

REGULAR MEETING SEPTEMBER 13, 2011

**REGULAR MEETING
SEPTEMBER 13, 2011
7:00 P.M.**

Mayor Brown called the meeting to order at 7:00 p.m. read the following statement and led 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, EGG HARBOR AND HAMMONTON NEWS ON JANUARY 5, 2011 AND POSTED AT TOWNHALL.

Mayor requested everyone to remain standing for a Moment of Silence for our friend and colleague Mr. William Kennedy.

Roll Call:

Committee Present: Anthony Gabris, Susan Polk, Larry Riffle, Mayor Brown

Municipal Clerk: Kimberly Johnson

Solicitor: Elias Manos

Deputy Municipal Clerk: Ann Lupinetti

Chief of Police: Paul Register

CFO: Dawn Stollenwerk

Superintendent of Public Works: Peter Berenato

Mayor Brown entertained a motion to add item G. under New Business: Approve Raffle License RA2-2011 and Waive Fee / PTA. Mr. Riffle so moved to amend agenda seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Approval of Committee Minutes: Mayor entertained a motion to approve the minutes of August 23, 2011; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Proclamation: Honoring William H. Kennedy: Mayor Brown presented the Kennedy Family with a Proclamation on behalf of the residents and Township Committee in remembrance of Mr. Kennedy.

Committee took a five minute recess.

Public Discussion Relating to Agenda Items: None.

First Reading: Ordinance 10-2011 / Amend Chapter 110 / Curfew: Mayor entertained a motion to read by title; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

An Ordinance to Amend Chapter 110, Section 1, of the Code of the Township of Mullica, Entitled "Curfew", County of Atlantic, State of New Jersey

Mayor entertained a motion to approve and set hearing date for September 27, 2011 at 7pm; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

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Committee Reports:

Administration: Ms. Polk reported the following: September 24th and 25th Bike MS: Ride City to Shore Ride 2011 will be riding through Mullica Township on their 175 mile journey. Operation Vets Chili Challenge! Saturday, October 1, 2011 from 12 p.m. - 10 p.m., Nesco Volunteer Fire Company, backed by American Legion Post 186. Chili Cook-Off, live music day. Ms. Polk reported the Recreation Association committed \$10,000 for improvements at the recreation fields for the concession stand and bathrooms, and last year we held their entire \$5,000.00 stipend. However, they have requested the remainder be split, \$2,500 this year and \$2,500 in 2012. Mayor stated that was acceptable, however, he suggested the Association submit financials to the municipality twice a year, for better financial planning. Mr. Riffle made a motion to submit \$2,500.00 to Recreation Association and to request financials twice a year seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Public Works: Mr. Riffle reported the following: We are asking everyone to please be patient regarding chipping as the Department is behind schedule due to the hurricane. Please make sure your trash is in trash bags with the appropriate tag and not in trash cans. Tonight we will be hiring a Building Maintenance Worker Clifton Wooton, and a part-time laborer Russell Smith, based upon the recommendation of our Public Works Supervisor and Municipal Clerk.

Housing & Development: Mr. Gabris reported the next Historical Society Meeting is scheduled for Tuesday, September 20th at 7:30 pm. Mr. Gabris expressed his appreciation and acknowledged our employees, volunteers, the Mayor, County personnel and Sheriff Department for all their efforts during Hurricane Irene.

Public Safety: Ms. Polk reported the following: Elwood Volunteer Fire Co. 10th Annual Golf Tournament to benefit EVFC and Gianna DeRosa will be held Saturday, October 8, 2011 for more information contact John Falciano at 609-965-2529. Donations and checks can be made payable to EVFC Charity Golf Tournament. Municipal Court collected \$25,730.00 for the month of August and the municipality retained \$13,308.42. Mullica Town Watch Meeting will be held Thursday September 29th, 7pm at the Nesco Fire House. The following incidents were investigated by members of the Police Department from August 23rd through September 12th, 5 arrests, 9 motor vehicle accidents, 244 motor vehicle stops, 124 motor vehicle summons issued. Calls for service year to date are 9,598 and 51 drunk driver arrests. Total calls for the Fire Department from August 1st through September 7th were 43.

Revenue & Finance: Mayor reported the following: The August treasurer's report was emailed to all members of Committee and will be included in the minutes of tonight's meeting. The Township is accepting sealed written or telecopied proposals for the purchase of \$342,000 Bond Anticipation Notes on Wednesday, September 14, 2011, until 11:00 a.m. Further information is available on the township website, or by contacting Dawn Stollenwerk, CFO. Sealed proposals will be received by the Township Purchasing Agent on Wednesday, October 5th, 2011 at 10:00 am for the purchase of a Grooming Mower. Further information is available on the Township website, or by contacting Dawn Stollenwerk, Chief Financial Officer at (609) 561-7070.

Mayor indicated a letter was delivered late this afternoon from the Democrat County Committee to be added to tonight's correspondence. Committee consented to addition.

Correspondence:

Atlantic City Electric will hold public hearings regarding their charges on Thursday, September 22nd, 3:30 pm and 5:30 pm at the Atlantic City Electric Regional Office is Mays Landing.

Correspondence from Mr. John Schmidt regarding the Township's OPRA Form.

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Correspondence from the Mullica Township Democratic County Committee submitting nominees to fill the Township Committee vacancy (Clerk read in full).

Correspondence from Mullica Township Democratic County Committee regarding filling the vacancy on Township Committee. (Clerk read in full).

Mayor stated we should discuss the vacancy. Ms. Polk stated the Democrats by law have the right to fill the vacancy. Mr. Manos stated the names were submitted within the required timeframe and that the Governing Body has thirty days to fill the vacancy. Ms. Polk made a motion to nominate Mr. Bernard Graebener seconded by Mr. Gabris, noting Mr. Graebener past experience as a Committee Member, as well as noting in regard to the other nominees, one would be a conflict and the other is green. RCV: Yeas: Mr. Gabris, Ms. Polk. Nays: Mr. Riffle, Mayor Brown. Mr. Riffle nominated Ms. Elizabeth Schroeder Buonsante seconded by Mayor Brown. Yeas: Mr. Riffle, Mayor Brown. Nays: Mr. Gabris, Ms. Polk. Committee discussed what the next step would be. Mr. Manos stated if the Committee does not nominate a person on the list submitted by the Democratic County Committee within thirty days of the occurrence, that Committee will nominate a person to fill the vacancy. Mayor entertained a motion to hold a Special Meeting. Mr. Gabris stated he was not in favor of holding a Special Meeting. After a brief discussion, Mr. Riffle made a motion to hold a Special Meeting on September 23, 2011 at 2pm seconded by Mayor Brown. RCV: Yeas: Ms. Polk, Mr. Riffle, Mayor Brown. Nays: Mr. Gabris.

Old Business:

Resolution 101-2011 / Accept 2010 Planning Board Master Plan: Mayor entertained a motion to accept; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Discuss Elwood Rural Cemetery Roadway: Mayor stated he has received several calls regarding the safety issues becoming more prevalent due to the condition of the roadway and standing water. Ms. Polk reported she received an e-mail from a resident requesting that the roadway not be improved. Ms. Polk stated it was suggested that Elm Street be utilized instead of the roadway, that it is a private roadway which should be closed and that we are expending Township funds. Mr. Gabris suggested a gate and/or a sign, which states private roadway. Mayor expressed his concern with children walking along the roadway which is unsafe, and stated out of respect as we have done in the past and that we should maintain it, which is a minimal cost. Mr. Riffle made a motion for the Township to maintain the roadway for the safety issues and continue to discuss other remedies regarding this roadway. Committee discussed maintaining the roadway and the purpose of a gate. Mayor opened this section to the public.

Mr. Gregory Marks, adjacent property owner to cemetery roadway, stated the water comes from across the street to the roadway and stands in the potholes. Mr. Marks stated there is another roadway to the cemetery and stated need a more comprehensive approach to address the roadway and stated from a safety issues there are many dead trees which need to be tended to and express his concern of the Township's liability regarding maintaining a private roadway. Mr. Marks commended Mr. Francis Paulsgraf for caring for the property.

Mr. Paulsgraf, cemetery caretaker, stated there is dirt which can be utilized along the roadway to level the roadway, the roadway is warranted to exit the cemetery and suggested eminent domain be reviewed.

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Mr. John Szuba, adjacent property owner to cemetery roadway, stated the roadway is higher than the adjacent properties which causes their properties to flood, expressed his resentment with the municipality maintaining a private road, noted no children walk to school, and stated the people in the cemetery would be better served by making the roadway private.

Ms. Joy Ramer, adjacent property owner, expressed her dissatisfaction with the road being public, and with the municipality maintaining the roadway.

Mrs. Alice Marks, adjacent property owner, stated in honor of the people buried in the cemetery, the road should be closed to commercial vehicles and thru traffic, and by grading the roadway it has affected the graves.

Ms. Jean Evans, adjacent property owner, requested a legal opinion regarding the liability, stated the Town should obtain permits before any maintenance occurs. Mr. Manos stated if the road is private and the municipality decides to maintain it that decision could be challenged. Mr. Manos noted the cemetery association could dedicate the road to the municipality and the municipality could consider eminent domain. Ms. Evans presented pictures to the Governing Body depicting trees being uprooted due to the grading.

Mayor stated there is a motion on the floor and he would like to add to that motion to add a gate at the Elwood Road entrance and stated in good conscience he cannot leave the road in its current condition. Mr. Riffle amended his motion for the municipality to maintain the roadway and secure the roadway at the Elwood Road entrance seconded by Mayor Brown. RCV: Yeas: Mr. Gabris, Mr. Riffle, Mayor Brown. Nays: Ms. Polk.

New Business:

Resolution 102-2011 / Chapter 159 / Traffic Safety Grant – Over the Limit Under Arrest: Mayor entertained a motion to insert \$4,400.00 into the 2011 budget; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Resolution 103-2011 / Liquor License Renewal 2011-2012 / Joshua Owheya (in pocket): Mayor entertained a motion to renew; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Approve Change Order / Reconstruction of 5th Avenue: Mayor entertained a motion to approve the change order as recommended by the Township Engineer; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Approve Building Maintenance Worker / Clifton Wooton: Mayor entertained a motion to hire Mr. Wooton based upon recommendation of Superintendent of Public Works and Municipal Clerk with a start date of August 30th; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Approve Public Works Employee / Part-time Laborer / Russell Smith: Mayor entertained a motion to hire Mr. Smith based upon recommendation of Superintendent of Public Works and Municipal Clerk with a start date of September 19th; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Approve MTRA Application 48-2011 / Roof: Mayor entertained a motion to approve emergency loan; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

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Approve Raffle License RA2-2011/ PTA & Waive Fee: Mayor entertained motion to approve and waive fee; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Payment of Bills: Ms. Polk made a motion to approve the Bill List seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Public Discussion:

Mr. Szuba stated children do not walk to school in Mullica Township.

Mr. Ron Lischak reported the Lake Association and Atlantic County received correspondence from Department of Environmental regarding the dam and Atlantic County is taking the leadership role in applying to FEMA.

Mayor closed public discussion and entertained a motion to enter Executive Session; so moved by Mr. Riffle seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown. Clerk read Resolution ES12-11 in full to discuss pending litigation, personnel and to review executive session minutes.

Mayor entertained a motion to come back to Regular Session at 8:20 pm; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown. Clerk reported the Governing Body discussed pending litigation, reviewed Executive Session Minutes of August 9, 2011 and discussed the continuance of health benefits of a recently terminated employee and consented to cease those benefits. Mayor Brown made a motion to terminate the health benefits of the terminated employee seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Approve Executive Session Minutes: Mayor entertained a motion to approve the minutes of August 9, 2011; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown.

Ms. Polk moved to adjourn seconded by Mr. Riffle. RCV: Yeas: All voted yes.

Respectfully submitted,

Kimberly Johnson, Municipal Clerk

BILL LIST

Alicea, Miriam	75.00	Court Session 9/6/11
Allister Business Solutions	165.44	Copier contract Overage
Animal Capture & Control	649.00	May-December 2011 Services
Atlantic City Electric	2,181.99	August 2011 Service
Horizon Blue Cross Blue Shield	4,231.71	Aug-December Premium
Butterhof's Farm & Homs Supply	118.87	Starter Assembly / Wasp Spray/chain
Casa Payroll Services, LCC	131.00	Services June-December 2011
Craig Testing Laboratories, Inc.	1,150.00	Fifth Avenue Testing
Dimeglio Septic	65.00	July-December 2011 Services
Edmunds and Associates	1,381.08	2011 Tax Bill Printing
Frick, Elaine	666.67	May-December 2011 Services
G.T.B.M., Inc.	2,482.50	Info Cop Maint Agreement
G&P Floor Maintenance	425.00	May-December 2011 Service

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Goloff, Carol	187.50	May-December 2011 Services
Master Wire Manufacturing	300.00	Patch Fence at Transfer Station
Community Mediation Services	33.00	Mediation Inv. 111-297
Crystal Springs	193.13	July 2011 Services
Lawmen Supply Co. of NJ	1,212.74	GH Lite IIA Vest / New Patrolman Equipment
A.E. Stone Inc.	527.85	Cold Patch
Metropolitan Telecommunication	829.81	May-December 2011 Services
Verry, Robert A.	4,339.50	Hearing Officer Services
Nehmad Perillo & Davis	2,500.00	May-December 2011 Retainer
Verizon	270.18	June-December 2011 Services
Peter Lumber Co.	12.60	Lath
R&R Radar	144.12	Radar Repairs
Red Bank Veterinary Hospital	650.00	5/23/11 Services
Rodio Tractor Sales	28.74	Trimmer Head
Security Identification System	47.00	Tantum Id
South Jersey Gas Co.	139.50	June-December 2011 Services
Sign A Rama	37.50	Phone Box Sign
Spectera, Inc.	664.36	July – December 2011 Premium
Staples Advantage	183.40	Office/Janitorial Supplies
Swift, James	300.00	Services May-December 2011
Tactical Public Safety	285.00	Radio Repairs
The Press	18.81	Pay to Play Ordinance
Petroleum Traders	5,450.59	July – August 2011 Purchases
Drager Safety Diagnostics Inc.	145.00	Alcotest Solution – DDEF
West Customer Service	417.00	2011 NJ Criminal / MV Law/ NJ Criminal Laws/ Statute Updates
Xerox Capital Services	27.00	Copier Maintenance
Certified Speedometer Services	130.00	8/6/11
Marathon Engineering	280.00	Street Opening/Hanover
Tripician, Carl	300.00	8/18/11
Creamer, John	68.93	Hurricane Supplies Reimbursement
State of NJ	370.94	2010 Assessment
NJ Division of Pensions	152.50	DCRP Life Ins. Contrib
NJ States Health Benefits Fund	50,698.04	September 2011 Coverage
NJ Motor Vehicle Commission	85.00	Register Police Car
Greater Egg Harbor Regional	132,722.84	August 2011 Levy
Mullica Twp. Board of Ed	319,110.00	August 2011 Installment

Current Fund	0-01	4,457.01
Current Fund	1-01	531,198.83
Trust Fund	T-03	930.00
Total of All Funds		536,585.84

**TOWNSHIP OF MULLICA
MONTHLY TREASURER'S REPORT
FOR THE MONTH OF AUGUST 2011**

Current Fund

	1,830,073.	%/budget expended
Beginning Balance	33	

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Cash Receipts:

Interest	292.59	
Current year tax receipts	99,140.12	
Receivables/Interfunds	2,256.00	
Anticipated Revenue	231,786.65	
Unanticipated Revenue	<u>4,305.86</u>	
 Total Cash Receipts	 337,781.22	

Expenditures:

2010 Appropriations	(10,783.78)	
	(345,877.0	
2011 Appropriations	9)	
	(1,388,682.	
Liabilities	43)	
Interfunds	(677.54)	
Grant Fund	<u>(13,694.89)</u>	
 Total Expenditures	 (1,759,715.	 73)
 Ending Cash Balance	 408,138.82	
 Cash Increase/(Decrease)	 (1,421,934.	 51)

Reserve Budget	259,477.47	
2011 Budget	5,322,515.	
	79	

Reserve Budget Balance	97,701.12	62.35%
2011 Budget Balance	1,460,753.	72.56%
	50	

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**TOWNSHIP OF
MULLICA
MONTHLY
TREASURER'S
REPORT
FOR THE
MONTH OF
AUGUST 2011**

Capital Fund

Beginning Cash Balance	114,931.11
Cash Receipts	0.00
Cash Disbursements	<u>0.00</u>
Ending Cash Balance	114,931.11
Due from Current Fund	<u>0.00</u>
Total Cash Available	<u>114,931.11</u>

		Proof	Assets Liabilities
Capital Fund Balance	15,291.46		
Capital Improvement Fund	13,431.11		Difference
Accrued Interest on Bonds	480.00		
Reserves for Projects	<u>0.00</u>		
Total Available for Projects	29,202.57		
Def Charges Future Tax Unfunded	851,000.00		
Def Charges Future Tax Funded	<u>1,120,000.00</u>		
Total Deferred Charges	1,971,000.00		
Funded Improvement Author	10,450.97		
Unfunded Improvement Author	75,277.57		
Contracts Payable	<u>0.00</u>		
Total Improv Author	85,728.54		
	1,120,000.00		
Bonds Payable	00		
BANS Payable	851,000.00		
Green Trust Loan Payable	0.00		

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Debt Authorized but not	
Issued	<u>0.00</u>
	1,971,000.
Total Debt	00