

CALL TO ORDER

Mayor Jackson called the meeting to order at 7:30 PM and noticed that this meeting is being held in compliance with the Open Public Meeting Act with the publication of the Annual Meeting Notice on January 15, 2015, filing of the Agenda in the Office of the Township Clerk, posting the Agenda on the Bulletin Board and the Township Web site, forwarding copies to the Burlington County Times and to those who requested same. All of the above posting, filing and forwarding was completed on November 6th, 2015.

FLAG SALUTE

The Mayor led everyone in the flag salute.

Present for this meeting were Mayor Jackson, Deputy Mayor Earlen, Committeemen Mansdoerfer, Conway and Dinneen. Also present for the meeting were Brandon Umba, Township Administrator, Robin Sarlo, Chief Financial Officer, Gregory McGuckin, Land Development Board Conflict Solicitor and Township Solicitor Elizabeth Garcia.

APPROVAL OF MINUTES

Regular and Executive Session October 27, 2015

On motion by Deputy Mayor Earlen, seconded by Committeeman Conway and carried by unanimous favorable voice roll call vote, with Mayor Jackson abstaining, the Township Committee adopted the minutes for October 27, 2015.

ORDINANCE ON SECOND READING – PUBLIC HEARING

Ordinance 2015-10-014 Ordinance of the Township of Lumberton Amending Schedule III “One-way Streets” of Section 265-56 and Schedule XIII “Parking Prohibited at all Times” of Section 265-66 of the Township Code

Committeeman Conway and Administrator Umba explained the changes this ordinance enacted. The floor was then opened for Public Comment.

Thomas Shover, 27 Chestnut Street, asked the Township Committee, if in the future the Township were to determine that this option was not the correct one and needed to change it back to a two way street with no parking, would the Township be permitted to do so. Committeeman Conway stated that the county would be agreeable to that so long as we did not return to the current traffic pattern of two way traffic and parking on one side of the street. Mr. Shover also made the Township Committee aware that some changes would be needed to Public Work’s practices in order to meet the changing traffic patterns.

See no more members of the public coming forward, Mayor Jackson closed the public portion.

On motion by Deputy Mayor Earlen, seconded by Committeeman Conway and carried by unanimous favorable voice roll call vote, the Township Committee adopted Ordinance 2015-10-014.

RESOLUTIONS

- **2015-11-205 Resolution Authorizing a Tax Exemption for Block 62 Lot 1 C0101 to the Arc of Burlington County due to being a non-profit organization**

On motion by Committeeman Mansdoerfer, seconded by Committeeman Dinneen and carried by unanimous favorable voice roll call vote, the Township Committee adopted the above Resolutions.

- **2015-11-206 Resolution Authorizing Advertisement for Professional Services for 2016**

On motion by Committeeman Conway, seconded by Deputy Mayor Earlen and carried by unanimous favorable voice roll call vote, the Township Committee adopted the above Resolution.

- **2015-11-207 Resolution Releasing Developer Escrow Account and/or Performance Bond Balances**

Mr. Umba explained this resolution. Committeeman Mansdoerfer offered his appreciation to Vicky Freeman and the rest of the Township's staff for their work on this project.

On motion by Committeeman Mansdoerfer, seconded by Committeeman Conway and carried by unanimous favorable voice roll call vote, the Township Committee adopted the above Resolution.

- **2015-11-208 Resolution Authorizing Budget Appropriation Transfers during the last Two Months of the Fiscal Year for the Township of Lumberton, County of Burlington, State of New Jersey**

On motion by Committeeman Mansdoerfer, seconded by Committeeman Dinneen and carried by unanimous favorable voice roll call vote, the Township Committee adopted the above Resolution.

CORRESPONDENCE

Mr. Umba made mention to the one item of correspondence from PSE&G with regards to emergency repair work and compensation police details assigned to that work. Mr. Umba stated that he will be investigating this letter further.

DEPARTMENT HEAD REPORTS

No comments were made in regards to Department Head Reports on the agenda.

ADMINISTRATORS REPORT

Mr. Umba pointed to the fact that today, November 10, was the final day to pay taxes without receiving a penalty and our current percentage rate is 95.73% for the year 2015. Mr. Umba gave a verbal update on current capital projects and respectfully submitted his written report to the Township Committee with no comments being made on the Administrator's Report.

OLD BUSINESS

Committeeman Conway made Mr. Umba aware that he has still not heard from Pennoni in regards to the two proposals listed in Old Business. Committeeman Mansdoerfer asked Mr. Umba where the pressure treated split rail wood was going to be place in the Village Green Phase 2 submittal review letter issued by Pennoni. Mr. Umba stated that he believed it was proposed to encompass the Community Garden but he would check on it an report his findings.

NEW BUSINESS

Mr. Umba presented a letter to the Township Committee from the Burlington County JIF which required action on the Township's yearend dividend. Mr. Umba made a recommendation to roll the \$43,692 dividend into next year's assessment to lower the Township total 2016 premium. The Township Committee agreed with Mr. Umba's recommendation.

Deputy Mayor Earlen made the public aware that the Senior Holiday Dinner which is held every year would take place on December 6th and that the Holiday Tree Lighting would be held on December 12.

APPROVAL OF PURCHASES OVER \$5,000.00

On motion by Committeeman Mansdoerfer, seconded by Committeeman Conway and carried by favorable voice roll call vote, with Committeeman Conway abstaining from CME and Committeeman Dinneen abstaining from Breed's Landscaping, the Township Committee approved the Over \$5,000.00 Bill List.

APPROVAL OF ENTIRE BILL LIST

On motion by Committeeman Mansdoerfer, seconded by Deputy Mayor Earlen and carried by favorable voice roll call vote, with Committeeman Mansdoerfer abstaining from Britten Industries, Committeeman Conway abstaining from CME and Committeeman Dinneen abstaining from Breed's Landscaping; the Township Committee approved the Entire Bill.

COMMENTS FROM THE PUBLIC

Teresa Cahill, 5 Millway Road, stated that she is concerned about a group home located at 119 Creek Road which is behind her neighborhood and she is hearing that the facility with be a controlled egress. She has concerns because she has a daughter and is worried for her safety. Ms. Cahill asked the Township Committee what it knows about this house. Mayor Jackson offered a brief overview to what information the Township has in its possession. Mr. Umba then

provided a detailed timeline as to this topic. Mr. Umba stated that the Township received a letter from Legacy Treatment's contractor outlining in limited details what it proposed for this property. Since that time the Township has engaged its professionals to ensure we understand the legal parameters and currently are working with Greg McGuckin Conflict Land Development Board Solicitor on this issue. Roughly around October 16, 2015, Mr. Regn the Township's Construction Official issued a stop work order to 119 Creek Road since they were outside their scope of work since permits had yet to be issued. This stop work order is still in effect. On October 19, 2015, Ms. Borstad issued a letter to Legacy Treatment requesting a statement of purpose to determine the nature of this structure located at 119 Creek Road. On October 28, 2015 the contractor for Legacy finally submitted his plans and permits for review. That same day, Mayor Jackson received an email from the CEO of Legacy with regards to this property. Mr. Umba stated that the Township has yet to hear back from Legacy on Ms. Borstad's request. Mayor Jackson asked Mr. Umba to clarify the stop work order which was issued. Mr. Umba stated that this property as well as any other residential property is required to follow UCC guidelines and if they do not, they would receive this same stop work order, until the proper permits were issued. Deputy Mayor Earlen asked Mr. Umba how this property differs from the other 22 group homes located within the Township. Mr. Umba stated that in most cases you would not even know that a group home was moving in because most residential structures do not require a lot of rehabbing to be done before residents move in. Mr. Umba continued that this property because it was vacant for a number of years required a significant amount of rehabbing which is why the residents have come to notice it. Committeeman Dinneen then requested for our legal counsel to give his interpretation of the law. Mr. McGuckin offered his legal opinion of municipal land use laws and how one is designated as a group home. Mr. McGuckin stated that if they do meet these criteria then they can operate a group home at this property. Mr. McGuckin pointed NJSA 40:55D-66c for that criteria and that a group home cannot have more than 12 residents.

Barb Tait, 21 Millway Road, stated that she appreciated the information shared. She asked that only 5 people can be in this group home but they are allowed to have up to 12. Mr. Umba and Mr. McGuckin explained the criteria for a group home under the statute. Ms. Tait asked to explain the stop work order. Mr. Umba explained. Ms. Tait asked about the next Land Development Meeting. Mr. Umba informed those gathered that the Land Development Meeting was moved to Nov. 30th, 2015 due to a conflict with the League of Municipalities next week. Mr. McGuckin clarified that at this time this appicate was not on the Nov. 30th agenda.

Christina Hoffman, 102 Creek Road, asked when the stop work order was issued at 119 Creek Road. Mr. Umba stated that is was around October 16th but off the top of his head he did not have a firm date available. Ms. Hoffman stated that she believes that work is still being performed at that property.

Albert, 210 Woodside Drive, asked if an Intensive Residential Treatment Facility would constitute a group home since it sounds more like an institution or a facility with a medical component rather than a residential property. Mr. Umba clarified the difference in definitions for the word intense from a land use perspective versus how the NJ Division of Children and Youth Services would view this word. Intensive from a Land Use term speaks to the number of individual foot traffic a facility would receive. Whereas the Division of Children and Youth

Services might have a different meaning and that is why the Township is asking for a Statement of Purpose.

Armando Riccio, 38 Chase Road, asked about how we know that the ages of these residents will be youth aged children. Mr. Umba stated that the Township was informed that they would be between 13 and 17. Mr. Riccio then asked what can the Township do if they tell us to go pound sand from our letter. Mr. McGuckin stated that if they do not comply with the Zoning Officer's letter then the Township has no legal obligation to issue a zoning permit. Mr. McGuckin continued that this could cause a legal battle but the Township has a right to this information. Mr. Riccio asked if they could build on the additional land they have acquired with this home. Committeeman Conway stated that would depend on the typography of the land and the zoning of the area. Mr. Riccio asked if the conflicting attorney rules apply to Legacy as well. Mr. Umba stated that they do and Legacy has acquired a conflict attorney to his knowledge.

Wesley Chodos, 16 Sunflower Circle, questioned the Township Committee about what assurances they can provide to the community that they will be protected because the community does not know who will be living at this group home. Mayor Jackson indicated that the Township has no reason to believe that these residents will be dangerous. Mr. McGuckin stated that there is no way legally for the Township to ask who will inhabit this residence. Mayor Jackson also offered that if a violent individual were to move next door into your neighbor's house you would not know and that approach has to be applied here. Mr. McGuckin continued by stating that the Township still has unanswered questions and to comment further would be improper.

Teresa Gallo, 17 Millway Road, stated that she has three children who play in those woods and she is worried about their safety. Ms. Gallo stated that she spoke with Kevin Kelly, the VP of Adolescent Services at Legacy and he stated the children at this group home would be suffering from mental health issues. She worries about the security and if they are going to be able to sneak in the woods. She would like the Township to put a limit to the number of group homes allowed in town. Mr. McGuckin stated that it is against the law to restrict the number of group homes in a town or discriminate the creation of a group home in a town. Mr. McGuckin clarified that you cannot create an ordinance that is treating them differently than any other residential home.

Dwight Green, 26 Adler Circle, address the Township Committee and stated that he volunteers for Legacy Treatment Centers and stated that he wanted to offer his insight on their services but he was not there officially. He said that these kids do have mental health issue but they must be supervised at all times and their average stay is 9 months. Mr. Green stated that they're group homes all around town and you probably do not even know it.

Armando Riccio, 38 Chase Road, asked Mr. Green to go back to his bosses and get them to answer the Township's letter. Mr. Riccio also asked how he could get a copy of their response. Mr. Umba stated by putting in an OPRA request.

Mr. Quinn, 37 Chase Road, stated that he could not believe that the Township does not have any legal recourse available to them in this situation. Mr. Quinn also said he hopes that the

Township will not be deterred from any legal battle and to fight this if they find any discrepancies.

Teresa Cahill, 5 Millway Road, asked about why not notices were sent out about this company purchasing this property. Committeeman Conway stated that she would only receive notice if the applicant had to go before the Land Development Board and if she was 200 feet from the property line. Committeeman Dinneen clarified that if the Township were to send out notices it would be violating the applicants civil rights.

Kathy Rodozinski, 18 Millway Road, asked if this property has low security levels now, how would the community know if they increase their security levels. Deputy Mayor Earlen stated that if this were to move forward they would be subject to an annual inspection of the Fire Official to ensure they meet fire code.

Sonja James, 97 Creek Road, stated that she shares 1000 feet of property line with the lot in question and no notice was given to the residents about this company buying this property. Ms. James stated she travels a lot and once to know if the Police would be going on her property to ensure they are not trying to break in. Mr. McGuckin stated that the Township could not profile this residence just like it can't profile a residential home. Ms. James stated that she is well aware of the indoor pool on this property and she feels that if they fill it in they can fit more residents in this home. Mr. Umba stated that the place submitted to the Township were to remove the windows around the pool to make this an outside covered patio.

Seeing no other public comment Mayor Jackson closed the public portion of the meeting.

COMMENTS FROM THE COMMITTEE

No comments were made by the Township Committee.

CAUCUS AGENDA

Next Meeting November 24, 2015

EXECUTIVE SESSION

Resolution 2015-11-209 A Resolution Authorizing Executive Session Pursuant to NJSA 10:4-12 to Discuss Matters Relating to **Litigation**, potential litigation, **Personnel**, discussion on a specific employee, **Negotiations**, EMS Services Contract & AFSCME Contract negotiations, the **Attorney-Client Privilege**.

On motion by Deputy Mayor Earlen, seconded by Committeeman Mansdoerfer and carried by unanimous favorable voice roll call vote, the Township Committee adopted Resolution 2015-11-209 to convene in Executive Session at 9:05 pm.

RETURN TO PUBLIC

The Committee returned to Public at 10:47pm

ADJOURNMENT

Being no further business to come before the Township Committee, the Meeting was adjourned at 10:50 pm on motion by Deputy Mayor Earlen, seconded by Committeeman Dinneen and carried by unanimous favorable voice vote.

Respectfully submitted,



Brandon E. Umba

Township Administrator/Deputy Municipal Clerk