

Regular Meeting October 12, 2010

**REGULAR MEETING  
OCTOBER 12, 2010  
7:00 P.M.**

Mayor St. Amour called the meeting to order at 7:00pm read the following statement and requested Mr. Tom Monzo, to lead the flag salute.

IN COMPLIANCE WITH CHAPTER 231 OF THE PUBLIC LAWS OF 1975, NOTICE OF THIS MEETING WAS GIVEN BY WAY OF ANNUAL NOTICE PUBLISHED IN THE ATLANTIC CITY PRESS, ON JANUARY 8, 2010, THE EGG HARBOR AND HAMMONTON NEWS ON JANUARY 14, 2010 AND POSTED AT TOWNHALL.

**Roll Call:**

**Committee Present:** Anthony Gabris, Bernard Graebener, William Kennedy, Susan Polk, Mayor St. Amour

**Municipal Clerk:** Kimberly Johnson

**Solicitor:** Norman Zlotnick

**Chief Financial Officer:** Dawn Stollenwerk

**Approval of Committee Minutes:** Mayor entertained a motion to approve the minutes of the September 28<sup>th</sup> meeting, so moved by Ms. Polk seconded by Mr. Kennedy. Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

**Public Discussion Relating to Agenda Items:** Mr. Jim Brown requested the letter from Ms. Kelley entered into correspondence be read in its entirety.

**Hearing: Ordinance 14-2010 / Amending Chapter 168 / Parades & Public Assemblies:** Mayor entertained a motion to read by title; so moved by Mr. Graebener, seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mayor St. Amour. Nays: Mr. Kennedy.

*An Ordinance Amending Chapter 168, Parks and Recreation Areas, Chapter 3, Special Events and Use of Public Facilities, of the Code of the Township of Mullica, Atlantic County, New Jersey.*

Mayor opened to the public. Mr. Tom Monzo, Nesco resident for 46 years, asked for clarification of the Ordinance, expressed his concern of danger, gave brief history of the establishment of the Transfer Station, noting it was not erected to attract voters, admitted he has politicked at the Transfer Station in the past, stated, however, it creates an unsafe condition and expressed his concern of going against the JIF Loss Control Report. Mr. Monzo urged Committee to keep safety in mind and recommended no activities be allowed other than the functions of the Transfer Station. Mayor reported this amendment is to allow politicking outside the entrance and exit of the gates of the Transfer Station and compared the activities to walking along the street in regards to safety. Mr. Gabris reported after reviewing the Loss Control Report he visited the site and having personal knowledge of where politicians position themselves he does not feel it is a safety concern. Mr. Gabris stated in Mullica this is where we meet our constituents and he plans on continuing the wearing of safety vests, as well as, not politicking at the entrance. Mr. Monzo again stressed to the Governing Body the safety issues.

Mr. Jim Brown, Republican candidate, stated he agrees with many of Mr. Monzo comments, and stated he will not campaign at the Transfer Station due to the safety issues which he believes are the cars coming up

over the hill onto cars on the roadway which may cause an accident.

Ms. Joann Vitale stated this is not about campaigning, but about getting the word out quickly to the residents and by not amending this Ordinance would be shutting out the voice of the people.

Mayor closed this portion to the public. Mr. Kennedy stated what generated this report was an accident across the street from the Transfer Station where a candidate was allegedly hit by a vehicle, that candidate then filed a Tort Claim, which is reviewed by Safety Committee and generated review of the JIF with the recommendations that were adopted. Mr. Kennedy expressed his concern of not abiding by the Loss Control Report. Mr. Kennedy and Mayor St. Amour requested Mr. Zlotnick opinion. Mr. Zlotnick stated there is a divergence of facts, not all circumstances are known, this has become political; therefore, he feels it is the best interest of the municipality for him to not weigh in on the liability issues. Mr. Zlotnick stated there is a value judgment vote. Mayor St. Amour stated the former legal counsel allowed campaigning at the exit so as to not trump freedom of speech. Mayor clarified to Committee the application fee is being waived for non-profits, not the use fee. Mr. Graebener stated he sees no danger at the site and that Government should not be restricting speech. Mayor St. Amour stated he supports this because he supports what the Constitution affords us. Mr. Graebener so moved to adopt seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mayor St. Amour. Nays: Mr. Kennedy.

#### **Committee Reports:**

**Department of Administration:** Ms. Polk reported the following: The 17<sup>th</sup> Annual Halloween Parade will be held on Sunday, October 24<sup>th</sup>, registration begins at 12 noon, parade begins promptly at 1pm. Nesco Volunteer Fire Company's 2010 Haunted House & Hay Ride will be held October 15, 16, 22, 23, 29 & 30; admission is \$10.00 for adults; \$5.00 ages 4-10 children 3 and under are free; group rates available call (609) 561-6791.

**Department of Housing & Development:** Mr. Gabris reported on the Pinelands Municipal Alliance meeting which included speakers from the Pinelands Commission and the Economic Development Authority of the State. Mr. Gabris stated unfortunately the EDA presentation was not applicable to Mullica primarily due to our rural profile, which highlighted on tax abatements for major developments. Mr. Gabris reported the Pinelands Commission presentation began by a farewell speech of the Director John Stokes who is retiring. Mr. Larry Liggett spoke about solar energy, noting it can only be approved as an accessory use. In regards to changes regarding septic, the Pinelands will assist in incorporating the changes both fiscally and codification. Mr. Gabris suggested the 4 year appointment term of the Code Enforcement Officer be examined to either change the term length or have the position be an employee to remove the political faction.

**Department of Public Safety:** Mr. Graebener reported the following: Municipal Court collected \$15,866.00 for the month of September and the municipality retained \$7,681.83. Since September 28, 2010 the following complaints and or incidents were investigated by the Police Department: 4 assaults, 2 burglaries, 1 narcotic arrest, 12 motor vehicle accidents, 131 motor vehicle stops, 65 motor vehicle summons issued, 2 Municipal Ordinance violations issued and 1 drunken driving arrest. The new Elwood Volunteer Fire Truck is in operation and responded to its first call today.

Mayor recognized Chief Anthony Tomasco of the Elwood Fire Department. Chief Tomasco thanked Committee personally for their support in the purchase of the fire truck. Chief stated this apparatus is an asset to our community and also acknowledged Ms. Johnson, Ms. Stollenwerk and Director of Fire Affairs Jerry Critelli. Mayor St. Amour expressed his appreciation also to Mr. Critelli for his dedication

in specking the truck out under budget.

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**Department of Public Works:** Mayor St. Amour reported the following updates on Township Projects: Jackson Road reconstruction project is complete. Tire removal on Columbia Road property (former Perona Junkyard) is halfway complete. The e-waste collection was a huge success this past weekend at the Transfer Station we encourage residents to keep up the participation! Mr. Graebener suggested signage to address this new program.

### **Correspondence:**

Resolution from City of Ocean City calls on the State Legislature and the Governor to enact property tax reform with passage of the municipal toolkit and mandates relief.

Correspondence from Lori Kelley requesting why the Code Enforcement Officer is not enforcing the sign ordinance in regards to political signs. Mayor asked Mr. Brown who the author is. Mr. Brown indicated she is a member of the Republican Club and is the other candidates' daughter. Mayor read the letter in full. Mayor responded to the correspondence and stated political speech cannot be limited any more than commercial speech, adding this was discussed at a public meeting.

### **New Business:**

**Resolution 121-2010 / Chapter 159 / Body Armor Grant:** Mayor entertained a motion to amend the 2010 budget to include \$1,603.86; so moved by Mr. Kennedy seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

**Resolution 122-2010 / Domestic Violence Awareness Month:** Mayor entertained a motion to resolve the month of October as Domestic Violence Awareness Month; so moved by Ms. Polk seconded by Mr. Graebener RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

**Resolution 123-2010 / Waiver Construction Fees / Temporary Pole / Recreation Complex:** Mayor entertained a motion to waive the fees regarding the anticipated restroom facilities; so moved by Mr. Graebener seconded by Mr. Kennedy. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

### **Discuss Possible Revision to Land Development Ordinance, Section 144-136, Residential District (FAR):**

Mr. Graebener suggested Committee refer Section 144-136, 1.P of the Land Development Ordinance to the Planning Board for interpretation and/or possible revision. Mr. Graebener reported this sections reads: "institutional uses including but not limited to schools, in accordance with 144-123.37, halfway houses, mental health care facilities, private health care facilities, libraries, theaters, museums, all consistent with the provision of NJAC 7:50-5.23(b)1, and subject to Planning Board Approval". Mr. Graebener further explained NJAC 7:50-5.23(b) 1 states" the use is primarily designed to serve the needs of the forest area in which it is located". Furthermore he explained NJAC 7:50-2.11, specifically states "institutional use shall not include medical offices which are not associated with hospital or other medical health care facilities, or shall it include assisted living facilities:" Mr. Graebener stated his interpretation is that the need has to meet the residents living in the Forest Area and that the Planning Board should determine the following 1. Whether these uses should be removed; 2. If they primarily meet the need of the Forest Area, or if some of the listed uses are less restrictive than NJAC 7:50-2.11 and 3. Should larger acreage be required for institutional use in the FAR District to better buffer their residential neighbors and to better protect the communities' water quality standards. Mayor stated it is reasonable to have the Board review this section. Mr. Graebener made a motion to have the matter referred to the Board for their review and

response under the Municipal Land Use Law seconded by Mr. Kennedy. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

**Approve Taxicab Application / Nidal Abedkhalil:** Mayor entertained a motion to approve seconded by Ms. Polk. Mr. Graebener noted the comments of the Police Department regarding the tires. Mayor stated that is a recommendation and inspection from NJ Motor Vehicles is required. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

**Payment of Bills:** Mr. Kennedy so moved to approve the Bill List seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

**Public Discussion:** Mr. Francis Paulsgraf stated taxis and limousines are inspected by the State for emissions and safety and asked about the utility tax being cut from the State. CFO stated that is considered General State Aid, which the State is supposed to collect and give back to the municipalities, which will need to be made up by property taxes.

Mr. Jim Brown stated he has not been involved in the last several years regarding campaign signs. However, for his campaign he obtained a copy of the zoning regulation regarding signs to be in compliance and went as so far to advise the County candidates of the Township's regulations. Mr. Brown questioned if the sign ordinance is un-constitutional why it is currently a law and why was he given a copy to comply with. Mayor stated when Mr. Brown was given a copy of the Ordinance, the Democrat party was also, and that is when it was raised at a public meeting that it was unconstitutional and that political speech will not be enforced. Mayor St. Amour agreed the Township Ordinance regarding signs needs to be amended. Mr. Brown stated he was treated unfairly in this campaign by not being able to erect larger signs, because he was abiding by the law. Mr. Gabris stated it was not intentional to not allow him to erect larger signs. Mayor stated the decision to not enforce the sign ordinance was made at a public meeting and the decision was made to protect constitutional rights by allowing political speech.

Ms. Joann Vitale stated the Republican Municipal Chair was present at the August meeting when the decision was made regarding political signs.

Mr. Brown stated he was abiding by the Ordinance, not by word of mouth.

Mayor closed the public portion. Mr. Graebener made a motion to adjourn seconded by Mr. Kennedy. RCV: Yeas: All voted yes.

Respectfully submitted,

Kimberly Johnson,  
Municipal Clerk

#### Bill List

Atlantic Coast Alarm124.00Service CallAlicea, Miriam150.00Court Session 9/21 & 10/5Animal Capture  
& Control Svc.645.00May-December 2010 ServicesArawak Paving Co.171,449.77Jackson Road  
ProjectAtlantic City Electric5,365.14September 2010 ServicesBirch's Communications3,200.00New  
Cars/Light Bars Etc.Frank Mazza & Sons Inc.8,785.17Police Dept Floor Replacement / Bathroom Floor  
ReplacementCAM Co.189.36New Holland RepairsCasa Payroll276.30August – December 2010  
ServicesCrescent Tire & Auto2,375.65August – September 2010 ServicesHammonton Home  
Center66.68PW SuppliesDell USA LP188.97Back Up TapesJohn H. Abbot261.00Split RailsFrick,  
Elaine666.67May-December 2010 ServicesGarden State Highway Products488.00PW SignsG&P  
Floor425.00May-December 2010General Sales Administration829.06New Cars/LightsUPS17.23Ban

DocumentsLawmen Supplies319.89Holster-Special, HP Carrier/American body Armour/Misc Police SuppliesVal-U Auto Parts12.58August 2010 PurchasesMetropolitan Telecommunications738.37June-December 2010 ServicesNJ Conference of Mayors35.00Mtg – MayorVerizon252.37July-December 2010 ServicesNJ League of Municipalities70.00League Luncheon / Mayor & SusanAncero2,259.90Server Hard Drive Replacement / Sept 2010 ServiceLaw Office of Ernest Aponte300.00May-December 2010 ServicePeter Lumber23.324x4 PostsPitney Bowes Credit Corp.585.00Lease Install 6/30-

9/30ACMJIF54,471.004<sup>th</sup> Quarter 2010 AssessmentAC and Sons Tree Service700.00Tree Removal – ReadingReserve Account1,000.00PostageLexisNexis Risk Data Management50.00May-December 2010 ServicesService Station Service643.37PC Topkat Communication RepairSouth Jersey Gas207.26September 2010 ServicesSirchie Finger Print Lab160.61Specimen KitsSpectera, Inc.644.82July-December 2010 CoverageStaples Advantage511.08Office SuppliesTele-Measurements Inc.822.93Video Conferencing RepairsPetroleum Traders4,003.59August – September 2010 PurchasesThis & That Uniform249.00Polo Shirts – PD / Replacement TrousersVal-U Auto Parts517.53August 2010 PurchasesXerox Capital Services25.00Copier Maintenance RenewalAvaya Inc.212.57Maint Agreement 8/13-9/12Marathon Engineering1,250.00Rec Complex Project / Street Maps / SBA Towers Esc/ Metro PCS Esc/ Pino EscLawrow Electric & Plumbing Sup33.95Light BulbsPurchase Power518.89PostageFleishman Daniels1,927.80Ban RolloverBiel, Zlotnick & Feinberg5,299.87June-December 2010 Services / August 2010 ServicesAtlantic County Utilities Authority21,522.89August 2010 ServicesStollenwerk, Robert25.00Refund Escrow BalanceStollenwerk, Dawn60.00Reimbursement Truck RegistrationTreasurer, State of NJ3,667.09Green Trust Payment #30Treasurer, State of NJ1,015.002010 Recycling Monitoring FeesNJ State Health Benefits Fund56,073.82October 2010 Coverage / December 2010 CoverageMullica Twp Board of Ed6,100.00Alliance Contr/ Stokes – Summer Camp Reimbursement

Current Fund Appropriations	0-01	306,039.93
Trust Fund Disbursement	0-03	395.00
Year Totals		306,434.93
Improvement Authorizations		55,377.57
Total of All Funds		361,812.50

Trust Fund Disbursements	0-03	372.28
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Total of All Funds		494,302.54
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