

CITY OF PORT REPUBLIC
6:30 P.M. OCTOBER 11, 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 Allgeyer and carried to close the workshop portion of the meeting.

COUNCILMEMBERS PRESENT: Steven Allgeyer, Roger Giberson, Stanley Kozlowski, Jacob Nass, Donna Riegel

COUNCILMEMBERS ABSENT: Doris Bugdon

MAYOR: Monica Giberson

MUNICIPAL CLERK: Kimberly A. Campellone, RMC

ATTORNEY: William Kaufmann, 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 location of this meeting.

MOTION TO APPROVE SEPTEMBER 13, 2022, CITY COUNCIL MEETING MINUTES:

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

YES: Allgeyer, Giberson, Kozlowski, Nass, Riegel

NO:

ABSENT: Bugdon

ABSTAIN:

MOTION TO APPROVE OCTOBER 2022 BILL LIST

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

YES: Allgeyer, Giberson, Kozlowski, Nass, Riegel

NO:

ABSENT: Bugdon

ABSTAIN:

MOTION TO PAY ALL SIGNED BILLS

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

YES: Allgeyer, Giberson, Kozlowski, Nass, Riegel

NO:

ABSENT: Bugdon

ABSTAIN:

SOLAR LANDSCAPE PRESENTATION

Brad Higginbottom of Solar Landscape made a presentation to the Mayor and Council regarding a community solar project.

- The community solar project would be located at city-owned property Block 24, Lot 34. This is the location of the old gravel mine.
- The company will build the site, cover all engineering, buy all panels, construct everything, obtain all permits for the project.
- The electricity generated will go to Atlantic City Electric and Solar Landscape will receive credits which they are then able to sell those credits to households.
- About 50% of the credits sold must be low to moderate income households.

- The City would receive a quarterly lease payment.
- The City would also achieve ESP goals with no investment or purchase required for the City.
- To move forward we would need to work out a redevelopment plan.
- The municipality would act as a liaison for community solar education for residents.
- Residents of Port Republic are given first choice to be subscribers.
- The municipality can act like a host or work with a non-profit (or our school).
- Subscribers do not have to pay any fees, there is no credit check and there is no fee to exit if they move or decide to leave the program.
- Subscribers would get 25% off their electric bill.
- The program is monitored closely by the BPU.
- The good thing about the location (Block 24, Lot 34) is that it is screened fairly well from anyone seeing it. They would still be installing barriers, either decorative fencing or trees, to avoid residents having to view the solar panels.
- They have worked out a preliminary design for a 10.1-megawatt project. Community Solar comes in chunks of 5 megawatts, but you can collocate. So, they would be looking to submit two 5-megawatt projects.
- They pay by megawatt, and they are offering the City \$40,000 per year / per megawatt. If they are able to build the whole project, and once it is online it would be \$400,000 per year.
- The school could be the sponsor organization and sign people up. Whoever signs up using the school's code would then generate a one-time payment to the school. This could also be done by the Fire Department. It can only be done by one organization, not both.
- Solar Landscape has to pay prevailing wages.
- They are still waiting for dates for the next round of applications to be accepted by the BPU. They are projecting they will be ready around the first quarter of 2023.
- Having the project be a redevelopment area gives points needed towards the application.
- Of all the projects selected, none have not had the low to moderate income component.
- They typically go to the municipality and all the adjacent municipalities. With this project they may do 5-megawatts with that and 5-megawatts with the counties. They will have to do the demographics to make sure they can proceed with the project. 5-megawatts are enough for everyone in this town to get signed up.
- Councilmember Nass questioned why they would want to apply for two 5-megawatt projects versus one 10-megawatt project. Mr. Higginbottom responded that it would be one 10-megawatt project, but the application has a limit of 5-megawatts for New Jersey community solar.
- Councilmember Giberson questioned what permitted is needed from the State. Mr. Higginbottom responded that they recently hired someone who worked for NJDEP. They will be going to Trenton next week to discuss other places, and this will be one of the projects discussed. He is already working on what permits will be needed. There will be other permits needed through the City such as electrical permits.
- Mayor Giberson asked Mr. Higginbottom to discuss Port School. He responded that for the community solar project we can declare the area a redevelopment area and their company as the redeveloper, they are good to go. For the school, they can put approximately a 200-kilowatt project on the school roof which is probably enough to power the school. For the school, they would offer a Power Purchase Agreement (PPA). Whatever the school is paying Atlantic City Electric for electric would be less. Councilmember Riegel asked if they would be replacing the roof before placing the solar panels on the school. Mr. Higginbottom responded that they typically stretch out their agreements for about 20 years. If the roof needs replacing, they would want it to be replaced prior to the project. They could change the rate of the PPA and make it a little higher and give the school money up front. So, they would not actually be replacing the roof but giving the City the money needed to do it. The

project with the school would probably have to be an RFP of some sort. He offered that they could help us with the RFP.

- Councilmember Nass asked if we had a breakdown of the financials on the project. Mr. Higginbottom responded that they do not, but he could put something together. They have almost set numbers for getting the equipment, so they kind of know what everything costs. The interconnection is a guess but if it is a lot more, they will have to cover that. They may end up having to pay Atlantic City Electric to upgrade the power station.
- Councilmember Nass questioned how the contract will read. He wants to know if the contract will read 10-megawatts or have a minimum of 5-megawatts. The lease will state that they are contemplating applying for 10-megawatts and they will pay us per megawatt. Councilmember Nass also asked if there was ever a larger project they applied for before which had to be scaled back. Mr. Higginbottom stated that the only reason they would not get 10-megawatts is if the application did not score enough points to get accepted. They are sure that they can physically do 10-megawatts in the location.
- Solar Landscape is proposing a 20-year lease with potential 5-year extensions. Typical solar panel loses about ½ a percent of its efficiency per year, so even after 20 years, you're still running at 90%. Councilmember Allgeyer questioned who would be responsible for replacing the panels if needed and Mr. Higginbottom responded that the company would be responsible for that and all other operations and maintenance. They fly drones over the site to make sure the panels are still working.
- Mayor Giberson asked if people could subscribe who already have solar. Mr. Higginbottom responded that they cannot.
- The next step for City Council is to have a resolution on for the next City Council Meeting to declare the area as a redevelopment area. Attorney Kaufmann explained that Council will need to adopt a resolution requesting that the Planning Board undertake a study. After the Planning Board undertakes a redevelopment study, they will determine whether the area in question meets the criteria or not. If it does meet the criteria, they will develop a redevelopment plan that they will send back to City Council. The redevelopment plan must be adopted by ordinance. After the redevelopment plan is adopted, then a developer will be named and a redevelopment agreement will be negotiated between the redeveloper and the municipality.
- Councilmember Riegel asked how much the redevelopment would cost the City. Mayor Giberson responded that she spoke with Jim Rutala as the City's Planner, and he said it would be between \$5,000 and \$10,000.
- Council agreed to have a resolution listed for the next City Council Meeting (11/15/2022) to request that the Planning Board undertake a redevelopment study for the property.
- Attorney Kaufmann asked how many projects the company had within the Pinelands. Mr. Higginbottom responded that they did not have any, but that this area is luckily not in the Pinelands. It is not impossible, but it is harder to do.

COMMITTEE REPORTS

Police/Emergency Management:

Council President Kozlowski reported that they have been discussing possibly hiring a Public Safety Director. In the packets provided to Council, there is a draft job description for this role. This will be coming up at the November or December Council meetings.

There was a Trooper from NJSP in the audience who had nothing to report.

Administrative/Personnel:

Tax Collector submitted a report for September 2022, showing a total received amount of \$215,959.84.

City Clerk's Office submitted a report for September 2022, showing a total amount received of \$5,455.94.

Chief Financial Officer submitted a report for August 2022, showing an ending balance of \$1,519,795.44.

Public Works:

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

- Continued Park and property maintenance throughout town
- Continued tree trimming throughout town
- Monitored and lowered the dam as needed
- Purchased a new front bucket for the backhoe
- Maaco painted the old county truck white
- Dave Eisenhard reinsulated the garage for winter

Recreation:

No report

Fire and Ambulance:

Chief Yochim reported that their dinner will be happening this Saturday (October 15th). It will be take out only. He hopes everybody can make it. Everything has been quiet in town, and he is hoping it stays that way.

Councilmember Nass asked Chief Yochim what would need to be done to be able to handle a fire if it were to occur at a community solar location. Chief Yochim responded that they would have to look into the project details further. Councilmember Nass would like to be prepared if we were to move forward.

Board of School Estimates:

No report

Planning Board:

Councilmember Riegel reported that the Planning Board met on Monday, October 10th. They unanimously approved the resolution for VanDaley.

Code Enforcement/Construction:

Construction Official Kevin Cain submitted a report for the month of September. During the month, a total of 10 inspections were done, and the following permits were issued:

- 7 Alterations
- 1 Demo
- 1 New (pole barn)
- 2 Zoning Permits
- 2 CO Inspections for Resale
- *Total of 13*

There are no current code enforcement issues.

Senior Services / Clean Communities:

Councilmember Nass reported that they held the Fall Clean Up on Saturday, October 8th. There was a good turnout and the roads needed it, especially in the areas of Pitney Road and Riverside Drive. Approximately 23 bags of trash and a car fender were collected.

Marijuana Legalization & Licensing:

No report

Heritage Society:

Councilmember Riegel reported that four display cases were donated from Wards Bakery in Ocean City.

Construction:

No report

Liquor Licensing:

Council President Kozlowski reported that Attorney Kaufmann has provided Mayor and Council with a comprehensive summary on how the City could proceed with liquor licensing if they chose to do so. Liquor licensing is an idea to help generate revenue for the town. At this point, Council could proceed. Another option is that a citizen could create a petition for the question to be asked by way of referendum at the next General Election. He believes after reading the summary provided by the attorney that a referendum would trump any decision that City Council makes. He would like for City Council to thoroughly review the summary.

Councilmember Giberson asked if a resident would need to create the petition or if City Council could have the question posed as a referendum. Council discussed that Mayor Giberson has started and is working on a petition as a resident.

Councilmember Giberson asked if the referendum were to pass, does Mayor and Council have to act on the decision. Attorney Kaufmann responded that if the vote is "yes" then Mayor and Council are obligated to move forward and adopt an ordinance.

Councilmember Giberson questioned how the price of the liquor license would be determined. Attorney Kaufmann responded that there are two methods, historical method or public sale option. The historical method is hardly ever used anymore because the revenue is very small, and it all gets turned over to the State. With the public sale option Council would set a minimum bid and then a public auction would be held. With the public sale option, the City would keep the revenue.

OPEN TO PUBLIC PORTION

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

Chief Yochim asked who would be responsible to paying for the redevelopment plan for the community solar project location. Mayor Giberson responded that the City would be responsible to pay for that and that it will cost between \$5,000 and \$10,000. This will be the only cost that the City has to incur. Chief Yochim asked what happens if the community solar project is not approved. Mayor Giberson responded that we lose \$5,000 to \$10,000, but she feels the potential gains far outweigh the risk. Chief Yochim asked if the company would be able to contact the electric company before the City pays for the redevelopment. Mayor Giberson responded that they can write to the electric company to let them know this is coming.

Councilmember Giberson and Councilmember Nass mentioned they would also like to look into LED lights with the electric company. Mayor Giberson advised that they previously met and discussed this with the electric company, and it would cost the City about \$100,000. However, if the lights go out they are being replaced, free of charge, with LED lights.

Joe Martin, 5 Mill Street, questioned if the solar panels would be made in the USA. Mr. Higginbottom responded that they have not purchased the solar panels yet. They receive a high tax incentive if they do purchase within the USA, so if they are available, they certainly will. So far, they are not available.

Michael Trupkiewicz, 58 Pomona Road, questioned if all the criteria of the application needs to be met. He is concerned with the 51% low to moderate income requirement. Mr. Higginbottom responded that they will give first preference to Port Republic and when they run out of low to moderate income within the community they'll move outside. Senior Citizens are also part of the low to moderate income. They are responsible for making that commitment and if they are unable to meet it, that is on them.

Rebecca Wessler, 601 Chestnut Neck Road, asked if the City does the redevelopment plan would they go out for RFP to see the best deal the City can get. Mayor Giberson responded that they are not required to but they are looking into it. Attorney Kaufmann added that the City can go out for RFP's if they chose to.

Michael Turner, 154 Indian Cabin Road, asked how many acres are needed per megawatt. Mr. Higginbottom responded it is about 3-4 acres but it is getting more efficient and they are building them bigger. They have the project designed at 10 megawatts, taking account of the grid break in the middle. Mr. Turner asked if they would be using just the pit area or the entire property. Councilmember Giberson responded that it is pretty much the pit area and it goes up a little bit, but not much. Mr. Turner asked questions regarding the type of solar equipment that would be used. And how the company makes their income. He and Mr. Higginbottom further discussed.

Craig Sabath, 473 Chestnut Neck Road, questioned if under any circumstances the City would be responsible for maintenance or repair of the community solar project. Mr. Higginbottom responded that they are insured and totally responsible.

Margaret Defelice, 350 Cologne-Port Road, asked if the lease could be made monthly. Mr. Higginbottom responded it could be. Ms. Defelice asked how much the payment would be. Mr. Higginbottom responded that the yearly lease amount would be \$400,000, so it would be split monthly.

Ms. Defelice asked if one of the two tennis courts could possibly be changed to a pickle ball court in the future. Mayor Giberson responded that they are looking into this but at this time the courts need approximately \$100,000 for repaving. They are hopeful to obtain grants next year.

Joe Knoll, 26 Old New York Road, expressed his concern for moving forward with a liquor license at the location of the boat yard. Councilmember Giberson explained that this has not been a secret and at this time they are only looking into this option as a possible source of revenue. Councilmember Riegel explained that while the boat yard is currently the only location that would be allowed to obtain a liquor license in town, if they chose to move forward the Planning Board would be involved to see what locations in town would be good for this.

Councilmember Giberson asked the audience by show of hands how many would be for and how many would be against a liquor license.

Mayor Giberson expressed how important it is for the public to attend the meetings and express their concerns to Mayor and Council on all subject matters.

Cynthia Walton, 741 Chestnut Neck Road, expressed her concerns about a liquor license being issued. She is concerned with maintaining the integrity of the town.

Craig Sabath, 473 Chestnut Neck Road, expressed his concerns with the speeding on Chestnut Neck Road. On this day a truck passed his son's school bus. Councilmember Giberson said that the Mayor would follow up on this issue and they will let the State Police know. Council President Kozlowski instructed Mr. Sabath to contact Clerk Campellone on how to make a formal complaint. This is an ongoing issue that Mayor and Council are working on.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

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

CORRESPONDENCE:

- Thank you letter to City Council from Violet Meyer and Mary Ann Schutz (Route 167)
Acknowledged
- Thank you letter to Mayor Giberson and Councilwoman Doris Bugdon (senior citizen equipment)
Acknowledged

RESOLUTIONS:

78-2022 Appointment of Convenience Center Attendant in the Department of Public Works
(*Christopher Johnson*)

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

YES: Allgeyer, Giberson, Kozlowski, Nass, Riegel

NO:

ABSENT: Bugdon

ABSTAIN:

79-2022 Appointment of Seasonal Public Works Laborer in the Department of Public Works
(*Christopher Johnson*)

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

YES: Allgeyer, Giberson, Kozlowski, Nass, Riegel

NO:

ABSENT: Bugdon

ABSTAIN:

80-2022 Chapter 159 2022 Sustainable Communities Environmental Stewardship Grant
Funded by Atlantic City Electric (*amount \$2,000.00*)

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

YES: Allgeyer, Giberson, Kozlowski, Nass, Riegel

NO:

ABSENT: Bugdon

ABSTAIN:

ORDINANCES:

None

UNFINISHED BUSINESS:

- Dam – Council President Kozlowski explained that this project is in que behind the Lake Lenape Dam in Hamilton Township. This will take some time.
- Storm Drain – This job should hopefully begin in November. We are still waiting on permitting from the State.
- Gravel Mine – We are currently looking into the possibility of community solar as discussed earlier in the meeting.
- Wilson Avenue – Paving will begin in approximately 2 weeks.
- CDBG (no bids received) – Engineer Matt Doran explained that we can go out for bid again, and if no bids are received for the second time we can negotiate.
- Route 610 Bridge – modification proposes additional drainage and intersection improvements along Old New York Road (CR 610). The next meeting is scheduled for October 27th, Mayor Giberson and Bill Montag will be in attendance.

NEW BUSINESS:

- Application for Purchase of City-Owned Property – Council is not interested in selling the lots applied for at this time.

Councilmember Riegel mentioned that in the City's Code from 1984 regarding designation of 4-way stop intersections. The following intersections are designated as 4-way stops: Main Street & Mill Street and Pomona Avenue & Mill Street. Councilmember Giberson stated that Main Street & Mill Street are County roadways, and they will not make them 4-way stops. Councilmember Kozlowski explained that our Ordinance is superseded by County and State laws. Attorney Kaufmann explained that Council could either repeal that ordinance or leave it, it will not make a difference.

MAYOR'S REPORT / PROCLAMATIONS:

Mayor Giberson reported the following:

- Thanked Michelle Robinson for bringing the 5 cases donated to the Heritage Society.
- Thanked the City's Public Works Department for stepping up and picking up the many deer carcasses in town because our deer carcass removal company was unable to do so in a timely manner.
- Thanked Jack and Jesse Connor for their work on applying for and obtaining the \$2,000 grant from Sustainable Jersey.
- Thanked Jake Nass and Michael Turner for having the Boy Scouts participate in the Clean Up Day.
- The Trupkiewicz family has been working on the Smallwood Garden area. They are looking for volunteers to help. The area will remain closed until it is safer.
- The Fall Festival will be happening on October 26th. There will be a parade, trunk-or-treat, pumpkin painting, scarecrow making with the PTO, games, hayrides, hot dog dinner, and ending the evening with a showing of the movie Hocus Pocus. Super Can from ACUA will be in attendance.

- Expressed her gratitude for Clerk Campellone and Deputy Clerk Blevin for always stepping up and doing what needs to be done.

OPEN TO PUBLIC PORTION

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

Chief Yochim spoke about the two homes for sales on Pomona Avenue and Blakes Lane. He is concerned that the house on the corner was supposed to be knocked down many years ago. He wants to make sure that people who are looking are aware that the lots are undersized, and they will not be able to rebuild. Councilmember Giberson explained that it is the responsibility of the buyers to find out this information.

Council President thanked everyone in the audience for showing up. He thanked Attorney Kaufmann for his work regarding the liquor license in particular. He thanked Brad Higginbottom for attending and presenting to the Mayor, Council and the public.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

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

EXECUTIVE SESSION

ES 10-2022 Authorization to Enter into Executive Session Regarding:

1. N/A

ADJOURNMENT

On the motion of Councilmember Giberson, seconded of Councilmember Allgeyer and carried to adjourn at 7:59 p.m.

Respectfully submitted,

Brandy M. Blevin, RMC
Deputy City Clerk