

**January 26, 2010, CAUCUS MEETING MINUTES**  
**BOARD OF COMMISSIONERS OF THE BOROUGH OF MT. EPHRAIM**

**MEETING CALL TO ORDER:**

Mayor Wolk called the meeting to order at 3:07pm.

**SALUTE TO FLAG:**

All present pledged their allegiance to the Flag of the United States of America.

<b><u>ROLL CALL:</u></b>	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
Commissioner Gilmore	___x___	_____
Commissioner Greenwald	___x___	_____
Mayor Wolk	___x___	_____

**OTHER OFFICIALS PRESENT:**

Borough Solicitor – Eric Riso and Joe Marrasso  
Borough Engineers –Doug Akin  
Rich Schwab—Borough Consultant  
Police Chief – Ed Dobleman  
Marie Darlington –Tax Collector/Deputy Clerk

**“OPEN PUBLIC MEETINGS LAW” ANNOUNCEMENT:**

Mayor Wolk announced this Meeting has been advertised and notices posted in accordance with the “Open Public Meetings Act.”

**PUBLIC PARTICIPATION:**     None

**DEPARTMENTAL REPORTS/DISCUSSIONS**

Rich Schwab reported the following:

**1. New CFO, Responsibilities and Procedures**

Based on a meeting between new CFO Dave McPeak, old CFO Dean Ciminera and consultant Richard Schwab, we agreed on what each will be doing. Dean closed out the 2009 books and set up 2010. Dave is scheduled for training in the Edmunds software. He also has met with Marie and Pat on communications with them. He will come in to sign all checks, rather than by stamp. Dave will handle the cash management, PILOT billings with the Tax Collector, banking relationship, debt issues and monthly reconciliations and reports. Dave will still

handle grants and was given files by Dean on outstanding grant reimbursement issues to follow up on. He has been set up for access to all computer based financial documents and software including the bank site and the payroll site. Richard will review all requisitions, invoices, etc. to assign or insure the correct budget account is used. Based on Richard's approval, Pat will use a stamp for Dave's signature. Dave and Richard will work together on budget postings. Richard will put together the budget proposal by the end of February. However, it is not expected that the State will allow budget adoptions until this summer.

The Clerk reported on the following:

## **2. Results of SEM natural gas auction**

The New Jersey Sustainable Energy Joint Meeting (NJ SEM) solicited bids for Natural Gas through an Online Reverse-Auction Platform on Friday, January 22, 2010. Due to a sharp increase in Natural Gas pricing, there were no bids that were lower than the price to compare (strike price). The NYMEX market for Natural Gas rose on Friday by more than 17 cents. There are many reasons for this spike, not the least of which was the volatile financial markets at the end of last week. Therefore, the Executive Committee voted to re-schedule our next auction for Natural Gas on or before February 17, 2010.

Our Energy Consultant feels confident that we will be successful in our next auction as the winter months will be behind us. The current list of 16 members that opted out of the first auction will remain out of the second auction unless we receive notice otherwise.

## **3. PSE&G Induction Lamp Installation**

PSE&G has been replacing mercury vapor street lights with energy efficient induction lamps in many municipalities. They would like to perform the light replacement in Mt. Ephraim. There are a total of 272 lights that would be replaced that would result in an estimated annual savings to the Borough of \$7896. There are no upfront costs but we must agree to keep the lights active and make payment to PSE&G for the street lighting for the next five years. If approved, we will include a resolution on the agenda authorizing the Mayor to execute the agreement. Mayor Wolk asked that we meet with the representative from PSE&G to verify the locations of the lights and to make sure this would be in the interest of the borough. He was concerned that we would be able to shut off some lights if we so choose in the future. The Clerk indicated she would set up the meeting.

## **4. Citizens Services Act**

I attended an informative seminar on the new Citizens Services Act and received a lot of information on how it works. The law is intended to encourage public participation in local government through service on boards and commissions. I have to keep a roster of all boards and commissions and also have to keep track

of their attendance. There is also a public form they are encouraging municipalities to have available on their websites that residents can access, complete and submit if they are interested on serving on a board or commission. I have attached a sample copy. The new law also allows municipalities to enact local ordinances reducing the attendance requirements before a member can be removed. The Clerk added that the new laws allow for non-partisan elections to be held in November and that is something the Mayor and Commissioners may want to consider. The cost for the election then shifts to the County. It is definitely worth looking into. Mayor Wolk asked when they would have to make that decision by and the Clerk reported that they had most of the year to consider this.

#### **5. Need to get funding set-up for Bud Concrete contract**

As a follow-up to my e-mail, we need to get the funding set-up for the Bud Concrete contract for Streetscape Project, Phase II. We had previously done a Chapter 159 for the additional stimulus funds that were received but had never set-up the initial \$250,000 grant. We can do this through a bond ordinance or the budget and should include additional project costs, such as engineering and soft costs. The funding we will receive from the DOT will only cover construction. Rich added that we do need funding to cover the engineering. We can run the grants through the budget but we do need a bond ordinance to cover engineering costs. We would include engineering for the streetscape as well as other road projects planned for this year. We would also need to amend the temporary budget for the down payment. If everyone is in agreement, we can combine all into one ordinance and he will forward the information to Dave McPeak so he can work with bond counsel to get the bond ordinance prepared. The governing body concurred.

Regarding the funding for the Bell Road drainage, now that we got the construction funding through the DOT, Rich Holmes asked if the County was going to kick in any money to cover the engineering for this project. Mayor Wolk had information that the County was going to help with some funding and asked Rich to follow-up with Dave McPeak to confirm that the funds they had initially committed to will be coming.

#### **Police: Chief Dobleman will discuss the following items**

**1. Officer Schaeffer is back to work and doing well.**

**2. Palma matter with Wildwood.**

I have spoken to the Commissioner and Eric, Borough lawyer about same and have tried several times to call Palma with negative results. He needs to know what our next step should be. He is also waiting for a detailed bill from Wildwood PD on the amount. Eric did confirm that if we hired him within 120 days of his refusing reappointment in Wildwood, then we are obligated to reimburse

Wildwood for one half of his training costs. The Chief has been trying to get that information from Wildwood. In the meantime, Officer Palma made oral representation and signed an agreement with us stating that he would be responsible for any contractual obligations he has to other departments but from a legal standpoint, the obligation the Borough has is a statutory obligation to Wildwood. We are talking about roughly \$2200. The Borough will wait to see what information comes from Wildwood before making any decisions as to how to proceed.

### **3. Replacement Officer**

The Chief understands the budget situation but just wants to keep this in your mind as the budget process moves forward.

### **4. Hero Dinner**

There will be a Hero Dinner in which A. West will be speaking and several town people as well as business owners will be attending he wanted to know if the Mayor and elected officials would like to attend. Also two officers, Beppl and Schaffer, are being considered for awards however this has not been confirmed as of yet. We would like to get a table for \$500. He understands if same comes out of PD budget. However, Commissioner Gilmore did not think it was appropriate to use taxpayer funds to pay for the table. Anyone who chooses to attend would have to pay themselves. Commissioner Greenwald agreed. The Borough will not pay for the dinner.

### **5. Increase Special Pay**

The Chief would like for this year or next, to put steps in special pay rates:

- Class I (like Paul Bibik) \$10.50 currently and has been since 1985
- Class II, \$13.00 or \$14.00 an hour--other towns are at \$15.

We have not raised this since before 1985. The governing body agreed. The Chief will work with Richard to develop a step program so it can be appropriately budgeted.

### **6. Roadwork**

PSE&G have started their work in town. They will be working until March 31, 2010. With this I would like to take advantage of their funds to lease a new patrol car. I have spoken to Richard Schwab about this and will provide you with paperwork. With this move I would be able to use one vehicle for traffic control and sell three cars. Rich responded that we have to first verify that we can use the funds generated for police traffic control in this way. He will look into and report back.

### **7. DWI**

The Captain is waiting on numbers from the courts. As soon as the information is received, we will schedule a meeting to sit down with Court and Oaklyn PD to discuss and rectify.

## **8. Risk Management**

I have attended the Risk Management class that is mandatory by the JIF and MEL. This class was directed to the Chiefs and was very informative.

## **9. County Jail**

I want to make you aware that Correction officers are going around to town meetings. They are looking for support not to privatize the jail. I have no opinion on this due to not knowing if or how it will affect our PD. Until then I recommend that we sit back and wait for more details.

## **Fire:**

Rich Schwab reported the following:

### **1. Bell Rd. Fire Station project status**

Richard has met with Steve Becica, the architect, to negotiate any extra payment to put the revised conceptual plan into bid documents. The hope is that it will be no more than \$10-15,000 additional in the architect's total contracted amount, originally \$138,800. The site engineer, CES, will also need to be paid a little more to re-do their work. Their original contract is \$31,600.

The goal is to be ready to go out to bids within 60 days. Now that the drainage does not need to be paid for via the Fire House bond issue, there should be \$2.5 million for the building phase. This includes the demolition of both buildings with asbestos removal, and the oil tainted soil removal.

We recommend that we proceed with the demolition of the James St. property by getting quotes. TTI Environmental has been authorized to write a work plan for the asbestos removal for a cost of \$900 and include it in the quote request. They will charge another \$725 to do clearance sampling and testing afterwards. We believe the cost will be around \$16,000 (about \$4000 more due to the asbestos removal). This should be less than what would be part of the overall bid.

We also recommend a separate contract for remediation of the contaminated soil around the previously removed leaking underground storage tank adjacent to the James St. side of the Fire House. The E-JIF has guaranteed the \$10,000 grant towards the estimated \$25,000 for remediation. The hope is that going through the quote route will keep it under the \$20,000 bid limit instead. If the quotes are above that, we will need to re-evaluate the method. There is a time lag between completing this work and getting a DEP "No further action" designation, needed to proceed with the new building. We will contact Earth Engineering immediately to get their proposal to help us get the quotes and supervise the work.

Our Solicitor was to highlight the language of the proposed Bell Rd lease agreement that was discussed at the last meeting. A decision needs to be made so it is effective when the building is abandoned prior to demolition (Feb or March).

## **2. Lambert Ave Removal of Architectural Barriers project status**

MD Remodeling has done substantial work on the \$65,000 project. It is looking very good. There is a job meeting there Tuesday morning so we can provide a verbal update. Rich Holmes asked about naming the center the Charles Dougherty Senior Center. Commissioner Greenwald said he would verify that this would be okay with the CDBG but his initial impression was that as long as the name continues to include the "senior center" designation it should be fine.

## **3. Gloucester City chemical plant fire**

Chief Gilmore reported that the Fire Company responded as part of the mutual agreement on the initial dispatch, as usual for any structure fire in the city. Squad 45 was committed for 3.5 hours. Crews completed various tasks including forcible entry, water supply, cascade operations and lighting. 402 was committed to the scene for 4.5 hours as the Safety Officer/Incident Command Staff. No equipment from MEFD was lost or damaged. We returned later Sunday evening for a rekindle on the roof. Squad 45 was in staging for 10 minutes and returned. 402 remained on location as part of Incident Command Staff for 1 hour. Deputy Chief Stagliano did injure his foot but is doing well.

## **4. Adding Safety Items to Agenda**

Please see Anthony's e-mail. He is requesting that we add safety to the agenda as a regular item. The governing body approved a safety section being added to future agendas.

## **Other Public Safety Issues**

### **1. Possible shared service for EMS services**

Barbara Wilson, Chief of the Barrington Ambulance Squad reported that they have been handling the Mt. Ephraim calls and it is working out well. Before she can finalize cost estimates for the towns, she is waiting for a final answer from Brooklawn and Haddon Heights. The Mayor said he would like her phone number as he had a couple of things he would like to discuss with her.

## **Public Works, Planning and Zoning:**

Marie Darlington reported that she received a complaint from a resident who owns a duplex and lives in one of the units but rents out the other. He objects to our requirement that he register with us a landlord because the state statute, as it defines landlord, excludes owner-occupied units, therefore, he should not have to

pay the fee since he is not a landlord. Marie explained to the resident that the intent was to afford us the ability to inspect the rental unit for livability. It is perhaps just a language issue and maybe our ordinance language just needs to be amended to reflect the fact that the requirement for registration was simply for inspection purposes. Eric said that he believes our ordinance is valid until challenged and found to be invalid. Joe and Eric said they will research further and get back to us.

Commissioner Greenwald reported that the owners of 710 Black Horse Pike came before the Planning Board for an interpretation and to make their case about what they plan to do with the property but the Board turned them down. They wanted to have the establishment as a BYOB but the Board determined this is a non-conforming use. Joe Nardi provided a legal opinion as to non-conforming use as well. The Board voted and the use of the property as a BYOB was denied. We probably have not heard the end of this as it was not a formal application but rather an interpretation. Mayor Wolk asked Joe Marrazzo to contact Joe Nardi to find out exactly what transpired before the Planning Board and what their next step may be. Their mercantile license is also currently under review for approval. The police chief, construction official and zoning official will also have to approve before the license can be issued.

Ken Jones reported that he has been using cold patch for pothole repairs and it is working out great. It is a little more expensive and he is looking for cheaper sources. He may be able to get it from American Asphalt. He will need some to get us through the winter. Commissioner Gilmore asked Ken to contact the County about the potholes on East Kings Highway.

### **Engineer: Projects and Grants Updates**

1. Streetscape Phase II  
Doug reported that the agreements are with Bud Concrete and he is just waiting for his bonds.
2. Railroad crossing-Kings Highway  
No update.
3. NJDOT Municipal Aid 2010- Delaware Ave—will be included in the 2010 budget. They will be doing the surveying as soon as the weather permits.
4. USDA Rural Development Program  
No update
5. Discretionary Aid-NJDOT-Bell Road drainage improvements—no update other than we need to execute the grant agreement
6. Route 295/42 project—the engineer and the solicitor need to get together to review the contract language. Joe Marrazzo said there are some issues regarding the costs involved and what the liabilities and costs would be under this contract. We would expect the state to pickup any costs but we need to make sure no costs will be passed on to the Borough. Mayor Wolk

asked Joe Marrazzo to prepare a list of questions that the engineers can submit back to the state engineers so we can make sure all issues are resolved before we sign any agreement.

Mayor Wolk said he was told by PSE&G that while their tree contractor is in town, if there are any trees in town that need trimming to let them know.

Rich Schwab reported that the towing bids will be opened on Thursday.

At 4:40, on a motion by Commissioner Greenwald, second by Commissioner Gilmore, the caucus meeting was adjourned for an Executive Session for the purpose of discussion of labor contract negotiations and the firehouse lease.

At 5:10, on a motion by Commissioner Gilmore and Mayor Wolk, open session was reconvened.

ADJOURNMENT:

On a motion by Commissioners Greenwald and Gilmore, the meeting was finally adjourned at 5:10pm.

Respectfully submitted,

Terry Shannon  
Municipal Clerk