

REGULAR MEETING SEPTEMBER 27, 2011

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SEPTEMBER 27, 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.

Roll Call:

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

Municipal Clerk: Kimberly Johnson

Solicitor: Elias Manos

CFO: Dawn Stollenwerk

Superintendent of Public Works: Peter Berenato

Approval of Committee Minutes: Mayor entertained a motion to approve the minutes of September 13, 2011; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown. Abstain: Mr. Graebener.

Presentation: 30 Year Active Fire Department Recognition: Mayor introduced Jerry Critelli, Director of Fire Affairs, who presented recognition awards on behalf of the Fire Department in conjunction with the Governing Body. Mayor thanked the volunteers on behalf of their peers, Township and Governing Body for their dedicated service.

Mr. Jerry Critelli reported the Fire Departments responded 18 times for the month of September and one very serious call which had response from all 4 Mullica Township Fire Companies, as well as, six outside companies. Mr. Critelli thanked all members of the Fire Departments and the Governing Body, Town Hall and the Police Department for their support.

Mayor Brown and Director Critelli recognized the following volunteer Fire Members for their active service:

Chief Anthony Tomasco, Elwood

Frank Thibault, Nesco

Assistant Chief Randy Ficken, Sweetwater

Chief Robert Cirillo, Weekstown

Bruce Jensen, Weekstown

Chief Carmen Merlino, Nesco

Jay Johnson, Nesco

Harry Craig, Sweetwater

Assistant Chief Joe Pratzner, Jr., Weekstown

Joe Pratzner, Sr., Weekstown – 50 Years Active

Committee took a five minute recess.

Public Discussion Relating to Agenda Items: None.

Hearing: Ordinance 10-2011 / Amend Chapter 110 / Curfew: 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, Mr. Riffle, Mayor Brown.

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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 opened to the public. No public comment. Mayor entertained a motion to adopt; so moved by Ms. Polk seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Committee Reports:

Administration: Ms. Polk reported the following: Operation Vets Chili Challenge! Saturday, October 1, 2011 from 12 p.m. - 10 p.m. At the Nesco Vol. Fire Co. Station 161, Backed by American Legion Post 186. Chili Cook-Off, live music all day, Contact s_weber108@comcast.net, for more information. South Jersey Industries is holding their Annual Community Day Saturday, October 1st from 12pm-4pm at Route 54, Folsom. Activities for the day are SoJo 104.9, Moon Bounces, Pony Rides, Face Painting & Balloon Artist, Atlantic County Sheriff's Office, K-9 Demo, AC Aquarium Mobile Touch Tank, Door Prizes, Crafts, Local Vendors and much more! Municipal offices will be closed Monday, October 10th for Columbus Day Holiday. The 18th Annual Halloween Parade will be held on Sunday, October 30th, registration begins at 12 noon, parade begins promptly at 1pm. All ages are welcome to participate. Prizes awarded for most original, prettiest and scariest in age groups of infant – 3 years, 4 – 6 years, 7-10 years and 11 years old and up. Also there are group prizes and a Grand Prize winner. Everyone receives a treat bag compliments of donations received through Township businesses and residents. Free Rabies Vaccination Clinic Sunday, October 23, 2011 10 a.m. - 12 noon. Please bring previous proof of vaccine, Atlantic County Animal Shelter 240 Old Turnpike Road Pleasantville, NJ 08232 (609) 485-2345.

Public Safety: Mr. Graebener reported the following: The following incidents were investigated by members of the Police Department from September 13, 2011 to September 26, 2011; arrests 18; motor vehicle accidents 4; motor vehicle stops 171; motor vehicle summons 105; driving while intoxicated 4. Calls for service year-to-date are 10,165. 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. Mullica Town Watch Meeting will be held Thursday September 29th, 7pm at the Nesco Fire House.

Public Works: Mr. Riffle reported the following: Please be patient regarding chipping as the Department is behind due to the recent weather. Make sure your trash is in trash bags with the appropriate tag and not in trash cans. Transfer Station will be closed Monday, October 10th for Columbus Day Holiday.

Revenue & Finance: Mayor reported the following: 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. On September 14th, the CFO held a sale for a \$342,000 Bond Anticipation Note, two bids were received, TD Bank - Net interest rate 1.95%, Oppenheimer & Co., Inc. – Interest rate 2.25% with a \$35.00 premium. Net interest cost 2.2397%. The note was sold to TD Bank, and closing is scheduled for September 27th. The existing \$362,000 note held by Sun Bank will be paid with the proceeds of this sale, along with a \$20,000 principal payment.

Mayor entertained a motion to add the following to the Bill List: PO Nr. 11-00673, Steffen Drilling, \$4,995.00

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For concession well installed at recreation site. (Open Space Grant Funding). Total Revised Bill List Amount: \$513,062.66. So moved by Ms. Polk seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Correspondence:

A thank you letter to the Elwood Volunteer Fire Company from AtlantiCare for their assistance during Hurricane Irene.

Due to the road closures from the storm the Annual Country Living Fair at Batsto has been cancelled.

Old Business: None.

New Business:

Resolution 104-2011 / Put the Brakes on Fatalities Day: Mayor entertained a motion to declare October 10, 2011, *Put on the Brakes Fatalities Day*, so moved by Mr. Graebener seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Resolution 105-2011 / Cancel Capital Appropriations: Mayor entertained a motion to cancel the balances; so moved by Ms. Polk seconded by Mr. Riffle. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Resolution 106-2011 / Approving Landsale Request / Block 6603, Lot 7: Mayor entertained a motion to approve sale of undersized lot with a minimum bid of \$6,000; so moved by Ms. Polk seconded by Mr. Gabris. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Resolution 107-2011 / Approving Grant Application with NJDOT / Fifth Avenue: Mayor entertained a motion to submit grant application; so moved by Ms. Polk seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Resolution 108-2011 / Approving Grant Application with NJDOT / Darmstadt Avenue: Mayor entertained a motion to submit grant application; so moved by Mr. Graebener seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Resolution 109-2011 / Waive Fees Nesco Fire Company / Building & Electrical: Mayor entertained a motion to waive the fees; so moved by Mr. Graebener seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, 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, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Public Discussion:

Mr. Ron Lischak thanked Committee Members for attending the Nescochague Lake Association Meeting held Sunday night regarding the dam. Mr. Lischak read a press release regarding the crisis facing Lake Nescochague and stated the Association remains optimistic the Freeholders will make significant progress towards a resolution. Mr. Lischak requested the Governing Body propose a Resolution support of the lake.

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Mr. John Szuba, thanked Committee for the chain link across the cemetery road; however, since the installation cars are driving on his property to bypass the chain. Mr. Szuba stated the cemetery is considered a public

cemetery which is recognized under the State which falls under certain guidelines and restrictions and this cemetery needs to be brought up to standards. He further indicated this cemetery will be discussed in Newark on October 13th. Mr. Graebener suggested a “dead-end” sign also be erected. Mayor reported the road is not yet completed. Mr. Gabris suggested reflectors be placed on the chain.

Ms. Joy Ramer stated since the improvements have been made to the cemetery road the conditions to the end of Elm Street have worsened.

Ms. Ann Cavage expressed her dissatisfaction with the Committee member replacement being a candidate who was rejected by the voters.

Mr. John Hesington thanked Committee for the improvements made to the cemetery road, however, expressed his displeasure with the chain link fence.

Mr. Richard Sheridan requested assistance noting his property has recently been burglarized.

Ms. Pat Hutchinson congratulated Mr. Graebener on his appointment by the Democrat County Committee to fill the vacancy.

Mayor Brown stated he had advised the Nescochague Lake Association that he would contact County Officials regarding the dewatering of the lake. He reported he has been advised by Atlantic County that they are still in conversation with DEP to lower the classification of the lake. Mayor noted Freeholder Jim Schroeder, County Counsel James Ferguson and Tony Pagano, Assistant County Counsel were present.

Mr. Ferguson reported he attended a meeting today and impressed upon Committee and the Governing Body that as of right now the County is under an order from Department of Environmental Protection (DEP) to dewater the lake. However, due to competing concerns it is the intent of County Administration to ask DEP to reconsider their position particularly with the classification of the Lake. He further indicated if the classification is lowered, there are still serious issues regarding the dam and the roadway. Mr. Ferguson stated the County Executive has made it clear to come to a satisfactory solution, there must be an identifiable public purpose to this, as the County will not expend significant public funds to repair something that only benefits the interest of private landowners around the lake. Mr. Ferguson stated the cost to repair the dam has been estimated at five to six million dollars and it is incumbent upon the Lake Association to provide meaningful access to the Lake. Mr. Graebener asked if the County would be willing to purchase land from a private landowner. Mr. Ferguson replied that could be considered.

Mr. Richard Santos stated the municipality has land to be utilized. Mayor stated he would need to research the township owned properties. Mr. Gabris reported the Housing Department identified a parcel of land in case this became to fruition. Mr. Gabris stated the safety of the residents down river should also be considered regarding the dam. Mr. Ferguson stated this issue is much more complicated and currently the County is at the mercy of the DEP.

Mr. Chris Silva referenced a letter from 1994 in which the DEP ordered the County to maintain the dam and the Association to maintain the level of the dam. Asking which orders does the County wish to obey? Mr. Pagano

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stated there is extensive history to this and the County has advised DEP they cannot take responsibility of improvements to maintain a private lake. Mr. Pagano and Mr. Silva discussed areas of access and options regarding the classification; i.e. close the bridge, change the roadway to a private road, meaningful access.

Mr. Richard Santos noted the history of the lake. Mr. Pagano stated based upon the history and environmental issues, it could be determined that the dam should go away and the area should be allowed to be restored back to its original form. Mr. Santos, Mr. Silva and Mr. Pagano discussed the classification of the lake and the request to ask DEP for reconsideration.

Ms. Beth Ruberton asked if the County will wait to dewater the Lake. Mr. Ferguson stated the County is hoping to receive a meaningful response from DEP to discuss compromises.

Mr. Silva and Mr. Pagano disagreed over the issue regarding the DEP order and the County's responsibility. Mr. Ferguson stated he has made the County's position known.

Freeholder Jim Schroeder stated he concurred with Mr. Ferguson in that there needs to be meaningful public access. He stated this is a difficult situation and the County has committed to work with DEP, the Association and the municipality to save this beautiful piece of history.

Mr. Ron Lischak reported this Association is not a Homeowners Association, but a voluntary association to maintain the Lake. Mr. Lischak implored the Governing Body to help this Association noting all their resources are tapped out. He stated other benefit from the environment, residents downstream and it is the source of filtering the water from the streams. Mr. Gabris stated the Governing Body has set a piece of land aside, but is looking for direction from the Association. Mayor suggested the Lake Association submit to the Governing Body a written request for them to consider.

Mr. Silva suggested a meeting be organized between all the affected parties and the Governing Body adopts a Resolution supporting lowering the classification of the lake. Mr. Gabris stated the Township Engineer would need to review the engineer report regarding the classification.

Mr. Ferguson again stated before the County can spend public funds there has to be an identifiable public purpose according to law. He stated he has assured everyone they are working with DEP before any dewatering occurs.

Ms. Sandy Santoro questioned a previous court order that the County was to maintain the dam. Mr. Pagano reported it states the association maintains the lake level and the County will assist.

Mr. Charles Errera asked what would meet meaningful access for parking spaces, lot size, etc. for the County to expend funds. Mr. Ferguson stated it will have to be considered with professional planners.

Mr. Pagano shared with the audience some of the happenings which have occurred at Lake Lenape since it became public.

Mr. Rich Santos requested the County's Rules and Regulations for public facilities for their review and the Association is not resisting the fact the lake should become public.

Mr. Malaspina suggested the Committee adopt a Resolution to pursue public access and asked rationale from DEP why they are requiring dewatering of the lake which should be requested from the Township.

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Mr. Silva responded the DEP is requiring a safe operating level, which is to be justified by an Engineer for improvements to be made.

Mr. Gabris again stated the Association needs to submit a request to the Governing Body so we can move forward.

Mr. Bill Cavage stated Lake Nescochague is very important to the Fire Community as it is a drafting area.

Mayor stated we are all on the right track and there is an effort to slow the DEP down and find a resolution for all parties.

Mr. Silva asked if the Township will allow the Township Engineer to assess the dam. Mayor stated we are in the same situation as the County regarding expending public funds.

Mr. David Capelli stated to the residents who live on the lake should expect their taxes to be higher, noted he has been turned away from the lake on several occasions and asked what dewatering means. Mr. Pagano replied it is to take down to what the natural stream is.

Ms. Beth Ruberton asked if the lake is dewatered if the County would be responsible for re-routing the water from the farms and re-grade the area. Mr. Pagano stated no, it would be up to the DEP.

Mayor thanked everyone for their participation and stated if the County receives a request from the Association, this Committee will do their best.

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 ES13-11 in full to discuss pending litigation, personnel and to review executive session minutes.

Mayor made a motion to come back to Regular Session at 9:00 pm seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown. Clerk reported the Governing Body discussed matters of personnel in the Police Department, consented to advertising for the position of a Class III Officer, and reviewed Executive Session Minutes of September 13, 2011. Mr. Riffle made a motion to authorize to advertise for said position seconded by Ms. Polk. RCV: Yeas: Mr. Gabris, Mr. Graebener, Ms. Polk, Mr. Riffle, Mayor Brown.

Approve Executive Session Minutes: Ms. Polk so moved to approve the minutes of September 13, 2011 seconded by Mr. Graebener. RCV: Yeas: Mr. Gabris, Ms. Polk, Mr. Riffle, Mayor Brown. Abstain: Mr. Graebener.

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

Respectfully submitted,

Kimberly Johnson, Municipal Clerk

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BILL LIST

Atlantic Coast Alarm	480.00	Annual Monitoring
Animal Capture & Control Svc.	649.00	May-December 2011 Services
Arawak Paving Company, Inc.	10.58	Reconstruction Fifth Avenue
Atlantic City Electric	1,441.53	September 2011 Services
Best Eastern Exterminating	90.00	Pest Control Svcs.
Birch's Communications, LLC	127.50	Siren Switch Repair B-24
Horizon Blue Cross Blue Shield	4,231.71	Aug-December Premium
Butterhof's Farm & Home Supply	127.30	August 2011 Purchases
Brothers Pizza	110.99	Hurricane Supplies
Casa Payroll Services	125.45	Services June – December 2011
Battery Zone, Inc.	948.31	Batteries – PD
Copi-Rite	189.95	Fax Machine Toner
Lorco Petroleum Services	50.00	Oily Water Disposal
Dimeglio Septic, Inc.	65.00	July-December 2011 Services
Deer Carcass Removal Services	60.00	August 2011 Services
George Senn Co., Inc.	139.00	Sump Pump
Goloff, Carol	187.50	May-December 2011 Services
Hess Corporation	667.82	June-December 2011 Services
Jimmy's Lakeside Garage	591.00	Repair 2000 GMC
Crystal Springs	141.94	Aug-December 2011 Services
Lawmen Supply Co. of NJ	3,270.21	6/16/11
A.E. Stone Inc.	313.60	Aggregate
Municipal Record Service	550.00	Bail Forms/Court Traffic Tickets
Nehmad Perillo & Davis	2,500.00	May-December 2011 Retainer
Verizon Wireless	240.06	June-December 2011 Services
NJ League of Municipalities	450.00	2011 Conference
Northern Safety & Industrial	261.14	8/25/11
Nextel Communications	796.80	June-December 2011 Service
Pitney Bowes Credit Corp	585.00	Lease Install
Reserve Account	1,000.00	Postage
Public Agency Training Council	475.00	Armorer Training Course
Lexisnexis Risk Data Management	50.00	June-December 2011 Services
South Jersey Gas Company	97.49	June-December 2011 Services
South Jersey Healthcare	50.00	New Employee Physical
Spectera Inc.,	664.36	July – December 2011 Premium
Tactical Public Safety	658.25	Radio Repairs
The Press	8.55	Cancel Nov. Mtg
Petroleum Traders	6,879.69	August 2011 Purchases
Val-U Auto Parts	1,507.02	July/August 2011 Purchases
Vital Services Group	200.00	May-December 2011 Services
Avaya Inc.	237.70	September 2011 Lease Install
Marathon Engineering Inc.	2,372.50	Reading Ave., August 2011 Services, SJ Gas Escrow Services
Lawrow Electric & Plumbing Sup	40.85	Ballasts
Fleishmann Daniels	1,838.79	2008 Ban Rollover
Atlantic County Utilities Auth.	16,678.97	August 2011 Services
Atlantic County Public Health	145.00	MTRA 47-2011
Sarraf, Paul R.	85.23	DUI Grant Reimbursement
Sandman, Tom	102.66	July/August 2011 Mileage
Treasurer, State of NJ	1,015.00	Recyc Compliance Monitor Fees

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NJ Dept of Health & Senior Svc.	3.60	August 2011 Doge Fees
Greater Egg Harbor Regional	132,722.75	September 2011 Levy
Mullica Twp. Board of Education	319,110.00	September 2011 Installment
Mullica Twp Recreation Assoc.	2,500.00	2011 Contribution
Steffen Drilling	4,995.00	Rec. Concession Well Installed

Current Fund	1-01	512,503.48
Trust Fund	T-03	548.60
Capital Fund	X-04	10.58

Total of All Funds 513,062.66