

**BOROUGH OF CLEMENTON
SEPTEMBER 16, 2014
COUNCIL MEETING
OF THE MAYOR AND COUNCIL
MINUTES**

OPENING: Mayor Nicholson called the meeting to order at 7:00PM.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT: Mayor Nicholson read the following statement, "This meeting has been properly advertised and posted pursuant to N.J.S.A. 10:4-6, the Open Public Meetings Act."

ROLL CALL: Margaret Giordano called the roll which resulted in the following members present: Mayor John J. Nicholson; Councilman Mark Armbruster; Councilman Jonathan Fisher; Councilman Thomas Avellino. Absent: Councilman Thomas Weaver; Councilman Thomas Williams and Councilwoman Christine Nucera.

SALUTE TO THE FLAG: Mayor Nicholson lead in the salute to the flag

ENGINEER REPORT:

OHIO AVENUE PHASE 2- Wayne Roorda, Borough Engineer, reported that currently applications are due for 2015 fiscal year municipal aide, and he will be resubmitting an application for Ohio Ave Phase 2 and will also be submitting an application for Ohio Ave Phase 2 for discretionary aide. The thought process behind this is to stress for the Municipal Aide is that the Borough is trying to get this project completed. Councilman Armbruster asked that if straightening the road would be part of the application and would it be helpful to show a study showing the unsafe condition of the road how it currently is. Mr. Roorda answered that it may be helpful and would check with the Police Chief to see if he would be able to provide an incident rate for the area. He will have a site travel relay done and will talk to a traffic engineer at Bach to see what documentation should be presented to the DOT to enhance the application.

RAILROAD PARK – At the last meeting Mr. Roorda provided a letter of award to Pennygreen, the apparent lowest bidder. There was an issue with the contractor being able to obtain a bond for the required \$26,000.00. Mr. Roorda wasn't comfortable waiving the bond, and asked the contractor to post a \$6,000.00 cash bond that would be continually rolled over for each phase to cover work being done. Start date to be 9/18/14.

DANIEL DOUGHERTY SPORTS COMPLEX – Waiting to hear from Lorraine Boyer, Borough CFO, to see what funds were available to pay for the required survey for concrete work to be done.

FIRE HALL EMERGENCY GENERATOR – The actual generator has been ordered. There is a change order that may be a credit for the Borough. Originally the automatic transfer switch was to be placed on the outside of the Fire Hall, however, new available space inside the building will alleviate the need for a weatherproof enclosure.

PRINCETON AVE PARK – Pre-construction meeting for Thursday 9/18 on site with anticipated construction to start Monday 9/22/14.

SANITARY SEWER REPAIRS AT RAILROAD CROSSING- This is currently out to bid and hopefully will be able to get some decent pricing.

LEEWOOD VILLAGES AT ROWAND POND- Waiting for pumping data to be provided by Lew Schneider, Borough Water Superintendent. There was an issue with the GIS map that has been squared

away. There is a possibility in the future there may be a need to update the GIS map. The current map shows the different lines in the Borough but doesn't correlate with the state map accurately.

Councilman Avellino questioned who makes the decision to proceed with projects. Mr. Roorda replied that it was the Governing Body's decision. Councilman Armbruster stated that grants were received for many of the projects. Councilman Avellino would like Street Lamps placed throughout the Borough. Councilman Armbruster and Engineer Roorda explained that most of the projects in progress now were voted on and funding obtained a few years ago. Councilman Avellino formally requested the Bach Engineering look into finding a grant to provide lightening. Mr. Roorda explained that funding for projects of that nature are no longer available. Councilman Armbruster asked if there was a way to approach the county for a road modification on Berlin Road and maybe the Borough would be able to come out of the money to purchase the lighting. Mr. Roorda said he would reach out to his contact with the county.

Mayor Nicholson excused Mr. Roorda at 7:40pm.

PRIVILEGE OF THE FLOOR FOR A TOTAL TIME NOT TO EXCEED 10 MINUTES FOR ITEMS APPEARING ON THE AGENDA ONLY: There were no comments from the public. The floor was closed.

APPROVAL OF BILL LIST: Councilman Armbruster motioned to approve the bill list as presented upon proper review and certification, seconded by Councilwoman Fisher. Motion was carried upon the call of roll. Ayes: Armbruster; Avellino; Fisher Absent: Nucera; Weaver & Williams.

APPROVAL OF MINUTES:

MINUTES OF AUGUST 19, 2014 CAUCUS/COUNCIL Councilman Fisher motioned to approve the minutes as presented, seconded by Councilman Armbruster and motion was carried upon the call of the roll. Ayes: Fisher, Avellino. Absent: Weaver; Williams & Nucera. Abstain: Armbruster

MINUTES OF AUGUST 19, 2014 EXECUTIVE SESSION Councilman Fisher motioned to approve the minutes as presented, seconded by Councilman Armbruster and motion was carried upon the call of the roll. Ayes: Fisher, Avellino. Absent: Weaver; Williams & Nucera. Abstain: Armbruster

MINUTES OF SEPTEMBER 2, 2014 CAUCUS MEETING Councilman Fisher motioned to approve the minutes as presented, seconded by Councilman Armbruster and motion was carried upon the call of the roll. Ayes: Fisher, Avellino. Absent: Weaver; Williams & Nucera. Abstain: Armbruster

MINUTES OF SEPTEMBER 2, 2014 EXECUTIVE SESSION Councilman Fisher motioned to approve the minutes as presented, seconded by Councilman Armbruster and motion was carried upon the call of the roll. Ayes: Fisher, Avellino. Absent: Weaver; Williams & Nucera. Abstain: Armbruster

ORDINANCES AND RESOLUTIONS:

SECOND READING/PUBLIC HEARING

ORDINANCE 2014-13 AMENDING AND SUPPLEMENTING CHAPTER 222 OF THE CODE OF THE BOROUGH OF CLEMENTON ENTITLED "SALES, SPECIAL" Mayor Nicholson read by title and opened the hearing to the public. Hearing no comments from the public, Councilman Armbruster motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent: Weaver, Williams and Nucera

RESOLUTION R14-123 AUTHORIZING ASSIGNMENT OF TAX SALE CERTIFICATE FOR BLOCK 155, LOT 6, OTHERWISE KNOWN AS 13 CHESTNUT LANE Mayor Nicholson read by title. Councilman Armbruster motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

RESOLUTION R14- 124 CONFIRMING WITHHOLDING OF BLOCK 161, LOT 25 FROM TAX SALE Mayor Nicholson read by title. Councilman Armbruster motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

RESOLUTION R14-125 TO CANCEL PROPERTY TAXES ON BLOCK 161, LOT 25, OTHERWISE KNOWN AS CEDAR LANE CONTINGENT ON BOROUGH CLOSING ON THE PURCHASE OF THE PROPERTY. Mayor Nicholson read by title. Councilman Armbruster motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

APPROVAL FOR SPECIAL EVENT COMMITTEE TO HOST TRUNK OR TREAT, OCTOBER 30, 2014 FROM 6-9PM AT CES .Councilman Armbruster motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

ACCEPTANCE OF RESIGNATION FOR JOHN GRADY, PUBLIC WORKS LABORER Councilman Armbruster motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

ACCEPTANCE OF RESIGNATION OF ALBERT HALLWORTH AS CONSTRUCTION CODE OFFICIAL. Councilman Armbruster questioned if Mr. Hallworth would be able to reapply after, Solicitor Botcheos replied that this was being looked into. Councilman Armbruster motioned to approve, seconded by Councilman Fisher and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

Councilman Armbruster made a motion to appoint Ray Hallworth as interim Construction Code Official for the remainder of the calendar year. Councilman Fisher seconded and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

(MEMORIALIZED BY RESOLUTION R14-128)

Councilman Armbruster was contacted by Public Works Director Mel Applegate to ask permission to move temporary public works laborer Joseph Uva to the position vacated by the resignation of John Grady. It was also asked that Mr. Uva be promoted to Laborer 2 or 3 due to the time he has already served with the Borough. Councilman Armbruster also asked that James McCarthy to fulltime temporary public works laborer. Councilman Armbruster made a motion to promote Joseph Uva to fulltime public works laborer (Laborer 2) and James McCarthy as fulltime temporary public works laborer effective September 16, 2014. Councilman Fisher seconded and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

(MEMORIALIZED BY RESOLUTION R14-129)

Councilman Armbruster asked that Amanda McCourt, 47 White Horse Avenue, be granted a payment plan to keep her property out of the upcoming tax sale. It was asked how much she owed and she stated \$1, 077.00 on pass due CCMUA and Water and Sewer fees. She asked to pay \$200.00 a month as well as keep current on new bills. Councilman Armbruster made a motion to authorize and agreement with

Amanda McCourt to pay the current arrearage of water and sewer at \$200.00 per month for five months and to remain current with any future bills. Councilman Fisher sec seconded and motion was carried upon the call of roll. Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

(MEMORIALIZED BY RESOLUTION R14-126)

Councilman Fisher made a motion to remove 47 White Horse Avenue from the 2014 Tax Sale.

Councilman Armbruster seconded and motion was carried upon the call of roll.

Ayes: Armbruster, Avellino, Fisher. Absent : Weaver; Williams and Nucera.

(MEMORIALIZED BY RESOLUTION R14-126)

PRIVILEGE OF THE FLOOR: *Doreen Closs 243 Berlin Road*, expressed concern about sidewalk in front of her property. She wanted to know who is responsible for damage of the sidewalk. There is a tree that has moved six sections of the sidewalk. Solicitor asked whose tree it was. Ms. Closs said it was not her tree. Mayor Nicholson stated that there has been a real effort to get clarification on the issue. The Mayor stated that a tree cannot be removed without permission from the Shade Tree Committee. Councilman Armbruster said that he, Public Works Director Mel Applegate and Joe Feldman from the Shade Tree Commission and get a recommendation on what to do about the tree. Ms. Closs also expressed concern about the sidewalk around a fire hydrant near her property, she stated that the sidewalk is gone. Councilman Armbruster stated he would look into it. Ms. Closs also inquired who is responsible to take care of abandoned properties in the town. She was informed that it would depend upon the status of the property whether it was privately owned , foreclosed upon or bank owned and that the Borough was doing their best to keep up with the properties.

EXECUTIVE SESSION: None

ADJOURNMENT: Councilman Armbruster motioned to adjourn at 7:59 PM, seconded by Councilman Fisher and hearing none opposed, motion was carried.

Respectfully submitted, ~



Margaret Giordano