

Egg Harbor Township Committee Meeting

Municipal Building, Bargaintown Road
Egg Harbor Township NJ 08234

Wednesday, April 14, 2010 – 5:00 p.m.

Minutes

Mayor McCullough called the Meeting to Order at 5:02 p.m.

Deputy Township Clerk Perez read the Opening Statement pursuant to the Open Public Meetings Act.

Roll Call: John Carman, Jr. - present
Stanley Glassey - present
Paul Hodson - present
John Risley - present
James J. McCullough – present

Also in attendance were Administrator Miller, Deputy Administrator Goodreau, Assistant Solicitor Nehmad, Engineer Mott and Deputy Township Clerk Perez.

Engineer Report

Administrator Miller reviewed with the Township Committee proposed revisions to Egg Harbor Township Land Use Ordinance, specifically 1. Administrative Review Checklist; 2. Clarification of Checklist requirement §198-12A (3) Minor Subdivision, §198-13A (3) Preliminary Major Subdivision, §198-14A (3) Final Major Subdivision, §198-15C (3); 3. Revision of §98-8L(2) stating a 75 foot buffer requirement for Major Site Plans and Major Subdivisions shall be eliminated; 4. Revision of §94-46B (Pavement Depth) to indicate recent substitutions for I-5 and I-2 asphalt mixes; 5. Revision of §225-55G Dimension of Parking Spaces.

Administrator Miller asked for Committee recommendation in order to proceed with recommendation for Ordinance. All members were concurred with the revisions.

Old Business

- **Rotary Towing.** Administrator Miller stated he received a recommendation from the Police Department regarding the regulation and fees for towing. Administrator Miller advised that the language for the amendment will be \$6/mile from pickup to dropoff, but tower will still receive the standard \$90 per call.

New Business

- **Buffer Amendments.** Administrator Miller stated that in the year 2000, Township Committee adopted Ordinance 46. He stated we should only have one buffer standard and has prepared an Ordinance to rescind the previously adopted Ordinance 46-2000.
- **Labor Relations Attorney.** Administrator Miller advised that in light of recently activity, he will not be able to represent the Township and properly protect its interests. As a result, a request for proposal was issued which yielded two proposals with Gruccio Pepper et al being the lowest bidders. Resolution 167 appointing Gruccio Pepper is on the consent calendar to be acted upon this evening.

- **Add On Resolutions.** There are two additional resolutions to be acted upon this evening. They are to award a contract for lawn care for municipal properties and to execute a maintenance contract for the Township's telephone and voice mail systems.

Closed Session

Number	Title
166A	Authorizing the Township Committee to convene into a Closed Executive Session to discuss matters which may involve litigation and/or personnel
Motion	Motion Hodson, second Risley to convene into closed session
Roll Call Vote	Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough - yes

Township Committee reconvened at 6:34 p.m.

Video Broadcast/Television Statement

Deputy Township Clerk Perez read the Video Broadcast/Television Statement.

Pledge of Allegiance

Mayor McCullough led the Pledge of Allegiance.

Roll Call: John Carman, Jr. - present
 Stanley Glassey - present
 Paul Hodson - present
 John Risley - present
 James J. McCullough – present

Presentation

The Catawba Club of the Historical Society Heritage Garden made a presentation on the garden and gazebo that will be created at the Historical Society building.

Ordinance - Public Hearings

Number	Title
6	An Ordinance declaring certain currently owned public property to be no longer necessary for public purposes and authorizing and setting private sale of said properties; which offers for said property will be received on Thursday, April 29, 2010, at 10:00 a.m. in the Township of Egg Harbor Municipal Building, Courtroom
	To authorize private sale of Township-owned property no longer necessary for public purposes
Public Comment	None
Motion	Motion Hodson, second Carman to close the public hearing on Ordinance 6
Roll Call Vote	Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes
Motion	Motion Glassey, second Hodson to adopt Ordinance 6
Roll Call Vote	Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes

7	An Ordinance declaring certain currently owned public property to be no longer necessary for public purposes and authorizing and setting public sale of said properties; which offers for said property will be received on Thursday, April 29, 2010, at 10:00 a.m. in the Township of Egg Harbor Municipal Building, Courtroom
Purpose	To auction Township-owned property no longer necessary for public purposes
Public Comment	None
Motion	Motion Hodson, second Glassey to close the public hearing
Roll Call Vote	Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes
Motion	Motion Glassey, second Carman to adopt Ordinance 7 of 2010
Roll Call Vote	Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes



8	An Ordinance to Amend the Code of the Township of Egg Harbor, Chapter 94 thereof, entitled <u>Design, Performance and Improvement Standards</u>
Purpose	To amend Sections 94-11, Curbs and Gutters and 94-38, Sidewalks, to require installation or contribute payment in lieu of installation as a condition of the land development approval.
Public Comment	None
Motion	Motion Glassey, second Hodson to close the public hearing
Roll Call Vote	Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes
Motion	Motion Hodson, second Glassey to adopt Ordinance 8 of 2010
Roll Call Vote	Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes

Ordinance Introductions

Number	Title
12	An Ordinance to amend Chapter 190 of the Township Code entitled “Rotary Towing and Storage.”
	<i>Ordinance 12-2010 to be published in The Mainland Journal on April 21, 2010, for further consideration at a Public Hearing to be held on May 12, 2010. Copies of this Ordinance are available without cost to any member of the general public from the Township Clerk’s Office during regular business hours through to the public hearing date.</i>
Purpose	
Motion	Motion Carman, second Glassey to introduce Ordinance 12
Roll Call Vote	Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes

13

An Ordinance to rescind Ordinance 46 of 2000

Ordinance 13-2010 to be published in The Mainland Journal on April 21, 2010, for further consideration at a Public Hearing to be held on May 12, 2010. Copies of this Ordinance are available without cost to any member of the general public from the Township Clerk's Office during regular business hours through to the public hearing date.

Purpose

Motion

Motion Carman, second Glassey to introduce Ordinance 13

Roll Call Vote

Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes

General Public Discussion

- Chief Bill Danz, Fire Department. Chief Danz gave his annual report and provided the public with a status. He asked for community help and that donations be made.
- James Galvin, 5031 Fernwood Avenue. Mr. Galvin stated that he is here today to ask for help. He spoke about the school budget and about the resource officers in the schools. The Board had originally cut all three officers out of the budget and then put one back in. He asked if the Committee would be able to fund the schools with a resource officer, but would understand if that were not possible.
- Theresa Lytch, 87 Elmwood Avenue. Ms. Lytch provided the Township Committee with photographs which depicted the flooding in her community, specifically Elmwood and Montgomery Avenues. She stated that the four weeks have gone by and there is still ponding. She asked if the Township could or would do anything about this particular problem. Engineer Mott stated he was not familiar with this issue and will look into the condition. Engineer Mott stated that if there is anything the Township could do, they would. Committeeman Hodson advised that FEMA is in the area and if there is anyone out there who has suffered damages as a result of the recent storm, FEMA would come out and abate the situation.
- Dorothy Puggi, 2 Madison Avenue. She spoke about the same situation as Ms. Lytch. Engineer Mott stated that AtlantiCare's basin is not functioning property and the Township has been on them to take care of their basins.
- Dawn Becker, 6215 Delilah Road. Ms. Becker has the same problem as Ms. Puggi. The area from Montgomery and Elmwood Avenue has been flooded five times since February of 2009.
- Cynthia Lukens, 3081 English Creek Avenue. Ms. Lukens inquired whether it is illegal to pump water into another person's yard. Administrator Miller stated that "your neighbor cannot flood you."
- Ms. Lukens inquired as to what people should do who catch individuals pumping water onto other's properties and if there is an ordinance with a penalty.
- Administrator Miller stated that the Police have gone out, but have not cited anyone yet. The Township looks for compliance first.
- Chief Danz recommended the use of augers to dig holes to eliminate the drainage problem and also, the use of trees to suck up the water.

Motion Hodson, second Carman to close the general public discussion portion of the meeting. All members present voted yes.

Mayor McCullough provided the public with a brief insight on what the Township's employees have given up to assist with the budget: Government Workers Union \$500K, Police Benevolent Association \$900K, Communications Workers of America \$25K, Non-contractual employees \$110K and Township Committee \$36K. The Township is dealing with unbelievable number. The state of New Jersey has taken \$664K from the Township which has created a greater problem. The Township is presently \$2.4 million over the Cap. The Township is only permitted to raise taxes by 4 percent. The Township is spending less, but the fact of the matter is that the Township does not have the income it had in past years. Mayor McCullough spoke further about the financial condition of the Township.

Resolutions (Consent Calendar)

Number	Title
167	Resolution to award a contract for Labor Relations Counsel for 2010 (Gruccio, Pepper, DeSanto & Ruth, PA)
168	Resolution appointing Tax Collector to serve the Department of Administration and Finance, Office of Tax Collector
169	Resolution approving use of Vendors listed on approved state contract
170	Resolution authorizing the filing of the 2009 Recycling Tonnage Grant
171	Resolution authorizing execution of agreement with Atlantic Coast Alarm Inc for burglar/fire alarm monitoring for the Department of Public Works
172	Resolution authorizing maintenance agreement with Verizon New Jersey for 9-1-1 System
173	Resolution authorizing execution of maintenance agreement with Mossman's Business Machines
174	Resolution granting Egg Harbor Township Police Explorer Post 94 Charitable Roadway Solicitation Application (May 22-23, 2010 - Mill & Fire Roads)
175	Resolution authorizing refund of canceled building permit fee 2009-1046 (226 Sea Pine Drive)
176	Resolution authorizing refunds from developers escrow accounts (various)
177	Resolution authorizing refund of overpaid taxes (First American R/E Tax Service - 5406/26 and 2107/1)
178	Resolution authorizing payment under Early Retirement Agreement with Kevin Gandy
179	Resolution granting FMLA leave without pay to Krista Libertore (April 22 - May 15, 2010)
180	Resolution appointing Sandra Lescure and Thomas McFadden as ambulance service members
Motion	Motion Hodson, second Carman to adopt Consent Calendar Resolutions 167 through 180

Roll Call Vote | Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough - yes

Resolutions

181 | Authorizing payment of all bills pursuant to Exhibit A

Motion | Motion Glassey, second Risley to approve payment of all bills

Roll Call Vote | Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough - yes

Resolutions – Supplemental List

182 | Resolution authorizing refund of COAH fees in accordance with the New Jersey Economic Stimulus Act of 2009 - Gallagher Brothers, LLC

183 | Resolution authorizing execution of support and maintenance contract with Empire Technologies for Avaya Definity Telephone System and Avaya Intuity Voice Mail System

184 | Resolution authorizing Mayor and Township Clerk to execute contractual agreements with PBA Local 77

Motion | Motion Glassey, second Hodson to adopt Resolutions 182 through 184

Roll Call Vote | Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough – yes

Reports

Township Committee:

- Committeeman Risley thanked Chief Danz for his presentation. Stated that without the volunteer services provided by the Fire Department, the Township would not know what to do. The Township presently has a revenue problem and not a spending problem. He asked for the patience of the residents of the Township because services may not be what they were in the past. The Township will do the best it can with the resources available. The Township is presently trying to wade through the economic times it is faced with. The Environmental Commission is presenting a red maple tree and a marker for April 30 (Arbor Day) at 12 noon at our Historical Society Museum. The 300th Anniversary Committee has an event this Saturday, April 17 from 12 to 3 with beer and food tasting at Carrabbas for a cost of \$25. Also, on April 22 at the Egg Harbor Township Community Center, there will be a presentation put on by John Dilks on ice cutting on Bargaintown Lake. On May 22 from 1 to 5 p.m. on the Egg Harbor River there will be a Historic River Cruise.
- Committeeman Carman had nothing to report.
- Deputy Mayor Glassey spoke about his memory of the early 80's when former Mayor Heinz, himself, Fred Nickles, Joel Jacowitz going to the Pinelands Commission. Jim Galvin was on the school board at the time. We predicted that this day of reckoning in Egg Harbor Township would come. I think the Pinelands Commission, the State of New Jersey and the politicians that support that and still support it and think they are doing a glorious job, ought to come down here. The Pinelands Commission is a disgrace, the law that supports it is a disgrace, the Sierra Club is, the builders league – they all bear total responsibility
- Mayor McCullough stated that the State of New Jersey, about 8 years ago, created the Highlands Authority to study the problems of the Pinelands Act and determined they would not create the same problems as the Pinelands. The State of New Jersey never corrected the mistake they made in Egg Harbor Township.

- Committeeman Hodson reminded the public about FEMA and advised that they may call 1-800-621-FEMA for any relief. Only about 1/3 of Egg Harbor Township residents have returned their Census reports. He asked that the census reports be completed and returned. Also stated to the public that on April 21, he would be participating in a presentation on solar panels. The presentation will be made at the Egg Harbor Township Community Center at 6:30 p.m. Committeeman Hodson also reminded everyone to exercise their right to vote on Tuesday April 20. Committeeman Hodson advised Fire Chief Danz that without our firemen, we don't know how we would exist. The Township Committee knows what you do and the community should know what you do. Committeeman Hodson also asked the public to return their mailers with a couple of bucks to help our firemen.

Administrator:

- Administrator Miller announced that on May 7, 8 and 9 at the Fernwood Avenue Middle School gift of John McKee (founder of McKee section of the Township) being presented by the Cygnus Creative Arts Centre.
- Administrator Miller also made a public service announcement on behalf of the IRS. Although April 15 is the final day for the filing of your tax returns, those communities affected by the storm are getting relief through to May 11 without penalty. Be sure to write on your return "Atlantic County Disaster Area."

Mayor

- Mayor McCullough repeated what Committeeman Hodson said about voting on April 20. When people complain about their taxes, the first question that comes to mind is "did you vote on the school budget?" Sixty percent of your tax bill goes to the school, 11 percent goes to operating the municipality and the balance goes to the County.

Approvals

Motion Hodson, second Carman to approve the Regular Minutes of the March 24, 2010, Township Committee Meeting

Roll Call Vote: Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough - yes

Motion Risley, second Hodson to approve the Closed Session Minutes of the March 24, 2010, Township Committee Meeting per Resolution No. 141

Roll Call Vote: Carman - yes Glassey - yes Hodson - yes Risley - yes McCullough - yes

Motion Glassey, second Hodson to approve the Payroll for the month of March 2010, in the amount of \$1,400,566.96

Vote: All members present voted yes.

Motion to approve the Departmental Reports

Vote: All members present voted yes.

Adjournment

Motion Hodson, second Glassey, to adjourn the meeting at 8:00 p.m. All members present voted yes.

James J. McCullough, Mayor

Olga A. Perez, RMC
Deputy Township Clerk

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MINUTES APPROVED AT
MEETING OF APRIL 28, 2010