

**CITY OF ESTELL MANOR
CITY COUNCIL MEETING MINUTES
NOVEMBER 3, 2010**

Pursuant to the Open Public Meetings Act adequate notice of this meeting was sent to the Official Newspaper and was posted on the City Bulletin Board and website. Mayor Venezia called the meeting to order at approximately 7:00 pm.

ROLL CALL: Present: Barbetto, Giercyk, Myers, Teasenfitz and Venezia
Solicitor Scerni was also in attendance.

PAYMENT OF BILLS

The CFO presented Council a list of funds which needed to be transferred. *The Mayor motioned and Councilwoman Giercyk seconded to move Resolution 85-2010 authorizing the transfer of funds. A roll call vote was taken and all were in favor.*

Council proceeded to review the bill list. Councilman Barbetto questioned the payment to Advantage Rental and Sales. The Mayor explained it was payment for the rental equipment needed for the Second Avenue road repairs and that the company expected payment in full upon delivery. The Clerk pointed out that the payment to LRS listed on the Trust Fund list was incorrect; the CFO confirmed and amended the payment to reflect the current amount due of \$19,992.39. *Motions were made by Barbetto and Teasenfitz to approve the payment of bills, including the Trust Fund list, as provided by the CFO. A roll call vote was taken and all were in favor.*

APPROVAL OF MONTHLY DEPARTMENT REPORTS: DPW, Tax Office, Zoning Officer and the Clerk's Summary of her attendance at the Annual JIF Planning Retreat. *Motions to approve were made by the Mayor and Councilwoman Myers. A voice vote was taken and all were in favor.*

ENGINEER'S REPORT

Chuck Fralinger and Michael Fralinger, Jr. were present to give the Engineer's report. Chuck updated Council on the status of various City projects. He reported the Third Avenue resurfacing project is complete but for some final punch list items and that he has not yet heard results of the NJDOT Grant applications for FY2011. Discussion turned to County CDBG funding and recent correspondence the City received from the County in that regard. The County is growing concerned that Estell Manor has several years' worth of grant award funds that remain unused and is asking the City for an update. Chuck asked for authorization to proceed with drafting project specifications for ADA upgrades to the City Hall parking areas. The Mayor stated for the record that the City holds its annual rabies clinic in the DPW yard and he feels there should be an ADA-compliant public bathroom in the garage because City Hall is not open that day. Mr.

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Fralinger did not seem to think the County would approve the installation of a new bathroom at the DPW garage, but said he would inquire about it. *A motion was made by Mayor Venezia, seconded by Councilwoman Giercyk to authorize the Engineer to proceed with developing project specifications. A roll call vote was taken and all were in favor.*

CLOSED SESSION / RESOLUTION NO. 83-2010

Motions were made by the Mayor and Myers for a Resolution providing for a Closed Session Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12, Regarding Bids for Soccer Field Project

Following the closed session, Solicitor Scerni summarized for the public as follows: In executive session, City Council discussed the status of bids for the soccer field complex and certain issues relating to potential litigation. The results of the executive session discussion will be made known to the public this evening when City Council considers Resolution number 84-2010.

RESOLUTION

84-2010 A Resolution Awarding a Contract to _____ for the Estell Manor Soccer Complex Construction Project

Solicitor Scerni read aloud Resolution number 84-2010, announcing that the contract would be awarded to Sansalone Excavating in the amount of \$304,292.00 and is subject to the availability of funds and approval of Atlantic County as the funding source through the Open Space Program.

Motions were made by the Mayor and Barbetto for approval of the contract award. A roll call vote was taken and all were in favor.

APPROVAL OF MINUTES

The following meeting minutes were presented by the Clerk for approval:

Open: 10/6/10; 10/20/10
Closed: 7/7/10; 8/4/10; 9/1/10;

The Mayor stated that he had not had the opportunity to read the minutes and *motioned to table them; Motion seconded by Councilwoman Giercyk. A voice vote was taken with two in favor and three opposed. Motion to table was defeated.*

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Councilwoman Myers motioned to approve the minutes; motion failed for lack of second. Councilman Barbetto motioned to table the minutes, seconded by the Mayor; a voice vote was taken with the Mayor voting yes, Myers and Giercyk voting no, and no audible reply from Barbetto and Teasenfitz. Therefore, motion to table was defeated.

Council took a brief recess while the Mayor was given time to read the minutes. Mayor Venezia asked the Solicitor for advice on making changes to closed session minutes; Solicitor Scerni advised that questions or changes to the substance of closed session minutes should be done in closed session. The Mayor stated that he wanted to make changes to the July 7th minutes in closed session. *A motion was made by Myers, seconded by Teasenfitz for approval of the meeting minutes as presented by the Clerk with the exception of July 7, 2010. A voice vote was taken and all were in favor. The record will reflect that Mr. Barbetto and Mrs. Giercyk both abstained from voting on the August 4, 2010 minutes and Mrs. Giercyk also abstained on the July 7, 2010 minutes.*

ORDINANCE / PUBLIC HEARING/ ADOPTION

03-2010 An Ordinance of the City of Estell Manor Making it Unlawful for any Person Under the Legal Age to Knowingly Possess or Knowingly Consume and Alcoholic Beverage on Private Property Without Legal Authority and Providing Penalties for the Violation Thereof

Motions to open the Public Hearing: Teasenfitz and Geircyk

Mr. Tom Pogue questioned the need for this ordinance and stated that he did not believe this kind of activity was a problem in our town. He wanted to know what prompted Council to introduce this kind of ordinance.

The Mayor replied that the City was contacted by a local alliance group who suggested the ordinance. He further pointed out that many other municipalities already have similar ordinances in place. He expressed concern over underage drinking and said this ordinance would give the State Police and enforcement tool.

Councilman Teasenfitz stated that many other municipalities have had similar ordinances in place for over ten years. It is intended to deter kids from being involved with the consumption of alcohol. In the absence of this type of local ordinance, a conviction under State Statutes (2C) could give kids a permanent record which might affect things like college applications, student loans and employment opportunities. Having an ordinance like this at the local level gives the judge more discretion with penalties and fines. Mr. Teasenfitz also felt that the

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possibility of losing their driving privileges would be a great deterrent for teenagers because it means more to them than monetary fines.

Resident Tom Maddox said that he wants Council to give thorough consideration to every proposed ordinance rather than creating new laws just for the sake of doing it. He also commented on the parental role involved in underage drinking; he feels that it's a big problem. He asked for clarification on how the ordinance affects the parent's involvement.

Tom Pogue commented on the role of the Municipal Alliance and asked if Council had received any input from them.

Councilman Teasenfitz addressed Mr. Maddox' concerns by explaining that Council had reviewed many different versions of the ordinance over the course of several meetings; He believed this was the best one for our town. He also answered Mr. Pogue by saying the ordinance would be another educational tool for the Municipal Alliance to use.

Seeing no one else from the public wishing to speak, the public hearing was closed. Motions were made by Mayor Venezia and Councilman Teasenfitz to adopt Ordinance 03-2010. A roll call vote was taken and all were in favor.

ORDINANCES / FIRST READING/ NO PUBLIC INPUT

04-2010 An Ordinance of the City of Estell Manor Authorizing a Private Sale of Certain Non-Buildable Property to Contiguous Property Owner(S) Pursuant to N.J.S.A. 40A:12-13(b)

*Motions: Teasenfitz / Myers
Recorded Vote: roll call; all in favor*

05-2010 An Ordinance of the City of Estell Manor Adopting a Policy and Procedures Manual for the Department of Public Works

*Motions: Teasenfitz / Myers
Recorded Vote: roll call; all in favor*

The Clerk reminded the Mayor to address a matter of new business – the annual JIF Dividend; historically, the City has chosen to apply the dividend towards next year's premium. *Motions were made by Myers and Barbetto to apply the dividend to next year's premium. A roll call vote was taken and all were in favor.*

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OPEN TO THE PUBLIC

Mr. Tom Pogue commented on public safety and missing street signs around town, particularly on Cumberland Avenue.

Mrs. Diane Pogue also commented on signs.

Mrs. Maddox commented on ordinance 03-2010 and told Council that the Municipal Alliance is offering free locking medicine cabinets. She offered to supply a pamphlet for the next newsletter.

Mr. Tom Maddox questioned the status of gypsy moth funding and commented that many of his oak trees are dying.

Seeing no one else from the public wishing to speak, the public portion of the meeting was closed. Mayor Venezia stated for the record, that the issue of reflective signs has been addressed in the past and that the City is not permitted to install street signs on County or State roads. He said he has been told this several times by County and State officials.

Motions were made to enter into executive session for the purpose of discussing the minutes of the July 7, 2010 executive session. Following the executive session, Solicitor Scerni advised the public that Council had discussed the meeting minutes of July 7, 2010 and the Clerk has been directed to review the tape for further clarification of statements made by the Mayor.

With no further business to address, this meeting was adjourned.

Respectfully submitted,

accepted:

Kimberley Hodsdon, RMC

Mayor, Joseph Venezia