

Corbin City
Council Workshop Meeting
January 30, 2017

*Pursuant to the Open Public Meetings Act N.J.S.A. 10:4-6 of the State of New Jersey,
adequate notice of this meeting was provided by publication in
The Press and is posted on the bulletin board at City Hall*

Mrs. Foster called the meeting to order at 6:03pm.

The Clerk called the roll-

Members present: Mrs. Turner, Mrs. Foster and Mayor McGowan.
Richard Russell arrived at 6:08pm.

Members absent: Mr. Collins

New Business:

- **Suggested updates for the Employee handbook** due to discrepancies between the 2016 and 2014 approved handbooks.
 1. Page 28-Lincoln's birthday will be removed.
 2. Page 5-Employment at will was discussed. Mr. Russell stated that all our key employees are protected by tenure; which means they cannot be removed from their positions without cause. It was indicated there is a discipline procedure section in the manual. Mr. Russell commented "firing a tenure employee is a much larger issue which the city must document reasons for cause and normally that leads to litigation; and normally that litigation leads to an Administrative Law Judge and possibly on to Superior Court, it is not something we can dismiss with a contractual manual like this that states these are the terms of your employment".
 3. Page 10-Harassment Policy: The Mayor asked if there is training for this policy? There are JIF training available to be taken. This topic is mandatory to be in the manual.
 4. Page 16-Employee Discipline Policy: Mrs. Foster mentioned Mr. Collins feels there is not a clear procedure in the manual. It was decided it is in the manual but worded differently.
 5. Page 46-Performance Evaluation Procedure: The Mayor stated they should be done annually and the manual explains the procedure.
 6. Page 47-Discipline Action Procedure: The Mayor explained the process being a verbal reprimand, Mayor review, written reprimand, suspension and dismissal as stated in the manual.

7. Page 29-Sick Leave Policy: Mr. Russell explained the accumulation of unused sick time regarding retirement. He said up until 2012 it was forever and then in 2014 was changed to (2035). Mrs. Turner feels that date should have been 2015. Mr. Russell stated but you were coming off of forever. Mrs. Foster questioned the word resigns; if you resign you would not be eligible for any accrued time but upon retirement would qualify. Mr. Russell clarified the accumulated sick time up until December 31, 2015 as accrued sick time will be held indefinitely. Any sick days not used after that date will be forfeited and this time can only be used as sick time not as a payout upon retirement. The Mayor stated to leave page 29 regarding the accumulated sick time as is.
8. Page 29-Vacation Leave Policy: Employees who do not use all their vacation allowance may add their unused days to their allowance up to April 30th of the following year. However, if these carry over days are not used by April 30th of the second year; they will be forfeited. At this time the Clerk will be granted permission to carry her days until April 30th, 2018. The employees must receive the Mayor's approval at least two weeks in advance of the first vacation day.
 - Six days for the 1st year of employment prorated from date of hire.
 - Twelve days for the second through 5th calendar year (January 1 to December 31)
 - Fifteen days after the completion of 5th calendar years through 10th calendar years; and
 - Twenty days after the completion of 11th calendar years through retirement.
9. Page 30-Bereavement Leave Policy: Since this is a standard list it will remain as stated in the manual.
10. Page 30-Jury Duty Policy: Working out the payments for employees that have served will be the responsibility of the CFO. The rest is standard; so, there will be no changes.
11. Page 21-Attendance Policy: The Mayor asked if the work day has always been 8 to 3:30pm. Mrs. Foster replied no; it used to be 8 to 2pm before Joanne came. The Mayor stated we may want to consider changing the office hours to 9-3pm because of the many interruptions the clerk deals with on a daily basis. He commented for a small municipality such as Corbin City to have city hall open 5 days a week 8am until 3:30pm is a lot. This will give the clerk (one hour) of uninterrupted time before opening city hall at 9am. The new 2017 office hours will be posted on the marquee.
 - **Zoning fines for ongoing violations:** are located in the codebook under Chapter 103. Which states: Unless otherwise specified herein, the general penalties which may be imposed by any court of competent jurisdiction for violation of any chapter, article or sub-section of this, the Corbin City Code, shall be imprisonment in the county jail for a term of up to ninety (90) days; or a fine not exceeding \$2,000.00; or a period of community service not exceeding ninety (90) days; or any combination thereof. (N.J.S.A.40:49-5) Mr. Russell asked Mrs. Foster if she is asking for any continuing violation under the code be subject to a maximum penalty for each additional day.

This request is coming from the Zoning Officers report and the many repeat violations on it. After he makes an inspection, he sends out a violation letter and gives the owner 30 days to become compliant. They become compliant and go for a while with everything being fine and then the owner stops their property maintenance and it becomes a violation again and he send another letter again; and so on. The owners never go to court so we can't fine them.

Mr. Russell suggested he can write a summons because it's a continuation and a violation of the old letter. His letter should state it's a violation of the property maintenance code and you must abate this violation within 30 days or a summons will be issued. He should include this statement in his violation letters; if this violation reoccurs in the future, you will receive no further notice. Mr. Russell will add the proper language to Chapter 103 to include the continuing violator for each day.

Mr. Russell mentioned the call from Dan Young, Upper Township Solicitor regarding a Shared Service agreement for our Zoning Officer to investigate a violation of a conflict of interest between a Committee Person and a neighbor. Mrs. Foster stated Wayne will keep a separate log with a mileage report and submit it to the CFO who will generate an invoice for payment, send it to Upper Township and when Upper Township pays us we will pay Wayne.

- **Estell Manor Court:** Mayor and Council will set up a meeting time with them to discuss a possible Shared Service agreement.

The Mayor asked Mr. Russell to explain the history of the Estell Manor Court. Mr. Russell said it used to be a Joint Municipal Court which became an administrative burden. Mr. Russell proposed if we go back with Estell Manor only do it as a Shared Services agreement. He said Estell would be cheaper than Upper Township for sure but it's more inconvenient for our residents to pay a ticket and find Estell Manor. Mike McGuire is the newly appointed Judge for Estell Manor. There were issues raised in the past that reflected the good faith of Corbin City along with the fairness of compensation being paid to Corbin City and it became so uncomfortable for us. The city decided to go our own route. It is a concern for us if there is going to be that same type of governmental discomfort visited upon us in the future. Even with a new Mayor we have some dissent views from council of Estell Manor and we are not sure how they will treat us. It was a very difficult relationship with a lot of unfortunate exchanges and there is no reason to get involved in that type of relationship again. We had also tried to use their public works for our road repair and tree trimming needs which didn't work out.

- **Chapter 96-abandon vehicles:** Page 199 in the codebook.
Mrs. Foster explained we have a couple of residents in town that have begun to collect cars and she would like clarification. Mr. Russell stated this chapter is comprehensible; it just needs to be enforced. After the process of the inspection of the property and letter giving the individual 30 days to comply; he would have to take them to court and the Judge will impose the fine and penalties accordingly. Mrs. Foster feels where we lose control is the process due to the Judge giving them more time and not imposing any fines.

Old Business:

- Tax foreclosures: the city is interested in (2) properties. Block 223 lot 1 being 108 Head of River Road and block 224 lot 1 being adjacent to the railroad park. Both properties are owned by Jeffery & Eileen O'Sullivan. Mr. Russell will prepare a letter to see if they are interested in donating it to the city.
- Discipline procedures: after review of the manual, it has been determined the proper procedures are included in the employee handbook.

OPEN FLOOR:

1. Mrs. Turner asked Mr. Russell about a situation of an illegal building on Aetna Dr. Planning Board denied it and built it right on the property line. She commented we were advised not to pursue it in court because they have applied to the DEP. Mrs. Turner is looking for a reason why. Mr. Russell feels there is nothing stopping Mrs. Foster telling the Zoning Officer to site them and take them to court. He said the appeal process is over and it was denied. Mrs. Foster replied she will look in it.
2. Mrs. Foster spoke about an accessory building (cottage) on the river with 3 acres. They just received zoning approval because the lot coverage is ok to have a 30 x 40 x 35-foot barn built. Mrs. Foster feels we should have some regulations that the accessory building cannot be larger than the principle building. Mr. Russell stated this is a zoning issue. Mrs. Foster stated; Wayne suggest to reduce the height of the accessory buildings to 15 feet. Mr. Russell agreed in a residential zone the accessory building should not be larger than the principal building. Mrs. Turner pointed out another factor that the properties along the river have no back yards so that means the placement is in the front yard (which is allowable). Mrs. Foster referred to page 227 in the code book under Riverfront Residential; Accessory Uses, Building and Structures. She feels it's to ambiguous for these types of accessory buildings and it needs to be tightened up.

Mrs. Foster asked Mr. Russell how do we correct this problem. He stated there is a need to redefine accessory uses, buildings and structures by number, by height and by size in each zone separately. It will be recommended to the Planning Board a maximum height of 15 feet for accessory except for the agriculture zone, which is a maximum of 35 feet.

Mr. Russell commented on the 2% of the lot coverage saying that is not realistic because some of the lots can be larger and have no developable area due to wetlands. He feels there should be a limitation in size, other than percentage. He suggested 2% of the buildable upland in the River Residential zone. He suggested in the Rural Residential -R5 zone putting 2% of total buildable area of the lot. Again, Mr. Russell suggested redefining each and every district regarding the accessory uses, buildings and structures. Mr. Russell stated the definition is the same in each and every district. There will have to be a letter sent to the Planning Board requesting they address the definitions of accessory building in each zone.

Mrs. Foster asked Mr. Russell what is the name of the board, he replied the Planning Board not the Board of Adjustments. Mr. Russell stated the Council President is permitted as a Class III member and he will make the ordinance amendment.

Terms of members: Staggering the board member's terms were discussed and will be addressed at the next Planning Board meeting.

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The Mayor agreed to be the JIF Claims Coordinator and will be adopted at the February 13, 2017.

Meeting schedule:

Council @ 7:00pm	February 13
Budget Meeting @ 5:00 -7:00pm	February 27
Workshop Meeting @ 6:00pm	March 27

A motion was made by: Mrs. Turner and seconded by Mrs. Foster at 8:55pm. RCV: all ayes

Respectfully submitted,

Joanne Siedlecki, RMC, CMR
Corbin City Clerk

Mike McGowan, Mayor