

CITY OF PORT REPUBLIC
6:30 p.m. NOVEMBER 10, 2020
REGULAR VIRTUAL (ZOOM) CITY COUNCIL MEETING

Adequate notice of this meeting was given as required by the Open Public Meetings Act.

COUNCILMEMBERS PRESENT: Doris Bugdon, Roger Giberson, Stan Kozlowski, Donna Riegel, Kevin Wessler

COUNCILMEMBERS ABSENT: Steven Allgeyer, Thomas Kurtz

MAYOR: Gary B. Giberson (absent)

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 OCTOBER 13, 2020 CITY COUNCIL MEETING MINUTES:

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

YES: Bugdon, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Allgeyer, Kurtz

ABSTAIN:

MOTION TO APPROVE OCTOBER 13, 2020 EXECUTIVE SESSION MEETING MINUTES:

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

YES: Bugdon, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Allgeyer, Kurtz

ABSTAIN:

MOTION TO APPROVE NOVEMBER 2020 BILL LIST

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

YES: Bugdon, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Allgeyer, Kurtz

ABSTAIN:

MOTION TO PAY ALL SIGNED BILLS

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

YES: Bugdon, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Allgeyer, Kurtz

ABSTAIN:

COMMITTEE REPORTS

Police/Emergency Management

Clerk Campellone read the report received from the Station Commander Charlee-Jo Steet for the month of October. The report reads as follows, "I was able to start taking a look at some of the calls that the station handled during the month of October in Port Republic. As a general overview, the station handled the following calls: animal complaints, juvenile complaints, noise complaints, property damage, suspicious vehicle, medical assists, wellbeing checks, and property checks (in general) and at the school and park. Additionally, numerous motor vehicle stops, and a few motorist aids were also conducted. At this time, the station does not have anything severely notable to share with the committee. On the flip side, if there is anything that is brought to light during the meeting tonight that Tuckerton Station can address, please reach out so that we can follow up."

Administrative/Personnel

Councilmember Kozlowski reported that they will be starting annual reviews next month. They will need to discuss those along with potential employee increases. They also will be reinstating random drug testing for employees. The company that will conducting the testing will be Pogue, Inc.

Public Works:

Councilmember Riegel read the November 2020 Public Works Council Report. The report stated the following:

- Filled potholes throughout the town
- Continued bi-annual stormdrain cleaning of all inlets, swales, and basins
- Continuing to cut & maintain roadways and parks
- Lowered the pond level prior for the two-day rainstorm starting on October 29th
- Repaired plow piston on the Freightliner
- Installed "No U-Turn" signs at the school
- Spread playground mulch at the school (used leftover at City Hall)
- Cleaned out an area at the DPW yard for a material laydown spot for Atlantic City Electric's pole project

Recreation:

Councilmember Bugdon reported that the City will not be able to hold their annual tree lighting event due to COVID-19. However, the tree will be decorated by December 3rd.

She would still like to have a child along with their family to light the tree at the usual time of 6:30 pm. She will also be having Santa leave a message on Facebook to the children of this community.

The Recreation Committee is looking into getting cameras for the pavilion. This will help identify those who are vandalizing the area. The City is spending too much money repairing damages. Council President Wessler asked Councilmember Bugdon what she is proposing. Councilmember Bugdon responded that they are proposing getting cameras. The City has already received an estimate from Atlantic Coast Alarm, and we will be receiving an estimate from Jake Nass. Councilmember Bugdon would like to deal with this frugally, but efficiently.

Councilmember Bugdon received 8 flags from a resident to place at the Veterans Memorial for Veterans Day.

Fire and Ambulance

Council President Wessler reported that the Fire Company has been having problems with the 21-2, the tanker. It has been taken to Cleggs a couple of times and a couple different things have been fixed.

Councilmember Bugdon added she missed the Fire Company's semi-annual dinner.

Board of School Estimates:

No report

Planning Board

Councilmember Riegel reported that the Planning Board met the prior evening, Monday, November 9th. They had an application for Block 19, Lot 2 (161 Clarks Landing Road). The application was for a C-1 Variance and was granted unanimously.

Construction Department / Code Enforcement:

During the Month of October, a total of 9 inspections were done by the Construction Office: Alterations (3) Demos (1) New (0) Additions (0) Zoning Permits (0) CO Inspections for Resale (5) Total of (9)

There are no current code enforcement issues.

Senior Services/Clean Communities:

Councilmember Bugdon reported that she has not had to pass out any equipment. She has also not received any equipment.

Scout Troop 26 will be doing a clean up on Pitney and Old New York Roads. This will take place on Saturday, November 21st. Scott Ropiecki is working with a Scout Troop out of Galloway Township and they will be doing another clean up that will be on Riverside Drive and Pomona Avenue.

RESOLUTIONS:

74-2020 Resolution Supporting High Speed Internet Accessibility

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

YES: Bugdon, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Allgeyer, Kurtz

ABSTAIN:

75-2020 Local Government Emergency Fund (CRF) Grant

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

YES: Bugdon, Giberson, Kozlowski, Riegel, Wessler

NO:

ABSENT: Allgeyer, Kurtz

ABSTAIN:

UNFINISHED BUSINESS:

Status of Route 610 Bridge (*bids were scheduled to be advertised last week with an expected bid opening date of December 1, 2020*)

Status of Port Republic School Project for 2021 Budget
Clerk Campellone is working on scheduling a Finance Meeting on Zoom for next week.

Dredging (Chuck Endicott)

Chuck Endicott, a resident of Port Republic and a professional Engineer and consulting company has several clients that work with dredge materials and they are always looking for opportunities to place and dispose of the materials. The existing pit that is currently being utilized by Ole Hansen is an ideal location. People are willing to pay to use a space like this. Based on the calculations he has done, there is about 450,000 to 500,000 cubic yards of space available in the pit. The City could get maybe a \$1, or maybe some more, per yard of material that is put there. He has had some preliminary discussions with Councilmember Riegel regarding this. We would be dealing with dredge material, NJDEP no longer refers to it as spoils. For a dredge permit to move forward, there needs to be a place to put the material first. The City could enter into a program where the City would obtain an authorized use determination for the property. That allows a dredge permit to be assigned to that location. At that point, the City could set things up to receive the materials and receive payment on that material. This would allow the City to essentially restore the pit back to what it was before the pit was created. The City would not lose control of the pit at all. When the process would be done, the City would maintain ownership. The property would become much more usable. He has several clients he could move this towards on behalf of the City to enter into an agreement. Agreements are typically 5-10 years. The City could add details to

the end of the agreement to add grass or make soccer fields or whatever the City desires to happen to that property afterwards.

Councilmember Giberson stated that \$1 per yard is not suitable. They would need to offer more before we would ever consider something like this. Also, a 5-10-year lease on a project where material would be hauled into there, the neighbors that live close to that area are not going to be happy about that kind of term. For the City to move forward, he personally feels that we would have to have an agreement with a shorter term. Mr. Endicott responded that those things are certainly flexible, \$1 per yard is just what they have dealt with in the past. Councilmember Giberson stated that at \$1 per yard, a triaxle load is basically 25 yards so, \$25 per dump truck load. That amount will not cut it. Councilmember Riegel questioned if Councilmember Giberson heard how many cubic total yards are at the pit. Councilmember Giberson responded that he understands that, but this would be trucks running in and out of there for 5-10 years. Councilmember Riegel stated that she believes that they would put so much material down and then they would let it dry out for a period of time and then put more in and let that dry. Councilmember Riegel asked Mr. Endicott if he had said that they could reserve an area for the City's dredge project also as well as outside. Mr. Endicott responded he understand that the City has a future dredging project in mind, and we would certainly be able to reserve whatever volume the City needs in the agreement. Councilmember Giberson responded that that would be nice of them to reserve our own property for us. Mr. Endicott continued that whatever the City needs would be removed from the total and the City would just need to get the material to the site, and we could arrange to have the material moved around at the site. This would certainly save the City money. It would even save the City from having to go through the engineering on the authorization that is required from the DEP.

Councilmember Riegel mentioned that Mayor Giberson had previously gone to find out about the solar array, they had said that it could only be done on what she remembers being called brown field, which she believes this would be considered. Mr. Endicott responded that he was unsure. Councilmember Giberson responded that they are talking about landfills when they refer to brown fields.

Councilmember Giberson told Mr. Endicott that this is something that Council can certainly discuss and asked him for a proposal in writing so that Council and the City's Engineers can research and review it. He stated that he does not think that anyone is against the idea, they would just have to get to the terms that are agreeable for everyone involved. Also, depending on where the material is coming from and what type of material is being brought in, would the material be wet or dry? This would be some of the things the City would need to know. Also, would there be an odor that could create a problem for residents in that area? These are all things that would need to be discussed before moving forward. Mr. Endicott responded that typically it can be a wet material, but to remember all this material is tested before it is taken offsite. That is honestly why DEP has gone from dredge spoils to dredge material. The reason they typically extend this out to be a 5-10 year period is because they don't want to make a

promise that they can fill the pit in a year or two years and also there is certainly a time period that is required for the drying of the material and for it to be moved around and properly compacted in place on the site.

Councilmember Riegel asked Mr. Endicott the amount he estimated the pit to be again. He responded about 450,000 – 500,000 cubic yards. He said that honestly part of what they try to do is to find a reuse for material, so if there is a possibility that they can take that material out after it has dried properly that creates more volume. For example, if they can take another 100,000 yards out when it has arrived, you can bring another 100,000 yards in. this could potentially raise the volume amount.

Unfit Dwelling Ordinance (Discussion)

Council President Wessler stated that he had seen that Council wants to make it just for places that are vacant. Councilmember Riegel stated that the Ordinance is not written that way. Attorney Ray Went explained that he first put in a couple of provisions that City Council has to give approval at various stages of the City Code Official taking action to either condemn or demolish a vacant building. He is also going to add the language “vacant” to the Ordinance which will provide an additional safeguard. He thinks the most important safeguard is to have City Council check, since he believes the primary concern of Council was a Code Enforcement Officer in the future who maybe exercised the power too liberally without check. There is now language that at several stages City Council will need to approve to take the next step. It will now have to be presented to City Council at least twice prior to moving forward with the process. He thinks this is something that should be discussed in open session because not every unfit building is a vacant building. But that is for City Council to discuss and decide.

Councilmember Giberson thought this had already been discussed and the City has a property ordinance that is in effect to address these issues. It has some pretty strong language in it and it is just a matter of the City following those steps and taking it to the municipal court. He believes this Ordinance steps way over anything that the City is looking for. He has spoken with Councilmember Riegel and she felt the same way. As far as he is concerned, the Ordinance we have already has not been used properly. Attorney Went explained that the City does have an existing property maintenance code and it does have penalties and provisions, however, Code Enforcement Officer Kevin Cain is not clear on his protocol under that. He suggests that we invite Code Enforcement Officer Cain in to collaborate with him because right now when it comes to this scenario, almost every other town has a separate ordinance for unfit buildings as opposed to property maintenance. Property maintenance is geared towards properties that are occupied and/or owned by people who care about their properties and take of them. If something were to “slip”, property maintenance would apply. It is not for a long-term abonnement type of situation.

Councilmember Giberson asked Attorney Went if he felt that the property maintenance ordinance was sufficient to handle the situation the City has currently going on. Attorney Went responded he does not and neither does Code Enforcement Officer

Cain. Councilmember Giberson stated that he had this conversation with Code Enforcement Officer Cain and he thinks that he needs to follow the property maintenance ordinance that is in effect and take it to the next step. And if he needs direction or a clear path on what he needs to follow then he should be reaching out to Mayor and Council for direction. This is too much for the City of Port Republic.

Council President Wessler added that in speaking with Code Enforcement Officer Cain about this subject a couple month ago, he really wants Council to be involved in any kind of steps before it goes too far and make sure that Council approves. Council President Wessler thinks that a step for City Council to be involved does need to be in the ordinance. Councilmember Giberson asked Council President Wessler if he read the property maintenance ordinance the City currently has. Council President Wessler responded that he skimmed through it. Councilmember Giberson responded that everything is in that ordinance and it just needs to be followed. At the end of the day, if the City is going to tear down someone's home the City is going to have to pay them what their property is worth, and we do not want to get into all that. We need to try to follow the steps in the property maintenance code first before introducing a new ordinance.

Councilmember Bugdon stated that there is a program through Atlantic County where seniors or low-income families can get a roof replaced, siding replaced, windows replaced, even helping with a new well, depending on the family's or resident's income. What happens is they go through the County and they send the contractor to do the work and they put a lien on the home so that when the property is sold the first person to get paid would be Atlantic County for what they dealt with. She knows a number of residents who have used this program.

Attorney Went suggest that a meeting be held with Code Enforcement Officer Cain before the next City Council Meeting to go over the existing property maintenance code and see what questions he has. Councilmember Giberson stated that he will get together with Councilmember Riegel and Councilmember Kurtz to get a call scheduled with Code Enforcement Officer Cain and get back to Council for the next meeting.

Attorney Went added that he has been in communication with Ms. Chamberlain's attorney Mr. Youngblood and her realtor, both which have seen the property. They are both being proactive and trying to convince her to list the properties for sale. They will likely have to be torn down anyway based on what they have both seen. They realize the liability that Ms. Chamberlain is carrying but not doing anything with the properties. They are staying on top of this.

Pomona Avenue Bid Status

Attorney Went explained that he is conflicted out of this issue. One of the bidders is a contractor that his law firm represents. Clerk Campellone explained that there was an issue and that we are most likely going to have to rebid the project.

NEW BUSINESS:

2020 Best Practices Inventory

Clerk Campellone advised that the City submitted the 2020 Best Practices Inventory, and everything is looking great. The City received a good score and we will be getting some grant money in the future.

Proposal for Gazebo Roof (Nino & Sons \$2,500.00)

Councilmember Bugdon expressed that the gazebo roof is in bad condition. The contractor needs to replace wood and do a number of other things. She also stated that the certain areas of the decking in the gazebo needs to be replaced, but she feels that job can be done inhouse by the City's Public Works Department. She has been working together with Councilmember Kurtz on this issue. Due to the ongoing vandalism and kicking out of the spindles, they are looking to remove them all. Councilmember Kurtz will be meeting with Construction Official Kevin Cain to discuss if altering the gazebos in this way is permittable. Nothing will be done at this time with the gazebo down by the water.

PROCLAMATIONS:

N/A

OPEN TO PUBLIC PORTION

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

Al Kinkade, 38 Old New York Road, questioned Council in regard to replacing the electric poles going down Old New York Road by Atlantic City Electric, he had heard from someone that there are two locations where they are going to go underground with the cables. He would like to know if anyone on Council can confirm that. Council is not aware of an underground portion of the project. Clerk Campellone advised that she has binders in her office that Mr. Kinkade is welcome to review. Councilmember Riegel asked Clerk Campellone to reach out to Atlantic City Electric to find out if this is true.

Barbara Lang, 116 Main Street, asked if Council had any further information on the status of the Route 610 bridge. Council President Wessler stated that the project is supposed to be going out to bid and the bid opening is scheduled for December 1, 2020. Ms. Lang asked which government agency is in charge of the process. Council President Wessler responded that it is the County because it is a County owned bridge.

Joe Martin, 5 Mill Street, thanked Council for involving the State Police in enforcing the speed limits in town. It can only make the town a safer place, and he appreciates it. Barbara Lang asked for clarification as she was unaware of the speeding issues in town. She asked what steps were taken to control the speeding. Councilmember Bugdon responded that the State Police have been writing tickets to speeders.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

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

EXECUTIVE SESSION

ES 11-2020 Authorization to Enter into Executive Session Regarding

1. N/A

ADJOURNMENT

On the motion of Councilmember Bugdon, seconded of Councilmember Giberson and carried to adjourn at 7:17 p.m.

Respectfully submitted,

Kimberly A. Campellone, RMC Municipal Clerk