

Egg Harbor Township Committee Meeting  
Municipal Building, Bargaintown Road  
Egg Harbor Township NJ 08234

Wednesday, December 22, 2010 – 5:00 p.m.

## Minutes

Mayor McCullough called the Meeting to Order at 5:12 p.m.

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

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

Also in attendance were Township Solicitor Friedman, Township Administrator Miller and Engineer Mott.

### Meeting with Township Engineer Mott

#### Pepper Mill Grill Release of Surety

Township Engineer Mott explained the developer cannot follow through with his initial plans for renovation of the former Cousin's Country House restaurant due to monetary concerns. Resolution 480 listed for consideration tonight would authorize release of surety for ACAD LLC aka Pepper Mill Grill.

Mayor McCullough expressed concern over the deteriorating condition of the current structure. Committeeman Carman stated the building appears to be in the process of being demolished. Township Clerk Tedesco was advised to confirm that a demolition permit has been secured.

Township Committee will act on this resolution later in the meeting.

Engineer Mott reported on recent pre-construction meeting for the Bay Drive project and requested

authorization from the Township Committee to close Florence and Cordova Avenues for a couple of days around January 15, 2011.

Township Committee had no objections to this request.

### **Old Business**

#### Ordinance No. 32 of 2010

Township Administrator Miller said Ordinance 32 of 2010 was tabled indefinitely at the last meeting and consequently it is not listed on the agenda. Township Committee has three options; table ordinance for the balance of the year with this being the last meeting, open for discussion or take action.

Solicitor Friedman recommended that this matter be discussed in Closed Session as it is closely tied to litigation.

Mayor McCullough announced the Township Committee will address the public on this matter following the conclusion of their Closed Executive Session.

### **Closed Session**

<b>Number</b>	<b>Title</b>
466	Authorizing the Township Committee to convene into a Closed Executive Session to discuss matters which may involve litigation; English Creek Manor vs. EHT and personnel; Construction Official and Township Clerk
<b>Motion</b>	Motion Risley, second Carman to adopt Resolution 466
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes

Mayor McCullough reconvened the meeting at 5:45 p.m.

The Township Clerk read the Video Broadcast/Television Statement

The Mayor lead the Pledge of Allegiance

**Roll Call:** Joe Cafero present  
John Carman, Jr. present  
Paul Hodson present  
John Risley present  
James J. McCullough present

### Ordinance 32 of 2010

Solicitor Friedman explained that in response to a Builders Remedy lawsuit and subsequent negotiation through our COAH attorney a settlement agreement was proposed which prompted the introduction of Ordinance 32 of 2010. At the public hearing on December 8, 2010 comments were received from approximately thirty individuals on this ordinance ranging from concerns about the threatening of endangered species, traffic circulation, density and stormwater management concerns, influx of school age children and the need for additional schools, affect on real estate taxes, etc. Township Committee subsequently tabled the ordinance in order to research these issues. Solicitor Friedman advised there is pending legislation regarding affordable housing which generally is favorable for Egg Harbor Township and the concerns expressed at the public hearing. Solicitor Friedman said it is incumbent upon the Township Committee to investigate these matters further and it would be prudent for them to monitor actions by the state legislature relating to this issue. He recommended the Township Committee not to act upon Ordinance 32 at this time and to keep on the table for the balance of this year.

Mayor McCullough asked Township Committee if anyone wished to remove Ordinance 32. No action was taken.

Committeeman Carman stated this battle is far from over as the lawsuit is still pending. He urged the public to express their concerns to their legislators.

Solicitor Friedman cautioned this matter will appear before the court again and Egg Harbor Township could do better or worse at trial then under the terms of the proposed settlement agreement.

Committeeman Carman said it is imperative to get the pending legislation passed.

Committeeman Cafero referred to the recent Tool Kit legislation and again reminded the public of the importance in voicing their concerns.

Mayor McCullough emphasized the importance of the public to contact Senators Whelan and Van Drew as well as, Assemblymen Amodeo and Polistina about this issue. Approximately twenty years when the establishment of Pinelands was an issue he asked the public to express their concerns to

our legislators however, only few people followed through.

## **New Business**

### Public Works equipment award

Administrator Miller advised the bid for the supply and delivery of Hook-all Hooklift Model HAD 200-54 material transport systems and related retrofitting must be rejected due to insufficient corporate signatures. Resolution 477 listed on the consent calendar addresses this issue.

### Solid waste collection bids

Administrator Miller stated bids were received on November 30th and December 1<sup>st</sup> for automated refuse trucks and solid waste collection. He advised both bids are still being reviewed as well as, exploring a proposal submitted by the Atlantic County Utilities Authority. The Administrator was hopeful to have all comparable statistics available within the next two to three weeks.

### Title 59 resolutions

Administrator Miller explained Resolutions 469 - 472 support changes relative to Title 59, Trt Claims Act for municipalities. The resolutions address issues with beaches, sidewalks, weather immunity and the capping of attorney fees.

### ACMJIF Retrospective Program

Township Administrator Miller referred to Resolution 474 which authorizes an agreement with Atlantic County Municipal Joint Insurance Fund (ACMJIF) for 2011 Retrospective Program. This program would afford premium relief to municipalities who experience a significant increase in premiums.

### CAP exemption

Administrator Miller explained Resolution 473 which calls upon the State Legislature and the Governor to exempt the reserve for uncollected taxes from the 2% CAP. He explained the Township is responsible to pay Atlantic County and school taxes in a timely fashion regardless of our collection rate. This legislation is designed to correct a flaw in the current CAP law.

### Constable appointments

Administrator Miller stated there is currently one constable in Egg Harbor Township and referred to a recent request from an individual also requesting appointment as constable. He asked the Township Committee for their direction. Following a brief discussion, Solicitor Friedman was asked

to research the powers given to a constable and benefits to a municipality prior to making a decision.

**Other Business (not listed on the Agenda)**

Administrator Miller advised Resolution 485 transferring monies from one appropriation to another has been revised was revised to include an additional \$2,000 for bills.

**Ordinances - Public Hearings**

<b>Number</b>	<b>Title</b>
33	An Ordinance to vacate a portion of Oak Avenue, described by metes and bounds and located in the Township of Egg Harbor, County of Atlantic and State of New Jersey
<b>Purpose</b>	To vacate a portion of Oak Avenue
<b>Public Comment</b>	No one came forward.
<b>Motion</b>	Motion Cafero, second Hodson to close the public hearing
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
<b>Motion</b>	Motion Hodson, second Cafero to adopt Ordinance 33 of 2010
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
34	An Ordinance providing for the acceptance of a deed from Virdale Tolbert conveying real property along Oak Avenue
<b>Purpose</b>	Acceptance of deed of dedication for additional right of way
<b>Public Comment</b>	No one came forward
<b>Motion</b>	Motion Hodson, second Cafero to close the public hearing
<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 34 of 2010

<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes
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### General Public Discussion

Jill Pappas, Wygate Drive complained that time is not made available at the community center for the girls travel basketball team her husband coaches. She also said that there should be a separate girls basketball teams rather than to allow girls to play on the boys team.

Deputy Mayor Risley advised gym time and space is an issue due to number of recreation programs that need to be accommodated. He said the Recreation Board is working on a resolution.

Mayor McCullough said he spoke to Recreation Director Lincoln and that there are no available times beyond those for recreation programs. Recreation Chairman Fairfield has contacted the Superintendent of Schools to determine if there is space available at the schools for the travel team. Mayor McCullough stated that due to the low number girls interested in the basketball program, girls were invited to play on the boys basketball teams.

Richard Sweezeny, 3017 Ivins Avenue inquired about the township's position for the drainage ditch on his property. Administrator Miller advised Senator Whelan's office is working with the New Jersey Department of Transportation (DOT) on this matter. The DOT has indicated the Senator's office that they will maintain the ditch. Mr. Miller advised Egg Harbor Township has some interest in this system as The Shires development is tied into this state waterway. However, Egg Harbor Township will not take a position on this matter as ownership and maintenance is between the property owner and the DOT.

Mayor McCullough called upon Bill Higbee and presented him with a Certificate of Recognition for attaining the rank of Eagle Scout recently. Mayor McCullough congratulated both Bill Higbee as well as, his parents on this honor.

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

### Resolutions (Consent Calendar)

Number	Title
467	Resolution scheduling the 2011 reorganization meeting (January 1, 2011 at 4:00 p.m.)
468	Resolution supporting a repeal of sick leave injury
469	Resolution supporting S-2333 and A-3432 to amend Title 59 to provide immunities for beaches, boardwalks and similar property

470	Resolution supporting A-3431 to amend Title 59 by granting immunity to public entities for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance
471	Resolution supporting A-3430 to amend Title 59 by strengthening weather immunity
472	Resolution supporting S-2402 capping attorney fees in litigation against public entities
473	Resolution calling on the State Legislature and the Governor to exempt the reserve for uncollected taxes from the 2% CAP
474	Resolution authorizing Mayor and Township Clerk to execute an agreement with Atlantic County municipal Joint Insurance Fund (ACMJIF) for 2011 Retrospective Program
475	Resolution awarding contract for supply and delivery of diesel powered trash pump (Godwin Pumps)
476	Resolution awarding contract for supply and delivery of hook lift mounted leaf collector (Pierce Equipment Co Inc)
477	Resolution rejecting bid for supply and delivery of Hook-all Hooklift Model HAD 200-54 material transport systems and related retrofitting
478	Resolution authorizing renewal of alcohol beverage plenary retail consumption licenses (pocket licenses) for July 1, 2010 to June 30, 2011 where special ruling has been obtained (Deborah B Frank 0108-33-0108-003; Towne Liquor Corp 0108-33-014-008; Duvcon Inc 0108-33-013-006)
479	Resolution extending all rotary towing contract licenses through to March 31, 2011
480	Resolution authorizing release of surety for ACAD LLC aka Pepper Mill Grill
481	Resolution authorizing acceptance of improvements for Providence Professional Park
482	Resolution authorizing refund of overpaid taxes (Myers, Brunetti and Caley)
483	Resolution appointing Sharon Woolbert as Temporary Clerk II in the Police Department
484	Resolution approving salary increase for Scott Lacy
485	Resolution transferring monies from one appropriation to another

486	Resolution authorizing execution of employment agreement with Peter J Miller, Township Administrator (term of 2010-2015)
487	Resolution appointing Nicholas DiFelice as ambulance service member
Motion	Motion Cafero, second Hodson to adopt Consent Calendar Resolutions 467 through 487
Roll Call Vote	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes

### Resolution

488	Authorizing payment of all bills pursuant to Exhibit A
Motion	Motion Cafero, second Risley to adopt Resolution 488
Roll Call Vote	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes

### Reports

#### *Township Committee:*

Committeeman Cafero recognized the efforts of the Egg Harbor Township Basketball team and wished everyone a Merry Christmas and a Happy New Year.

Committeeman Carman wished everyone a very prosperous new year.

Deputy Mayor Risley announced information on the Egg Harbor Township Recreation Department Winter programs can be found in [The Current](#). Mr. Risley wished everyone a safe holiday.

Committeeman Hodson asked everyone to be cautious with use of holiday lights and wished all a happy and safe holiday.

#### *Administrator:*

Administrator Miller wished everyone a safe and happy holiday.

### Approvals

	Motion Cafero, second Hodson to approve the closed executive session
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<b>Motion</b>	minutes of the Egg Harbor Township Committee special meeting of November 29, 2010, pursuant to Resolution 451
<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 minutes of the Egg Harbor Township Committee regular meeting of December 8, 2010
<b>Roll Call Vote</b>	Cafero-yes Carman-yes Hodson-yes Risley-yes McCullough-yes

Mayor McCullough announced the 2011 Reorganization meeting will be held on January 1<sup>st</sup> at the Egg Harbor Township Community Center and will include the promotion of the new police chief and two captains. Mayor McCullough encouraged the public to watch the Mayor's Forum on EHT TV channel 2 which currently addresses snow and leaf removal. Lastly, the mayor commended property owners on the many beautiful holiday light displays throughout the township. Mayor McCullough wished everyone a happy new year.

### Adjournment

Motion Cafero, second Hodson to adjourn the meeting at 6:42 p.m. Vote: all present voted, yes

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JAMES J. MC CULLOUGH, MAYOR

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EILEEN M. TEDESCO, RMC  
TOWNSHIP CLERK

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MINUTES APPROVED AT  
MEETING OF JANUARY 12, 2011