

BOROUGH OF HADDON HEIGHTS

January 20, 2015 at 7:00 p.m.
Governing Body Meeting Minutes

Mayor Forte called the Caucus session Call to Order.

“In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, P.L. 1975, notice of this meeting was posted on the bulletin board designed for that purpose and notice was mailed to the official newspaper provided by Resolution adopted January 3, 2015.”

ROLL CALL:

Under roll call the following members were present: Council President Kathy Lange, Councilwoman Susan Griffith, Councilmen Rick DiRenzo, Jack D. Merryfield, Jr. Stephen D. Berryhill and Earl R. Miller, Jr. were present as well as Solicitor, Albert J. Olizi, Jr., Borough Clerk, Kelly Santosusso and Deputy Borough Clerk, Katilyn Compton.

Mayor Forte began the Caucus session by asking if any Councilmembers had any questions or comments regarding this evening's Agenda.

Councilman Miller asked Council if there were any questions about the bond ordinance on the Agenda this evening. He explained that this is simply authorizing us to pay the bill for the emergency on Maple Avenue. How we pay this bill will be up to Council. He further explained that this does not mean that we are going to go out and issue debt and that how we choose to fund the project will be part of this year's budget that we are currently working on.

Mayor Forte mentioned that two (2) sets of Minutes were added to the packets: December 16th and the January 3, 2015 Reorganization Meeting minutes.

Councilman Miller mentioned that he would appreciate any budgets that have not yet been submitted as soon as possible.

Mayor Forte introduced Christopher Soriano, Planning Board Chair. Mr. Soriano said that he is present tonight on behalf of the Planning Board with a recommendation to repeal and replace Chapter 450, Sections 89 and 90 of the Zoning Code. He explained that currently these two sections of the Code deal with the fact that non-conforming uses and non-conforming structures are “grandfathered.” The question that arises when such uses and structures are “grandfathered” is what to do when some or all of the existing non-conforming use or structure has been destroyed, either completely or partially. Two issues regarding these sections have come to the attention of the Planning Board. The first issue is that the sections are written in a confusing manner. While Section 89 ostensibly deals with non-conforming uses and Section 90 ostensibly deals with non-conforming structures, current Section 450-89(A) also speaks in terms of destruction of “buildings” –which are not uses – thus leading to confusion in the interpretation of these two sections. The proposed redraft addresses this confusion by making it clear that Section 89 applies to non-conforming uses and only non-conforming uses, and Section 90 applies to non-conforming structures and only non-conforming structures.

Soriano further explained that the second issue that arises with respect to the current Code sections is that there is some question as to whether the language contained in those sections remains consistent with New Jersey case law. He said that while the Borough has a comprehensive zoning ordinance that addresses the special nature of zoning in our town, our ordinance is superseded by the state Municipal Land Use Law, including the court; interpretation of that statute, whenever the two are inconsistent. Recent New Jersey case law has centered on the amount of destruction of a use or structure required in order to deem the non-conformances abandoned, thus terminating the “grandfathering” and requiring a variance in order to restore the nonconforming use or structure as the case may be. The language proposed in the revised ordinance would bring our zoning code into compliance with state law – the touchstone of whether a use or structure remains grandfathered is whether the amount of destruction suffered was more than “partial,” rather than “substantial” as our ordinance currently reads. While the courts continue to debate what is meant by the term “partial,” our Solicitor is closely aware of these decisions and is able to advise us as to the current state of the law as it applies to any given case that might come before the Planning Board. It is the sense of the Planning Board that to increase clarity, avoid confusion and reduce the possibility of a future challenge to a zoning decision hinging on whether a non-conforming use or structure may be continued, the current Sections 89 and 90 be repealed in their entirety and replaced with the draft provided. Soriano said the Planning Board unanimously endorsed this proposal at its June 19, 2014 meeting.

It was decided that an Ordinance to repeal and replace Chapter 450, Sections 89 and 90 would be on the next Agenda for Introduction.

Soriano then addressed the fee charged to the resident. He explained that the Borough has charged an additional \$50 above what the Solicitor charges per resolution. What has been occurring is that the escrow amount is being refunded thereby creating unnecessary paperwork and processing of checks to be refunded. Soriano said that it is the recommendation of the Planning Board to amend the fee ordinance to \$125 instead of the current fee of \$175.

Caucus Session recessed at 7:18 p.m.

BUSINESS SESSION:

The Business Session commenced at 7:30 p.m.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Forte asked all to stand for a moment of silence. He then led the meeting in the Pledge of Allegiance.

PUBLIC COMMENT:

Mayor Forte called for Public Comment on Caucus and Agenda items only.

Seeing no one come forward, a motion to close the Public Comment portion of the meeting was made by Council President Lange seconded by Councilman Berryhill. All members were in favor.

PRESENTATION OF COMMENDATION TO PTL. DANIEL KINKLER – *Officer of the Year 2014*

Mayor Forte asked Councilman Merryfield, Director of Public Safety to come down to present a Commendation to Patrolman Daniel Kinkler for *Officer of the Year 2014*. Mayor Forte read the Commendation. Captain Valvardi thanked Mayor Forte and commented that this is the second year in a row that he has received this award and the Department is very proud of Daniel. He said that the recipient of this award was chosen based on recommendations from Daniel's peers. He said Ptl. Kinkler had 125 arrests and 500 vehicle summonses during the year as well as always proactive patrol. Many of the arrests that he has made have furthered other ongoing investigations. He also said it should be noted that Daniel comes in on his days off to complete his reports so that when he is in uniform working, he can be on patrol. Valvardi said that Daniel is very involved in many of the programs within the Police Department for which he volunteers: tactical team (swat team), seatbelt patrol and mobile inspection teams. Patrolman Kinkler posed for photos with Mayor Forte, Councilman Merryfield and Captain Valvardi.

PRESENTATION OF COMMENDATION TO SGT. MICHAEL SCARDINO – *Sergeant of the Year 2014*

Mayor Forte presented the Commendation to Sergeant Scardino for recognition as Sergeant of the Year for 2014. Mayor Forte read the Commendation. Chief Kinkler came forward commenting that there is not an annual award for Sergeants but he felt that specific recognition was warranted as Sergeant Scardino has done a great job for years. Chief Kinkler said that Sgt. Scardino has come a long way taking several steps forward in leadership. He said that he is a big help to him as an administrator as everything is always up to date and orderly. Kinkler noted that Sgt. Scardino has put himself in harms way on several occasions. He also said that Sgt. Scardino does a great job of instilling pride in the officers. Chief Kinkler thanked Sgt. Scardino for all he has done mentioning that he comes in on his days off. One of the things he helps out the other officers and he really appreciates the concern for his patrolman and the example he sets for the Department.

APPROVAL OF MINUTES:

Mayor Forte asked for a motion approving the Minutes of the December 16, 2014 Council meeting and the Reorganization Meeting of January 3, 2015. A motion to approve the Minutes of December 16, 2014 and the January 3, 2015 Reorganization Meeting Minutes was made by Council President Lange, seconded by Councilman Berryhill. All members present were in favor with the exception of Councilman Miller who abstained from the December 16, 2014 Minutes.

COUNCILMEMBER REPORTS:

Councilman Berryhill reported that the Haddon Heights Creative Team is having a Music and Arts Festival at the Dell on May 2nd. He encouraged artists and musicians to contact him if interested in participating. Berryhill also reported that Sustainable Haddon Heights received a grant and is using to conduct a Social Media Workshop which will be held this Saturday, January 23rd at Borough Hall. The Workshop is open to small businesses in town, non-profits and staff.

Councilman Miller welcomes residents to comment or inquire about our municipal budget. He said he has had the pleasure of sitting on the Municipal Alliance Commission meeting this past week and noted that there are several great programs they provide funding for. He said that they are currently working on creating new By-Laws as well as police trading cards to encourage and a good working relationship with the youth in town.

Councilman DiRenzo had no report this evening but said that he will present a 2014 report on the Construction & Zoning Department at the next Council meeting.

Council President Lange reported that spring sports scheduling has begun. She said the inspection of light fixtures at Devon Avenue field – age of wooden poles are unknown. In conversation with spring soccer, may be affected and are prepared to rent lights if ours prove to be unsuitable. The field is now closed for safety reasons until the situation is assessed. She said that she has notified Green Acres that our Devon Avenue Complex is currently closed. If there are any questions, please contact her.

Lange went on to report that the summer rec program registration has begun. She has placed an ad for summer rec Counselors which will appear in the February edition of the HEIGHTS REPORT. She said she will also send to the High School Guidance Office.

She reported that winter programs are in progress and noted that this time of the year has typically been the quietest but we are maintaining previous levels of registration.

Lastly, she reported that she has arranged for a Seamless Gov webinar tomorrow at 11 a.m. for Borough employees to take part in. This is a view into online registration and payment for Borough services.

Councilwoman Griffith reported on the monthly report for December stating that all core work for the Department of Public Works has been completed. Continue to do well with electronic recycling 3,757 lbs. of electronics. Replaced signs around town for the PD, monthly inspections of Hoffs Park, cleaned out the wet well at the Lake Street Pump Station. She then submitted her report for the Minutes.

Griffith reported on the next Haddon Heights Neighbors' Night Out Event on March 14th - *Murder Mystery Comedy Night*. It has been typically been a sold out event and will be in the Community Center. Tickets are \$45. She said that more information will be coming as we get closer to the event.

Councilman Merryfield reported in the numbers from the Ambulance 65 calls for Heights Heights and transported 44 people. For 2014 741, 507 transports calls for last year. 5 were transported The HH Fire Department had 522 calls. The PD has 888 calls for the year 2014.

ENGINEER'S REPORT:

Steve Bach, 304 White Horse Pike – He stated that he submitted his written report for the record. He then described some overall deterioration of the light poles at Devon Avenue fields saying that 8 out of 12 will need to be replaced. The remaining poles will need to be replaced within five (5) years. He said that Council will need to determine what material poles will be replaced with: wood, steel or concrete. Mayor asked if the lights are reusable. Bach responded that it is single mounting light posts. He said the JIF can then certify the poles. Bach said his report will be including all options and will be submitted to Council. Council President Lange asked Bach to please inform her when he is meeting with the lighting vendor.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Public Hearing and Final Adoption will be held on February 3, 2015 at 7:30 p.m. in the Municipal Building 625 Station Avenue, Haddon Heights, New Jersey.

A motion to introduce Bond Ordinance 2014:1417 was made by Councilwoman Griffith, seconded by Council President Lange. All members were in favor.

Introduction of Bond Ordinance 2015:1417 - Bond Ordinance Providing for Sanitary Sewer and Roadway Repairs on Maple Avenue, by and in the Borough of Haddon Heights, in the County of Camden, State of New Jersey, Appropriating \$52,500 Therefore and Authorizing the Issuance of \$50,000 Bond or Notes of the Borough to Finance Part of the Cost Thereof

Public Hearing and Final Adoption of Bond Ordinance 2015:1417 will be held on February 3, 2015 at 7:30 p.m. in the Municipal Building, 625 Station Avenue, Haddon Heights, New Jersey.

A motion to introduce Bond Ordinance 2014:1417 was made by Councilwoman Griffith, seconded by Council President Lange. Under a roll call vote, all members were in favor.

Resolution 2015:39 – Resolution Authorizing the Tax Collector to Extend Grace Period for First Quarter Taxes

A motion to adopt Resolution 2015:39 was made by Councilman Miller, seconded by Councilman Berryhill. All members were in favor.

Resolution 2015:40 – Resolution Authorizing the Tax Collector to Cancel Taxes and Refund an Overpayment

A motion to adopt Resolution 2015:40 was made by Councilman Miller, seconded by Councilman Merryfield. Under a roll call vote, all members voted in favor.

Resolution 2015:41 – Resolution Appointing a Conflict Public Defender for the Borough of Haddon Heights Municipal Court

A motion to adopt Resolution 2015:41 was made by Councilman DiRenzo, seconded by Councilwoman Griffith. Under a roll call vote, all members voted in favor.

Resolution 2015:42 – Resolution Authorizing the Payment of Bills and Claims for the Second Half of January

A motion to adopt Resolution 2015:42 was made by Councilwoman Griffith, seconded by Councilman Miller. Under a roll call vote, all members voted in favor; Councilman DiRenzo abstained from the Mall Chevrolet payment.

Resolution 2015:43 – Resolution Authorizing Refunds of Program Fees

A motion to adopt Resolution 2015:43 was made by Council President Lange, seconded by Councilwoman Griffith. Under a roll call vote, all members voted in favor.

Resolution 2015:44 – Resolution to Agree to Obtain a Borough-Wide Intensive Level Historic Resource Survey Update Grant from the State of New Jersey

A motion to adopt Resolution 2015:44 was made by Councilman DiRenzo, seconded by Council President Lange. Under a roll call vote, all members were in favor.

Resolution 2015:45 – A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. ***Police Contract Negotiations. Discussion will be approximately one ½ hr. in duration. Formal Action May Be Taken.***

A motion to adopt Resolution 2015:45 was made by Councilman Merryfield, seconded by Councilman Berryhill. Under a roll call vote, all members voted in favor.

PUBLIC COMMENT:

Mayor Forte called for Public Comment.

Michael Bonatitis, 325 8th Avenue – Mr. Bonatitis said that he has lived in town for 42 years saying that he commends our Police Department and appreciates the work they do but expressed his frustration about being

issued two (2) summons totaling over \$100 while picking up his grandchildren from St. Rose School. He asked "do we have an unmarked car going around the school?" Councilman Merryfield stated that they go around the block once and if a car is parked illegally, they will go around the block again, if the car is still there, a summons will be issued. Mr. Bonatitis expressed his frustration at the amount of money of the ticket(s) and not being given a warning.

Lori Priore, 10th Avenue – Mrs. Priore stated that Mr. Bonatitis is her father and said that she was born and raised in Haddon Heights and loves it. She said she was here in support of her father and on behalf of many St. Rose parents. She said that her father often helps her with the transporting of her children to and from school. She said that she had a post on facebook regarding this and she received 75 responses, all of them negative. Priore said that she wanted to express to Council and to the Police Department that they are gaining a negative reputation due to this issue. She also stated that she has heard this is a revenue generator for the Borough. Councilman DiRenzo asked Mrs. Priore if the 75 responses were all from St. Rose. She responded that most were but many were Heights residents from the public schools. Councilman Miller said that to suggest that our police department are writing tickets simply to increase revenue is not fair. He said that our police officers are professionals and are simply protecting the town. Councilman Miller said that the writing of tickets is an attempt to change behavior. He said that the parking laws are pretty obvious. He also said that he agrees with the fact that the parking situation around St. Rose is a problem noting that he lives approximately 10 feet from the area Priore is speaking of. Mrs. Priore responded that the ticket writing seems excessive. Councilman Merryfield responded that Council has had complaints of people blocking resident driveways and said that the Police must address these blatant violations. Lange, as former Principal of St. Rose School, said she recognizes that the parking around the school has always been an issue. She said that the information should be coming directly from the school to the parents indicating that education is key in resolving the problem. She asked how Council can help. Lange suggested that the PTA could address the topic by possibly having the Chief attend a meeting.

Chief Kinkler came forward and addressed the complaints stating that his primary concern is the safety of the children. Chief Kinkler said that he wants to retire as Chief of Police having a record of no child being hurt as a result of a parking or driving violation. When asked why drivers are not receiving a warning prior to being issued a ticket, Chief Kinkler responded that he believes warnings are ineffective. He indicated that issuing tickets has drastically reduced the illegal parking issues at all of the surrounding schools. He said that the most important point is that compliance has increased.

Mayor Forte asked Chief Kinkler if Mr. Bonatitis could come in to view the videotape of the violation that triggered the summonses. Captain Valvardi noted that every violation is not videotaped and videotaping is not mandatory. He said that we do it because it can be helpful. Captain Valvardi just wanted it clarified that there may not be a recording of a particular violation.

Liz Regett, 1716 Chestnut Street – Ms. Regett stated that she has been a resident for over thirty years. She explained that she is a single mother and works full time, often relying on his parents to pick up her child from school. She said she understood that there was a letter from Chief Kinkler that went out but she has not seen it. She asked for a copy. Chief Kinkler responded that that he has put information in the HEIGHTS REPORT in the past but that the letter is on facebook.

Councilman Miller said to Mrs. Priore that if he can be any help at the school, he would be happy to assist. He said he has a unique perspective living right there.

Seeing no one else come forward, a motion to close the public portion of the meeting was made by Councilwoman Griffith, seconded by Councilman Berryhill. All members were in favor.

Mayor Forte announced that Council would be going into Executive Session and that formal action may be taken.

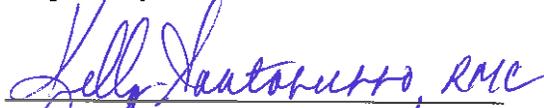
Mayor Forte and Council returned to the Auditorium and re-opened the Public Meeting for a vote on Resolution 2014:224 – Resolution Authorizing the Hiring of a Driver/Operator for the Department of Public Works.

A motion to adopt Resolution 2014:224 was made by Councilwoman Griffith, seconded by Councilman Merryfield. Under a roll call vote, all members voted in favor.

ADJOURNMENT:

A motion to adjourn was made by Councilwoman Griffith, seconded by Councilman Berryhill. All members were in favor. 8:50 p.m.

Respectfully submitted:


Kelly Santosusso, RMC, Borough Clerk