

**BOROUGH OF PITMAN
COUNCIL MEETING MINUTES
AUGUST 8, 2016
8:00 P.M.**

Call to Order

Time: 8:00 p.m.

Salute to the Flag/Invocation

Councilman Razze

Open Public Meetings Act Statement - Pursuant to the Open Public Meetings Act, I hereby announce that adequate notice of this meeting has been provided by adopting a schedule of regular meetings for 2016, which was posted on the Borough Hall bulletin board, sent to the "South Jersey Times" and filed with the Municipal Clerk on January 3, 2016.

Roll Call

Councilman Austin: Present
Councilwoman Higbee: Present
Councilman Razze: Present
Mayor Johnson: Present
Borough Clerk O'Donnell: Present

Councilman Blass: Absent
Council President Pierpont: Present
Councilwoman Rudley: Present
Borough Solicitor Alice: Present

Proclamation Presentation

Pitman participants of the Special Olympics New Jersey 2016

Approval of Minutes

Work Session & Formal Meeting Minutes of July 25, 2016

Motion: Higbee

Second: Rudley

Roll Call:

Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razze: Yes
Mayor Johnson _____

Councilman Blass: Absent
Council President Pierpont: Abstain
Councilwoman Rudley: Yes

Committee Reports

Councilman Austin read the following report after congratulating all of the athletes:

The Library Board of Trustees is off for the summer. Their next meeting will be on September 27.

The Planning and Zoning Board will meet on July 18. The Borough's Code Enforcement Officer is working earnestly to locate and clean up the many occupancies that are in violation of Pitman's ordinances.

Councilman Razze

Councilman Razze reported that the Environmental and Recreation Commissions did not meet this month.

Councilman Razze stated that he had the opportunity at the end of July to attend the Joint Insurance Fund Retreat which is a one and one-half day comprehensive seminar with the JIF, and all its members. Councilman Razze thanked Safety Coordinator O'Donnell and Claims Coordinator Nancy Yurick as well as RMC Steve Eckman for attending. He said that the retreat is a great opportunity for the municipalities to get together and share thoughts, ideas, concerns, exposures, and risks. It is also an opportunity for us to learn quite a bit and hear something that we don't get to hear at our regular meetings. Councilman Razze said that it is a good event, well done by the JIF, and that he enjoyed his time participating.

Council President Pierpont read the following report:

The Borough of Pitman is seeking a Public Works Manager. Our former manager left on July 28th for perceived "greener pastures". If you are interested in the position, please apply at Borough Hall.

Please do not dump bulk trash, old tires, and other unwanted items on Borough owned lots, especially in our uptown and historic areas. A schedule for bulk trash and permitted items to be put out to the curb in front of your residence is available on the Borough web page.

The trash and recycling numbers for the period of July 25 through August 5, are as follows:

- Thirteen loads of trash totaling 141.6 tons
- Seven loads of recycling totaling 32.3 tons
- Thirteen loads of bulk trash

Finally, if you see a Borough owned lot in need of mowing or other upkeep issues, please call 589-1040, but if you see a privately owned property in your neighborhood that is in dire need of some TLC, please call the Code Enforcement Officer in the Construction Office. Public Works cannot do any yard maintenance until several steps have been completed, and that process begins with Code Enforcement.

Councilwoman Higbee

Councilwoman Higbee said that the Borough Tax Collector reported that \$1,607,797.57 in tax payments were collected over the last month.

This coming Thursday, at 7:00 p.m., the Historic Preservation Commission will meet, and Councilwoman Higbee will be attending in Councilman Blass' absence. There are currently three applications to be reviewed. Councilwoman Higbee said that she also attended the July meeting of the Green Team due to Councilman Pierpont's absence, and stated that the plans for the community garden in the Grove are progressing nicely.

Councilwoman Rudley

Councilwoman Rudley reported that Patrolman Chris Leach, Patrolman E.J. Parker and K9 Ranger attended various training seminars over the last two weeks.

Councilwoman Rudley also reported that the Board of Fire Engineers will meet at 6:30 p.m. on August 16 in the Borough Hall Conference Room, and the Economic Development Committee will meet at 7:00 p.m. on August 18, also in the Borough Hall Conference Room.

Unfinished Business

Ordinance No. 8, 2016 – Bond Ordinance of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Authorizing the Completion of Various Capital Improvements and the Acquisition of Various Pieces of Equipment In and For the Borough of Pitman, County of Gloucester, New

Jersey; Appropriating the Sum of \$454,000 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Borough of Pitman, County of Gloucester, New Jersey, in the Aggregate Principal Amount of up to \$418,300 Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection With the Foregoing

Second Reading – Public Hearing

Motion: Higbee

Second: Rudley

Motion to open to the public: Razze

Second: Austin

Time 8:21 p.m.

No public comment.

Motion to close public portion: Razze

Second: Austin

Time 8:22 p.m.

Roll Call:

Councilman Austin: Yes

Councilman Blass: Absent

Councilwoman Higbee: Yes

Council President Pierpont: Yes

Councilman Razze: Yes

Councilwoman Rudley: Yes

Mayor Johnson _____

Ordinance No. 9, 2016 – Ordinance of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Appropriating \$50,000 for the Acquisition of Various Equipment for the Water and Sewer Utility

Second Reading – Public Hearing

Motion: Razze

Second: Pierpont

Motion to open to the public: Razze

Second: Austin

Time 8:23 p.m.

No public comment.

Motion to close public portion: Razze

Second: Austin

Time 8:23 p.m.

Roll Call:

Councilman Austin: Yes

Councilman Blass: Absent

Councilwoman Higbee: Yes

Council President Pierpont: Yes

Councilman Razze: Yes

Councilwoman Rudley: Yes

Mayor Johnson _____

Ordinance No. 10, 2016 – An Ordinance Amending Ordinance No. 10, 2015 Establishing the Salaries and Wages For Employees of the Borough of Pitman, County of Gloucester, State of New Jersey, For the Year 2016 and Forward

Second Reading – Public Hearing

Motion: Higbee

Second: Rudley

Motion to open to the public: Razze

Second: Rudley

Time 8:25 p.m.

No public comment.

Motion to close public portion: Razze
Time 8:25 p.m.

Second: Pierpont

Roll Call:

Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razze: Yes
Mayor Johnson _____

Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

New Business

Resolution No. 113, 2016 - Resolution of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Confirming the Report of the Tax Collector in the Matter of Property Maintenance

Motion: Higbee

Second: Rudley

Roll Call:

Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razze: Yes
Mayor Johnson _____

Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

Resolution No. 114, 2016 - Resolution of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Authorizing the Refund/Cancellation of Real Estate Taxes and Other Miscellaneous Refunds

Motion: Higbee

Second: Rudley

Roll Call:

Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razze: Yes
Mayor Johnson _____

Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

Resolution No. 115, 2016 - Resolution of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Authorizing the Municipal Clerk to Request a Non-Binding Referendum Question on the Topic of Liquor Licenses in the Borough of Pitman Pursuant to N.J.S.A. 33:1-1

Motion: Pierpont

Second: Austin

Mayor Johnson called for discussion of this resolution prior to Council members voting.

Councilman Razze – I would just ask the residents to do your research, don't go by what you are told on the street; do your own research before you make your decision on this. Make sure you understand the control that we have and the control that we don't have. The control mainly lies with the state should something change in the future with these licenses. This was part of a discussion that came up at a recent Joint Insurance Fund meeting.

I asked this question of the solicitor at the JIF meeting: If licenses change at a state level, does it affect all the licenses at the local level? So make sure you understand it before you vote. If it is to go on the ballot as a

Motion: Austin
Roll Call:
Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razzo: Yes
Mayor Johnson _____

Second: Razzo
Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

Resolution No. 119, 2016 - Resolution of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Appointing New Members to the Borough of Pitman Environmental Commission

Motion: Razzo
Roll Call:
Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razzo: Yes
Mayor Johnson _____

Second: Austin
Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

***Resolution No. 120, 2016 - Resolution of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Authorizing the Acceptance of the Performance of Renovations to the Press Box at Heroes Field in Alcyon Park from the Pitman Athletic Association**

**This Resolution was removed from the agenda at the request of Councilman Razzo pending the submission of additional information from the PAA. No new date was set for the re-introduction.*

Resolution No. 121, 2016 - Resolution of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Authorizing Public Works Water and Sewer Division Employees to Attend the Course Entitled "Advanced Water Operations Parts I & II" at Rowan College of Gloucester County

Motion: Pierpont
Roll Call:
Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razzo: Yes
Mayor Johnson _____

Second: Higbee
Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

Resolution No. 122, 2016 – Resolution of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey Authorizing Emergency Repairs to the Woodbury - Glassboro Road Water Main

Motion: Pierpont
Roll Call:
Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razzo: Yes
Mayor Johnson _____

Second: Higbee
Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

Payment of Bills

Motion: Higbee
Roll Call:
Councilman Austin: Yes

Second: Rudley
Councilman Blass: Absent

Councilwoman Higbee: Yes
Councilman Razzo: Yes
Mayor Johnson _____

Council President Pierpont: Yes
Councilwoman Rudley: Yes

Event Permit Applications

Applicant: House of Praise
Event: Family Movie Night
Movie: Wreck-it Ralph (PG)
Date and Time: September 23, 2016; 7 p.m.
Location: Sunset Auditorium
Contact Person: Dan Munyon

Motion: Razzo

Second: Austin

Roll Call:

Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razzo: Yes
Mayor Johnson _____

Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

***Applicant: Highland Chemical Engine Company**

Event: Labor Day Carnival
Dates and Times: September 1, 2, 3, & 5, 2016; 6 p.m.-11 p.m.
Location: PHS Grounds and Linden & Edgemoor Avenues
Contact Person: Jeff Penuel

Motion: Razzo

Second: Higbee

Roll Call:

Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razzo: Yes
Mayor Johnson _____

Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

****Approved contingent upon receipt of a Certificate of Liability Insurance from Lynam Amusements naming the Borough of Pitman as Additional Insured.***

Applicant: Greater Pitman Chamber of Commerce

Event: Fall Craft Show
Date and Time: September 17, 2016; 9 a.m. - 4 p.m. (Rain date-Sept. 24, 2016)
Location: Broadway, Pitman Ave., Ballard Ave., and Ballard Park
Contact Person: Lori Poisker/Lisa Morgey

Motion: Razzo

Second: Austin

Roll Call:

Councilman Austin: Yes
Councilwoman Higbee: Yes
Councilman Razzo: Yes
Mayor Johnson _____

Councilman Blass: Absent
Council President Pierpont: Yes
Councilwoman Rudley: Yes

Public Portion

Motion to open to the public: Razzo
Time: 8:39 p.m.

Second: Austin

Debbie Edwards, 601 Canterbury Avenue – I am here once again regarding a borough ordinance that is being violated by one of our residents. I have letters from the borough that this is a violation, and for months it's been going on, and the borough is not making him do anything. I was harassed, and not by the borough, but by this resident. He constantly calling the borough and saying that there was violations going on at my property and when told by the borough that I had ten days to take care of the violation or I was going to be fined, but I did take care of all the violations.

He received a letter back in January and still the violation is in place. I want to know why? Why he is getting special treatment and the rest us have to abide by the rules?

Borough Solicitor Alice – Mrs. Edwards was here before council a month ago.

D. Edwards – It was two months ago.

Solicitor – I apologize, there was going to be an enforcement proceeding. This involves an individual who is on an easement that belongs to the Borough of Pitman. It was unknown to the borough until it was brought to our attention by Mrs. Edwards.

This homeowner, Campbell, is represented by Steven Jones, and Mrs. Edwards is represented by Dennis Block; there was an agreement that he would in fact break up the violating concrete over the easement area but that has not happened at this time. I called Mr. Jones, and I called him again today, but did not get a response. I did the research that I said I would do regarding this violation and I called your zoning fellow Clark Pierpont, and I called him again today, we missed each other, so I am directing him, and you know it's really not the borough, but when it involves the layers, it kind of takes a little detour or whatever, so members of Borough Council haven't been slow walking in this, or doing this, or not doing this, it's just really me trying to shake this case up with this zoning fellow. So I have done the research and I know what he should be doing, the zoning fellow, and he will be doing it. It's regrettable, and I apologize that it seems to take so long.

D. Edwards – I sat before the same Council about a year ago, because I live next door to this person at that time, and that same easement you all voted down that I couldn't have a shed in that same easement; yet this gentleman has a concrete pad in that easement and it just seem kind of, ya know, a double edged, here, while I can't put a shed there because you sat here and voted against me. I stood here with my mouth wide opened.

Solicitor – Pardon me for interrupting, but you said this Borough Council, or the Zoning Board?

D. Edwards – No, this Borough Council.

Solicitor – You filed an application for a shed?

D. Edwards – A zoning permit for a shed, and they told me...

Solicitor – Search your recollection, the only people that can grant a use variance or bulk variance, is the Zoning Board, this Council can't do that.

D. Edwards – I was in the back work room, they all had the plans for my shed on that property, with all the easements, and they sat there and voted 4 to 3 against me, and told me I could not put the shed there because of the easement.

Mayor Johnson – It was an appeal.

Solicitor – Perhaps it was an appeal, and I was heading there, because what the Mayor is saying that, you are right, you would of started with the Zoning Board, which they presumably said no, then you took an appeal.

D. Edwards – Clark said yes, but he wanted to approve it by Steve at the Public Works, which he said was fine, but then it was brought before Council.

Solicitor – Suffice it to say, it's always bad to kind of, you know, get way back in the machine, because it takes you down another road, but you were dissatisfied and felt like you weren't treated the same way as this guy has been treated.

D. Edwards – Absolutely.

Solicitor – I get it, I did not participate in that proceeding that you are referring to.

D. Edwards – No, you did not.

Solicitor – But you know I can only do what I'm doing now, which is getting on this fellow about the easement.

Councilman Razzo – What was the agreement? If there was an agreement to break up the concrete, then what did the agreement say? Was there a time line?

Solicitor – He was going to break it up in 30 days, and he did not honor it.

Councilman Razzo – So what is next?

Solicitor – So basically, we cite him in municipal court, which is the cheapest and less direct way in doing it. Basically, say, because, remember, he built that house at some point, and was in violation of his approvals.

Councilman Razzo – When did the 30 days expire?

Solicitor – It's been awhile.

D. Edwards – June 14, that is why I am here. There was a letter from Mr. Alice to Mr. Campbell stating that he had 30 days in order to do this, or else he would be in violation and fined, and this is stated in the letter. That is why I am here because he would complain about the grass in between the fence and I would have 10 days, then, you know, poor Mr. Powell would have to come back out to see if the grass was removed. We had 10 days or we would be fined, so we upheld the borough ordinances and followed the rules and all I'm asking for is all the residents need to follow the rules. I don't care if they have a lawyer, or whatever, because in the end the borough ordinances are the borough ordinances and he is in violation of it. It should be removed, and when he was given 30 days, a letter dated January, and it rolled on from January to May, then the letter came out with 30 days, so why isn't he being fined so much per day? He is in violation, he was notified properly. He was notified properly, why isn't he being fined?

Councilman Austin – The bottom line is what are we going to do about it? What are we instructing our guy to do?

Solicitor – Basically, for Mr. Pierpont to cite him for not honoring, for what was his approval to build a dwelling there, which would not include the Pitman easement.

D. Edwards – It has nothing to do with his dwelling. His dwelling, and the permits that he applied for when he built his house, did not include this third pad of the driveway.

Solicitor – That’s kind of what I just said, that he didn’t honor it, because he did go into this easement and that’s what he has to stay out of, so that’s my point; because he did have the right to build a house.

Councilman Razze – I understand Mrs. Edwards frustrations if she follows the rules, and we have someone who is not.

Solicitor – There is no question about this.

Councilman Razze – Anyway, my question is, would be, when June 1st rolled around, did something else go out? Or what happened at that point?

Solicitor – You know, no, and I think part of the problem is that to be quite frank, Mr. Austin, Mr. Razze, and Mayor, you would not even be aware of this but for Mrs. Edwards. This bubbled up, now if there was some type of event or issue with the sewer line or some sort of maintenance, the reality would be that you would not have heard of it for 50 years.

D. Edwards – With all due respect, the Public Works was aware of the problem at the house, the water main that we needed to tie into was under his cement pad. So everybody was made aware of this, years before. But everyone kept trying to push it under the rug and if I have a violation, I get a fine after they give me a time frame.

Everyone keeps telling me that he has a lawyer now, and when lawyers get involved they can go on forever. I’m not going to sit back when I was being harassed, it was my choice to move out of the house, because of the harassment that I received from this person. It was my choice and I’m not blaming anybody for that, but I built a house in 15 months, and then I move out because of the harassment that was coming from him, and he is sitting there violation and violation, and nobody is doing anything about it. Your own letter said he had 30 days, and that was June 14, and we are in August, nothing is being done and everyone keeps telling me that he has a lawyer now; it’s not an excuse.

Mayor – Will the court enforce the fine retroactive to the date?

Solicitor – Yes, and at the end of the day he has to get out of the easement. You know that you will not collect the fines.

D. Edwards – I don’t want any money, that’s not what I’m looking for.

Solicitor – You want a little pay back, and I don’t blame you.

D. Edwards – I don’t want pay back, the whole thing started with that.

Solicitor – The harassment was significant.

D. Edwards – Yes, and it made me sell my house. That’s not why I’m here, because every borough resident has

to abide by the rules.

Councilman Razzo – I agree with what Mrs. Edwards is saying; to say that its payback, I don't think is appropriate.

D. Edwards – I think that is wrong.

Solicitor – She would have a minor deviation and then there would be a complaint lodged against her.

Councilman Razzo – You made the comment that we would not know about it had it not been for Mrs. Edwards. We are assuming these things are being taken care of, and if they are not, we have to know.

D. Edwards – I am here as a resident saying that I abide by the rules and if somebody calls me on one, I either fix it or I pay a fine. Every resident should be treated the same way. He has been called on a violation and has not fixed it. We are going back two years, but we won't go back that far. I'm talking about January 2016 is when I have letters from the borough saying that this is a violation.

Solicitor – I'm not here to defend myself, I don't need to do that. But I got here in January, and when I did get here, it was brought to my attention and I did start a process and the process has taken too long in your opinion, and you are entitled to your opinion. But all I can say is that he will be cited, and I regret that we are having this conversation because I know it was a very painful event for you.

Mayor – We are going to court and the court will enforce these fines.

Councilman Austin – Mr. Alice could we give Mrs. Edwards an update in a week what is happening?

Solicitor – Sure, and in fact, she is represented by Mr. Block who I have communicated with and I will happily do so.

Will Downham, 452 Alcyon Boulevard – Mr. Downham said that he just wanted to comment on what Councilman Razzo said about doing your research before you cast your vote. He stressed that residents must be aware of what they are voting for. Mr. Downham asked how Council will take part in the research before this vote happens.

Mayor Johnson said that it is a discussion that this Council still has to have.

Councilman Razzo said that he would like to have someone from the New Jersey Alcoholic Beverage Control Board lead the discussion.

Mayor Johnson said that we will try to have a representative from the New Jersey ABC at the October 11 Council Meeting to answer any questions residents may have.

Motion to close the public portion: Razzo
Time: 8:58 p.m.

Second: Rudley

Adjournment

Motion: Razze
Time: 8:58 p.m.

Second: Austin

Respectfully Submitted,

Judith O'Donnell
Borough Clerk/Administrator