

CITY OF PORT REPUBLIC
6:30 p.m. JULY 14, 2020
REGULAR VIRTUAL (ZOOM) 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, Thomas Kurtz, Donna Riegel, Kevin Wessler

COUNCILMEMBERS ABSENT:

MAYOR: Gary B. Giberson

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 JUNE 9, 2020 CITY COUNCIL MEETING MINUTES:

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

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Kurtz, Riegel

NO:

ABSENT:

ABSTAIN: Wessler

MOTION TO APPROVE JULY 2020 BILL LIST

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

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT:

ABSTAIN: Kurtz

MOTION TO PAY ALL SIGNED BILLS

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

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT:

ABSTAIN: Kurtz

COMMITTEE REPORTS

Police/Emergency Management

Mayor Giberson would like to set up for the NJ State Police to start attending meetings once we are able to hold meetings in person again. He would also like to start receiving reports from them. Mayor Giberson added that when contacting them with an issue they were very good and quick to respond.

Administrative/Personnel:

No report

Public Works:

Councilmember Wessler questioned the status of the truck that has been at Cleggs Garage. Clerk Campellone responded that the truck is still there and that she will ask Public Works Director Bill Montag for a report on the status. Mayor Giberson would like the truck returned, working or not.

Recreation:

Councilmember Bugdon reported that there have been a few problems with kids at the beach, but she thinks things calmed down. The lifeguards and beach badge attendant are doing a great job.

Councilmember Riegel questioned if the City is posting the water testing results. Clerk Campellone responded that we have been sharing either a pass or fail. The numbers supplied from the County are posted on the lifeguard stand and we share a pass or fail on the City's website, the City's Facebook page and the two bulletin boards located on either side of the beach.

Fire and Ambulance:

Councilmember Allgeyer reported that everything is running smoothly. They have received their gloves.

Councilmember Wessler stated that they were lucky the other night. They received a call at the boatyard with a boat collision. Luckily when they arrived on call everyone had gotten out and were ok.

Board of School Estimates:

No report

Planning Board:

Councilmember Riegel reported that the Planning Board met on Monday, July 13th and unanimously approved a resolution to allow Joseph Simone (resident of Holly Creek Subdivision) to have a waiver to build a shed 20' short of the 200' front setback.

Construction Department / Code Enforcement:

During the Month of June, a total of 13 inspections were done by the Construction Office: Alterations (3) Demos (1) New (0) Additions (0) Zoning Permits (1) CO Inspections for Resale (0) Total of (5)

Kevin Cain is working on a Code Enforcement issues at the following locations:

- 75 Clarks Landing Road
- 55 Main Street
- 316 Clarks Landing Road
- 59 Riverside Drive

Senior Services/Clean Communities:

Councilmember Bugdon reported that things have been quiet this past month. She has had a couple items coming back and has not had any new requests. She has not had any new requests from seniors for assistance in getting their groceries.

Building:

No report

CORRESPONDENCE:

Letter from Statewide Insurance Fund regarding the City's Membership (*Resolution will be on the August Agenda*)
Acknowledged

Consent Agenda: All matters listed under Consent Agenda, are considered to be routine by this City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

RESOLUTIONS:

- 64-2020 Appointment of Laborer in the Department of Public Works, namely Kyle Ayers (completed 3-month probationary period satisfactorily)
- 65-2020 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget of the City of Port Republic Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) Regarding Alcohol Education
- 66-2020 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget of the City of Port Republic Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) Regarding Clean Communities

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

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Kurtz, Riegel, Wessler

NO:

ABSENT:

ABSTAIN:

ORDINANCES – 1ST READING/INTRODUCTION

06-2020 Ordinance Regarding Unfit Dwelling and Other Buildings

Councilmember Riegel feels the ordinance is too harsh and extreme. She is concerned how this came to be first reading because Council President Wessler had appointed a Committee that she was a part of and to her knowledge the Committee had no input on this ordinance. Since the Planning Board had her bring the suggestion of this ordinance to Council, she would like the members of the Planning Board to review this first before Council goes any further.

Council President Wessler agrees that it is harsh. He had contacted Kevin Cain, City Construction Official and Zoning Officer, and spoke with him about it. Kevin Cain suggested that the reason for the 20% is that if they have 80% equity we can close on their home, but once it is around 20% the property owner is still capable of spending money to get it fixed. If it goes further, it becomes harder to do that. Council could also put a clause in the ordinance that states before taking action to condemn the property, it must go through City Council to get their approval.

Councilmember Riegel asked Attorney Went if we condemn a property, do we have to give the property owner market value. Attorney Went responded that the City would have to reimburse the property owner for the land value. Councilmember Riegel questioned if this amount would be their tax assessment. Attorney Went explained that the property owner will most likely try to get their property appraised at a higher rate than their tax assessment. This could cause some back and forth if there is a fight. But yes, it would be fair market value for the land. There would be no building value, because the building is worthless.

Council President Wessler questioned Attorney Went that if the property is 20% dilapidated, assuming it is still 80% valuable, would we have to give the property owner fair market value for the full 80%. Attorney Went responded that if the building is unlivable, it's useless. Council President responded that that is not what the ordinance specifies. Councilmember Riegel agreed.

Councilmember Giberson suggested that we let the ordinance go back to the Planning Board for review and that the Committee which was formed can meet before the next meeting.

On the motion of Councilmember Giberson, seconded of Councilmember Riegel that Ordinance 06-2020 be tabled until the next City Council Meeting.

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Kurtz, Riegel, Wessler

NO:

ABSENT:

ABSTAIN:

07-2020 Bamboo Ordinance

Attorney Went explained that on the suggestion of Kevin Cain, the ordinance will be located under a different section of the Code, External Maintenance. It will only have a different number and location. It fits better under that section. It will have the same language. He will also be speaking with Kevin about enforcement questions he has. This will not affect the ordinance and its language.

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

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Kurtz, Riegel, Wessler

NO:

ABSENT:

ABSTAIN:

ORDINANCES – 2nd READING/INTRODUCTION

05-2020 Private Storm Drain Inlet Retrofitting Ordinance

Public Hearing/Adoption

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

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

On the motion of Councilmember Bugdon, seconded of Councilmember Allgeyer and carried to adopt ordinance.

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Kurtz, Riegel, Wessler

NO:

ABSENT:

ABSTAIN:

UNFINISHED BUSINESS:

NOTIFICATION: Atlantic City Electric – Application for Moss Mill-Motts Farm 69 kV Transmission Line Rebuild Project Various Blocks and Lots, Atlantic City Electric Rights-of-Way. Port Republic, Bass River, Little Egg Harbor Township, Atlantic, Burlington and Ocean Counties. (More detailed information is in the Municipal Clerk's Office)

Clerk Campellone stated that she has binders in her office if the public would like to view them for more information. Atlantic City Electric is advising us that they are obtaining their permits and the project is moving along. She believes residents along Old New York Road and Chestnut Neck Road received notification as well.

USDA Wildlife Services Update for June & July

Councilmember Bugdon stated that there are only about 12 geese and the USDA did not want to charge the City \$7,000.00 for that small amount. The USDA will not be doing anything further.

Verizon

Attorney Went explained that as discussed back in 2019, Verizon is challenging whether they have to pay taxes on their towers. Municipalities across the state have filed tax appeals to obtain a determination from the courts. All these matters are going to be consolidated and will likely go up to the appellate division for a global statewide decision. If it is ruled in our favor, he will work on getting the City paid back on years that have not been paid.

NEW BUSINESS:

Ordinance Regarding Limiting the Amount of Cell Towers Throughout the City
Council President Wessler stated that they received a call from Chief Yochim. They (the Fire Department) are getting pressure to reduce the amount that they are getting paid. When they have talked to other fire companies, a lot of their municipalities have adopted ordinances that state once the towers are full, then they can put more towers up. This way, they cannot just abandon the old towers and start a new lease agreement at a much lower rate.

Councilmember Giberson questioned if someone wanted to add a tower in the City, would they have to go before the Zoning Board before in order to obtain approvals. Council President Wessler responded they would have to go before the Zoning Board first. But, even so, they cannot be denied without cause. This ordinance would give them cause for denial.

Attorney Went will look at other municipalizes with similar ordinances. He will work on a draft for the next meeting.

Mayor Giberson would like to look into contacting a solar panel company to put solar panels in the City's gravel pit. This has been talked about many times and he would like to move forward with this. Councilmembers Kurtz and Bugdon think this is a great idea. Councilmember Giberson stated we had looked into this in the past. Clerk Campellone responded that she tried to reach out to the grant writer Jim Rutella, but he is very busy. She is waiting for him to get back to her. Every municipality she contacted, recommended contacting Mr. Rutella. Councilmember Giberson stated that he thinks when we had investigated this before it was not an allowable use by the State for a municipality to have. Councilmember Wessler believes that the State would not give us any money back on it, he does not think they said we could not do it. Mayor Giberson said it had been decided that the airbase in Lakehurst had a big area to do it and the State was going to allow it. However, as far as he knows, it never transpired. He thinks it is time for the City to take another look at this issue. Council agrees.

Councilmember Giberson asked if there has been any update on the new bridge (Route 610 bridge). He feels the Pitney Roadside of the bridge is turning into an eyesore and a large gathering spot for people. Clerk Campellone stated she has not received an update and she will contact the County.

Councilmember Bugdon stated that the mosquitos are getting bad and the County needs to spray. Council encouraged the public to contact Atlantic County Mosquito Control because they work off complaints.

Comcast Accounts (memo from Deputy Clerk, along with Agreement, attached)
Acknowledged

PROCLAMATIONS:

Mayor Giberson said for everybody to stay safe and we will get through this all together.

OPEN TO PUBLIC PORTION

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

Frank Brown, 66 Pomona Avenue, thanked Council for the announcement that was made on the City's website letting people know about the Church's food drive they had this past Sunday. They had a wonderful turnout, and everything was taken to Beacon in Galloway Township to be distributed.

Attorney Went advised Council that his father passed away last month. Council shared their condolences.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

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

ADJOURNMENT

On the motion of Councilmember Riegel, seconded of Councilmember Bugdon and carried to adjourn at 7:07 p.m.

Respectfully submitted,

Kimberly A. Campellone, RMC Municipal Clerk