

Regular Meeting September 14, 2010

**REGULAR MEETING
SEPTEMBER 14, 2010
7:00 P.M.**

Mayor St. Amour called the meeting to order at 7:00pm read the following statement and requested Chief Register, 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 of Police: Paul Register

Chief Financial Officer: Dawn Stollenwerk

Approval of Committee Minutes: Mayor entertained a motion to approve the minutes of the August 24th meeting, so moved by Ms. Polk seconded by Mr. Kennedy. Mr. Graebener suggested the following change to the minutes under: **Discuss Parades & Public Assemblies Waiver Request / MS Bike Run:** add to fourth line “permits are required for special events” and the next line to change to “to require the \$100.00 application fee for anyone other than a charity or for political discourse.” Ms. Polk amended her motion to approve the minutes to reflect those changes seconded by Mr. Kennedy. Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

Mayor proposed to add to New Business, Resolution 111-2010, Municipal Alliance Grant Application; so moved by Mr. Kennedy seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour. Mayor stated we are going to move forward with the agenda and come back to the Presentation of the Police Department momentarily.

Public Discussion Relating to Agenda Items: Mr. Ron Lischak questioned Resolution #110-10, appointing Special Counsel, and why it did not go out to bid. Mr. Zlotnick stated this is a matter of internal discipline in which he as Municipal Solicitor is prohibited from taking part in. Mr. Zlotnick stated the hourly rate is \$175.00.

Committee Reports:

Department of Revenue and Finance: Mr. Kennedy reported the following: The Township is accepting proposals for purchase of \$362,000 BOND ANTICIPATION NOTES (BANK QUALIFIED). Sealed written or telecopied proposals for the purchase will be received by the Township on Thursday, September 16, 2010, until 11:00 a.m. All faxed proposals shall be submitted on the OFFICIAL FORM OF PROPOSAL FOR NOTES. We accepted Bids on September 8, 2010 for the removal of tires from the

Columbia Road Property. Two bids were received: Earthtech - \$750 per ton, Carbon Services - \$297 per ton, which we will be awarding to Carbon.

Department of Administration: Ms. Polk reported the following: Atlantic County is holding free Rabies Clinic on Sunday September 19th, 10am – 12 noon at the County Animal Shelter in Pleasantville. Cross County Connection is now offering free shuttle service between the Atlantic City Rail Line and Stockton College, FAA Tech Center and the Atlantic City Airport. For more information visit www.driveless.com.

Department of Public Safety: Mr. Graebener reported the following: Elwood Volunteer's 9th Annual Golf Tournament, scheduled for October 2nd, to benefit EVFC and Township resident Deanna Super. Please contact John Falciano if you would like to donate to the Chinese auction and/or door prizes. The following report reflects the actions taken by members of the Mullica Twp Police Department during the month of August; 274 motor vehicle stops; 178 summons issued; 4 warnings issued; 43 adult arrests and 1 juvenile arrest.

Department of Housing & Development: Mr. Gabris reported he, the Municipal Clerk and Superintendent of Public Works have been reviewing Chapter 225, Trash Disposal and Recycling Ordinance. He stated they would like to include a requirement that trash cans and recycling containers be placed out the night before and taken away by the following night, to restrict residents from housing the containers on the roadside. Mr. Gabris stated other issues to be addressed are possible punch cards for disposal of bulky waste to curtail it only to residents.

Department of Public Works: Mayor St. Amour reported the following for township projects: septic system project at the Recreation Site is completed, Jackson roadway reconstruction is underway, chipping is back on schedule and our annual inlet cleaning was completed today.

Presentation: Mullica Township Police Department: Chief Register recognized local resident Eliot Lebron as well as Michael Mazowski from Mays Landing for their heroism in acting as good Samaritans in assisting a motorist from her vehicle which was sustained in an accident and engulfed in flames. Senator James Whelan was also present to acknowledge Mr. Lebron and Mr. Moslowski for their courage and presented them with Senate Resolution for their courageous act of heroism.

Mayor took a five minute recess. Mayor reconvened meeting.

Correspondence:

A Public Hearing sponsored by the NJ Clean Water Council will be held October 12th, from 9am – 1pm, at the NJDEP Public Hearing Room in Trenton regarding water pollution related issues.

Public Hearings regarding Atlantic City Electric Charges will be held September 23rd at 3:30pm and 5:30pm at the Hammonton Library.

Public Hearings regarding proposed charges for South Jersey Gas customers will be held September 14th at 3:30pm and 5:30pm at the Voorhees Library.

NJDEP will hold a public hearing on the proposed federal fiscal year 2011 clean water financing on September 21st at 10am in Lawrenceville.

Old Business:

Resolution 106-2010 / Award Tire Removal & Disposal Bid / Carbon Services Corporation: Mayor entertained a motion to award to Carbon Services Corporation in the amount of \$267,000; so moved by Mr. Kennedy seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

Discuss Parades and Public Assemblies / Chapter 168: Mayor reported the changes: the definition of special event would be to include “would significantly disrupt the normal flow of vehicular traffic along a public road or require a road to be blocked”, that groups recognized as a charity by the State of New Jersey or IRS or if the event is for political discourse, debate, or other protected First Amendment activities the \$100.00 application fee would be waived; and any activity outside the Transfer Station would have to be outside the station. Mr. Graebener expressed his concern with Township entities. Mayor stated the Ordinance currently allows waiver of fees of Township sponsor events. Clerk requested specific language, “Determination Letter”, be incorporated in the Ordinance. Mr. Kennedy asked if the Ordinance was repealing the utilization of safety vests and activities only at the exit gate. Mr. Graebener stated those items were being repealed. Mr. Kennedy expressed his dissatisfaction with Mr. Graebener as head of Public Safety to advocate those items be rescinded as they were recommendations of the Township Safety Committee and the Joint Insurance Fund. Mr. Graebener believed there was no danger standing outside the transfer station and the JIF Safety Report was flawed. Consensus of Committee is to schedule amendments to Chapter 168 as a First Reading for the next meeting.

Discuss Waiver Request / MS Bike Run: Mayor stated they have requested the \$100.00 application fee be waived and in light of proposed amendments to the Ordinance he suggested we consider the waiver. Committee briefly discussed the request and consented to waive the application fee.

Discuss Waiver Request / Pro Pedals: Mayor noted this organization is a for-profit; however, they are a company that continually supports our community and donates to our Police Department. Chief Register reported Pro Pedals were extremely instrumental in guiding him with our newly bike patrol, participate in community events, and have donated to the municipality. Mayor stated out of appreciation he would be in favor of waiving the application fee. Mr. Graebener stated he is reluctant to make exceptions. Ms. Polk stated she is comfortable with a case by case basis. Mr. Kennedy stated he agreed with the Mayor as did Mr. Gabris and Ms. Polk.

New Business:

Resolution 107-2010 / Person-to-Person Transfer Place-to-Place Transfer / Eden’s Nightclub to Bus Stop Nightclub / Pocket to 3417 White Horse Pike: Mayor entertained a motion to approve the transfer to Rey Vega for location at 3417 White Horse Pike; so moved by Mr. Gabris seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

Resolution 108-2010/ Deer Carcass Removal Services Contract: Mayor entertained a motion to award to Deer Carcass Removal Services for municipal roads at \$60.00 per pick-up. Mr. Gabris questioned the amount of finances spent on this service. Mayor reported approximately 4 pick-ups per month. Ms. Polk made a motion to approve seconded by Mr. Kennedy. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

Resolution 109-2010 / Chapter 159 / Drunk Driving Enforcement Fund: Mayor entertained a motion to insert \$3,682.77 into the 2010 budget; so moved by Mr. Kennedy seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

Resolution 110-2010 / Appoint Special Legal Counsel / Todd J. Gelfand, Esquire: Mayor stated Committee needs to be further informed by the Solicitor and entertained a motion to adjourn until after Executive Session; so moved by Mr. Gabris seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

Resolution 111-2010 / Municipal Alliance Grant: Mayor entertained a motion to endorse submission of 2011 Municipal Alliance Grant Application; so moved by Mr. Kennedy seconded by Mr. Graebener. 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 Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

Public Discussion:

Mr. Jon Malkin reported the County responded to the Environmental Commissions' concerns regarding the drainage along Route 542 and they have stated they are not addressing any drainage issues outside of the footprint of the road. Mr. Malkin advised Committee this is more of an enforcement issue from the Municipality.

Ms. Joyce Howell, resident of Mullica Woods, stated they have never received a report from the Rent Control Hearing, but noted that have been recently advised by Mr. Curcio, Esquire, he is not filing a brief. Ms. Howell recommended the Committee review Chapter 153-25, increase based on consumer price index of Philadelphia region, of the Code of the Township. Ms. Howell stated the minimum listed in the Code is 2% and the residents are requesting that be changed to 0% because they have not had an increase in social security, homestead rebate has been take away and other financial burdens. Mayor stated he will contact Mr. Murray regarding the hearing and stated he will review the Ordinance.

Mr. Frank McGinley, 4th Avenue, stated he has a serious problem with the Code Enforcement Officer Mr. Sandman, in that he is being singled out and harassed. He stated he owns a horse farm which Mr. Sandman is constantly finding him not in compliance, he comes to the property unannounced, address his tenant unprofessionally and violating his expectation of privacy. Mr. McGinley stated he was putting Committee on notice that he wants this employee to be disciplined for his unethical actions. Mayor stated he will investigate the accusations.

Mayor closed the public portion and entertained a motion to enter executive session; so moved by Mr. Graebener seconded by Mr. Kennedy. RCV: Yeas: All voted yes. Clerk read Resolution in full to discuss a personnel matter, contract negotiations, pending litigation and to review minutes. Mr. Kennedy made a motion to come back to regular session at 8:40pm seconded by Mr. Gabris. RCV: Yeas: All voted yes. Clerk reported in Executive Session the Governing Body discussed contract negotiations, a matter of litigation, the appointment of Special Legal Counsel, Mr. Todd Gelfand, and reviewed the Executive Session minutes of August 24, 2010.

Approve Executive Session Minutes: Mr. Kennedy made a motion to approve the minutes of August 24, 2010, seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr. Kennedy, Ms. Polk, Mayor St. Amour.

Resolution 110-2010 / Appoint Special Legal Counsel / Todd J. Gelfand, Esquire: Mayor entertained a motion to enter a contract with Mr. Gelfand, pending contract negotiations between Mr. Gelfand and Mr. Zlotnick; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Graebener, Mr.

Kennedy, Ms. Polk, Mayor St. Amour.

Mr. Graebener made a motion to adjourn seconded by Ms. Polk. RCV: Yeas: All voted yes.

Respectfully submitted,
Kimberly Johnson,
Municipal Clerk

BILL LIST

Al & Rich's Car Wash 200.00 Car Wash Ticket Alicea, Miriam 150.00 Court Session 8/3, 8/17 Animal Capture & Control Svc. 645.00 May-December 2010 Services Atlantic City Electric 11,928.49 August 2010 Services Best Eastern Exterminating 90.00 Pest Control Svc. Casa Payroll Services 225.30 August - December 2010 Services Crescent Tire & Auto Inc. 553.15 July 2010 Services Lorco Petroleum Services 110.00 Parts Washer Service Dimeglio Septic Inc. 65.00 June-December 2010 Services Deer Carcass Removal Services 130.00 July 2010 Services Edmunds and Associates 1,165.30 2010 Tax Bill Printing Entemann-Rovin Co. 299.99 Captain/Chief Badges Frick, Elaine 666.67 May-December 2010 Services Garden State Highway Products 482.00 Street Signs Etc. G&P Floor Maintenance 425.00 May-December 2010 Services General Code Publishers 1,336.20 Supplement No. 7 Interstate Battery System 593.50 Police Radio Batteries UPS 33.20 Radio Repair Shipping Charges Jimmy's Lakeside Garage 898.80 Repairs/Inspection 2000 Kay Printing 203.13 Construction Office Files Crystal Springs 100.58 July-December 2010 Services Maudsley, Mary J. 433.00 May-December 2010 Services / Kehrl Escrow McDonald Saw Services LLC 409.69 Brush Hog/Chpper/Blades/Saw Chains/ Mower Blades Metropolitan Telecommunication 713.04 June-December 2010 Services O'Brien Office Equip. Inc. 239.00 Court-Typewriter Repairs Verizon 427.52 July-December 2010 Services J&J Enterprises 105.00 Drug Recognition Training Northern Safety & Industrial 203.77 Ear Protection/PW Supplies Ancero 790.00 August 2010 Services Law Office of Ernest Aponte 300.00 May-December 2010 Services Peter Lumber Company 53.31 4x4 Screws Pitney Bowes 239.95 Postage Meter Supplies Usher Publishing 290.00 Ticket Books - Court Reserve Account 1,500.00 Postage Lexisnexis Risk Data Management 50.00 May-December 2010 Services Schwabb, Inc. 52.75 Embosser-Police South Jersey Gas Co 179.79 August 2010 Services Spectera Inc. 644.82 July-December 2010 Coverage Staples Advantage 1,055.33 Office Supplies / Printer Toner The Daily Journal 103.60 July 2010 Publications The Press 49.02 Tire Removal Specifications / Ord 13 Petroleum Traders 3,470.39 August 2010 Purchases This & That Uniforms 1,630.00 Uniform - Ryan Hutton Sustainable Jersey Awards 140.00 2010 Award Luncheon Val-U Auto Parts 627.86 July 2010 Purchases Vital Services Group 300.00 May-December 2010 Services / Tax Master Tape to Edmunds Xerox Capital Services 25.00 Copier Maintenance Renewal Avaya, Inc. 212.57 Maintenance Agreement Marathon Engineering 4,465.00 Rec Concession Project, Master Plan, Fifth Avenue, Metro Pcs Escrow, Jackson Rd, Master Plan Reexam, NJDOT 2011 Grant Application Biel, Zlotnick & Feinberg 7,558.34 June-December 2010 Services, July 2010 Services Atlantic County Clerks Office 8.00 Fifth Landsale Deed Atlantic County Utilities Auth. 17,868.04 July 2010 Services Atlantic County Treasurer 1,562.50 50% Flashing Light per Agreement Thompson, John Jr. 360.00 Education Reimbursement Seprlak, Stephen 115.00 2010 Workbook Reimbursement NJ State Health Benefits Fund 44,041.82 September 2010 Coverage NJ Dept of Health & Senior Service 2.40 July 2010 State Dog Fee NJ Motor Vehicle Commission 12.00 Salvage Title Greater Egg Harbor Regional 138,156.94 August 2010 Levy Mullica Twp Board of Ed 319,110.00 September 2010 Levy MidAtlantic Communications 20,042.42 May-December 2010 Services

Current Fund Appropriations	0-01	587,570.78
Trust Fund Disbursements	0-03	278.40
TOTAL OF ALL FUNDS		587,849.18