

CITY OF PORT REPUBLIC
6:30 p.m. FEBRUARY 11, 2020
REGULAR CITY COUNCIL MEETING

Adequate notice of this meeting was given as required by the Open Public Meetings Act. On the motion of Council President Wessler, seconded by Councilmember Kozlowski and carried to close the workshop portion of the meeting.

COUNCILMEMBERS PRESENT: Steven Allgeyer, Doris Bugdon, Roger Giberson, Stanley Kozlowski, Donna Riegel, Kevin Wessler

COUNCILMEMBERS ABSENT: Doris Bugdon, Thomas Kurtz

MAYOR: Gary B. Giberson – arrived late

MUNICIPAL CLERK: Kimberly A. Campellone, RMC

ATTORNEY: Ray Went, Esq.

Council President Wessler called the meeting to order and lead the flag salute. This is to advise the general public and to instruct that it be recorded in the minutes, in compliance with Chapter 231 of the Public Laws of 1975, entitled the “Open Public Meetings Act”. The Municipal Clerk of the City of Port Republic posted at City Hall, 143 Main Street, Port Republic and mailed and/or faxed to the Atlantic City Press and the Current Newspaper, a meeting notice setting for the time, date and locations of this meeting.

MOTION TO APPROVE JANUARY 7, 2020 REORGANIZATION CITY COUNCIL MEETING MINUTES:

On the motion of Councilmember Allgeyer, seconded of Councilmember Kozlowski and carried.

YES: Allgeyer, Giberson, Kozlowski, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN: Riegel

MOTION TO APPROVE JANUARY 7, 2020 REGULAR CITY COUNCIL MEETING MINUTES:

On the motion of Councilmember Giberson, seconded of Councilmember Kozlowski and carried.

YES: Allgeyer, Giberson, Kozlowski, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN: Riegel

MOTION TO APPROVE JANUARY 7, 2020 EXECUTIVE SESSION MEETING MINUTES:

On the motion of Councilmember Allgeyer, seconded of Councilmember Giberson and carried.

YES: Allgeyer, Giberson, Kozlowski, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN: Riegel

MOTION TO APPROVE FEBRUARY 2020 BILL LIST

On the motion of Councilmember Giberson, seconded of Councilmember Allgeyer and carried.

YES: Allgeyer, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN:

MOTION TO PAY ALL SIGNED BILLS

On the motion of Councilmember Allgeyer, seconded of Councilmember Giberson and carried.

YES: Allgeyer, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN:

COMMITTEE REPORTS

Police/Emergency Management:

No report

Administrative/Personnel:

Councilmember Kozlowski reported that the employee reviews are done, they are in the process of speaking with the employees.

Public Works:

Council President Wessler reported that everything is going well. The roof blew off of the dugout. We will be trying to put the roof back on with the help of the Fire Department on Saturday morning. Councilmember Riegel questioned if the insurance company has been made aware and if it qualifies for a claim. Council President Wessler said pictures have been taken. The repair should only cost a little over \$100. Bill Smallwood is also aware.

Mayor Giberson addressed Council President Wessler stating he was appalled that the City's big dump truck was down for five consecutive months when all that had to be done was two wires put together to put it back on the road. Kim's husband found this out and the truck was back on the road. But five months out of service for two wires is appalling. Council President Wessler responded that it was more than that, and

besides that no one can drive that truck. Mayor Giberson said it doesn't make any difference, the truck was off the road for five months.

Council President said the truth is that Henry Merkord came over, looked at the truck and determined that all the grounds were bad in the truck. Danny Giberson and Kyle Ayers, who has been helping, took them off and cleaned them and put them back on. Henry had also told them about the two wires that don't connect. When Kim's husband came over to help us out, that was all cleaned up and he replaced the fuel filters on top of it. Then he found that wire and since everything else was done it started right up. No one moved the truck anyway because you need a CDL. We were trying to get it up and running because if a big snowstorm came, Chief Yochim was going to drive it because he has a CDL.

Recreation:

No report

Fire and Ambulance:

Chief John Yochim stated that the Fire Department received a grant for their air bottles and new tanks. He has been talking with Council President Wessler and Clerk Campellone to find out if the Fire Department can tie in with the City for their fuel line. It would be paid for by the Fire Department. They had been dealing previously with Sunoco, they are changing the way they want their services paid for. They feel it would be helpful to utilize the City's diesel fuel and to keep a log and pay for what they are using. It would be helpful to have access 24/7 also. Attorney Went and Councilmember Allgeyer see no problem with this.

On the motion of Councilmember Allgeyer, seconded of Councilmember Giberson and carried. All of Council agrees to allow the Fire Department to utilize the City's Diesel Tank.

Mayor Giberson asked if they could have a tank onsite. Council President Wessler responded that they do not use fuel enough to do that and that is why they are looking to use the City's tank.

Council President Wessler stated that Galloway Township Fire Department gave Port Republic Fire Department two of the active shooter bags that they were waiting for. The bags were received by the Hospital through a grant. The hospital donated enough active shooter bags for each company in Galloway to get two, plus two extra, which Galloway Fire gave to Port Fire. Chief John Yochim stated that Galloway Township is number 1 in the County for the active shooter and we have been involved with. It is working out well. If anything happens, Galloway will be here first with us.

(Per Council President Wessler the minutes to be typed verbatim)

Councilmember Riegel stated she was confused by the LOSAP points system. She asked if the Fire Department has to have a minimum amount of calls for the points.

Chief Yochim responded that they have so many points for calls, so many points for drills, so many points for work detail. They must make all of them. Councilmember Riegel asked if he knew how many Port Republic calls were in 2019. Joe Butler responded that he believes it was 42 calls. Councilmember Riegel questioned if they only have to make 50% of those calls to get 75 points. Council President Wessler said it is not just that. They have to do 50% of fires, and 50% of meetings and 50% of the drills. Councilmember Riegel says that in the Ordinance it says 75 points maximum for fire call responses. So, if they make 50% or more of those fire calls, they get 75 points. Joe Butler agreed and added that the rest of their points come from their drills and all that. They have to make 100 points to get the LOSAP. Councilmember Riegel asked who the recording secretary for LOSAP is. Chief Yochim responded that it is Ron Garbutt. Councilmember Riegel asked where those files are kept. The response was that they are kept at the Firehouse. She then questioned who has access to them, how many people. Chief Yochim responded that 3 firemen have access. Councilmember Riegel questioned when they were audited for LOSAP. Chief Yochim stated that Lori Seyler is their auditor. Councilmember Riegel asked when they submit the eligible members to the City, do they also submit a record? Joe Butler stated that she would have to ask Ron that. He is the one that collects all the information and submits it to City Hall. Clerk Campellone received the list and submitted the names to Lincoln Financial. Councilmember Riegel would like a copy of the records to be submitted with the names. She thinks the Ordinance should be amended to reflect this. Attorney Went said that we could amend the Ordinance and we could also request those records now.

Council President Wessler is not in favor of this. But he is in favor of Councilmember Riegel going with Ron to check the records. He does not feel we need duplicate records here at City Hall.

Councilmember Giberson wants to know why we are questioning our Fire Department all the sudden. Councilmember Riegel stated that if something is done wrong, then the City will be held liable. Councilmember Giberson says we should be giving these guys 4 to 5 times as much as they are getting from this LOSAP contribution.

Council President Wessler is not opposed to Councilmember Riegel going to the Fire House to meet with Ron. Councilmember Riegel stated there is a chance that there may even be more firemen eligible for LOSAP. Council President Wessler responded that she will not get that information sent over. They will send the names of people who are eligible and what they did to get that. They will not do all the records. This would be putting another burden on them that is not part of their job, they are volunteers. This would be putting extra hours in to get the records for her. Councilmember Riegel asked what the extra hours would be if they have the records already and they just have to give the city a copy. Councilmember Giberson stated that is right they do have the records and they will get them for the city. Councilmember Riegel said that Council President Wessler said that they won't. Council President Wessler replied that is not what he said, he said that she could go to the Fire House. Councilmember Riegel wants a copy with more than just the names. Council President Wessler said that it is not that simple, you have to go through each name and each fire call and then go

through each one and put the members on there. Chief Yochim said they could get her the records. Councilmember Riegel wants to know about the points. Council President Wessler said that's ridiculous but she can look at it herself. Joe Butler said that there is a chart on the wall with the point system. Each drill or work detail is considered a point and it will tell you on the chart what you are getting credited for. They do not have to complete 1 or 2 points for this or that every time they fill out paperwork. Council President Wessler said that Ron has to go through and add all those things up. He does not think they have the kinds of records she is looking for. Councilmember Riegel stated that what she is looking to see is if somebody received 75 points, how many calls was that, because they have to have so many from each category. Chief Yochim said he would see what they could provide for the next meeting. Councilmember Riegel said she appreciates it.

Councilmember Kozlowski stated he feels that this is an administrative issue that can be dealt with in City Hall, it doesn't need to be spent time on at a public forum. He added that there is no reason to doubt the fire department and what they are doing. Councilmember Riegel said she does not doubt them, but she is just saying that if they are audited and it comes up that we are just paying, we have responsibility. Councilmember Giberson asked if she would like to get up in the middle of the night when the fire whistle goes off and leave her family to go fight for our community.

Board of School Estimates:

Mayor Giberson reported that they are scheduling a meeting to have a walk through at the school which will be helpful to everybody. Everything else is going good and the numbers for the choice school are good. They are in good shape.

Planning Board:

Councilmember Riegel stated no meeting, but there will be a meeting in March.

Code Enforcement:

During the Month of January, a total of 13 inspections were done by the Construction Office: Alterations (4) Demos (0) New (1) Addition (0) Zoning Permits (1) CO Inspections for Resale (0) Total of (6)

Kevin Cain is working on one ongoing complaint.

Construction Department:

No report

Senior Services/Clean Communities:

No report

OPEN TO PUBLIC PORTION

On the motion of Councilmember Giberson, seconded by Councilmember Kozlowski and carried.

Robert Haviland, 316 English Creek Road, suggested that the City Engineer go out to the gravel pit on the Port Republic side and sign off that everything is done correctly. He is concerned with the water coming into our pit. Also, the fence on Pomona Road is falling down. He suggests the fence be removed once they are finished. If not, it will be a mess and will be our responsibility.

Mr. Haviland also expressed his concerns with old and vacant houses which are giving a bad appearance to Port Republic. He understands the City is working on it, but he wants to encourage City Council to stay on top of that.

Councilmember Riegel responded to Mr. Haviland that other communities, such as Galloway Township, have a vacant or abandoned property registration fee or fine and it becomes a penalty. If the property owner does not respond, then a lien could be filed against the property. Councilmember Riegel said she is unsure if we have a way of knowing what is vacant. Clerk Campellone stated that we do have a company that does the foreclosures and we could get a list of all the vacant homes. She is working on that now. Attorney Went said there is also an unsafe structure ordinance that he knows Ventnor has. With this, when they place the property on notice they say either you repair it to make it safe or demo it because you cannot make it safe. It is a process, maybe 3 steps, but ultimately you get the house torn down and you go after the property owner if they do not do it on their own. He is going to work with Kevin Cain to make sure we have something like this in our code. Council President Wessler said that Kevin Cain is also going to be giving us an ordinance from Pleasantville for this issue.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

Hearing nothing from the public, Councilmember Giberson moved, seconded of Councilmember Kozlowski and carried to close the public portion.

CORRESPONDENCE:

Tax Collector's 2019 Annual Report from Tax Collector Renee DeSalvo
Council President Wessler stated that our Tax Collector is doing a fabulous job. In 2019 she collected 97.91% of the taxes. \$2,906,273.34 total.

Letter to Mayor Giberson from Chestnut Neck Associates
Council President Wessler explained that they are negotiating with Atlantic City Electric to run the lines on existing poles. Atlantic City Electric is proposing new poles that will run right down their street. They say that in several other locations these lines do go onto the same poles so there is no reason they shouldn't be able to go onto the same poles here.

Councilmember Giberson asked what they are asking \$200,000.00 for. Council President Wessler said it was in order for them to change the plans.

Mayor Giberson said that there is an Open House this Saturday, February 15th from 11:00 am – 1:00 pm regarding this issue.

Letter to Mayor and City Council from Thomas and Carmella Progranicy regarding a Resolution for Second Amendment Rights
Attorney Went looked it over and sees no issue with it. Councilmember Giberson hopes that at the next Council meeting they can get it passed.

Councilmember Giberson said thank you to Sandy and the others representing the Second Amendment Sanctuary Movement for going around the County and State. We appreciate all of their efforts and they have our full support.

Letter to County Representatives from the Port Republic Fire Department
Council President Wessler stated that in this letter it shows support for the Nacote Creek Bridge. He read the letter into record. Councilmember Riegel asked why out of all the correspondence he only read that letter. Council President Wessler responded it is important to him. Councilmember Riegel responded that she wonders why he is allowed to vote when it comes to the bridge. Council President Wessler asked why not. Councilmember Riegel said because of the way he is supporting the bridge with the Fire Company. She also asked who the person is whose house almost burned down several years ago. Council President Wessler said it was Clarence Hanselman. Councilmember Riegel stated that she spoke with them and they said it was actually 20 years ago and they also said that Bayview and Oceanville were not there. Chief Yochim said they are incorrect because he was there and so were others. Council President Wessler said that their house was on fire they might not have known what was going on. Chief Yochim mentioned another fire that happened 4-5 years ago which a tanker went over the bridge. Councilmember Riegel said that the bridge was there then, and they still couldn't save the house. Councilmember Giberson said this is ridiculous that Councilmember Riegel is fighting with our volunteer fire company. Councilmember Riegel responded that they are affecting what is going on with her and the County. Councilmember Giberson said we need a new bridge. Councilmember Riegel agreed but said they (the County) cannot get the permits until they settle. Attorney Went interjected that it is the Council President's duty and obligation and his role to run the meeting as he sees fit. If he chooses to read one letter over another, he has been chosen to be Council's President. Councilmember Riegel said she was not there. Attorney Went said that the majority chose him, and he is President. And in terms of him being able to vote, he does not have property located within 200 feet. Councilmember Riegel stated he gets LOSAP fees though. Council President Wessler clarified that he received it one year, and it was 15 years ago. Councilmember Riegel stated that she has been stopped when speaking about this. Attorney Went responded that no one has and despite him repeatedly saying she should not be speaking from her chair on this, everybody has let everybody speak on this. We know she is in the middle of a lawsuit and its embroiled and everybody is frustrated about it. Councilmember Riegel said that people in her neighborhood are asking why they voted for her if she cannot talk on behalf of them and it hurts her feelings. Attorney Went responded that the voters always say that to people who are in office. Attorney Went is saying that business is being conducted and that Council President Wessler is in charge of running the meeting. He has no conflict. Councilmember Riegel asked who will speak for them (the voters). Attorney Went stated they can come in and speak at a Council Meeting in

public session, which we have two of them every meeting and they are not here. Attorney Went said he is begging Councilmember Riegel that if she wants to speak on this it cannot be from the dais.

Email from Gretchen Maxwell regarding road improvements for Wilson Avenue Council President Wessler explained that this is an email addressed to the Mayor asking us to please accept this letter request for consideration of road improvements on the stretch of Wilson Avenue, east of Route 9. In and around the areas of Maxwell Shellfish, LLC, Stockton Marine Field Station and several resident homes. In the past 10 years Wilson Avenue has seen a significant increase in traffic on what was old deteriorated road prior to the change in vehicular traffic. In the late 1990's when the Route 9 bridge was reconstructed NJDOT only paved the adjusted portion of Wilson Avenue, ending west of the residential properties. The town makes numerous repairs each year and we appreciate those efforts. Unfortunately repairs made as recently as November of 2019 have already failed even in the absence of icing and snowplow conditions. Considering the amount of business, academic and residential traffic, on this small but well-traveled road we request that Wilson Avenue be considered for resurfacing. The letter is signed by Maxwell, Karen F. Snow, Steve Leeds and Stockton.

Mayor Giberson recommended to Council that the road should be paved. It is a very small road. It will not cost the taxpayers a lot of money. He does think it should be done because of the traffic volume there. He goes there himself and he sees how bad Wilson Avenue is. He recommends that Council have City Engineer Matt Doran look at this and when they have another road construction project, they consider tacking this onto that. Council President Wessler agrees. He stated that this year the City received funds to do Pomona Avenue from Mill Road to Main Street. It is \$201,000. So even though it is a short road, it is expensive. Councilmember Giberson stated that he is unsure what is going on, but these roadways are not holding up anywhere near what they used to. Mayor Giberson asked if there was any way we could get a class action with other municipalities to fight this. Councilmember Giberson and Attorney Went said that they doubt it. Attorney Went said if it is a regulation put into place that governs what the material can or cannot be made of, then we need to speak with our legislatures about that.

RESOLUTIONS:

42-2020 Deputy Emergency Management Coordinator namely Stan Kozlowski
On the motion of Councilmember Giberson, seconded of Councilmember Allgeyer and carried.

YES: Allgeyer, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN:

44-2020 To Cancel 2019 Late Tax Penalties

On the motion of Councilmember Kozlowski, seconded of Councilmember Allgeyer and carried.

YES: Allgeyer, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN:

ORDINANCES:

01-2020 Setting a Policy Regarding Refunds in Connection with the Cancellation of Property Taxes for Veterans Deemed to be Totally Disabled

2nd Reading/Public Hearing

On the motion of Councilmember Giberson, to open public portion seconded of Councilmember Kozlowski and carried.

Council President explained the ordinance. Attorney Went further explained that the VA and the beurocracy at a federal level puts the City in a tough spot. The VA is taking 12-15 months to issue a letter after applications have been filed.

On the motion of Councilmember Giberson, to close public portion seconded of Councilmember Allgeyer and carried.

On the motion of Councilmember Giberson, seconded of Councilmember Riegel and carried to adopt ordinance.

YES: Allgeyer, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN:

02-2020 Capital Ordinance

1st Reading/Introduction

On the motion of Councilmember Giberson, seconded of Councilmember Allgeyer and carried.

YES: Allgeyer, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Bugdon, Kurtz

ABSTAIN:

UNFINISHED BUSINESS:

Geese Police

Councilmember Kozlowski recalls specifically b0020 the Department of Agriculture saying that it has to be a multiple approach. They can do so much in doing what they have to do to control the population, but they do recommend ongoing patrol. The geese have gotten used to the swans and the mylar tape. They get desensitized.

Councilmember Giberson agreed and said that killing them is the only way to get rid of them. This company is expensive. Clerk Campellone will look into pricing and other companies.

NEW BUSINESS:

Atlantic City Electric Laydown Yard Proposal Block 38, Lot 1
Council President Wessler explained that Atlantic City Electric is proposing to use their yard and the land. They are proposing to pay \$1,000 a month. Councilmember Giberson is asking if we can negotiate better terms with them. Attorney Went stated there are a couple of items he has an issue with or are missing. They will need to discuss this. Councilmember Giberson would like to get the proposed price higher as well. Council President Wessler stated they would table this until next month's meeting.

Correspondence from Kevin Cain, Port Republic Zoning Official, in regard to the option to adopt 2015 Preliminary maps for FEMA
Council President Wessler stated he spoke with Kevin Cain about this and he suggested not to accept the preliminary maps. Eventually we will get permanent maps which will probably be less restrictive than the preliminary ones. These maps do not help us in any way, so he suggested we do not accept them.

PROCLAMATIONS:

Mayor Giberson proclaimed to keep things the way they are going and to be kind to each other.

OPEN TO PUBLIC PORTION

On the motion of Councilmember Allgeyer, seconded by Councilmember Kozlowski and carried.

Sandy Hickerson, 210 Upland Avenue, Absecon, is attending the meeting representing the Second Amendment Sanctuary Movement. She reiterated that as an elected official you swear to uphold the Constitution of the United States and the Constitution of the State of New Jersey. She said thank you on behalf of the residents that are behind her and law-abiding gun owners. They appreciate the fact that Council wants to stand up with them and say that they do support the Second Amendment. It is very important that we cross our t's and dot our i's and they appreciate that. They want everything done decently and in order. They look forward to coming back to the next Council Meeting and hearing Council vote it in. Sandy will leave her information for anyone who wants to reach out to her with questions. Mayor Giberson questioned their progress so far and how she thinks they have been received. Sandy responded it has been absolutely outstanding. They just submitted their paperwork to become an actual organization and a non-profit. The movement has been moving very quickly. This is a total grass-roots effort going across the State of New Jersey. They have attended two County Freeholder meetings so far and they have taken the resolution and put it before their Public Safety Committee. She does feel wholeheartedly that it will pass for Atlantic County at the next Freeholder's meeting. So far they have one township, Egg Harbor Township which has declared Second Amendment sanctuary in Atlantic County. Throughout the State, 20 townships have accepted this and two counties, Cape May and Salem. They have only been doing this approximately 6 weeks. It means a lot to have their elected officials support them.

Rodger Dutch, 315 Pennsylvania Avenue, Absecon, thanked Council for their support.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

Hearing nothing from the public, Councilmember Allgeyer moved, seconded of Councilmember Gibseron and carried to close the public portion.

ADJOURNMENT

On the motion of Councilmember Allgeyer, seconded of Councilmember Riegel and carried to adjourn at 8:01 p.m.

Respectfully submitted,

Kimberly A. Campellone, RMC Municipal Clerk