

CITY OF PORT REPUBLIC
6:30 P.M. MARCH 8, 2022
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, Thomas Kurtz, Jacob Nass, Donna Riegel

COUNCILMEMBERS ABSENT: Roger Giberson

MAYOR: Monica Giberson

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.

INVOCATION:

Invocation given by Pastor Frank Brown of Port Community Church.

MOTION TO APPROVE FEBRUARY 8, 2022, CITY COUNCIL MEETING MINUTES:

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

YES: Allgeyer, Bugdon, Kozlowski, Nass, Riegel

NO:

ABSENT: Giberson

ABSTAIN: Kurtz

MOTION TO APPROVE FEBRUARY 8, 2022, EXECUTIVE SESSION MEETING MINUTES:

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

YES: Allgeyer, Bugdon, Kozlowski, Nass, Riegel

NO:

ABSENT: Giberson

ABSTAIN: Kurtz

MOTION TO APPROVE MARCH 2022 BILL LIST

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

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

NO:

ABSENT: Giberson

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

ABSTAIN:

HONORING CITIZENS OF THE YEAR – Richard “Dick” Haviland & Pastor Frank Brown

Councilmember Bugdon presented plaques to 2020 & 2021 Citizens of the Year – Richard “Dick” Haviland & Pastor Frank Brown on behalf of Mayor and City Council

Councilmember Bugdon presented a gift to Council President Kozlowski in appreciation of his service in acting as both Mayor and Council President in 2021 on behalf of City Council

BUDGET 2022

First Reading / Introduction

ORDINANCE 02-2022 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank

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

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

NO:

ABSENT: Giberson

ABSTAIN:

RESOLUTION 46-2022 Resolution Authorizing the Budget be Read by Title Only
On the motion of Councilmember Nass, seconded of Councilmember Allgeyer and carried.

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

NO:

ABSENT: Giberson

ABSTAIN:

RESOLUTION 47-2022 Resolution Authorizing Introduction of the 2022 Municipal Budget

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

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

NO:

ABSENT: Giberson

ABSTAIN:

COMMITTEE REPORTS

Police/Emergency Management:

No report

Administrative/Personnel:

Council President Kozlowski reported that personnel increases have been approved for the year.

Tax Collector submitted a report for February 2022, showing a total received amount of \$591,846.59.

City Clerk's Office submitted a report for February 2022, showing a total amount received of \$6,056.18.

Chief Financial Officer submitted a report for January 2022, showing an ending balance of \$1,643,317.24

Public Works:

Council President Kozlowski read the February 2022 Public Works Council Report:

- Continued tree trimming throughout town
- Removed the fence at the City-owned gravel pit
- Maintenance on mowers, trimmers, etc.
- Conducted footing inspection at the old firehouse with City Engineer
- B&J Recycling has mobilized their tub grinder to our transfer station, will start chipping and hauling bush in the coming days

Recreation:

Councilmember Bugdon reported that she has hired a beach badge attendant and two lifeguards for the upcoming summer season. Both lifeguards will need to be recertified and will be doing so prior to the beach opening.

Fire and Ambulance:

Councilmember Allgeyer reported that the Fire Department assisted with two calls.

Board of School Estimates:

Mayor Giberson reported that today, March 8th, was supposed to be the date that the Governor gave his State Address. Two days after that address, the budget numbers should be released for the Board of School Estimates. The Board of School Estimates has a meeting scheduled for March 15, 2022, at 5:00 pm. At this meeting, they will approve the budget for the School Board. Thereafter it will be sent to the County for review and back to the Board of School Estimates. At this time, Councilmember Giberson has taken a leave of absence. He was previously appointed to the Board of School Estimates. Mayor Giberson

appointed Council President Kozlowski to step into the role in Councilmember Giberson's absence.

Planning Board:

Councilmember Riegel reported that the Planning Board met on Monday, March 7, 2022, to hear one application. The application was rescheduled for April 11, 2022, provided that the attorney for the applicant does not have a scheduling conflict. At the meeting they discussed the proposed livestock ordinance, and a committee has been formed. During research it was discovered that previous Mayor Gary Giberson had stated that there was a pig ordinance from the 1950's. Planning Board Secretary Vicki Cantell found that ordinance. Councilmember Riegel requested to make a motion to repeal the ordinance in question as it is no longer relevant. At the time of the ordinance, Port Republic had its own Board of Health, and they were responsible for monitoring the pigs.

Council President Kozlowski stated that Council has not had time to review this Ordinance which would not be fair. This can be listed for review at the April 12, 2022, City Council Meeting. Mayor Giberson suggested that a repeal could be included in the livestock ordinance which the Planning Board is reviewing currently.

Code Enforcement/Construction:

No report

Senior Services / Clean Communities:

No report for Senior Services.

For Clean Communities, Councilmember Bugdon reported that in the latest Newsletter there is an advertisement for the upcoming Community Clean Up Day scheduled for Saturday, April 9, 2022, from 10:00 am until 12:00 pm. She is asking those in the community who are interested in volunteering, to meet her at the City Garage at 10:00 am to get supplies. After the cleanup, there will be pizza served for lunch at the pavilion area in Harry Bowen Park. She hopes to see several residents come out and help support this effort.

Marijuana Legalization & Licensing:

No report

Historical:

Councilmember Riegel reported that the Heritage Society will be meeting at City Hall at 6:00 pm on Wednesday, March 9, 2022. They will be discussing the parade that will be happening on Community Day.

Liquor Licensing:

No report

Construction:

Council President Kozlowski stated that in lieu of a Construction Committee report, they have invited Engineer Debra Wahl from City Engineer Matt Doran's Office to explain the inspection report provided for the Old City Garage located at the corner of Pomona Avenue and Blakes Lane.

Engineer Wahl gave a brief summary of the report provided to Mayor and Council. She explained that on March 2, 2022, Engineer Matt Doran performed a structural review of the Old City Garage (Block 20, Lot 22). During this review they excavated the foundation and inspected the interior and exterior to determine the condition of the building. The foundation itself was found to be in relatively good condition. There are 3-4 cracks within it, but there has been no displacement. There is a portion in the front right corner, at the front of the overhead garage door with some severe cracking. The footing in that area would be exposed because of the existing concrete driveway. The interior has a concrete slab and the front portion (about the first quarter) of that slab is severely cracked. This slab would have to be removed and replaced. The building itself consists of a decorative block which contains both severe and minor cracking throughout. All of the doors and windows do not have existing lintels. There is also cracking above the windows at a 45-degree angle which means the wall above those openings are not properly supported. Any renovation would have to include replacement of all lintels. At the bottom of each opening there is cracking at a similar 45-degree angle. There is displacement in the wall system. Based on the fact that there is no displacement in the footing, there is a weakening in the wall system. The roof system is an a-frame system of rafters and ceiling joints. Some of the rafters are cracked. Any of the rafters that are cracked would have to be repaired and/or replaced. There is no evidence of any major leaks or moisture getting into the building. They feel the building can be saved. Council needs to decide if the amount of money they have to put into the building is worth it when they would still have an old building versus building a new structure. If it would still be utilized as a garage it would not be that expensive. If it is going to be utilized as a community or senior center it would need to be converted from a garage to a building with insulation, heating, air conditioning, bathrooms, etc. There would be more items that would need to be addressed because the use of the building would be changing. Additionally, a new septic system would need to be installed. Councilmember Riegel asked if a holding tank could be installed. Engineer Wahl responded that the County Health Department would make the determination. Additionally, they would need to consider things like parking, ADA compliant entrances, etc. Because the funding would be coming from the CDBG Grant, the project would have to be publicly bid. We would then be dealing with prevailing wages and could put the cost of renovating the building to 1.5 - 1.75. The only way to get a more definitive cost analysis would be to have an architectural study. The main point of this inspection is the determination that the structure could be saved but it is just a matter of the cost to do so. Councilmember Allgeyer asked where the well was on the property. Engineer Wahl responded that she is not sure. Councilmember Kurtz stated that it sounds like the building is stable and not deteriorating at a quick rate in any way, as the roof is intact. Engineer Wahl responded that she feels the main problem is the walls as they would have to rebuild from each window up. Councilmember Kurtz asked if there was potential for catastrophic failure in the case of a potential storm. Engineer Wahl responded that they would want to evaluate the anchoring between the wood and block system.

Council President Kozlowski thanked Engineer Wahl for coming and giving the summary of the report. He stated that the next step will be to have the Construction Committee reconvene and discuss an architectural proposal. Then Council will have the chance to vote on that proposal. He added that Councilmember Riegel had suggested prior to the City Council Meeting that the City could reach out to our Grant Writer to obtain what the

exact requirements are under the CDBG Grant. They will move forward with contacting the City's Grant Writer for next steps.

OPEN TO PUBLIC PORTION

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

Bill Smallwood, 122 Clarks Landing Road, wanted to let Mayor and Council know about the Jersey Genesis Triathlon, which is scheduled for Saturday, May 14, 2022. There will be no changes this year and will be done the same as the races done over the past few years. As the race gets closer, he will be requesting help from Public Works as well as Councilmember Bugdon and the lifeguards. He also wanted to make sure that the City would be applying for one-day insurance for them as they have done in the past and additionally asked that the baseball teams not be at the field on Friday, May 13th and Saturday, May 14th.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

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

CORRESPONDENCE:

Mayor Giberson shared that she spoke with a resident who has requested permission to put up osprey nests on public land. He was very specific on where the nests need to go. The requestor is away at this time, or he would have come to the meeting himself to request permission from Council. Mayor Giberson further explained that once the osprey moves out of the nests, eagles move in. Each nest cost about \$200, but the requestor raises those fees on his own and is not requesting money from the City. Councilmember Allgeyer responded that he is for this but is asking how we would be protected if they are on public lands. Attorney Went responded that he thinks the City would do a resolution granting permission and would request an insurance policy. This would protect us from a liability aspect. Attorney Went feels we should ask him what type of insurance he could provide the City so he can get the access and build. Councilmember Bugdon suggested that the nest could be built on the public land across the water from her address (14 St. Johns Lane). Councilmember Kurtz agrees that would be a great location. Council decided that the requestor can go through the Mayor's Office for review and permission.

RESOLUTIONS:

48-2022 Resolution to Adopt the Atlantic County Multi-Jurisdictional Natural Hazard Mitigation Plan Update as an Official Plan of the City of Port Republic, County of Atlantic, State of New Jersey

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

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

NO:

ABSENT: Giberson

ABSTAIN:

49-2022 Resolution Authorizing Refund from Developer's Escrow Account for Mannis
(refund amount: \$547.11)

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

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

NO:

ABSENT: Giberson

ABSTAIN:

50-2022 Resolution Approving the Submittal of an Application to the New Jersey
Department of Environmental Protection and the New Jersey Environmental
Infrastructure Trust for Infrastructure Projects

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

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

NO:

ABSENT: Giberson

ABSTAIN:

ORDINANCE – 2nd READING/ADOPTION:

01-2022 An Ordinance Establishing the Salaries and Wages of Certain Officials,
Officers and Employees of the City of Port Republic

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

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

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

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

NO:

ABSENT: Giberson

ABSTAIN:

UNFINISHED BUSINESS:

Dam

Council President Kozlowski stated that there were meetings held prior to the holidays. He is waiting for the assistant from Congressman VanDrew's Office to get back to him. We did receive an estimate from Engineer Doran's Office in an amount of approximately \$100,000.00 to do the next level of studies. The next level of studies would include looking at the whole regional water system. It is a regional and therefore complex issue. This project is continuing to move forward.

Old Garage Report from City Engineer Matt Doran
Previously addressed under committee reports.

Storm Drain

Council President Kozlowski explained that this is in reference to the drain that goes from Main Street to the beach. A few years back the beach was closed for an extended period of time. The State was unable to come back with anything conclusive, but they did report with strong indications that one of the primary sources of pollution could be that drain. There were higher levels of pollution at the drainpipe versus other areas of the beach. We are hoping for grant monies for this project. Public Works Consultant Bill Montag was able to obtain one quote, but because of the amount indicated we need to either go out for other quotes or advertise for bids. This is being handled currently between Public Works Consultant Montag and Chief Financial Officer Jenna Kelly.

NEW BUSINESS:

Rabies Clinic will be Saturday, March 12, 2022, from 11:00 am to 12:00 pm (dogs) and 12:00 pm to 12:30 pm (cats)

Council President Kozlowski made the announcement

Application for Land Sale

The land sale application was for a property on Riverside Drive (Block 37, Lot 5). Mayor and Council have decided to hold off on the application and wait.

PROCLAMATIONS:

Mayor Giberson stated that two letters from the first and second graders at the Port Republic School were dropped off to City Hall. The students are learning about government and wrote letters to the Mayor letting her know that they want a playground in Port Republic. Mayor Giberson requested permission from Council to send the letters to Grant Writer Jim Rutala. She will write a letter to the first and second graders thanking them and letting them know that their request was heard at the City Council Meeting and the City is going to try to get the funding needed so they can have a playground.

Mayor Giberson presented a certificate of appreciation to resident Michael Trupkiewicz for his participation in the ride for Port Republic Students and his generous donation of over \$2,000.00 to the Port Republic Education Foundation.

OPEN TO PUBLIC PORTION

On the motion of Councilmember Bugdon seconded by Councilmember Nass and carried.

Joy Hooper, 138 Central Avenue, asked Council if they will be discussing the School Board Referendum after they close executive session. Attorney Went said they would not, but he will explain what the parameters of the executive session are right before they enter. He added that no decisions or modifications of the paperwork is going to be changed based on this meeting. Mrs. Hooper thanked City Council for working together with the Board of Education to come to a resolution with the referendum that will be back on the ballot in November. She added that the Board of Education fully supports the question and they are happy that it will make them a legal board of education. She heard rumors in the community that the School Board was suing City Council but she hopes that everyone knows that was never a consideration. Attorney Went responded that there was a dispute as to the legality of the question that was posed at the General Election of 2021. The position of the School Board was that the question was not legal in stating a five (5)

member board and it did not include an interpretive statement. The City disagreed with that position. The School Board did then have to file a lawsuit. The litigation lists the Port Republic School Board as the plaintiff against the City of Port Republic and Atlantic County as the defendants. The lawsuit had to be filed in order to reach a resolution. We discussed resolution at the outset and how to get everybody to come to a meeting of the minds. A lawsuit was filed and there are plaintiffs and defendants. However, this does not mean we are adversarial. This was a mechanism that had to happen in order for a judge to invalidate the November vote so that we could regroup and redo the question and interpretive statement for this November's election. This was a necessary process and was not a typical plaintiff versus defendant situation. After the lawsuit was filed, we met in front of Judge Savio, who is now retired, and explained that this is where we are, and we are not fighting with this. We agreed that we wanted to reword the question and add the interpretive statement that we all collaboratively come up with and have this placed on the ballot again in November. The judge agreed. So he believes that we are now good with the question but will be addressing the interpretive statement tonight which was presented to Mayor and Council from the School Board's attorney. They will be discussing if they are ok with it, if they want to tweak it, if they want to add to it, etc. We should hopefully have this wrapped up by next month and present this to a judge. A judge will give their blessing on top of the School Board and City Council giving their blessing. It is not adversarial, but there is a lawsuit and that is the confusion. Mrs. Hooper responded that she saw the docket and did not interpret it the same way that Attorney Went is explaining it. She stated she will have to reread it so that she understands better because she does not look at it like a lawsuit against the City. Attorney Went responded that while he understands, a lawsuit was filed with the Board of Education being the plaintiff and listing City of Port Republic and Atlantic County as the defendants. It has a docket number. It is a lawsuit pending in the Superior Court of New Jersey Law Division. There is a judge assigned to it. But it is not adversarial at all. Many lawsuits are filed without being adversarial. This was discussed going in and we had a game plan going in. But it had to be filed by somebody, and because the Board is the entity who raised the issue and the dispute, they logically were the plaintiff. He saw the complaint before it was filed and we have been working on it together. So to blanketly say there is not a lawsuit is not true. It is tricky and complicated for the average person but we went into this together. We collaborated on the complaint and paperwork which were filed. For this type of a case they petitioned to have the question invalidated. Mayor Giberson pointed out that on the form it states that the Board of Education and the City of Port Republic petitioned Atlantic County, together as the petitioners. Attorney Went responded that she is right. The City and the School Board petitioned together with Atlantic County being the defendant. But there is a lawsuit pending. To say there is no lawsuit is not a true statement. Councilmember Riegel stated that we and the Board petitioned together, the Board of Education is not suing the City. Councilmember Kurtz agreed. Attorney Went explained that we went into this together and not against each other. Attorney Went stated that the County too could have even been listed as a plaintiff in this case, that is how well we are all working on this issue together. It had to be done this way in order to legally invalidate the first vote.

Michael Trupkiewicz, 58 Pomona Avenue, asked where the city garage is located. City Clerk Campellone responded that it is located on the road back to the dump.

Attorney Went announced that he is formally partner with the law firm of Nehmad, Davis and Goldstein. Council congratulated him on this achievement.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

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

EXECUTIVE SESSION

ES 3-2022 Authorization to Enter into Executive Session Regarding

1. School Board Referendum Litigation, New Jersey Superior Court Docket No. ATL-L-3914-21

ENTER INTO EXECUTIVE SESSION:

Councilmember Bugdon moved, seconded of Councilmember Allgeyer and carried to enter into executive session at 7:32 pm.

CLOSE EXECUTIVE SESSION:

Councilmember Allgeyer moved, seconded of Councilmember Nass and carried to close executive session at 7:47 pm.

ADJOURNMENT

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

Respectfully submitted,

Kimberly A. Campellone, RMC
Municipal Clerk