

JUNE 18, 2012

PAULSBORO, N.J.

6:00 P.M.

WORK SESSION MEETING

Council Chamber:

Mayor Hamilton presided at a Work Session Meeting of Council held on the above date and place.

Members present were: Giovannitti, Giampola, Haynes, Kidd, Stevenson, Turner.

Mayor Hamilton called the meeting to order.

Borough Clerk VanScoy read the opening statement regarding the Open Public Meetings Act.

Mayor Hamilton opened the floor to the public.

There wasn't any public participation.

Minutes of a Regular Meeting held on June 6, 2012 at 7:00 p.m. Giovannitti moved and Giampola seconded to receive, file and approve the above minutes. All were in favor of the motion except Stevenson abstained.

R. #119.12: RESOLUTION PROVIDING FOR THE PAYMENT OF THE BILLS OUT OF THE 2012 BUDGET.

Administrator Salvatore requested to add two (2) bills for JP Morgan Chase Bank in the amounts of \$3,495,000.00 and \$43,774.88 as well as street light electric bills in the amount of \$6,561.25 and add Purchase Order #41636 to Remington and Vernick Engineers in the amount of \$1,097.25 for developers' escrow.

Giovannitti moved and Haynes seconded to pay all bills properly signed including the additions mentioned above and adopt R. #119.12. Roll call: Ayes: Giovannitti, Giampola, Haynes, Kidd, Stevenson, Turner. Nays: None. **Motion carried.**

R. #120.12: RESOLUTION OF THE BOROUGH OF PAULSBORO AUTHORIZING THE EXECUTION OF A TOLLING AND FORBEARANCE AGREEMENT WITH PSE&G.

Councilwoman Turner stated she was not sure about this and asked for an explanation.

Administrator Salvatore explained that this is an agreement between PSE&G and the Borough regarding pollutions and clean up at the building on Jefferson Street.

Giovannitti moved and Giampola seconded to adopt R. #120.12. Roll call: Ayes: Giovannitti, Giampola, Haynes, Kidd, Stevenson, Turner. Nays: None. **Motion carried.**

Memo from Chief Chris T. Wachter regarding review and recommendation of the Liquor License establishments' renewals. Giampola moved and Stevenson seconded to receive and file the memo. All were in favor of the motion.

Mayor Hamilton questioned if Council had any questions for Chief Wachter regarding his recommendations.

Chief Wachter explained his recommendations, which he recommended the Riverside Inn continue with the current conditions and add two more such as: (1) any and all outside speakers be removed immediately and no live or recorded music be allowed to be played or piped outside the business and (2) all doors and windows to the business must be closed when there is a live D.J., live band or recorded music (ex. Juke box, etc.) playing inside the bar. He stated the Riverside Inn has a lot of noise coming from the business and that is most of the complaints. The owner has taken some steps to reduce the noise but it is not enough. Mr. Haynes has submitted a memo today regarding lifting his conditions.

Chief Wachter also recommended that Benny's on the Rail continue with the current conditions and add two more conditions which are: (1) the hours of closing and or alcohol service and consumption take place after 12:00 a.m. on Friday and Saturday nights and (2) the establishment take further proactive measures to ensure that underage person(s) are not allowed access to the interior of the establishment as well as availability to consume alcohol while in the licensed establishment. He stated the Police Department has been there 55 times and have pending underage drinking complaints. He has met with the owner and her attorney but he doesn't feel the owner is doing enough and the bar has to be "reeled in". It is becoming a concern for the community in that area.

Chief Wachter further recommended that the Governing Body revisit these conditions in six (6) months with a report presented by the Police Department.

Councilman Stevenson thanked Chief Wachter for the good report.

Mayor and Council further discussed the conditions on both establishments.

Councilman Kidd suggested to approve the conditions but to meet with the owners at a later time so the residents and the neighbors could be present but that he hasn't looked at either the memo from Mr. Haynes or the new recommendation memo from the Chief. He felt the Council could approve the licenses but the Chief's recommendation letter and Mr. Haynes letter should be done at a later time.

Solicitor Daniels stated the Council can always revisit the restrictions.

Chief Wachter stated the Solicitor makes a valid point.

Council President Giovannitti stated if the Governing Body wants to consider bringing in both owners at a later date they can. The Council can always approve the license with the review. He felt this is a public safety issue and he recommended approving the restrictions for renewal and revisiting the matter in three (3) months.

Councilman Stevenson agreed with Councilman Kidd to keep the restrictions in place but to meet with the owners at a later time. He felt the conditions should be kept in place and be able to meet within three (3) months.

Councilwoman Turner stated she agreed with Council President Giovannitti regarding the restrictions and to revisit the matter in three (3) months.

Council President Giovannitti stated this has been ongoing for several years. The Governing Body doesn't get involved with the bars, etc. and he supported the Chief's recommendations to keep the restrictions, add new restrictions and revisit the matter in three (3) months.

Giovannitti moved to approve the Chief's recommendations.

Councilman Kidd suggested having all parties involved at the next work session meeting to discuss the new issues.

Kidd moved to have all parties meet at the next work session meeting to discuss the new issues.

Council President Giovannitti stated he did not want to bring in the owners. It is not personal but it is a public safety issue and that is why the Borough has the Police Chief.

Mayor Hamilton asked Mr. Owen Haynes to discuss his memo regarding lifting the restrictions.

Mr. Haynes, Riverside Inn, stated he is asking for the restrictions to be lifted. He also stated he is getting charged with the noise ordinance but he hasn't seen anyone come by with a decibel meter. He questioned the standards. He questioned if there is a noise complaint and the cops come, what is the outcome of the complaint. Is it legitimate, and if there is something then what is he violating? He doesn't think it is fair to say it is noisy and put restrictions on him. The Borough is not proving he is violating anything. He is trying the best to keep in compliance with restrictions but it seems that people don't want him to be in business. He doesn't think he should be saddled with restrictions. He further stated the bar has been there since 1950.

Mayor and Council further discussed the conditions of the Riverside Inn with Mr. Haynes.

Barbara Miller, 33 Riverview Avenue, lives next door to the bar and if Council was in her house at 1:00 a.m., they could sing along with the D.J. It is very noisy and she thinks the restrictions are just about tolerable. It is also noisy at 2:50 a.m.

Council President Giovannitti moved to renew with the restrictions recommended by the Chief and revisit them in three (3) months.

Councilman Haynes questioned if the motion was to renew with the existing restrictions or adding the new restrictions?

Council President Giovannitti stated the motion was to include the new restrictions on both establishments.

Councilman Stevenson seconded the above motion.

Councilman Kidd questioned how soon is Council going to have all parties involved come in to discuss this. He has no problem revisiting this in three (3) months but all parties should meet.

Council President Giovannitti stated some people may not want to attend a meeting and they both had the opportunity to come to the meeting.

Councilman Haynes stated he has an issue with the new restriction for Benny's hours of operation as his concern is the clientele will emanate to other bars and he will not vote on the restriction on hours.

All were in favor of the above motion except Haynes on Benny's and he abstained on the Riverside Inn, Turner (no on Benny's hours), and Giampola (no on Benny's hours).

Further clarification on the motion is as follows:

Giovannitti moved and Stevenson seconded that the Chief's recommendations be approved with review in three (3) months. Roll call: Ayes: Giovannitti, Kidd, and Stevenson. Nays: Giampola, Haynes, Turner. Mayor Hamilton broke the tie with an aye vote. **Motion carried.**

R. #121.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A CLUB LICENSE #0814-31-017-001 GREATER PAULSBORO LODGE 575 I.B.P.O.E. OF W., INC. T/A GREATER PAULSBORO LODGE 575 I.B.P.O.E. OF W., INC.

R. #122.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A CLUB LICENSE #0814-31-018-002 LOYAL ORDER OF MOOSE WOODBURY LODGE 2585 T/A LOYAL ORDER OF MOOSE WOODBURY LODGE NO. 2585 FOR THE

LICENSE TERM 2012-2013. (Abstained: Haynes.)

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R. #123.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A CLUB LICENSE #0814-31-019-001 PAULSBORO SPORTSMEN'S ASSOCIATION, INC. T/A PAULSBORO SPORTSMEN'S ASSOCIATION, INC. FOR THE LICENSE TERM 2012-2013. (Abstained: Giovannitti, Giampola, Haynes, Stevenson. As per Solicitor Daniels, this Resolution was pulled and will be voted on separately due to "rule of necessity".)

R. #124.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A CLUB LICENSE #0814-31-020-001 GEORGE D. PATTON, JR. VFW POST 678 T/A GEORGE D. PATTON POST 678 FOR THE LICENSE TERM 2012-2013.

R. #125.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A CLUB LICENSE #0814-31-024-002 CARMEL S. MORINA #2580 SONS OF ITALY IN AMERICA T/A CARMEL S. MORINA LODGE #2580 OF SONS OF ITALY IN AMERICA FOR THE LICENSE TERM. (Abstained: Giovannitti, Giampola.)

R. #126.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL DISTRIBUTION LICENSE #0814-44-002-007 NANI, LLC T/A BURT'S LIQUORS FOR THE LICENSE TERM 2012-2013.

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R. #127.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL DISTRIBUTION LICENSE #0814-44-007-006 RINAL AND MANU, INC. T/A HANY'S LIQUORS FOR THE LICENSE TERM 2012-2013.

R. #128.12 RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE #0814-33-001-004 BADDTHEO, INC. T/A FRANK'S PUB FOR THE LICENSE TERM 2012-2013.

R. #129.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE #0814-33-006-008 AMY J. BERTH T/A ALIBI INN FOR THE LICENSE TERM 2012-2013.

R. #130.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE #0814-33-016-010 PPN INVESTMENT CORPORATION T/A ROCKING STONE IRISH PUB & GRILL FOR THE LICENSE TERM 2012-2013.

R. #131.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE #0814-33-013-012 STEFANO CORP. OF NEW JERSEY, INC. T/A NINO GERVASI RESTAURANT FOR THE LICENSE TERM 2012-2013.

R. #132.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE PRIVILEGE #0814-32-010-004 BILLINGSPORT SPIRITS, INC. T/A BENNY'S ON THE RAIL FOR THE

LICENSE TERM.

R. #133.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE #0814-33-009-005 JOLLY RAJ INC. T/A POCKET LICENSE FOR THE LICENSE TERMS 2011-2012 AND 2012-2013.

R. #134.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE #0814-33-011-004 LAWRENCE-SHACKLOCK ENTERPRISES, INC. T/A THE OFFICE BAR & GRILL FOR THE LICENSE TERM 2012-2013.

R. #135.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE #0814-33-008-011 OWEN C. HAYNES, SR. T/A RIVERSIDE INN FOR THE LICENSE TERM 2012-2013.

R. #123.12: RESOLUTION PROVIDING FOR THE RENEWAL OF A CLUB LICENSE #0814-31-019-001 PAULSBORO SPORTSMEN'S ASSOCIATION, INC. T/A PAULSBORO SPORTSMEN'S ASSOCIATION, INC. FOR THE LICENSE TERM 2012-2013

Solicitor Daniels stated since there wasn't any financial benefit to those who abstained on R. #123.12, the rule of necessity can be used in this instance except Councilman Giampola should still abstain as he is the one who signed the application.

Stevenson moved and Giovannitti seconded to adopt R. #123.12. Roll call: Ayes: Giovannitti, Haynes, Kidd, Stevenson, Turner. Nays: None. Abstained: Giampola. **Motion carried.**

Stevenson moved and Giovannitti seconded to adopt R. #121.12 to #122.12 and R. #124.12 to #135.12 with conditions as recommended by Chief Wachter and abstentions noted above. Roll call: Ayes: Giovannitti with abstentions, Giampola with abstentions, Haynes with abstentions, Kidd, Stevenson with abstentions, Turner. Nays: None. **Motion carried.**

Memo from Dr. Quint requesting Resolution authorizing the submission of a grant application to the Frank H. Stewart Trust for the Paul House/Gill Memorial Library Project. Giampola moved and Giovannitti seconded to receive and file the memo. All were in favor of the motion.

Administrator Salvatore explained that Dr. Quint has applied for a grant to purchase the Swindell Property and he is asking for authorization to submit the application. There aren't any matching funds and the deadline is August 1st.

Giovannitti moved and Stevenson seconded to authorize Dr. Quint to apply for grant funds through the Frank H. Stewart Trust Program. All were in favor of the motion except Kidd.

Memo from Administrator Salvatore regarding liquor license issue. Stevenson moved and Giampola seconded to receive, file the memo and to comply with Administrator Salvatore to skip that step of the application process. All were in favor of the motion.

Memo from Administrator Salvatore regarding new BAN Water Tower. Giampola moved and Giovannitti seconded to receive and file the memo. All were in favor of the motion.

Letter from Freeholder Director Robert M. Damminger, Gloucester County Board of Chosen Freeholders, regarding Clean Communities Program. Giampola moved and Giovannitti seconded to receive, file the letter and turn it over to the Community Betterment Committee. All were in favor of the motion.

Mayor Hamilton explained that the County is going around to all 24 municipalities to assist in cleaning up parks, recreation areas, etc. and to notify the County at #856-478-6045 extension 14.

Letter from Barry J. Corradetti, Paulsboro Neighborhood Watch Assn., Inc., requesting the use of Fort Billings Park for the annual National Night Out Event on Tuesday, August 7, 2012. Giovannitti moved and Stevenson seconded to receive, file the letter, approve their request and notify the proper departments. All were in favor of the motion.

Letter from William G. Dressel, Jr., Executive Director, New Jersey State League of Municipalities, regarding amendments to the Open Public Records and Open Public Meetings Act. Giovannitti moved and Giampola seconded to receive, file the letter and send a letter to the State Representatives to inform them to include State legislative offices. All were in favor of the motion.

Council President Giovannitti stated everyone is aware through Chief Wachter that an officer has resigned. He recommended giving Chief Wachter permission to advertise for a Certified Police Officer to fill this position.

Giampola moved and Stevenson seconded to authorize Chief Wachter to advertise for a certified Police Officer. All were in favor of the motion.

Council President Giovannitti discussed the presentation of the Borough Hall. He wanted to put some ideas out regarding replacing the carpets, new chairs, paint and just to beautify the building. He will get with the Administrator regarding funding.

Councilman Giampola stated Councilwoman Turner and he met with the Paulsboro Day Committee and it was a very good meeting. He recommended authorizing \$7,500 from the donation that was received from Paulsboro Refining Company towards the Paulsboro Day event.

Giampola moved and Haynes seconded to authorize \$7,500 towards the Paulsboro Day

event. All were in favor of the motion.

Administrator Salvatore stated the grant authorization for Dr. Quint for the Frank H. Stewart Program does need a resolution.

R. #136.12: RESOLUTION OF THE BOROUGH OF PAULSBORO AUTHORIZING THE FILING OF A GRANT APPLICATION FOR THE FRANK H. STEWART TRUST PROGRAM. Giovannitti moved and Giampola seconded to adopt R. #136.12. Roll call: Ayes: Giovannitti, Giampola, Haynes, Kidd, Stevenson, Turner. Nays: None. **Motion carried.**

Administrator Salvatore discussed the PBA Local No. 122 collective bargaining agreement. He recommended Council accept and authorize the execution of the contract.

Council President Giovannitti thanked Mayor Hamilton for meeting with Mr. Glickman and Administrator Salvatore.

R. #137.12: RESOLUTION AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NEW JERSEY STATE POLICEMEN'S BENEVOLENT ASSOCIATION PAULSBORO LOCAL NO. 122 (PBA) AND THE BOROUGH OF PAULSBORO. Giampola moved and Giovannitti seconded to adopt R. #137.12. Roll call: Ayes: Giovannitti, Giampola, Haynes, Kidd, Stevenson, Turner. Nays: None. **Motion carried.**

Chief Wachter thanked Mayor and Council for allowing him to advertise for a certified Police Officer and he will make it as quick as possible. He is in the middle of the SLEO II hiring process and will have recommendations to Mayor and Council the middle of July. He has started the foot patrols with the quality of life funds and it is pretty productive. He reported there has been a huge rise in burglaries of vacant properties and the Police Department has a couple of suspects. The Police Department has a list of 99 known vacant properties and will try to patrol the areas. The Police Department is starting to see car burglaries as people are leaving their cars unlocked and also have seen an increase in shoplifting but they are making arrests in that area.

Chief Wachter stated three (3) cars were sent to be auctioned. The Captain's car and the Chief's car were sent out to be fixed and it was very expensive. Fortunately, the Borough has a new mechanic and he will be doing all services on the cars. There was a body issue with the 2005 cars where the paint is peeling off in sheets on the hoods and trunk lids and it looks terrible. He asked for permission to utilize the Drug Forfeiture funds to repair them. He further discussed the firearms training range where they had a contract in place in Salem County which is now closed. East Greenwich has offered Paulsboro to use the East Greenwich range.

Chief Wachter further stated there are some issues on the table such as the radio issue and he will know more soon. He will need seven (7) car radios at a cost of \$3,500 to \$5,000 per radio. He will come back to Mayor and Council on what the actual cost will be. He will

meet with the Fire Department and come up with a game plan.

There wasn't any further Borough business.

Stevenson moved and Giampola seconded to adjourn the meeting at 8:03 p.m. All were in favor of the motion.

This is a brief summary of the Work Session Meeting of the Mayor and Council of the Borough of Paulsboro held on June 18, 2012 and should not be considered a verbatim transcript of the meeting.

Respectfully submitted,

Kathy A. VanScoy, RMC/CMC
Borough Clerk

W. Jeffery Hamilton, Mayor