

**CITY OF PORT REPUBLIC**  
**6:30 p.m. DECEMBER 14, 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, Stanley Kozlowski, Donna Riegel

**COUNCILMEMBERS ABSENT:** Roger Giberson, Thomas Kurtz, Jacob Nass

**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 NOVEMBER 9, 2021 CITY COUNCIL MEETING MINUTES:**

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

**YES:** Allgeyer, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:** Bugdon

**MOTION TO APPROVE NOVEMBER 9, 2021 EXECUTIVE SESSION MEETING MINUTES:**

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

**YES:** Allgeyer, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:** Bugdon

**MOTION TO APPROVE DECEMBER 6, 2021 SPECIAL CITY COUNCIL VIRTUAL (ZOOM) MEETING MINUTES:**

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

**YES:** Allgeyer, Bugdon, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:**

**MOTION TO APPROVE DECEMBER 6, 2021 EXECUTIVE SESSION MEETING MINUTES:**

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

**YES:** Allgeyer, Bugdon, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:**

**MOTION TO APPROVE DECEMBER 2021 BILL LIST**

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

**YES:** Allgeyer, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:** Bugdon (PO #'s 21-00568 & 21-00576)

**MOTION TO PAY ALL SIGNED BILLS**

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

**YES:** Allgeyer, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:** Bugdon (PO #'s 21-00568 & 21-00576)

**COMMITTEE REPORTS**

**Police/Emergency Management:**

Council President Kozlowski reported:

- The City received their fourth solar speed sign, and it has been placed on Chestnut Neck Road. We will need to monitor that location as there are a lot of trees providing shade.
- The City had a meeting with Galloway Township Police Department to discuss the coordination with their dispatch. If the State Police are unable to make it here in a reasonable time, they will dispatch Galloway Township to respond. The State Police will work more closely with Galloway Township Police Department to respond to calls on a timelier basis.

**Administrative/Personnel:**

Council President Kozlowski reported:

- We will be working on annual employee reviews over the next week.
- Tax Collector collected \$584,550.51 in the month of November.
- The Clerk's Office collected a total of \$2,002.04 during the month of November.
- The CFO also included a Current Fund Summary for October 2021.

**Public Works:**

Council President Kozlowski read the December 2021 Public Works Department Report into record:

- Continuing to monitor dam levels – raising and lowering sluice gates as needed
- Received a quote and plan for moving the storm water runoff outfall from the current location to farther away from the beach
- Received quotes for the chipping of the brush pile at the dump. Waiting on the winning bidder to schedule. (B&J Recycling was the lowest quote)
- Working on budget for 2022
- Ordered a fourth solar powered speed limit sign
- All snow equipment has been prepped for winter/snow
- Decorated City tree with Hamilton Township (continued shared service)
- Storm drains have been cleaned to meet biannual NJDEP regulations
- Continued tree trimming program
- Dump will be closed on Saturday, December 25<sup>th</sup>, but will be open from 11 am to 9 pm on Wednesday, December 29<sup>th</sup>

**Recreation:**

Councilmember Bugdon reported:

- The Annual Tree Lighting event with Santa was a success.
- Thank you to the Fire Department for getting Santa to the event.

**Fire and Ambulance:**

Fire Department Chief John Yochim reported:

- In the last month they had their testing done for their air bags.
- He spoke with Engineer Matt Doran regarding the drought study the Fire Department needs to have done for Insurance purposes. The Engineer will try to fill out the paperwork and send it to the State. However, some of the information that is needed may be provided by the dam project studies which will be conducted next year. If he is unable to complete this year, it should be completed next year.

**Board of School Estimates:**

Council President Kozlowski reported:

- We are anxious to begin budget discussions, which will begin early next year.

**Planning Board:**

Councilmember Riegel reported:

- The annual reorganization meeting is scheduled for Monday, January 10<sup>th</sup>.

**Construction Department / Code Enforcement:**

No report

**Senior Services/Clean Communities:**

Councilmember Bugdon reported:

- Galloway Township will be opening their Senior Center and we will be posting the calendar of activities for residents on our website.
- Requests for physical health aides are still being made, and items are continuing to be returned.

**Marijuana Legalization & Licensing:**

No report

**Historical:**

Councilmember Riegel reported:

- There was a meeting held on November 17<sup>th</sup> to gauge the interest in the community. About 11 people attended and are very interested.
- Councilmember Riegel and Councilmember Bugdon will be visiting Galloway's Historical Society to obtain more information on how they are run.
- Another meeting will be scheduled in the future.

**Liquor Licensing:**

No report

**OPEN TO PUBLIC PORTION**

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

John Yochim, 462 Chestnut Neck Road, asked about the progress of the Nacote Creek Bridge. Council President Kozlowski responded that there should be a construction meeting happening in January 2022. But, as of the last construction meeting, they are working on time and still expect to finish in Spring of 2023. There was an issue of one item for delivery, and if that supplier does have trouble getting us that item it may be delayed until the Fall. However, the field manager is optimistic for a completion date of Spring 2023. Councilmember Bugdon questioned if we knew when the work would be stopped for spawning of fish. Council President Kozlowski responded that he is unsure of the exact date, but believes it is soon. Councilmember Riegel added that during this time they cannot work in the water but are still able to work on the bridge itself.

Robert Haviland, 316 English Creek Road, questioned what prompted the chain link fence to be added around the area of the dam. Council President Kozlowski responded that people were hanging out on the bridge.

Resident, thanked Mayor and Council for the solar speed sign on Chestnut Neck Road.

**CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:**

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

**CORRESPONDENCE:**

ACUA 2022 Rates and Fees Public Hearing Thursday, December 16<sup>th</sup> at 3:00 pm  
ACUA Building, 6700 Delilah Road  
*Acknowledged*

**RESOLUTIONS:**

**82-2021** Authorizing the City of Port Republic to Enter into a Shared Service Agreement with the Township of Galloway for Recreational Facilities User Contribution

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

**YES:** Allgeyer, Bugdon, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:**

**83-2021** Resolution to Cease the Operations of the Municipal Court of the City of Port Republic and Suspend its Current Municipal Court Arrangement

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

**YES:** Allgeyer, Bugdon, Kozlowski

**NO:** Riegel

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:**

**84-2021** Transfer Resolution 2021

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

**YES:** Allgeyer, Bugdon, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:**

**85-2021** Resolution Authorizing Acceptance of Doran Engineering Proposal for Engineering/Architectural Evaluation and Repair/Upgrade of City-Owned Garage

*Councilmember Allgeyer questioned how the City was awarding this job to Engineer Doran when the City received two proposals. Council President Kozlowski responded that Doran Engineering is the City's authorized engineer. He is familiar with the project and was forthright in that the project does not only require engineering evaluation, but architectural consideration as well. Attorney Went added for the benefit of the public that the amount is less than \$17,500 so local public contracts law does not apply, in terms of putting this project out to bid. Council President Kozlowski added that he had no reason to not move forward with this project with anyone else other than our City Engineer. If there are any problems with the City's Engineer, they can be addressed*

*next year, perhaps in the form of an RFP (Request for Proposal). He really just wants to get the project moving forward. Councilmember Riegel suggested we wait until next month so we can request Doran Engineering to add things to their proposal that were included on the other. Doran Engineering is proposing \$9,800 and the other proposal was about \$5,000. Councilmember Bugdon and Council President Kozlowski explained that the amount is nearly doubled because he was adding other necessary items such as architectural services. The proposal from Doran Engineering would be to get the building up to code for human occupancy, which would be necessary if we are to use CDBG funds. To use those funds, we are looking into transforming the building into not just a museum, but a senior services center. The original proposal we received only addressed the viability of the building. Councilmember Allgeyer added that his understanding was that Kevin Cain, City Construction Official, would inspect the building to see what needed to be done and then both proposals would be compared. Committee Meetings will be scheduled for both the Public Works Committee and the Historical Committee to review both proposals. The resolution to authorize the acceptance of proposal submitted by Doran Engineering will be tabled at this time.*

On the motion of Councilmember Riegel, seconded of Councilmember Allgeyer to table Resolution 85-2021.

**YES:** Allgeyer, Bugdon, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:**

### **UNFINISHED BUSINESS:**

#### School Board Referendum

Attorney Went explained that on Monday, December 6<sup>th</sup>, the Port Republic Board of Education along with the City of Port Republic as plaintiffs jointly filed a verified complaint in order to show cause with respect to the referendum question on the Type I versus Type II School Board issue. This was a collaborative effort between the School Board and the City to rectify the question raised by the School Board. We will be working on a new question that will be presented to the voters hopefully in the next general election. The status of the litigation is as follows:

- The case has been assigned to Honorable James Savio.
- A management conference was held on Thursday, December 9<sup>th</sup>, with all parties in attendance. All parties reiterated what our goal is.
- The parties will collaborate to create a new question and an interpretive statement. This will take some time and effort.
- Hopefully within a month we can all meet again to reach an agreement on the question and interpretive statement by the School Board, the City, the County and the Judge.
- The Judge issued an order on Thursday which nullified the school board referendum vote which took place at this November's General Election.

Attorney Went is optimistic that this can all be done by the end of January and will be very low cost to the City as the Board of Education has carried the laboring work in this litigation.

Councilmember Allgeyer questioned if after the vote happens next time, could it be challenged again. Attorney Went responded that it could not be challenged by the Board of Education and the public has been placed on notice of the suit. So, therefore, no it cannot. Councilmember Allgeyer questioned if the public will need to do another petition. Attorney Went explained that the question which was placed on the ballot in November was not due to the public's petition as they were never qualified. And, no, they will not need to present a petition for this to be on the ballot again.

**NEW BUSINESS:**

Reorganization Meeting & Regular Meeting Scheduled for 6:00 pm on January 4, 2022  
Request for Municipal Consent Everstream Solutions

*This request was received by Everstream Solutions to run fiber through town. The request was also reviewed by Attorney Went and there is nothing alarming. The company will be contacting the City in the future. If a meeting is necessary, we will set one up. Councilmember Bugdon questioned if this would be going on the existing telephone poles we have in town. Council President Kozlowski responded that he does not know but we will find out. Councilmember Bugdon would like to know if we move forward with this request, would it not allow Verizon to utilize the poles. Council President Kozlowski responded that he does not know, but this is also something we can find out.*

**PROCLAMATION:**

Proclamation Honoring Jeffrey Scott Ropiecki  
*Acting Mayor Kozlowski read the proclamation into record.*

Acting Mayor Kozlowski stated that this will be his last meeting as Acting Mayor. He congratulated Mayor-Elect Niki Giberson who will begin her term on January 1, 2022. Operations will be going back to normal as there will be a Mayor and a City Council President. He thanked City Council, administrative personnel, the professionals, City employees and the NJ State Police for their help and support. He stated that leadership is a privilege, and it has truly been a privilege to serve in this compacity and to work with the residents of the City of Port Republic.

Councilmember Riegel thanked Acting Mayor Kozlowski for taking the role on. It was tough and he did an excellent job. Councilmember Bugdon added she feels the exact same way.

**OPEN TO PUBLIC PORTION**

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

John Yochim, 462 Chestnut Neck Road, asked if City Council would be sending letters to the residents letting them know what happened to the referendum question. He knows that many parents are not happy with the School Board and what is going on. People are saying that the School Board is going after City Council. He thinks the City should send letters to the residents to let them know what is happening. Council President Kozlowski responded that he thinks that is a great idea. There have been

many residents coming to our meetings showing an interest. The City has been trying to do updates at all our meetings. But, once the City has something tangible, it is a good idea to post on the City website, City Facebook, and our newsletter to let people know. Councilmember Bugdon suggested we do a public mailing. Attorney Went added that all the pleadings are public record. They can be obtained with the proper OPRA request with the City or via online through the courts.

John Yochim added that Galloway Ambulance Squad is now taking on New Gretna. They will be very busy, and he is unsure if this will affect call times for Port Republic. The ambulance will also need to wait until a State Trooper arrives at certain emergency calls. Mr. Yochim feels if we could utilize the Galloway Township Police in these situations, that would be great. Council President Kozlowski responded that in the past, they would find out of the Troopers would be able to make it in a reasonable time, but that stopped with new people in dispatch and other circumstances. After their meeting with Galloway Township Police Department, they will reinstate the policy of gauging if the Troopers would be able to get to a call in a reasonable amount of time and if not will dispatch Galloway Township Police to the scene.

Resident questioned how the referendum question could be challenged if it has to meet certain requirements to be approved to be placed on the ballot. Attorney Went explained that there are two methods for a referendum question to end up on the ballot. The first method is for residents to circulate a petition and obtain a certain number of signatures of registered voters with certain statutory requirements that must be met. If the petition qualifies, then the question would go to the ballot. That did not happen in this case as each petition submitted did not qualify. The second method is for the Governing Body to, on its own initiative, issue a resolution to place the question on the ballot. This is what was done in this case. There is no requirement in the statute to have an interpretive statement, and it is discretionary. The more complicated the issue, the more likely there should be one. One of the main issues, which was in the resolution passed by the Governing Body and the question placed on the ballot, was there was no interruptive statement explaining the financial ramifications of going from a Type I to a Type II. There is more to the switch than only the Mayor appointing members versus the voters voting them into the Board of Education. This was the main issue of the School Board challenging the question placed on the ballot. The other issue they raised was that the question specified a 5-member board versus a 9-member board and that should not have been put to the voters by the Governing Body but rather by the Board of Education if they later chose to lower the Board's membership. The City along with himself, do not concede to this issue. But in lieu of fighting and litigating, we decided to sit down and come up with a court approved question that will be signed by a judge and the County Clerk's Office in advance of next November. This would negate a legal challenge happening again. The resident responded that they do understand, however wouldn't someone at the County level have checked the question to make sure it was valid. Attorney Went explained that when the School Board contacted the City with their challenge, the City immediately contacted the County Clerk's Office to see what their take on this situation was. The County stated that they felt the question itself was self-explanatory and therefore did not need an interpretive

statement. But even if they had felt otherwise the time had passed for anything to have been done.

Resident questioned the Everstream Solutions request and who the utility provider is that they are contacting the City about. Council President Kozlowski responded that we do not know at this time. If they are to come into town, we could hold an open house in the future.

Council President Kozlowski announced that his term of office will be ending in 2022. He will not be running for reelection. He urged the public to think about running if they are interested. He explained that a petition would be required with a certain number of signatures and submitted to Clerk Campellone in April 2022.

**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.

**EXECUTIVE SESSION:**

ES 12B-2021 Authorization to Enter into Executive Session Regarding

1. Public Works Employee

**ENTER INTO EXECUTIVE SESSION:**

Councilmember Giberson moved, seconded of Councilmember Allgeyer and carried to enter into executive session at 7:26 pm.

**CLOSE EXECUTIVE SESSION:**

Councilmember Allgeyer moved, seconded of Councilmember Giberson and carried to close executive session at 7:45 pm.

**Resolution 86-2021** Extend Leave of Absence and Health Coverage for James Milton through January 31, 2022

On the motion of Councilmember Riegel, seconded of Councilmember Allgeyer to table Resolution 85-2021.

**YES:** Allgeyer, Bugdon, Kozlowski, Riegel

**NO:**

**ABSENT:** Giberson, Kurtz, Nass

**ABSTAIN:**

**ADJOURNMENT**

On the motion of Councilmember Allgeyer, seconded of Councilmember Giberson and carried to adjourn at 7:50 p.m.

Respectfully submitted,  
Kimberly A. Campellone, RMC  
Municipal Clerk