

CITY OF PORT REPUBLIC
6:30 p.m. AUGUST 10, 2021
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 Kozlowski, seconded by Councilmember Bugdon and carried to close the workshop portion of the meeting.

COUNCILMEMBERS PRESENT: Steven Allgeyer, Doris Bugdon, Roger Giberson (late), Stanley Kozlowski, Thomas Kurtz, Jacob Nass, Donna Riegel

COUNCILMEMBERS ABSENT:

ACTING MAYOR: Stanley Kozlowski

MUNICIPAL CLERK: Kimberly A. Campellone, RMC

ATTORNEY: Ray Went, Esq.

Council President Kozlowski 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 JULY 13, 2021 CITY COUNCIL MEETING MINUTES:

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

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

NO:

ABSENT: Giberson (late)

ABSTAIN: Kurtz

MOTION TO APPROVE AUGUST 2021 BILL LIST

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

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

NO:

ABSENT: Giberson (late)

ABSTAIN:

MOTION TO PAY ALL SIGNED BILLS

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

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

NO:

ABSENT: Giberson (late)

ABSTAIN:

COMMITTEE REPORTS

Police/Emergency Management:

Council President Kozlowski shared that we have not received a report from the State Police. He has received a couple emails this week regarding speeding on Mill Street. They will be focusing on that issue. We now have a solar speed sign which will be moved around town in different locations to try to control speeding when it occurs. We will be working with the State Police.

Administrative/Personnel:

Council President Kozlowski reported that the Tax Collector has collected \$30,996.04 during the month of July. The Clerk's Office collected a total of \$9,355.05 during the month of July.

Public Works:

Council President Kozlowski stated that Public Works Director Bill Montag was on vacation. There was recently a fire in one of the dumpsters at the Transfer Station. Our Public Works Department did well handling that situation. Our new Public Works Supervisor is fitting in well. The Department has been doing well keeping up with the needs around town.

Recreation:

Councilmember Bugdon stated that she is hoping we will be able to move forward with our Community Day Event this Saturday, August 14th. Currently, the weather report is not looking good. The decision will be made on Thursday, August 12th. The celebration for Mayor Gary Giberson will be on rain or shine.

Fire and Ambulance:

Councilmember Allgeyer spoke with Chief Yochim and everything is running smoothly at the Fire Department. They had two fires recently, the dumpster at the Transfer Station and one on Clarks Landing Road.

Board of School Estimates:

Council President Kozlowski announced that he received the resignation of School Board Member Niki Giberson. He thanked her for 18+ years of service. This resignation will enable her to teach classes in the school and will further her already outstanding service to the community. He thanked Niki for not only what she has done, but what she is about to do. Council thanked her as well.

Council President Kozlowski added that he has taken the route of accepting applications for the open position on the Board. He has received 3 applications thus far. The closing date is Friday, August 13th at 4:00 pm.

The next opening for the School Board will occur in May of 2022.

Planning Board:

Councilmember Riegel reported that the Planning Board met last night, Monday, August 9th. They had a discussion regarding the Multi-Jurisdictional Hazard Mitigation Plan. To her understanding it is a county-wide plan to mitigate damage. The plan needs to be updating and submitted every five (5) years. If anyone feels there is anything we have to add and/or change, we have until August 17th. This has been reviewed by Construction Official Cain and City Engineer Doran. So far, there have been no additions or changes suggested.

Council President Kozlowski added that this puts us in the position with the County to request additional FEMA funds for prevention projects.

Construction Department / Code Enforcement:

No report

Senior Services/Clean Communities:

Councilmember Bugdon reported that she received several beautiful physical aids. She would like to thank those that donated them. She was able to lend a hospital bed and a transfer chair to someone who was just released from the hospital.

Councilmember Bugdon added that the Clean Team cleaned the Port sign located outside of City Hall. They did a great job.

Marijuana Legalization & Licensing:

No report

Historical:

Councilmember Riegel reported that she did have a proposal for the old City Garage for preliminary and architectural engineering plans, she will go over the document and submit at the September City Council Meeting.

OPEN TO PUBLIC PORTION

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

Bob Haviland, 316 English Creek Road, questioned if there has been any update since the presentation was given at a previous City Council Meeting regarding the county-wide court system. Council President Kozlowski responded that this is on hold at the moment as the County still has details they need to work out on their end.

Craig Sabath, 473 Chestnut Neck Road, asked if there are any plans for the waterway to be closed in regard to the bridge construction. Councilmember Giberson replied that he does believe there are specific dates in the contract. Clerk Campellone will find out.

Beth Sabath, 473 Chestnut Neck Road, stated that in addition to the speeding issue on Mill Street, speeding is very bad on Chestnut Neck Road. Council President Kozlowski explained this is a high priority with Council. We are discussing these issues with the State Police. Also, Emergency Management Coordinator Scott Winneberger will be lending the City a spy type speed radar from Galloway Township to collect data. With data, we can present it to the State Police with more specific information.

(Not audible) stated that at the community meeting held at the school last month she had asked about the roof repairs that are needed which need to be approved by the Board of School Estimate. She was informed that discussions were started before COVID, but nothing has happened, and it's been over a year and half now. Also, did the School reach out to the Board of School Estimates before they lost teachers? Council President Kozlowski responded that they did not reach out to the City regarding the teachers. He added in early 2020 there was a discussion of needed a bond to move forward with repairs of the school. More recently, the focus has shifted to making sure the school operations are more properly funded. The school recently obtained a grant in the amount of \$65,000 to which they are utilizing to help improve services and make themselves more efficient. They are reaching out to consultant now to help with the school funding issue.

Craig Sabath, 473 Chestnut Neck Road, asked if the grant received by the school would be considered public knowledge. Council President Kozlowski stated that it is public knowledge.

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.

CORRESPONDENCE:

None

RESOLUTIONS:

66-2021 Resolution to Offer for Sale Property Known as Block 37, Lot 6 (aka 327 Riverside Drive) in the City of Port Republic, County of Atlantic, for a Minimum Bid of \$80,000.00

On the motion of Councilmember Riegel to amend the minimum bid to \$100,000.00, seconded of Councilmember Giberson and carried.

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

NO:

ABSENT:

ABSTAIN:

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

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

NO:

ABSENT:

ABSTAIN: Kurtz

67-2021 Resolution to Offer for Sale Property Known as Block 11, Lot 35.01 (aka Shell Landing Road) in the City of Port Republic, County of Atlantic, for a Minimum Bid of \$25,000.00

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

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

NO:

ABSENT:

ABSTAIN: Kurtz

ORDINANCES:

None

UNFINISHED BUSINESS:

Petition Regarding Type I to Type II School Board Change

Council President Kozlowski stated that it was a fantastic effort by the Hanselman family to go out and get engaged in an elemental part of democracy. While changing a school system on the surface seems simple, there are ways it has to be done to protect the school, the citizen, the City, and taxpayers from future litigation. Once the petition is completed and is submitted and accepted by the Clerk, they will be in a position to vote on it. If this is not done for the General Election, it would go forward with a Special Election. He believes firmly this should go to referendum, but maybe we should be researching what happens after the vote in November.

Councilmember Giberson stated that the issues at the bottom of all this are the Superintendent and maybe the School Board President. Rather than getting a petition asking to change the way we do things as a City, maybe it is time to get a petition asking for the resignation or the Superintendent and the School Board President. If the residents are that unhappy with what is going on with the school, he feels that is a strong step that could be made to alleviate the current issues. All Board of School Estimates meetings are open to the public. If we were to go to a different type school, this would be eliminated. Right now, members of Council are able to see the budget and try to make it affordable for the taxpayers of this town. It will also be hard to fill the seats of 9 School Board Members. He just does not feel this is the right direction for the City. This has happened in the past, especially with Superintendents. But this doesn't mean the school is bad. This will not be an instant solution. He thinks resignations would be more powerful.

Councilmember Allgeyer asked Attorney Went if we were to switch to a Type II School, is the nine members of the School Board set in stone. Attorney Went responded that it is not. Councilmember Allgeyer stated that we just went through an issue which really brought this to a head and the people spoke. The person they were unhappy with not only had their contract extended, but their salary raised. It is a slap in the face to the City of Port Republic. He believes this is making the people feel they have a voice in it. People are showing up now.

Councilmember Allgeyer asked what would happen if the school board did not have anyone to fill a position at the end of their term, what would happen. Attorney Went stated it would remain vacant. He clarified that people could rerun just as elected officials of Council can.

Councilmember Kurtz added that he signed and supports the petition. However, that does not mean he hopes it passes, because he does not. He is worried this could turn into a dysfunctional political board. The end game is to have the best school, but he doesn't think this would advance the cause. He thinks they should reach out to other towns and speak with others. He wants it to go to referendum for a vote, but he hopes it fails. The Board and City Council being fiscally responsible is why that school is still open now.

Councilmember Giberson added that being on the Board of School Estimates he can say that it is never a One-way street. They never get 100% of what they want, and the City never gets 100% of what we want. We do everything we can to continue to educate our kids in a quality manner, but still be able to afford to live here. He understands where everyone is coming from and the passion. It hit him personally too, but we must be careful what we wish for.

Council President Kozlowksi added that we need to make sure we are not getting into a situation that we cannot control down the road. Let's be deliberate and find out the best route for Port Republic.

Councilmember Riegel stated she believes it is pertinent to hold a Special Meeting to show the public what a Type I School District is and what a Type II School District is. Everyone will know what is going on and what the end game is.

Councilmember Kurtz asked if it would be legal for the Mayor to appoint the School Board but for there to be some sort of informal election. Attorney Went stated this would not be legal.

Attorney Went explained that the statute is very detailed, and it is deliberately made difficult. This is so people cannot just go and change the law just by obtaining a bunch of signatures. There is a process and a checklist which must be followed. Under the statute regarding the petition, the Clerk must report to Council whether she accepts or rejects the petition as submitted. When the petition is submitted, we will look at the statute to verify the things which need to be in the petition are in the petition. If they are

not in the petition, the petition must be rejected. If the petition is rejected, do not be upset with the Clerk, be upset with him. As the attorney he is the one who checks it against the checklist to make sure it is correct. And the petition that was submitted, was deficient. Under the statute, the Clerk is required to notify the circulator of the petition as to why it is deficient. She did this. A second or amended petition was submitted today, August 14th. That petition is also deficient. That is the Clerks obligation to notify the circulator and Council here tonight. Clerk Campellone asked Attorney Went to state the statute for the record. Attorney Went stated that the statute is NJSA 40:69A-186. A copy of that statute was given to the circulator of the petition along with a letter stating why the original petition was rejected. The supplemental or amended petition has also been rejected. This is a tedious process and he understand the frustration. The Clerk is not permitted to guide on how to complete the petition. Her job is to accept a petition and look at the signatures and determine whether it meets the criteria. They must hire private counsel to approve of their petition prior to its circulation. He cannot guide the citizens either.

NEW BUSINESS:

Fact Sheet – Atlantic County Multi-Jurisdictional Hazard Mitigation

This was discussed previously by Councilmember Riegel. Copies are available for the public to view.

Control Burn

If anyone has a recommendation, they can relay that to Clerk Campellone or Deputy Clerk Blevin and they will get them the application needed.

School Board Resignation

This was discussed previously by Acting Mayor Kozlowski.

PROCLMATION:

Acting Mayor Kozlowski proclaimed Saturday, August 14, 2021 as Mayor Gary B. Giberson Day.

OPEN TO PUBLIC PORTION

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

Clarence Hanselman, 23 St. Johns Lane, stated he feels like everyone is looking at switching the type of school district as a worst-case scenario if it passes. They talked about politics in a board, but he thinks that is where we are now with what we have. This is about not having one person having the right to appoint a board like that without the say of the residents. Council President Kozlowski responded that he agrees that is the fundamental difference in the two types of school districts. When he spoke with other small-town Mayors, many of them feel it is an important part of their job to be able to appoint people who are qualified and in a non-political environment versus having a competition of parents running in an election. Again, the facts are that 550+ school districts in this State are Type II and do go through the election process. He added that

as far as the money process, Councilmember Giberson is correct, and residents are able to look at the money process and the budget with both Type I and Type II. With a Type II the residents will have to make the decision on whether or not to raise the taxes. Councilmember Giberson added that the problem is how many people have children in the school district versus people who do not. He is worried that because of that, the school budget will get voted down. Mr. Hanselman stated that we are already in bad shape now, so how would the new system be any worse? Councilmember Giberson responded that the resident elects the Mayor and everyone on Council, so it's not like the residents do not have a say in who appoints. Mr. Hanselman questioned if one person should have the power to appoint a whole board which controls the whole school. Councilmember Kurtz added that he is making a valid point. Council President Kozlowski added that it is true that the Mayor, under a Type I School District, can appoint whomever he or she chooses without consultation from anyone, including Council.

Mr. Hanselman continued that we need to raise our kids in the right way. This is the first time they are hearing about a petition to request resignation of choice people. They have put a lot of time and effort into their petition. Council President Kozlowski reiterated the need to an open session to be open and fair to the public. He agrees that in our current school board, there can be room for nondisclosure. But in the end, if we get to a referendum, we let the people vote. Mr. Hanselman stated that he doesn't know if this change is the best thing, but what we have right now is broken. Councilmember Giberson stated that they will be getting a new member to the Board shortly. Mr. Hanselman feels a new member would get railroaded in a vote. Councilmember Giberson replied that in addition to this opening there will be additional openings coming up.

Beth Sabath, 473 Chestnut Neck Road, agrees and feels that a majority of residents would vote down a school budget. She feels requesting resignation from specific people may be a better route. We cannot force anyone to resign, but we can try. Mrs. Sabath asked if the Superintendent could be removed with a vote of no confidence. Council President Kozlowski responded that he does not know the law on that, but they could find out.

Councilmember Kurtz asked if we do not have a Superintendent, can the school be open. Council President Kozlowski added that he is not only the Superintendent, but he is the principal. He added that in his research, the School Board is not to be running the school it is the Superintendent.

Craig Sabath, 473 Chestnut Neck Road, asked if there was a schedule set for the Board of School Estimates meetings. Councilmember Giberson responded that the meetings occur during budget time starting the in beginning of the year. They will also meet if they have certain concerns and they do not have money for things they would like to do. In the past City Council has been able to step in and help purchase computers, repair the air conditioning, etc. the way we are set up now allows more leeway for City Council to approve improvements to the school. Mr. Sabath asked if meetings for the

Board of School Estimates would be posted. Councilmember Giberson responded they absolutely would be.

Kathy Brady, 102 Riverside Drive, stated that Councilmember Kurtz stated that if our school was to close our student would go to Galloway. She says that is not true and at one time our students went to Absegami. They would not be going to Galloway. They may be going to Egg Harbor City, Mays Landing, etc.

Kathy Cox, 123 Moss Mill Road, wanted to bring up how the Board of School Estimates along with Council worked together to help the school budget. If the budget went to the town for votes she doesn't think the school would last much longer. The State has so many regulations that without the Board of School Estimates and Council to help cut things in the budget the school will not be able to continue to operate. She too does not like the idea of one person being able to appoint the members of the board, however she feels the consequences would be worse if the vote passes to go to a Type II School District.

Mrs. Cox added that in regard to the sale of property on Riverside Drive, \$80,000.00 is low, however, there is no electricity there and you have to have a 300' well. There are some extra expenses if someone wanted to build there. Councilmember Riegel responded that just because a well tested badly at an adjoining property, it does not mean that it will at that property.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

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

ADJOURNMENT

On the motion of Councilmember Allgeyer, seconded of Councilmember Kurtz and carried to adjourn at 7:40 p.m.

Respectfully submitted,

Kimberly A. Campellone, RMC
Municipal Clerk