

MINUTES
COUNCIL MEETING
NOVEMBER 05, 2014
7:00 p.m.

In compliance with N.J.S.A. 10:4, Open Public Meetings Law, notice was given to two newspapers and posted, that a council meeting of the Mayor and Council was scheduled for Wednesday, November 05, 2014 at 7:00 P.M. The Municipal Clerk took the roll call and showed that all were present with the exception of the Mayor and Councilwoman Bonamassa who called out prior. Also present were the Engineer Mr. Basehore and the Solicitor Mr. Long. Councilman Whalen ran the meeting.

A motion was made by Councilwoman Martz, seconded by Councilman Michielli to approve the October 16, 2014 regular and executive minutes. All Council voted aye.

A motion was made by Councilman DePrince, seconded by Councilwoman Martz to adopt Resolution 2014:175 to appoint SLEO II Jeremy Hackney with all Council voting aye. Officer Hackney was then sworn in by Councilman DePrince.

Old Business:

The owner of the Cracovia Restaurant was present. The Clerk explained the Construction Official was ready to issue the certificate of occupancy but recommended the fee be reduced to a flat \$200. rather than the code amount of 10% of the total permits paid to date. A motion was made by Councilwoman Martz, seconded by Councilman Wilson to adopt Resolution 2014:176 to authorize a flat fee of \$200. for the certificate of occupancy conditioned upon the Solicitor's review and recommendation. All Council voted aye by roll call vote.

A motion was made by Councilwoman Martz, seconded by Councilman DePrince to introduce Ordinance 2014:10 to authorize a tax abatement for Royal Cracovia Restaurant as a restaurant with more than 100 seats. All Council voted aye by roll call vote. The Solicitor did inform the owner all taxes would have to be current to participate in the tax abatement.

New Business:

A motion was made by Councilwoman Martz, seconded by Councilman Michielli to adopt Resolution 2014:168 to authorize the execution of the County Shared Service agreement for road salt in exchange for plowing the county roads in Magnolia. All Council voted aye by roll call vote.

A motion was made by Councilman DePrince, seconded by Councilman Michielli to adopt Resolution 2014:169 for a Chapter 159 for Alcohol Educaiton and Rehav Enforcement Fund in the amount of \$2,776.77. All Council voted aye by roll call vote.

Councilman Whalen confirmed Resolution 2014:170 will not be needed this evening.

A motion was made by Councilwoman Martz, seconded by Councilman DePrince adopt Resolution 2014:171 for 137 West Adams, B. 1.04, L. 21 in the amount of \$150. All Council voted aye by roll call vote.

A motion was made by Councilman DePrince, seconded by Councilman Michielli to adopt Resolution 2014:172 for pay to play for the 2015 RFP/RFQ. All Council voted aye by roll call vote.

A motion was made by Councilwoman Martz, seconded by Councilman Wilson to adopt Resolution 2014:173 to correct a posting from sewer to rental registration in the amount of \$7,800. for Coventry Place Apartments, B. 6, L. 14. All Council voted aye by roll call vote.

A motion was made by Councilman DePrince, seconded by Councilwoman Martz to adopt Resolution 2014:174 to cancel court bail checks totaling \$293.00 as requested by the Court Administrator. All Council voted aye by roll call vote.

Councilman Whalen stated the Treasurer's report was submitted in writing.

Committee Reports

Councilman DePrince stated the court report was submitted to Mayor and Council, and the police report. Kim Berdine of the Ambulance Association is working with OEM on ebola training. Councilman DePrince stated he has signed up for a future OEM training session.

Councilman Whalen stated the tax sale is set for November 12, 2014.

Councilwoman Bonamassa was not present but her report was submitted in writing.

Councilwoman Martz stated rabies clinic went fine with 57 dogs and 21 cats compelled. The construction report was submitted in writing. Pete Sanders has begun his work on the White Horse Pike site.

Councilman Michielli stated the Halloween Parade went fine and thanked the judges, Mayor and Council, students, police, fire for their assistance. The children's breakfast and senior dinner is set for December 13.

Councilman Wilson stated all is fine. He is reviewing future work for the recreation center.

Councilman Whalen did remind everyone of the \$500. Donated by the Depersia family which could be used at the gazebo area.

The Solicitor has nothing to report.

The Engineer stated he submitted the 2015 municipal aid application. He had submitted recommendation for payment number 2 and the final change order #1 for Lincoln Avenue.

A motion was made by Councilwoman Martz, seconded by Councilman Michielli to adopt Resolution 2014:177 to authorize the change order for Lincoln Avenue which added \$26,272.70 to the project total. All Council voted aye by roll call vote.

The Engineer stated the precon meetings and notice to proceed were all issued for the 4 road projects. The CDBG project on King Street is substantially completed and at the next meeting a recommendation for payment will be made. There was a question related to handicapped ramps on Brooke that were done recently with Safe Routes to School grants and done again with the latest road work. The Engineer explained the road elevation was changed and the ramps had to be removed to match the road grade.

A motion was made by Councilwoman Martz, seconded by Councilman Wilson to open the meeting to the public. All Council voted aye.

Kellie Stoudt of Wilson Road stated she is also the secretary of the Magnolia Little League for 2014. She inquired to the Council minutes of July 17, 2014 where she spoke as part of the public and the minutes do not reflect her speaking. She wanted to confirm the points she brought up at the July 17, 2014 meeting of a conflict of interest of some council members, the resolution between Little League and Girls Softball, the equipment owned by Little League on the borough property. She inquired about a resolution without the action of the Council. The Solicitor, Clerk and Councilman DePrince responded. She was taking the term resolution out of context. She inquired to who would maintain the new field and water it. Councilman DePrince responded it is borough property and the borough will maintain it in his opinion. Mrs. Stoudt stated and confirmed Little League would not need a 50/70 field for 2-3 years. She also stated she wanted to correct the minutes of July 17, 2014 that Little League in 2014 had 4 t-ball teams, 1 coach pitch, and 2 minor teams. There were no major teams and none planned for 2015.

She inquired about the permit fees for the electrical work at the shed for girls softball. She was concerned on who signed the permit. Councilman DePrince stated the borough of Magnolia owns the property and could have signed the permit.

She stated on October 8, 2014 there was an email to Williamsport Little League related to bylaws and records. Councilman Whalen confirmed he had called them to be sure little league was operating correctly and officers were in place.

Only item he did find was the board members listed did not reflect the current board members. The Solicitor did state Mr Whalen did contact them as a member of Council but not on behalf of the Mayor and Council.

Donna Adams of West Adams Avenue inquired about the new field. Councilman Whalen stated if an organization would request to use the field a maintenance agreement may be agreed to with that organization and if not the borough will maintain. The Solicitor stated unless little league assumes responsibility the borough would maintain it.

Michael Bonamssa of Evesham Avenue stated an agreement was in place between Little League and Girls Softball and Mr. DiBartolomeo was to submit a bill to Girls Softball for the use of the electricity used by Girls Softball. He stated Williamsport Little League does not own anything in Magnolia. He spoke about the agreement worked out relating to the electrical use at a meeting and as of today there has been no such invoice presented to Girls Softball for reimbursement to Little League for electricity. He stated he is a member of the Little League Board but has not been invited to any of their meetings. He stated the items on the borough property do not belong to Little League or Girls Softball. The agreement was each organization is to maintain their own fields. The Girls Softball spent a lot of money fixing their irrigation system and without it they used hose and water.

John Di Bartolomeo of Lafayette Avenue and president of the Little League stated it is not ab out who pays. He stated the drawings were delayed for the stairs at the snack stand and now they are approved and got the permit and hope it will be done soon. He appreciates the permit fees being waived.

Alex Esposito of Brooke Avenue spoke about tools to help record the meeting of the Mayor and Council, and the Planning Board does record as it is required. Councilman Whalen stated he appreciated the comments and will take it under consideration. The Solicitor explained the process of taking minutes and the Clerk is responsible for same and are not to be word for word. Mr. Esposito spoke about the Liberty recording system. Councilman DePrince spoke about the distinction between minutes and a transcript. Minutes are not a dialogue and not detailed. The Solicitor explained it was a decision of Mayor and Council. Mr. Esposito expressed his concern with the minutes on the website not being up to date. Mr. Esposito apologized to Mr. Keenan, the borough clerk for being upset the night of the planning board meeting in October related to the electrical outlets being covered. He inquired about planning board applicants who may need electrical access. The Solicitor confirmed the Governing Body does not have anything to do with the Planning Board policy. Councilman DePrince stated upon review with NJ AOC certain recommendation were made and one was not to allow the public access to the electricity. Alex Esposito of Brooke Avenue spoke about uniform access. The Solicitor confirmed Mr. Esposito is treated the same as any other person. He stated reasonable restrictions for recording can be imposed. Councilman DePrince spoke about a decision to cover the electrical switch plates based on a security decision.

Mr. Esposito stated he was not making any criminal allegation but if people spoke they should be noted in the minutes. The Solicitor stated the agenda is not set and can be added to for flexibility.

Anthony Comella inquired about borough owned fields. Councilman DePrince confirmed the borough owned the fields and buildings and used the insurance claim for the snack stand as an example since the borough insurance paid on the claim. Also used the train station as an example of borough owned facility but used by another organization. He stated if the organization does not use it or abandons the facility, the property maintenance would revert back to the borough.

Kellie Stoudt spoke about her eldest son doing his Eagle Scout project which was revamping the playground area near the Little League field and if the property owned by the borough he should be giving notice to the borough and not the Little League.

Peg Millisky of Otterbranch Drive inquired about the shredding event. It was confirmed it would take place on December 13.

A motion was made by Councilman DePrince, seconded by Councilwoman Martz to close the public session with all Council voting aye.

A motion was made by Councilman DePrince, seconded by Councilman Wilson to authorize payment of the bills. All Council voted aye by roll call vote.

There was no need for a Closed Session.

A motion made by Councilman Michielli, seconded by Councilwoman Martz to adjourn the meeting with all Council voting aye.

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