

**Egg Harbor Township Committee Meeting**  
3515 Bargaintown Road  
Egg Harbor Township NJ 08234  
Wednesday, December 21, 2011 – 5:00 p.m.  
**Minutes**

Mayor McCullough called the Meeting to Order at 5:09 p.m.

Township Clerk Tedesco read the Opening Statement Pursuant to the Open Public Meetings Act

Also in attendance were, Township Committeewoman-elect Prfommer, Township Solicitor Friedman, Township Engineer Mott, Township Administrator Miller and Township Clerk Tedesco.

<b>Roll Call:</b>	Joe Cafero	present
	John Carman, Jr.	present
	Paul Hodson	present
	John Risley	present
	James J. McCullough	present

**ACUA 2012 Budget Presentation**

Richard Dovey, Atlantic County Utilities Authority indicated the county is anticipating introduction of an ordinance in January addressing the recent changes that will impact Host Community fees. The county is hopeful to make changes which will be beneficial to municipalities and anticipate receiving Department of Environmental approval of their recommendations by Spring. Tipping fees will increase to \$1.25. Mr Dovey reported recycling amounts have increased in Egg Harbor Township although, he could not state whether the increase is related to the Township's automated trash collection system. Mr. Dovey said he will provide monthly reports to the Governing Body in an effort to determine if there is a correlation.

**Dog Park Presentation**

Mayor McCullough introduced Donna Burns to address the Governing Body on the status of a proposed dog park in Egg Harbor Township.

Ms. Burns stated Atlantic County is offering a 5.6 acre parcel off Pine Avenue. Two public hearings have been conducted to date. Ms. Burns said only a minimal amount of trees would be disturbed in order to serve as a buffer and provide shade. The park will be funded entirely by private donations.

Committeeman Carman expressed concerns over insurance requirements and maintenance costs. He said that he cannot support this project as the Township will ultimately inherit some responsibility. Mr. Carman stated Atlantic County should maintain ownership of the land and noted the park would be open to all county residents.

Mayor McCullough stated Atlantic County should retain ownership over their property.

Committeeman Hodson said there is a lot of wildlife in this area and many of the surrounding residents including himself are concerned that dogs may cause the wildlife to relocate. Mr. Hodson felt there are other more desirable locations for a dog park.

Lee Mann, Vice Chair Dog Park Committee said area residents seemed to be more concerned with present speeding of motor vehicles in the area than of a proposed dog park. Ms. Mann explained the concept of dog parks and the socialization it provides.

Mayor McCullough stated he is in favor a dog park but, believes Atlantic County should maintain the property it is offering for this purpose. The Mayor suggested the former Spruce Avenue school would be an favorable location as it is centrally located and would provide easy access.

Ms. Burns asked what Egg Harbor Township's position would be if Atlantic County is not willing to be responsible.

Mayor McCullough said the Pine Avenue site is an acceptable location but, the Township Committee will not support taking ownership of the property for the various reasons stated tonight. The Mayor said he was particularly concerned over liability should the dog park committee cease to exist. The Mayor said he will not ask the Governing Body to vote in support but, encouraged Ms. Burns to persue this project with Atlantic County officials.

Mayor McCullough proposed the Township Committee act upon a resolution later in the meeting requesting Atlantic County to provide a dog park for Atlantic County residents.

Motion Risley, second Hodson that Atlantic County support the dog park concept. Vote: all voted, yes

#### **Meeting with Township Engineer Mott**

Township Engineer Mott had nothing to report.

#### **Old Business**

##### Special Emergency for COAH Legal Fees

Township Administrator Miller explained Resolution 471 listed on the Consent Calendar authorizes partial cancellation of an emergency appropriation previously approved in 2011 which is no longer needed.

#### **New Business**

##### 2012JIF Retrospective Program

Township Administrator Miller said Resolution 464 authorizes an agreement with the Atlantic County Municipal Joint Insurance Fund (ACMJIF) for the 2012 Retrospective Program. The Township must participate in this program based upon our 60 percent loss ratio. The 2012 premium will reflect an 8.3 percent increase as a result of our claims history.

December 14<sup>th</sup> Tax Sale

Administrator Miller stated Resolution 466 listed on the Consent Calendar removes numerous properties from the tax sale. He reported 242 properties of 456 properties were sold at the December 14<sup>th</sup> tax sale. A total of \$800,000 was collected of the \$1.1 million due. Mr. Miller noted there were 00 Municipal Utilities Authority (MUA) accounts included in the sale. Following a brief discussion, Mayor McCullough advised the MUA needs to send notices starting in 2012 as the majority of their overdue accounts appear to be an oversight of quarterly payments due to the lack of notification in 2011.

Board Appointments

Mayor McCullough briefly reviewed 2012 appointments and recommended the following individuals be appointed as noted; Milas Cook, Md Shamsuddin, Frank Kearns and Paul Rosenberg to the Planning Board and Christine Martin and Charles Gunther to the Zoning Board of Adjustment.

**Other Business**

Township Administrator Miller advised there is one additional bill for consideration payable to Arawak Paving for the 2011 Road Improvement Program in the amount of \$232,305.75.

**Closed Session**

Number	Title
461	Authorizing the Township Committee to convene into a Closed Executive Session to discuss matters which may involve litigation ; English Creek Manor, 1 year disclosure
<b>Motion</b>	Motion Hodson, second Cafero to approve Resolution 461
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes

Mayor McCullough re-convened the meeting at 6:19 p.m.

Township Clerk Tedesco read the Video Broadcast/Television Statement

Mayor McCullough lead the Pledge of Allegiance

<b>Roll Call:</b>	Joe Cafero	present
	John Carman, Jr.	present
	Paul Hodson	present
	John Risley	present
	James J. McCullough	present

**Ordinances – Public Hearings**

Number	Title
37	An ordinance to amend the Code of the Township of Egg Harbor, Chapter 225, Section 225-44 (RG-1 Residential District), Section 225-45 (RG-2 Residential District), Section 225-46 (RG-3 Residential District), Section 225-47 (RG-4 Residential District), Section

<b>Purpose Comment</b>	<p><b>225-48 (RG-5 Residential District) entitled Zoning to provide for affordable housing needs</b></p> <p>To provide for COAH units in the Pinelands Regional Growth Zone Township Administrator Miller explained in 2007 a builders remedy lawsuit was filed against Egg Harbor Township by English Creek Manor Mobile Home Park to construct affordable housing on their property. The Township was not in compliance with the COAH or the Mount Laurel decision for various reasons. Egg Harbor Township felt they exceeded compliance based on the 2,000 mobile home units within the township as well as, existing Section 208 HUD units. COAH did not acknowledge these units because they did not contain COAH deed restrictions. COAH required that 763 units be built. The Township was directed in 2007 to develop a Fair Share Housing Plan. A plan was developed in 2008 which included settlement with English Creek Manor and providing for construction of new units, rehab of existing units, agreements with Habitat for Humanity, ARC for scatter site units, accessory apartment units and units within Pinelands. Compliance was to occur between 2008 and 2018. Ordinance 37 was subsequently drafted and reviewed by the court appointed Master and The Pinelands Commission. It does not resolve the English Creek Manor litigation; it only addresses a component of the Fair Share Housing Plan.</p>
<b>Public Comment Eric Garrabrant, Attorney with Flaster and Greenberg Administrator Miller</b>	<p>Attorney Garrabrant introduced Creigh Rahenkamp, Licensed Planner for the Builders League of South Jersey who has experience with affordable housing issues.</p>
<b>Craig Rayencamp</b>	<p>Commented Mr. Rahenkamp was involved with the original litigation brought against Egg Harbor Township by English Creek Manor.</p> <p>Mr. Rahenkamp acknowledged he was previously involved with the original litigation for a brief time. He does not feel Ordinance 37 is economical or realistic. Mr. Rahenkamp expressed concerns with the bonus density ratio and The Pinelands mandatory PDC requirement. He expressed concerns with the technical requirements as well as, lack of product flexibility with set-asides and mandatory on site compliance. He feels the solution is to obtain appropriate set asides in multi-family housing zones rather than in single family districts. He felt it was appropriate to bring concerns to Township Committee first before presenting to The Pinelands and the court.</p>
<b>Mayor McCullough</b>	<p>Asked Mr. Rahenkamp if Ordinance 37 passed and accepted by Pinelands do you feel it will stifle development in the Pinelands area. Mr. Rahenkamp replied, yes. Mayor said The Pinelands requirements have brought many hardships upon the Township.</p>
<b>Jonathan Craig</b>	<p>Expressed concern over language in Section 4, A.1, paragraph 2. Mayor McCullough advised the Township Committee will be voting on an amendment to delete that language. He explained it is considered a minor amendment.</p>
<b>Motion Roll Call Vote Comments</b>	<p>Motion Carman, second Hodson to close the public comment</p> <p>Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes</p> <p>Administrator Miller explained low income families are estimated to earn between \$40,000 and \$50,000 per year. The cost of the affordable units is estimated at \$125,000. Solicitor Friedman stated the goal of the ordinance is integration and not to stigmatize individuals. Mayor McCullough noted this would not be an issue if</p>

	the state realized Egg Harbor Township already meets low income housing requirements.
<b>Motion to Amend</b>	Motion Hodson, second Cafero to amend Ordinance 37 of 2011 by deleting Section 4,A.1, paragraph 2
<b>Comment</b>	Solicitor Friedman stated this is a minor amendment
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Comments</b>	Deputy Mayor Risley said this is another of many issues forced upon Egg Harbor Township which are not in our best interest. Committeemen Carman and Hodson agreed with Mr. Risley's comments. Mayor McCullough felt the State of New Jersey has treated Egg Harbor Township unfairly between Pinelands and COAH regulations, depleting our school funding and the cost to fight this builders remedy lawsuit.
<b>Motion to Adopt</b>	Motion Cafero, second Hodson to adopt as amended
<b>Roll Call Vote</b>	Cafero-yes Carman-no Hodson-yes Risley-yes McCullough-yes
<b>38</b>	<b>An ordinance to amend the Code of the Township of Egg Harbor, Chapter 225 thereof, entitled Zoning</b>
<b>Purpose</b>	To permit non-conforming improved lots to be further improved under certain circumstances
<b>Public Comment</b>	No one came forward
<b>Motion</b>	Motion Hodson, second Carman to close the public comment
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Carman, second Hodson to adopt Ordinance 38 of 2011
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>39</b>	<b>An ordinance to amend the Code of the Township of Egg Harbor, Chapter 225 thereof entitled Zoning</b>
<b>Purpose</b>	To permit shopping centers in Neighborhood Commercial District when the parcel of land is greater than three (3) acres in size
<b>Public Comment</b>	No one came forward
<b>Motion</b>	Motion Cafero, second Hosdon to close the public comment
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Cafero, second Carman to adopt Ordinance 39 of 2011
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>40</b>	<b>An ordinance for the exchange of certain land owned by the Township of Egg Harbor and identified on the Egg Harbor Township Tax Map as Block 9801, Lot 11, in exchange with, to and for lands which are owned by Betty Simon Trustee, as set forth on the Official Tax Map as Block 1923, Lot 4 and Block 1930, Lot 7, in the Township of Egg Harbor, County of Atlantic and State of New Jersey</b>
<b>Purpose</b>	To exchange certain property which is no longer necessary for public purposes
<b>Public Comment</b>	No one came forward
<b>Motion</b>	Motion Hodson, second Cafero to close the public comment
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Cafero, second Hodson to adopt Ordinance 40 of 2011
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes

41	<b>An ordinance to vacate a portion of Bank Street, described by metes and bounds and located in the Township of Egg Harbor, County of Atlantic and State of New Jersey</b>
<b>Purpose</b>	To vacate Bank Street which is no longer necessary for public purposes
<b>Public Comment</b>	No one came forward
<b>Motion</b>	Motion Cafero, second Risley to close the public comment
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Risley, second Cafero to adopt Ordinance 41 of 2011
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
42	<b>An ordinance providing for the acceptance of a deed conveying real property, drainage basin at Oak Manor Subdivision, being Lot 30.06 in Block 3801, of the Official Tax Map in the Township of Egg Harbor, County of Atlantic and State of New Jersey</b>
<b>Purpose</b>	To accept drainage basin at Oak Manor subdivision
<b>Public Comment</b>	No one came forward
<b>Motion</b>	Motion Cafero, second Carman to close the public comment
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Caferon, second Carman to adopt Ordinance 42 of 2011
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
43	<b>An ordinance providing for the acceptance of a deed conveying real property, being Lot 15 in Block 3401 of the Official Tax Map in the Township of Egg Harbor, County of Atlantic and State of New Jersey</b>
<b>Purpose</b>	To accept a deed for property donated by Peter T. Tepedino
<b>Public Comment</b>	No one came forward
<b>Comment</b>	Administrator Miller advised the owner of the property, Peter Tepedino cannot provide clear title to this property.
<b>Motion</b>	Motion Cafero, second Hodson to close the public comment
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Cafero, no second therefore, Ordinance 43 of 2011 died for lack of a second

**General Public Discussion**

Chief Dube, Bargaintown Volunteer Fire Department thanked the Township Committee for their assistance in the construction of the new fire house facility. He also acknowledged the Public Works personnel who he said went above and beyond the call of service to help the fire department. Chief Dube invited the Township Committee and public to attend the May 6, 2012 dedication.

Paul Rosenberg, Bargaintown expressed concerns with the South Jersey Transportation Authority (SJTA) utilizing Atlantic City Jitney’s for shuttle service at the Atlantic City International Airport. Mr. Rosenberg felt jitney’s should be licensed by Egg Harbor Township and the SJTA should bid this service. Mayor McCullough said Administrator Miller will research this matter and he invited Mr. Rosenberg to meet with Mr. Miller.

Motion Carman, second Hodson to close the public discussion. Vote: all voted, yes

**Resolutions (Consent Calendar)**

Number	Title
462	Resolution requesting approval of an item of Revenue and Appropriation pursuant to

	NJSA 40A:4-87 (Chapter 159) – Item of Revenue – State of New Jersey –Highway Safety Program (Safe Corridors)
463	Resolution transferring monies from one appropriation to another
464	Resolution authoring the Mayor and Township Clerk to execute an agreement with Atlantic County Municipal Joint Insurance Fund (ACMJIF) for 2012 Retrospective Program
465	Resolution confirming sale at auction of December 16, 2011 (Block 8417, Lot 1)
466	Resolution authorizing removal of properties from tax sale(numerous)
467	Resolution authorizing renewal of Alcoholic Beverage Plenary Retail Consumption License (Pocket License) for Apple New Jersey LLC from July 1, 2011 to June 30, 2012 where Special Ruling has been obtained
468	Resolution authorizing the Person-to-Person transfer of Plenary Retail Consumption License 0108-33-027-006 from Carrabba’s Mid-Atlantic I, Limited Partnership to Carrabba’s Italian Grill, LLC
469	Resolution authorizing the Person-to-Person transfer of Plenary Retail Consumption License 0108-33-009-007 from Outback Mid-Atlantic I, Limited Partnership to Outback Steakhouse of Florida, LLC
470	Resolution authorizing the Person-to-Person transfer of Plenary Retail Consumption License 0108-33-003-006 from Bonefish Mid-Atlantic, Limited Partnership to Bonefish Grill, LLC
471	Resolution providing for the partial cancellation of an emergency appropriation not needed for the purpose that it was authorized
472	Resolution extending all Rotary Towing Contract Licenses through to January 31, 2012
473	Resolution authorizing maintenance agreement with Verizon New Jersey for 9-1-1 System
474	Resolution authorizing extension of agreement with Core Mechanical, Inc. for HVAC Services
475	Resolution authorizing extension of agreement with Miller’s Lawn Care, Inc. for municipal lawn cutting
476	Resolution authorizing cancellation and refund of taxes pursuant to N.J.S.A. 54:4-30 & N.J.S.A. 54:4-3.32 on property known as Block 2711, Lot 35 (35 Daisy Drive)
477	Resolution authorizing cancellation of 2011 taxes on township-owned properties (numerous)
478	Resolution authorizing refund of Police Officer entrance examination fee to Edward Fonte
479	Resolution authorizing refund of overpaid ambulance fees (K.Andolaro & R.Ott)
480	Resolution authorizing refund of overpaid taxes(numerous property owners)
481	Resolution appointing various individuals as part-time employees to serve the Department of Parks and Recreation (R. Klein, E. Drake, M. Ward)
482	Resolution appointing Sharon Woolbert as temporary Clerk II
483	Resolution appointing Warren Synder to the position of mechanic in the Department of Public Works
484	Resolution appointing Jasaline Santiago as ambulance service member
485	Resolution scheduling the 2012 Reorganization Meeting (January 1, 2012 at 5:30 p.m.)

**Motion** | Motion Hodson, second Cafero to approve Consent Calendar Resolutions 462 through and including 485  
**Roll Call Vote** | Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes

**Resolution (Bill List)**

Number	Title
486	Authorizing payment of all bills pursuant to Exhibit A
<b>Comments</b>	Administrator Miller noted there is an additional bill for Arawak Paving for the 2011 Road Program in the amount of \$232,305.75 for consideration
<b>Motion</b>	Motion Risley, second Carman to adopt Resolution 486 including bill to Arawak Paving
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes

**Reports**

*Township Committee:*

Committeeman Hodson congratulated the Bargaintown Volunteer Fire Company on completion of their new firehouse. He wished everyone a happy and safe holiday.

Deputy Mayor Risley thanked the voters for the privilege of serving them. He acknowledged the many board members for their dedication and the Republican Club for their support. Mr. Risley said he is looking forward to serving as Freeholder and spokesperson for Egg Harbor Township. He wished everyone a happy holiday.

Committeeman Carman said it has been a pleasure to work with Deputy Mayor Risley and wished him well in his position as Freeholder. Mr. Carman also wished everyone a happy holiday.

Committeeman Cafero said Deputy Mayor Risley is a true gentleman and wished everyone a Merry Christmas and happy holidays.

**Approvals**

<b>Motion</b>	Motion Cafero, second Hodson to approve the Regular Meeting Minutes of the Egg Harbor Township Committee meeting of November 30, 2011
<b>Vote</b>	All voted, yes
<b>Motion</b>	Motion Cafero, second Carman to approve the Closed Executive Session Meeting Minutes of the Egg Harbor Township Committee meeting of November 30, 2011, pursuant to Resolution 434
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Cafero, second Hodson to approve the Special Meeting Minutes of the Egg Harbor Township Committee of December 5, 2011
<b>Vote</b>	Vote: all voted, yes
<b>Motion</b>	Motion Carman, second Cafero to approve the Closed Executive Session Meeting Minutes of the Egg Harbor Township Committee meeting of December 5, 2011, pursuant to Resolution 459
<b>Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Hodson, second Carman to approve the Special Meeting Minutes of the Egg

<b>Vote</b>	Harbor Township Committee of December 7, 2011 Vote: all voted, yes
<b>Motion</b>	Motion Hodson, second Cafero to approve the Closed Executive Session Meeting Minutes of the Egg Harbor Township Committee meeting of December 7, 2011, pursuant to Resolution 460
<b>Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Carman, second Hodson to approve the November 2011 Departmental Reports
<b>Vote</b>	All voted, yes
<b>Motion</b>	Motion Cafero, second Hodson to approve the payroll for the month ending November 2011 in the sum of \$1,146,402.72
<b>Vote</b>	Vote: all voted, yes
<b>Motion</b>	Motion Cafero, second Hodson to approve the 2012 Taxi Driver License for Francisco Hernandez for a 6 month probationary period provided no further motor vehicle violations occur during this timeframe.
<b>Vote</b>	Vote: all voted, yes
<b>Resolution 487</b>	Resolution requesting County of Atlantic to provide Dog Park for Atlantic County residents
<b>Motion</b>	Motion Risley, second Hodson to approve Resolution 487
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Comments</b>	Mayor McCullough wish Deputy Mayor Risley much success in his position as Freeholder and invited him to attend future Township Committee meetings and keep the public advised of topics of interest to Egg Harbor Township.

**Adjournment**

**Motion Cafero, second Hodson to adjourn the meeting at 7:22 p.m.**

**Vote: all voted, yes**

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JAMES J. MCCULLOUGH, MAYOR

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EILEEN M. TEDESCO, RMC – TOWNSHIP CLERK

These Minutes were approved at the January 11, 2012  
Township Committee Meeting