

JULY 16, 2013

PAULSBORO. N.J.

7:00 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: Council President Giovannitti, Councilman Giampola, Councilman Haynes, Councilman Kidd, Councilwoman Turner. Absent: Councilman Stevenson.

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, asked to give their name and address and reminded everyone there was a five (5) minute time limit.

Ann Good, 1101 Spruce Street, asked to speak with someone regarding the chipping business. Her tree fell down in the yard and it has been over two weeks. The workers came yesterday but didn't get it all. There is a whole line on East and West Adams Street and the corner of Jefferson and Spruce Streets. She called the Borough Hall and was told they would be there Wednesday as Tuesday is recycling day.

Mayor Hamilton stated there was a problem with the chipper but he would look into it and will address it. He will speak with the workers tomorrow.

Marvin Hamilton, 938 Chestnut Street, stated the grass needs cutting at 117 Jefferson Street, 113 East Jefferson Street the white house needs to be torn down and there is yellow tape around it, grass is high at the corner of Jefferson and Commerce Streets, the yard is terrible with bamboo at Chestnut and Madison Streets, 901 North Chestnut Street stated there is trash all over and he heard it is going through foreclosure. He knows there is a summer youth program and he asked to have them clean the streets and grass needs to be cut. He further stated the trash is high up in the drains. He questioned if the Borough has a shared service to get the drains cleaned out.

Mayor Hamilton stated the Borough is working on trying to get the drains cleaned through a shared service with Greenwich Township and sweeping of the streets also through a shared service with Gloucester County. The property at 113 East Jefferson Street, the Borough will find out who owns the property and if the bank owns it, the Borough will make them fix it.

Councilman Haynes stated if it is causing a site obstruction, the Borough can request the owner to cut the bamboo back.

Mayor Hamilton stated a letter would be sent out to the owner.

Barry Corradetti, 1820 Overbrook Avenue, discussed 113 East Jefferson Street and he has been doing this for ten years with Neighborhood Watch, and for ten years this property has been talked about and still talking about it. He is glad the Borough has an Ordinance in place that may be able to help address this property. He believes this Mayor and Council are taking the steps in the right direction to get these types of properties addressed. He further discussed a community service program that may address a lot of the issues Mr. Hamilton is talking about. He hasn't heard any more talk about it and he has talked with Chuck Gill in Woodbury about a community service program. Mr. Gill spouted the benefits of the program and he said it wasn't really hard to do or maintain. The Borough would have to have a Supervisor present on a constant basis.

Mayor Hamilton stated it hasn't been further discussed and the Borough could talk with Chuck Gill, Administrator/CFO Ruggeri to see what the JIF would say. He will let Mr. Corradetti know.

Anthony Bennett, 221 Berkley Road, Apt. B11, stated he has a project that he is doing in Paulsboro. He is shooting a movie; it is a mini-series. Two parts are already done and he sent it to HBO and they asked him to finish it. They loved what he has done so far. They told him to finish what he is doing and send it to them so they can run it by a couple of producers and one producer stated he didn't have a problem given him a production budget. The movie is called "Karma" with local actors and the person who wrote it is also from the neighborhood. He has received great reviews from a lot of very important people. The whole goal for this movie is to get a production budget so they can come back and reshoot everything all over again. If he gets a good production budget that would mean he could bring the money back to Paulsboro and a lot of good businesses in Paulsboro could benefit from it. The scene that is on the agenda is a small shootout scene but important part to the third and final series of this movie. The scene requires cap guns, Hollywood guns, there aren't any real projectiles. To do it the right way, he would like to have a police presence on the scene so residents don't think it is something real. He further stated everyone in town is already aware of it and they are on

them to hurry up and finish because they can't wait to see what happens next. He would love to have the Mayor and Council's support. There will be a screening for everyone in town to come and watch. The movie is also on "You Tube" and received over 1,000 hits as well as the copies he had made up.

R. #153.13: RESOLUTION PROVIDING FOR THE PAYMENT OF BILLS OUT OF THE 2013 BUDGET. Council President Giovannitti moved and Councilman Giampola seconded to pay all bills properly signed and adopt R. #153.13. Roll call: Ayes: Council President Giovannitti, Councilman Giampola (abstained on all Fire Department bills), Councilman Haynes, Councilman Kidd, Councilwoman Turner. Nays: None. Motion carried.

R. #154.13: RESOLUTION PROVIDING FOR THE CANCELLATION OF CERTAIN BALANCES ON WATER AND SEWER ACCOUNTS. Council President Giovannitti moved and Councilman Giampola seconded to adopt R. #154.13. Roll call: Ayes: Council President Giovannitti, Councilman Giampola, Councilman Haynes, Councilman Kidd, Councilwoman Turner. Nays: None. Motion carried.

R. #155.13: RESOLUTION PROVIDING FOR THE PROCEDURE TO PROCESS BILL PAYMENTS FOR THE MONTH OF AUGUST FOR THE BOROUGH OF PAULSBORO. (This Resolution allows the Borough to continue to pay bills during the month of August.) Council President Giovannitti moved and Councilman Giampola seconded to adopt R. #155.13. Roll call: Ayes: Council President Giovannitti, Councilman Giampola, Councilman Haynes, Councilman Kidd, Councilwoman Turner. Nays: None. Motion carried.

R. #156.13: RESOLUTION PROVIDING FOR THE RENEWAL OF A PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE LICENSE #0814-32-010-004 BILLINGSPORT SPIRITS, INC. T/A BENNY'S ON THE RAIL.

Mayor Hamilton questioned if Council was going to adopt this Resolution with the conditions Chief Wachter recommended.

Council President Giovannitti moved Councilman Kidd seconded to adopt R. #156.13 with the conditions recommended by Chief Wachter. Roll call: Ayes: Council President Giovannitti, Councilman Giampola, Councilman Kidd, Councilwoman Turner. Nays: None. Abstained: Councilman Haynes. Motion carried.

Email from Erik Biermann, Sickels and Associates, regarding amendment to contract. Council President Giovannitti moved and Councilman Giampola seconded to receive and file the email. All were in favor of the motion.

R. #157.13: RESOLUTION OF THE BOROUGH OF PAULSBORO AMENDING THE PAULSBORO WATER TOWER ENGINEERING SERVICES CONTRACT

AWARDED TO SICKLES & ASSOCIATES TO PROVIDE ADDITIONAL ENGINEERING AND INSPECTION SERVICES FOR THE PAULSBORO WATER TOWER PROJECT. Council President Giovannitti moved and Councilman Giampola seconded to adopt R. #157.13. Roll call: Ayes: Council President Giovannitti, Councilman Giampola, Councilman Haynes, Councilman Kidd, Councilwoman Turner. Nays: None. **Motion carried.**

Letter from the Gloucester County Department of Health and Senior Services requesting the Shuttle Bus to transport the Paulsboro Senior Citizens to the Annual G.C. Senior Citizen Picnic at Red Bank Battlefield in National Park on Tuesday, September 10, 2013 from 11:00 a.m. to 3:00 p.m. Council President Giovannitti moved and Councilman Giampola seconded to receive, file the flyer, approve their request and notify the proper departments. All were in favor of the motion.

Councilman Kidd questioned if there will be a bus driver by that date.

Marvin Hamilton stated if the Borough did not have a bus driver by that date, he would take the Senior Citizens to the Picnic.

Letter from Shelly Scott, 1537 Paul Avenue, requesting permission to hold their annual block Party and block the street from Morton and Thomson Avenues on Saturday, August 10, 2013 from 3:00 to 9:00 p.m. Council President Giovannitti moved and Councilman Giampola seconded to receive, file the letter, approve their request and notify the proper departments. All were in favor of the motion

Letter from the Rone Family regarding the Rone Family Reunion at Fort Billings Park on Saturday, August 3, 2013. They will be having pony rides and moon bounces and are obtaining their own insurance.

Council President Giovannitti suggested Mrs. Rone meet with Administrator/CFO Ruggeri to discuss the insurance for the moon bounce as he didn't think the JIF allowed these types of amusements.

Administrator/CFO Ruggeri stated she will contact the JIF and she informed everyone the Rone family did not obtain their own insurance.

Council President Giovannitti moved and Councilman Giampola seconded to receive, file the letter, and approve their request pending JIF approval and notify the proper departments. All were in favor of the motion.

Councilman Haynes stated he wanted to abstain from the Liquor License vote on Benny's on the Rail as well as the second on the motion.

Councilman Kidd stated he would second the motion for R. #156.13.

Email from Tony Bennett requesting permission to film a movie in Paulsboro on West Adams Street and West Hoffman Avenue on August 7, 2013 from 6:00 to 7:00 p.m. Council President Giovannitti moved and Councilman Giampola seconded to receive, file the email and approve their request pending JIF approval, Mr. Bennett is to work with the Chief of Police and pay any additional expenses involved. All were in favor of the motion.

Solicitor Daniels suggested posting something on the website and in the Municipal Building regarding the movie.

Captain Marino stated the County will also be well aware in case there are calls.

Mr. Bennett stated the residents in the area are already aware of the shoot-out scene.

Police Chief's Report:

Memo from Chief Chris T. Wachter regarding SLEO II Recommendation. Council President Giovannitti moved and Councilman Giampola seconded to receive and file the memo. All were in favor of the motion.

Chief Wachter stated the Department has two (2) Class I Officers and he has received word that one of the Class I Officers will be resigning as he is accepting a full time position with Camden Metro. The Department is down to two (2) Class II Officers. He recommended moving Class I Officer Michael Yoroshka to Class II Special Officer.

R. #158.13: RESOLUTION APPOINTING SPECIAL LAW ENFORCEMENT OFFICER (SLEO) CLASS II FOR THE BOROUGH OF PAULSBORO POLICE DEPARTMENT. Council President Giovannitti moved and Councilman Giampola seconded to adopt R. #158.13. Roll call: Ayes: Council President Giovannitti, Councilman Giampola, Councilman Haynes, Councilman Kidd, Councilwoman Turner. Nays: None. **Motion carried.**

Memo from Chief Chris T. Wachter regarding request for Executive Session to continue agreement negotiations. Giovannitti moved and Giampola seconded to receive and file the memo. All were in favor of the motion.

R. #159.13: RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PAULSBORO, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY. Council President Giovannitti moved and Councilman Giampola seconded to adopt R. #159.13. Roll call: Ayes:

Council President Giovannitti, Councilman Giampola, Councilman Haynes, Councilman Kidd, Councilwoman Turner. Nays: None. **Motion carried.**

The subject to be discussed at said closed meeting shall be to discuss a Memorandum of Understanding Agreement for the Police Chief and Captain.

Chief Wachter stated over the past several weeks they have been having some mechanical issues with the 2008 Dodge Chargers such as front end problems to air conditioner compressor. He is working on a plan right now, gathering some final information for an idea, to address the fleet issues. In the fall he will be making a presentation to Mayor and Council on an idea that he has. Once he gets this together, he will meet with the Administrator to see if it will be financially viable and if it is he will make that presentation in September or October. These Dodges are 2008; they have a lot of miles and a lot of wear and tear on them.

Chief Wachter further reported that the Department received money from Conrail from the train derailment for the use of the vehicles. This money must be used for vehicles. He is looking at the opportunity to replace a 1999 unmarked car. They are looking for a vehicle to replace this car. He has already spoken with the Administrator about this and she is okay with it as long as it fits into their plan for the future and whatever car they do get it will have to be here for a while.

Chief Wachter stated the Department has a 2000 Toyota Celica that was received through forfeiture and the Council approved back in March. He would like to receive permission to send this car to auction.

Giovannitti moved and Giampola seconded to authorize Chief Wachter to send the 2000 Toyota Celica to auction. All were in favor of the motion.

Chief Wachter further stated the Department received a couple of young ladies from the Exxon Mobil Program and they are doing an exceptional job. He suggested that maybe next year the Borough could match the funds to keep them longer.

Haynes moved and Kidd seconded to send letters of thanks to each individual student of the Exxon Mobil Program. All were in favor of the motion.

Engineer Bill Fleming gave a presentation to have three (3) streets resurfaced, Dora Avenue, Blacks Terrace, Hoffman Avenue and the Borough parking lot. He felt these three (3) streets are probably in the toughest shape of all. They are for the most part not paved. The cost to resurface these streets and the municipal parking lot is \$100,000(+) and possibly could do for less. This would take care of three (3) very needy streets and get the Borough started on a paving program. One of the streets may need some water main work. The Committee has talked about doing these streets through a Shared Service Agreement with Gloucester County.

In his experience, the cost of the paving could be cut in 1/2 versus what is bid. He has also submitted the breakdown for each road.

Councilman Giampola questioned the Administrator if money was available to do these streets.

Administrator/CFO Ruggeri stated she would have to look into this a little more than she expected.

R. #160.13: RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF GLOUCESTER, NEW JERSEY FOR THE RESURFACING OF DORA AVENUE, BLACKS TERRACE, HOFFMAN AVENUE AND THE BOROUGH PARKING LOT. Council President Giovannitti moved and Councilman Giampola seconded to adopt R. #160.13 to approve the Engineer's recommendation for resurfacing the three (3) streets and the municipal parking lot pending financial approval.

Councilman Kidd discussed the five (5) year moratorium on a street and felt the Borough should get in touch with the gas company to let them know this is being done on these streets.

Councilman Haynes suggested sending notifications out to the utility companies letting them know these streets will be repaved and the five (5) year moratorium to open the streets.

Roll call to adopt R. #160.13: Ayes: Council President Giovannitti, Councilman Giampola, Councilman Kidd, Councilwoman Turner. Nays: None. Abstained: Councilman Haynes. **Motion carried.**

Council President Giovannitti informed everyone that the Borough is applying for grants for Thomson Avenue and other areas. He thanked the Mayor and Council and the people who attended the Committee meeting such as Borough Foreman Tinder and Administrator/CFO Ruggeri.

Water and Sewer Engineer Erik Biermann gave an update on the Water Tower antennas. The water tower project is on hold but the tank is painted on the inside and outside. They are at a point where the contractor can't continue the work until T-Mobile moves their antennas from the old tower to the new tower. T-Mobile has a contract with the Borough and it is a fairly strong contract in T-Mobile's favor. This contract was entered into years ago and may have been one of the first contracts the Borough had done in regards to the antennas. The contract does not expire until 2021. The Borough cannot move the antennas as T-Mobile has a lease to use the Borough facilities that entitles them to use the old tower. The Borough needs them to move the antennas. They started talking about moving the antennas about two

(2) years ago while the Borough was still in the design phase. The Engineers designed the tank to accommodate them and at the time, the T-Mobile people that he was dealing with did not bring up any issues whatsoever with the lease agreement however they must of forwarded it on to someone else within their organization and they did send the Borough a notice however it went to the wrong address. It was a fictitious address, not a real address but it never came to the Borough Hall. The Borough was never truly notified at the time.

Solicitor Daniels suggested the Administrator go back to T-Mobile to negotiate a successor lease, reduce future lease payments to pay for the relocation which is estimated at anywhere from \$50,000 to \$70,000 which the Borough does not have to accomplish the relocation. He spoke with Mike Lyons at T-Mobile and Mr. Lyons is supposed to get back to him regarding a more accurate expense as to what it is going to cost the Borough then he is going to make a proposal to the Borough. They are going to hopefully advance the money to relocate the antennas and then get reimbursed back through future rent payments. Solicitor Daniels state what he is proposing won't take any reduction to the current rent but it would be out of future years. There is a three (3) % increase per year and it is 15% for every five (5) year period which is the way the lease is worded. If the lease continues beyond 2021, T-Mobile is going to want to stay in Paulsboro beyond 2021, so they have an interest in negotiating a new lease and have a good relationship with the Borough because the Borough has a facility that they want to lease. His proposal is to recoup that over the next 20 years beyond 2021 and hopes the Borough can accomplish that. T-Mobile is aware of the Borough's concerns and they are looking at it. They are to propose some lease terms and hopefully it would be something that would be acceptable to the Borough. The Borough's options are to relocate the antennas at the Borough's cost so it doesn't interfere with their use and enjoyment under the current lease or negotiate a way or find a way for T-Mobile to advance those costs but they could recoup it from future rent.

Councilman Haynes stated it is pretty important that this is settled as the Borough is "dead in the water". The new tower is up but the contract can't take the old tower down. He further stated the Borough was looking at some liquidated damages with Caldwell and now the Borough is holding Caldwell up and he is sure Caldwell is going to way that against what the Borough was going after.

Solicitor Daniels stated the Borough would have to suspend the liquidated damages during this period of time as it is not due to Caldwell's fault. It is a significant expense to relocate the antennas and he thought maybe the wrong lease was used. It wasn't a typical water tower lease; it was more of a typical lattice tower or monopole cell tower lease. T-Mobile understands the concerns and they are willing to work with the Borough, they want to keep that site and Mr. Lyons is fully aware that he needs to maintain good relationships with the Borough if he wants to keep the antennas there beyond 2021. It is just a matter of identifying

exactly what the cost will be and then applying that to the future rent. It will be some level of rent abatement.

Council President Giovannitti moved and Councilman Giampola to approve the Solicitor, the Administrator and the Water and Sewer Engineer to authorize them to make a settlement of the lowest possible cost to get the project moving and have the Administrator email all of Council. All were in favor of the motion except Kidd abstained.

Water and Sewer Engineer Biermann stated the water tower is actually in service, there is water in there and it is flowing in and out but it is not fully operational as it does not have both sets of controls for well #7 water treatment plant and the new well #8 and #9 water treatment plant at the new tank. One of the controls is set up still at the old tank because the new tank is not connected yet to the 12" main. The only time the Borough is going to be able to connect to the 12" main is after the old tank comes down. He estimated approximately three (3) weeks of steady work once the old tank comes down. The old tank will probably be down in three (3) days.

Councilman Haynes discussed the proposal for the professional services for the Nassau Avenue Storm Sewer Improvements and recommended the Borough not do that and he thought there could be some things that can be done with the roadway in between the property owner and the tower site such as some black top curbing. The gentlemen's property is in a low area and whatever the Borough does there, when there is a heavy thunderstorm, there will still be water on the property because of the elevation. His recommendation is to let the tower project get done, do some grading out there and the County has a black top curbing machine that possibly could be curbed and make the water run in the direction that have some inlets on Lincoln Avenue side and help alleviate some of the situation. It will not correct it all.

Councilman Giampola moved and Council President Giovannitti seconded to go with Councilman Haynes' recommendations. All were in favor of the motion.

Mayor Hamilton stated Paulsboro Day is going to be held on September 7th and National Night Out is on August 6th.

Mayor and Council recessed at 8:22 p.m. before going into Executive Session.

Mayor and Council convened in Executive Session at 8:30 p.m.

Council President Giovannitti moved and Councilman Giampola seconded to reconvene the Work Session Meeting at 9:09 p.m. All were in favor of the motion.

Mayor Hamilton stated the Chief will meet with the Solicitor and bring the Memorandum of Understanding agreement back to the Mayor and Council at the September meeting.

There wasn't any further Borough business.

Councilman Giampola moved and Council President Giovannitti seconded to adjourn the meeting at 9:09 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 July 16, 2013 and should not be considered a verbatim transcript of the meeting.

Respectfully submitted,

Kathy A. VanScoy, RMC/CMC
Borough Clerk

W. Jeffery Hamilton, Mayor