Brien to approve the closed session minutes. The Clerk indicated that the closed session minutes would not be released to the public until the reasons for their remaining closed are no longer applicable and the Township Solicitor has had an opportunity to review them.

The Clerk presented Presentation Regarding Membership Renewal In The Atlantic County Municipal Joint Insurance Fund – Presentation by Paul Miola, Executive Director.

Mr. Miola thanked the Committee for allowing him to come and speak on the Township's renewal in the Joint Insurance Fund. Mr. Miola wanted to give the Committee an update on the Fund, the JIF's resources available and the JIF's value. Mr. Miola stated that the JIF is the most successful example of inter local cooperation in New Jersey since its inception in 1987. He further stated that the JIFs have saved New Jersey taxpayers over 1 billion dollars in premiums. Mr. Miola indicated that the JIF has had a very stable history over its 30 years with 31 million dollars of surplus and 51 million dollars of cash in the bank with the financial resources to pay claims. He further indicated that surplus has been returned to the members in the form of dividends and Deerfield has received over \$121,000 in dividends and \$7,500 in 2016 (approximately 10% of our premium). Mr. Miola stated that Deerfield losses have gone down 13%-14% since our last renewal due to good claims performance. He further stated that JIF gets people to good physicians early with a workers comp injury the outcome will be much better in the long run. He noted that it's important that everyone participates in the programs of safety, claims management, risk management and wellness.

Mr. Miola stated that the members are in control and make the policies of the JIF. He further stated that there is great collaboration among the towns and the members are committed to safety and risk management. He noted that risk management starts at home with the Mayor and Committee and a commitment to safety and risk management and control.

Mr. Miola indicated that the JIF is not resting on its laurels and it always pushing the envelope. He noted that drones have become an exposure and are being used for inspections and coverage is provided for owned and non-owned drones. Mr. Miola noted the wellness program and cyber liability programs.

Mr. Miola thanked the Committee for allowing him a few minutes on the agenda this evening and hoped that the Committee would renew their membership in the JIF as Deerfield is a valued member.

Chairperson Spatola thanked Mr. Miola for his attendance and also acknowledged the JIF's coverage of drones. Mr. Miola stated that drones were becoming more prevalent but wanted to wait until the FAA regulations were established before coming up with a policy. The Committee thanked Mr. Miola for his attendance.

Resolutions

The Clerk presented Resolution #17-116 Resolution To Close A Portion Of County Road 634, Morton Avenue, (Northbound) From Shiloh Avenue To Landis Avenue And To Close A Portion Of County Road 735, North Shiloh Avenue (Westbound) From Morton Avenue To Greenman Avenue On Thursday Evening, October 5th, Friday Evening October 6th, Saturday, October 7th And Sunday, October 8, 2017 For The Deerfield Township Harvest Festival. Mrs. O'Brien made a motion, seconded by Mr. Stanzione to adopt Resolution #17-116. Roll Call Vote:

Mr. Murphy	Yes	Mrs. O'Brien	Yes
Mr. Danna	Yes	Mr. Spatola	Yes
Mr. Stanzione	Yes		

The Clerk presented Resolution #17-117 – Resolution Extending The Grace Period On Third Quarter 2017 Taxes To August 22, 2017. Mrs. O'Brien made a motion, seconded by Mr. Stanzione to adopt Resolution #17-117. Roll Call Vote:

Mr. Murphy	Yes	Mrs. O'Brien	Yes
Mr. Danna	Yes	Mr. Spatola	Yes
Mr. Stanzione	Yes		

The Clerk presented Resolution #17-118 – Resolution Renewing Membership In The Atlantic County Municipal Joint Insurance Fund. Mr. Danna made a motion, seconded by Mr. Murphy to adopt Resolution #17-118. Roll Call Vote:

Mr. Murphy	Yes	Mrs. O'Brien	Yes
Mr. Danna	Yes	Mr. Spatola	Yes
Mr. Stanzione	Yes		

The Clerk presented Resolution #17- 119 – Resolution Authorizing Consent Of The Township Committee Of The Township Of Deerfield For Treatment Works Approval Application By F&S Produce Company, Inc. Mrs. O'Brien made a motion, seconded by Mr. Murphy to adopt Resolution #17-119. Roll Call Vote:

Mr. Murphy	Yes	Mrs. O'Brien	Yes
Mr. Danna	Yes	Mr. Spatola	Yes
Mr. Stanzione	Yes		

Old Business

The Clerk presented Reports From Department Chairpersons. Mr. Stanzione gave a report from the County Engineer, John Knoop, who indicated that all the roads included in the County's 2017 program (Morton to Landis, Parvins Mill to Big Oak Road, Upper Deerfield to Deerfield and Woodruff curve to Garton Road, Morton Avenue east to the Salem County line) will be paved this year. He noted that gas line is being replaced on Morton Avenue. Mr. Stanzione noted that a portion of Big Oak Road won't be paved as that goes into Salem County.

Mr. Stanzione also noted that the Clerk reached out to Kim Nance from NJDOT who stated that the County is holding up fixing the corner at Morton and Landis. Mr. Stanzione stated that he reached out to the County to find out what would be the hold up. Mrs. O'Brien asked if the Township could reach out to Salem County regarding that portion of Big Oak not being paved because that's the most dangerous part with a huge pothole. Mr. Stanzione stated that he would reach out to John Knoop at the County.

Mr. Murphy indicated that he did go out during the last rain storm to Richards Road and noted that the flooding is extremely bad on the curve. He noted that it is a hazard. Mrs. O'Brien indicated that an audience member has photographic evidence and she can bring that forward during the public portion.

As to Vineland Avenue, Mr. Muprhy noted that a farmer as put some mats on the edge of the road so as to not tear up the new roadway, but those mats have worked into the road and need to be moved back.

As to Richards Road, Mr. Stanzione noted that at Mrs. Hoerl's property the farmer across the street is plowed right up to the blacktop. He further noted that he knows the farmer and will reach out to him and see if something can be done about that.

As to Recreation, Mr. Murphy stated that public works has completed the horseshoe pits and they really look nice. He noted that the residents are already using them. Mr. Stanzione stated that the 2 soccer nets are being built and will be placed in LoBiondo Park to keep the kids out of the hockey rink.

Chairperson Spatola stated that on July 24, 2017 at approximately 10:00 am one of the paid EMT's and her partner left the door open on the fire truck and drove it out of building and it destroyed the front pillar on the front addition of the fire hall where the trucks are kept. He further stated that damage was quite substantial. Chairperson Spatola indicated that the Township has met with a structural engineer and a local contractor who is utilizing his services. He further indicated that the Township is getting an estimate to see about getting the work done. Mr. Stanzione asked Solicitor Testa that since this an emergency, does the Township need to go out to bid and pay prevailing wage or can the Township just get a quote and begin work on it. Solicitor Testa stated that to determine an emergency would be based upon the report of the structural engineer. He further stated that if there is the potential of a safety hazard or a compromise of the integrity of the building than that would constitute an emergency. Mrs. O'Brien indicated that the structural engineer had assessed the building on the day of incident provided the emergency response team with the appropriate shoring directions so that the building in the interim would be secured. She further indicated that the building is secure however it is not usable. Based on that information from Mrs. O'Brien, Solicitor Testa stated that would constitute an emergency. Chairperson Spatola stated that he will keep everyone informed on how that is going.

Chairperson Spatola indicated that the Committee accepted a letter of resignation from our OEM Coordinator, Mr. Pizzo, and he stated that his resignation was effective immediately. He further indicated that he has reached out to 2 other people in the Township who were recommended. One has not gotten back to Chairperson Spatola and other turned it down completely. Chairperson Spatola noted that he and Mr. Danna will be meeting with the Fire Chiefs on Wednesday next week and will be seeking their suggestions or recommendations as they surely know more people that would be qualified. He further noted that the Township has received communication from the County OEM Coordinator and is aware of Mr. Pizzo's resignation. Chairperson Spatola asked the Committee to seek any individuals who might be interested and qualified for the position. He also noted that whoever is interested must live in the Township and be willing to fill the seat on the Land Use Board which comes with the position.

New Business

The Clerk presented Discussion Regarding Suggestions For NJDOT FY 2018 Municipal Aid Program. The Clerk noted that everyone received the letter from the State noting the receipt for applications and that they are due by October 6, 2017. She further noted that public works has suggested Poplar from S. Shiloh to Vineland; Garrison Road and Maple from Morton to Greenman. The Clerk stated that she would put the matter on the Agenda for the next meeting to receive any additional recommendations.

The Clerk presented Discussion To Create A Policy Regarding Drug And Alcohol Testing As A Result Of A Work Related Accident. Mrs. O'Brien noted that there have been 2 accidents during her tenure on the Committee and it was called to question whether drug and alcohol testing was required. She noted that if there was a policy surrounding it there wouldn't be a question. Solicitor Testa noted that the JIF has recommended language and that was adopted in the policy. He suggested that the Committee look at that language and if it should be tweaked than that can be done. Solicitor Testa noted that it's a sensitive area, but if someone's in an accident and there is a safety issue involved or there is "reasonable suspicion" to believe that substance abuse may have contributed to the accident than testing can be done. Mrs. O'Brien stated that, if possible, she would like to see the guess work taken out of the policy. Solicitor Testa indicated that the law requires "reasonable suspicion". He further indicated that if someone is acting suspicious, slurring their words or acting a little odd or have blood shot eyes that would give reasonable suspicion. Mrs. O'Brien just wanted to clarify that if it could be a policy than it would be most appropriate and then there wouldn't be any case where there would discrimination. Mrs. O'Brien stated that she had been contacted by 2 individuals out of State to have it done, but noted that it was not within out legal right to do so as there was no "reasonable suspicion" to do so. Solicitor Testa noted that the law looks at taking blood or urine samples as somewhat invasive and an invasion of privacy and the only way to get around invasions of privacy is to have some type of "reasonable suspicion" or conduct that contributed to the accident. Mrs. O'Brien noted that the Township called the State Police because it was important for the Township to have a legal report of the incident. Chairperson Spatola questioned the ability to prove "reasonable suspicion". Solicitor Testa stated that the incident and the suspicions would have to be documented with the reasons for the requested drug test. Mrs. O'Brien indicated that the policy is not "cut and dry" and up for interpretation and was trying to find a way to take the guess work out of the policy.

Mr. Stanzione noted that he had fire and rescue for 18 years and felt that the cameras in the building should be reviewed and in the truck there is a warning light that flashes and beeps when a compartment is open. He further noted that if that warning light wasn't working than we should find out who is in charge of that and why it wasn't fixed because it could have prevented the damage that we have now. Solicitor Testa agreed and suggested that there must be some type of log books for inspection reports.

Chairperson Spatola stated that due to the fact the Chiefs were away when this accident happened, there will be a meeting on Wednesday, August 9th at 8:30 am with Mr. Danna, himself and the Chiefs as to what happened. He further stated that he is aware that there are buzzers on the truck and that it wasn't working. Chairperson Spatola indicated that there is a conflict as to whether or not the buzzers were working. Mrs. O'Brien asked if there was a policy as to who can ride in the fire truck and where. Chairperson Spatola stated that those questions and others will be asked.

Communications

The Clerk stated that there are no communications this evening

The Clerk presented Resolution #17-120 For The Payment Of Bills. Mr. Murphy made a motion, seconded by Mr. Stanzione to adopt Resolution 17-120. Roll Call Vote:

Mr. Murphy	Yes	Mrs. O'Brien	Yes
Mr. Danna	Yes	Mr. Spatola	Yes
Mr. Stanzione	Yes		

Public Comment

Mrs. O'Brien made a motion, seconded by Mr. Murphy, to open the meeting to the public. The Committee approved.

Gerta Hoerl of 537 Richards Road came before the Committee. Mrs. Hoerl asked if there was a noise ordinance. Mr. Stanzione responded there was and it was until 10 pm. Mrs. Hoerl stated that a farmer in the area was plowing until 3 o'clock in the morning. She further stated that she has called the State Police on the Mexicans who have partied every weekend. Mrs. Hoerl also indicated that the farmer has very bright lights on his tractor and they were shining in her bedroom until 3am. Mr. Stanzione noted that there is the Right To Farm Act and it is very difficult to get around. Solicitor Testa noted that the Right To Farm is very lenient toward the farmer that when the Township tried to prosecute a case the Township lost due to the Right To Farm Act. Solicitor Testa said he could look into the Act further to see if there something limiting the hours due to nuisance to the neighbors. Mrs. Hoerl complained that she has lost a lot of personal privileges due to the farmer and the many hours he spends plowing across from her property. She noted that she has not been able to hang laundry, have a clean vehicle, see out her windows, etc.

With regard to the loud noise and partying, Mrs. O'Brien also commented that she too has heard the parties and it is quite loud. Mr. Stanzione said that he has heard the parties at his house on Morton Avenue. Discussion was held regarding the partying that happens over the weekend. Mrs. O'Brien recommended that calls be made to the State Police in order to get the partying under control.

Mrs. Hoerl then presented photographs of Richards Road where the farmer has plowed up to the road and has not lifted his discs and made cuts in the roadway. Mrs. Hoerl stated that she and her neighbors mow the grass on the side of the road. Chairperson Spatola noted many conversations with the farmers of the Township and how they have been more conscientious of the plowing, however, there are still a couple that are not adhering to that. Mrs. Hoerl also noted that some of the underground drainage pipes have been damaged due to the farmer. She presented photographs of the dirt road and the erosion that has taken place.

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

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

Frank R. Spatola, Jr., Chairperson

ATTEST:

Karen Seifrit, Clerk