

## WESTAMPTON TOWNSHIP COMMITTEE MEETING

6:00 PM Closed Session    7:00 PM Regular Meeting

October 17, 2016

The closed session meeting was called to order at 6:00 PM, all Committee members were present, Ms. Chang arrives at 6:17 PM. Resolution 10-17-16 was adopted to go into closed session to discuss engineering project estimates, Ingerman update and Firehouse/American Legion building repairs.

The regular meeting was called to order at 7:04 PM by Mayor Daniels. Requirements of the Sunshine Law were read. This meeting was advertised in the Burlington County Times on January 14, 2016. The flag was saluted. There was a moment of silence.

### Roll Call:

Committeewoman Chang	Present
Committeeman Lopez	Present
Committeewoman Smith-Hartman	Present
Committeewoman Teleisa	Present
Mayor Daniels	Present

Al Marmero, Solicitor, was present.

Maria Carrington, Administrator and Marion Karp, Clerk were both present.

Approve 10/17/16 Agenda – motion to approve made by Mr. Lopez; seconded by Ms. Teleisa. Mr. Lopez, Ms. Smith-Hartman, Ms. Teleisa and Mr. Daniels voted yes, Ms. Chang abstained.

Closed Session Minutes of 10/3/16 – motion to approve by Mr. Lopez; seconded by Ms. Smith-Hartman. Mr. Lopez, Ms. Smith-Hartman, Ms. Teleisa and Mr. Daniels voted yes, Ms. Chang abstained.

Regular Meeting Minutes of 10/3/16 – motion to approve by Mr. Lopez; seconded by Ms. Smith-Hartman. Mr. Lopez, Ms. Smith-Hartman, Ms. Teleisa and Mr. Daniels voted yes, Ms. Chang abstained.

### **Public Comments on Agenda Items**

Vernita Jones – asked if lemon laws apply to vehicles such as fire trucks. She directed the question to the Solicitor, Al Marmero. He said the law was amended in 2008 or 2009 and the fire truck would be included in the emergency vehicle lemon law. She asked if the fact that this was a specialty truck would it still apply. He answered that it would; some components would be covered by their own specific warranties but he would revisit this.

## **Old Business**

Mayor Daniels spoke regarding the fire truck issue that was discussed at the last meeting; he had asked the Solicitor to provide a report. They would discuss this now. Al Marmero gave a brief overview of his report including the Resolution and Ordinance for purchasing the truck, the Out of Service Log, etc. The vehicle has been out of service for 316 days since it was purchased. He spoke about the Lemon Law amendment made in 2008 and the conditions which made the truck qualify under the law. There were some discussions regarding the Lemon Law and assertions to file under it at some point in time. The deadline of October 31, 2014 came and went, which was the time the original warranty expired and repairs needed to be made to the truck. The next available correspondences from May 2015 detail the warranty extension; he doesn't know why the shift occurred from pursuing the lemon law to extending the warranty. There is a correspondence from July 6<sup>th</sup> in which KME agreed to extend the warranty an additional 15 months. This would require approval of the Township Committee. It was decided by the Solicitor at the time that a resolution wasn't necessary, however it is his opinion that Westampton Township needs to act via resolution or ordinance. There isn't anything improper with the document itself however it doesn't seem proper in the way the warranty extension was executed. He says all documents and agreements should be authorized via resolution or ordinance and should be discussed in public session. He recommends that discussions continue with KME as have been taking place with the Chief, Craig Farnsworth. It is unlikely that a court would invalidate the release language and he thinks the Township should pursue an additional warranty extension which makes the most sense.

Ms. Chang – asked if it was correct that Al Marmero didn't receive all correspondences when writing this report. He said that was correct. There weren't any correspondences that he received dated between October 2014 and May 2015. She asked if it was accurate that he didn't speak to her before writing the report; she was out of the country. She wanted to know what the urgency was in preparing the report. Mr. Marmero stated there wasn't any but he was asked by the Committee to prepare a report; he traditionally has them ready by the next meeting. She asked if he was able to look at notes from Donna for closed session meetings; he did not. She asked if he had an email from Craig Farnsworth to Justin Yost dated November 2015. He didn't have any after 10/31/14 until May 2015. She referenced an email dated 11/3/14 and 10/8/14 in which Chief Farnsworth stated they wanted to pursue an extended warranty; he had seen that one. She asked about several more emails and a confidential memo from George Saponaro. He answered that they had not been provided by the Township. She said there were many gaps in his report from information he didn't receive.

Mayor Daniels – this wasn't an inquisition nor a trial; it was in the Solicitors findings that there is no need to prosecute anyone; we just don't want it to happen again and are looking for a remedy. A simple call from Carolyn would have sufficed to let him know that she had these emails.

Ms. Chang referenced the republican Facebook page that made it look like an inquisition. She said that the Fire Chief had all the emails and had an obligation to provide them to the Solicitor. There is a reason there is a gap in the correspondences.

Mayor Daniels – at the end of day, we still all have to pay for this; we just want to know what happened. The truck should function as expected. We owe the public an explanation of how things happened. If she had presented the information before we probably would not all be here today.

Ms. Chang – this is a witch hunt; it was deliberate. They started this whole process while she was out of the country and couldn't speak for herself. They called the base out.

Mr. Lopez – no one called the base; no one sent a message to crucify anyone. He made a commitment of transparency when he took office. He has been requesting a meeting on this issue for months; the residents haven't heard about this when this has been going on for years. There was never any intention of informing the residents about what was going on with the truck. How was it that we approved the extended warranty without a resolution? Why would we sign away our rights knowing that we have a lemon?

Ms. Chang – the Solicitor at the time advised that we would lose if we pursued the lemon law; that was the reason why we pursued the extended warranty.

Lori Hustus – is tired of hearing Craig Farnsworth get thrown under the bus; maybe he can shed some light on this. Mayor Daniels stated that he would get a chance to speak.

John Mumbower – is surprised we don't have a continuity of operation plan in place.

Ms. Chang – this wasn't a unilateral decision; the Committee had met in closed session and discussed all this. He needs to get Donna's closed session notes.

Ms. Teleisa – it was stated in the minutes from the last meeting what she recalled about the warranty extension. It was discussed in closed session; however, she didn't remember a resolution being passed.

Ms. Chang – they would not win a lemon law lawsuit; the legal charges would be very costly.

Mr. Lopez – finds it hard to believe that the Solicitor at the time and Ms. Chang, both attorneys, would sign something that would limit the Township from ever suing for the truck.

Jonathan Wright – the problems with the truck started 3 years ago and they are just finding out about it now. The only proper way to decide this was to have done it via a resolution. The public has to be included.

Nancy Burkley – why did the Township Committee wait so long to decide the truck was a lemon? If we had pursued it sooner we may have been successful in a lawsuit. It is illegal to vote on something in closed session; she just heard that a vote was taken in executive session and that is illegal.

Al Marmero – she is correct. It is illegal to vote in an executive session.

Irwin Smith – can't the Committee just get along and work together?

Betty Wiggins – documentation is very important; she agrees with Ms. Chang for having her documentation; same with Craig Farnsworth.

Shyvonne Ballard – wants to know how to solve the problem. She thinks it is a sad state of affairs.

Chief Farnsworth – he organized a packet of emails and gave them to the Township. The KME vice president called Craig; they had a productive conversation, they want to make it right. He hasn't spoken to them since last Thursday; however it has been a positive conversation. Their other firetruck was involved in an accident; they are looking at 6 to 9 months for it to be repaired. They are looking for a truck they can borrow. Right now there are no issues with the ladder truck.

Mayor Daniels – thanked Craig for his work with KME; hopefully it will produce some kind of remedy. He agrees with Mr. Smith.

### **New Business**

Police Report – the National Liberty Museum presented Chief Otto and Lt. Rogers with an award recently. Lt. Rogers recently received an award from Willingboro; Chief Otto will be honored by Catholic Charities for his work on behalf of domestic violence. Mayor Daniels stated there was a good showing at the Crescent Shrine for the Susan Komen bingo event; thanks to the department for their support. He also thanked Chief Farnsworth and his men.

EMS Report – they had a nice turnout for their open house last week.

Public Works Report – no further comments were made.

TedxCooperRiverWomen Day Proclamation- Mayor Daniels read it aloud; this would be held October 27<sup>th</sup>.

Lung Cancer Awareness Month Proclamation – Mayor Daniels read it aloud. Bernard Cabler was present; he is a Westampton resident of about 25 years. His mother passed away from lung cancer. He writes poems and just published a book in her memory.

## **Resolutions**

94-16 Payment of Vouchers – motion to approve made by Mr. Lopez; seconded by Ms. Teleisa. All voted yes.

95-16 Chapter 159, Bullet Proof Vest Partnership Grant – motion to approve made by Mr. Lopez; seconded by Ms. Smith-Hartman. All voted yes.

96-16 Chapter 159, Body Armor Grant – motion to approve made by Ms. Teleisa; seconded by Mr. Lopez. All voted yes.

97-16 Change Order #1-2016 – motion to approve made by Ms. Chang; seconded by Ms. Teleisa. All voted yes.

## **Ordinances**

None

## **Correspondence**

Westampton Schools – letter of thanks to Mayor Daniels for providing backpacks for the school children.

PSE&G – public hearings on rate adjustments for gas customers

NJ Transit – public hearings on senior citizen & disabled resident transportation assistance program

Mayor Daniels – the Township will be helping the American Legion with financing repairs that are necessary to their building.

Vernita Jones – wanted to get the repairs completed before Veteran's Day if possible. Mayor Daniels stated that the Township would proceed via resolution which will happen at the next meeting.

## **Dates to Remember**

October 28<sup>th</sup> – Westampton Fall Festival, Westampton Sports Complex, 6 to 9 PM

AmVets Annual spaghetti dinner – November 12<sup>th</sup>, Rancocas Community Center, 4-7 PM. Take outs are available

November 12<sup>th</sup> – Annual Free Rabies Clinic, 9 to 11 AM, Public Works Garage

December 10<sup>th</sup> – Westampton Recreation Annual Breakfast with Santa

December 14<sup>th</sup> – Senior Citizen's Holiday Dinner

**Open to Public Comment**

Vernita Jones – Veterans Day is coming up, there will be many activities

Lindsay Hustus – Janet Curran's husband passed away

WMS School Drama Club – fund raiser at Chipotle, 10/18/16

Holly Hills School, 9:15 AM – Halloween parade, 10/31/16

Linda Hynes – the PTO 5K Fun Run was held on Saturday; it was a picture perfect day. The Police and Fire Police were phenomenal, also big thanks to Todd Mitzelman and the Boy Scouts. There were 200 walkers and runners. We were one community for 3 hours on Saturday morning.

John Mumbower – wanted to know if we have we received PILOT funds for Project Freedom or any of the other developments. Mayor Daniels answered not at this time. We did receive 2 COAH credits for 1 on this project due to its unique nature.

**Comments from Department Heads and Professionals**

Chief Joe Otto – there will be a Town Hall meeting with Deerwood Country Club at 8:15 PM this Thursday after their regular association meeting; they are looking forward to being there.

Mayor Daniels – thanked Roger Roslowski and the members of the Fire Police whom have been very busy in recent weeks. He wanted to acknowledge their efforts.

PW Supervisor Mike Meenan – will get the AC taken care of in the morning.

FF/EMT Vincent Knott – is thankful to live and work here and is thankful to work for Chief Farnsworth.

Emer. Management Coordinator Daryl Caulfield – although we dodged the last 3 storms we still have time left in the hurricane season.

Ms. Smith-Hartman – thanks to all for coming tonight. She thinks Craig Farnsworth is doing a phenomenal job.

Ms. Teleisa – Raina and Linda did a phenomenal job on their first PTO Fun Run; it was an outstanding day. A great job as usual on the Fire/EMS Open House, thanks to all.

Ms. Chang – a great job on the Fun Run; they had perfect weather. She had the opportunity to speak with a lot of residents.

Mr. Lopez – thanks to all who came out tonight; at the end of the day we all work for you. They want to keep the residents informed and engaged. Chief Farnsworth has their full faith and confidence. It is important when your employees are happy; thanks for a great Open House once again. They are great examples of public servants.

Mayor Daniels – congratulations to Abe Lopez on being honored this coming weekend. He commended the Westampton Fire Department for assisting the Lumberton Fire Department after Hurricane Matthew.

There were no further comments and the meeting was adjourned.

Respectfully submitted,

Marion Karp, Municipal Clerk