



Borough of Swedesboro Council Meeting
Swedesboro, NJ 08085

COUNCIL MEETING MINUTES
July 17, 2006

APPROVED MINUTES

A regular meeting of Borough Council was held on the above date in Council Chambers with the Honorable Thomas W. Fromm presiding. Councilman Daley was absent, all others present.

A moment of silent prayer was followed by the flag salute.

Mayor advised that the meeting was being held in accordance with the Open Public Meetings law.

A motion was made by Mr. Flaherty to approve the minutes of 7/3/06, regular, seconded by Ms. Churchville. Vote all yes.

Mrs. Gage motioned to open the meeting to the public, seconded by Mr. Murray. Vote all yes.

PUBLIC PARTICIPATION

Kenneth Brown, 17 Ashton Ave. stated that he has lived in the Borough for 2 years and is having a problem with Inter Pac, 20 Ashton Ave. who operates 24 hours a day and the problem is the noise coming from the front of their business from the fork trucks. Mr. Brown stated that previously they used to do their business in the back of their building. The noise level is very high and it is disturbing the rest of his family and very annoying. He stated that he called the Police and they ignore the problem. Mr. Brown stated that he has filed a complaint in court and they sat down to try to resolve the dispute and the owner stated that he can't control his employees but that he did get them to stop between the hours of 10 PM – 5 AM. Mr. Brown asked Council to please help him to get the noise stopped. Mr. Dryden asked Mr. Brown exactly what he would like them to do. Mr. Brown asked that they work out of the back of their building rather than the front. Mr. Dryden stated that they can be asked if it would be possible to ship from the back of their building and asked them to tone down the noise. Mayor stated that he witnessed the activity and gave Mr. Brown a copy of the noise ordinance and suggested that he take that with him to court and have them make sure that he is meeting the guidelines of the ordinance. Mayor stated that they will talk to the Police. Mr. Brown also stated that sidewalks are needed on the side of the street that IntraPac is on and that he doesn't want to see any child be injured by walking in the street. Mr. Dryden stated that a sidewalk there might give a false sense of security when walking by the loading dock. Mayor stated that he will check it out and advised Mr. Brown to call the Board of Health.

Carmen Simonelli, 1619 Kings Hwy. stated that he has a list of complaints regarding the construction on Kings Hwy. and proceeded to go over the list. Mr. Simonelli listed that while the downtown area was done quickly the other end of town has been going on for 9 weeks, the contractors use residents' water and do not ask, etc. Mr. Simonelli stated that



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no one tells the residents anything. Mr. Simonelli stated that the construction traffic is running over the curbs on Chestnut St. and that the Lake Park trash cans are overflowing. Mrs. Gage to call Mr. Simmerman. Mayor reported that the job is ahead of schedule and that major reconstruction has been done and have heard nothing but good things about the contractors. Mayor stated that the pipes were terra cotta and very old and needed to be replaced. Mr. Dryden stated that the job could have been done differently but would have inconvenienced the residents to be without water. It was a judgment call to take longer but have fewer inconveniences for the residents to be without water for a shorter period of time. Mayor stated that if there was a problem, someone notified us and it was corrected and that our job is to make sure that they would restore everything to the way it was before construction.

John Keen, 1602 Kings Hwy. asked the Mayor what he meant by terra cotta pipes. Mayor explained that the terra cotta pipes were old and leaking and they were replaced.

Mr. Keen stated that they are doing the intertown with brick sidewalks but the residents have to pay to replace their sidewalks while the businesses do not have to pay and theirs are being replaced with taxpayers' money. Mr. Flaherty stated that it is being done with grant money not taxpayer money. Mr. Dryden explained that the Borough received a grant and that the grant tells us how the money can be spent. Mrs. Gage stated that it has to be used in the business district. Mayor stated that there are other grants to assist the homeowner through the County and that they have certain income requirements. Mr. Keen asked the Mayor to help him and the Mayor stated that he would help him.

Mr. Simonelli asked that they keep the brick downtown that he doesn't want a brick sidewalk. Mr. Simonelli asked if a credit card can be used to pay bills at the Borough. Clerk stated that at this time we do not accept credit cards.

Lucille Stewart, 4 Richardson Ave. complained about the high grass at 525-527 Auburn Ave. Mr. Orbanus stated that the problem is not knowing who the current owner is of a property and that the County does not notify the Borough when owners change.

Mr. Simonelli asked if the Borough has a web page. Mayor stated that we do not have one at this time but are working on it and when we do it will have all information on it including our ordinance book.

Dan Orbanus, 1529 Kings Hwy. asked about the curb replacement in the construction area and that the residents are not being informed. Mayor stated that he Borough Engineer is overseeing the project. Mr. Flaherty stated that the curbs were marked on East Ave. when that road was overlaid and some of the residents came out and spoke to them. The specs include a certain amount of footage of curb to be replaced. Mayor said that the curbs would be replaced where necessary. Mr. Dryden read a letter from the First Presbyterian Church regarding a problem with their curbs. Mayor suggested that



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residents not wait until the contractor has left town that they should respond now. Mr. Dryden commended Mr. Orbanus for doing a great job.

Lucille Stewart, 4 Richardson Ave. thanked him for having the car removed.

James E., 245 Broad St. asked where he stands regarding the harassment with the Vallandinghams and stated that he thought that they were good neighbors but that he is now having a problem. Mayor stated that the reason they brought it to the attention of himself and the Police and tried to get it settled but nothing happened. Mr. E stated that he did exactly what had been discussed and people actually complimented him on his property. Mayor stated that it is now in the hands of our Solicitor, Prosecutor and the Police. Mr. Murray asked about the abandoned vehicle. Mr. E. replied that it was not abandoned it was in an accident. Mr. Murray stated that the vehicle had been there for a long time and is considered abandoned if it is not registered or inspected and that the Vallandinghams complained and at first was not sure whose jurisdiction it was but it is a Police issue. Mr. Murray stated that the temporary structure is an issue also and may be in violation of a Borough ordinance and that the Solicitor and Prosecutor are checking to see if he is in violation of an ordinance. Mr. E. stated that he spoke to Chief Dupper and the Mayor and wants to build a garage but that due to his injury it has been delayed. He explained this to everyone and all were okay. Mayor stated that a tent structure is not a garage or bar and to let the professionals handle it. Mrs. Gage asked Mr. E. if he has a permanent garage on his property. He replied yes but that it is housing his Bridgeport race car. Mrs. Gage complimented him on his property.

Mr. E. stated that the brush was also discussed. Mayor stated that he thought the Borough had a chipper. Mr. E. stated that the Mayor said that the Borough workers would pick it up. Mayor replied that he checked with the Supt. and that they do not pick up brush or wood because if it was started that they would have to do it for everyone. Mrs. Gage asked if he bundled the bushes. Mr. E. stated that 25 bundles were done but that was not good enough. Mayor stated that we will know within the next few days the decision.

Ms. Churchville moved to close the public portion, seconded by Mr. Flaherty. Vote all yes.

Committee Reports

Garbage & Recycling – Mr. Dryden went over the monthly recycling report. Mr. Flaherty asked if the Woolwich issues were resolved regarding our trash men picking up Woolwich trash. Mr. Dryden stated that he spoke to Casworth and it was to be addressed immediately. The truck that day did not collect from Woolwich residents.

Mr. Dryden reported that he attended the Mayors Dinner and they had information on the recycle bank which one of the incentives gives coupons to residents that are redeemable



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at the local stores in direct correlation to the amount you recycle. Mr. Dryden stated that it is an interesting program but that he does not think it is as good as “pay as you throw”. Mayor stated that they mentioned that they were willing to work with a “pay as you throw” program and suggested they come down and explain it.

Mr. Flaherty reported that the construction on the odd side of Kings Hwy. has been cleaned up and blacktopped and getting ready to wrap up that stage.

Police - Mr. Murray reported that the Police vehicles are getting old and that the Police Dept. is evaluating and reviewing all vehicles and looking into to keep their maintenance cost down. Mayor stated that they did not budget for any cars but that they should get a new car each year and maybe a grant is available.

Mr. Murray stated that Chief Dupper is cracking down on the abandoned vehicles and letters will be sent out. Mr. Murray gave an update on Ptl. Weber who is moving along on his rehabilitation.

Mr. Murray motioned to elevate Ptl. Weber to 2nd Cl. and Ptl. Colavita to 3rd Cl., retroactive to 6/21/06, seconded by Mrs. Gage. Vote all yes.

Parks & Recreation - Mrs. Gage reported that the Parks & Recreation Com. is going over the by-laws and will forward a copy to Mayor and Mr. Murray and they will be meeting on 8/2/06 to review.

Mrs. Gage announced that Parks & Rec. treasurer Sean Fagan has resigned but will help Katie Eltore who will take his place.

Mrs. Gage reported that the Sports Institute will be held on 7/24/06 – 7/28/06 at Locke Ave. Park and that all were in favor of the Golf Disc issue and she will get prices.

Mrs. Gage stated that Halloween Fun Day will be in mid October and asked if scarecrows can be placed on display on the Main St. All ok with putting them on display.

Shade Tree – Mrs. Gage stated that a resident on Glen echo complained about a tree in the back yard of her neighbors and they will have a tree expert determine if the tree is safe and it was suggested that the three neighbors share the cost of removal if necessary.

Mr. Murray reported that he spoke to Dennis McCarthy who appreciated having the tree taken down and that Grover Price and Mayor spoke to him.

OLD BUSINESS

Mrs. Gage stated that she was sorry to bring this up but that she feels there was a misunderstanding regarding the motion made by her for the bids for the streetscape



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projects' lowest bid and how to pay for the additional \$65946.50 and the Mayor had commented on that the alternate items that can be purchased separately or in Phase II. Mrs. Gage stated that when the motion was made she specified \$265946.50 in the motion for the base price but then got a copy of the resolution and that has the alternate items listed for \$25403.00. Mrs. Gage stated that she would like the record to read that that was not the motion that she made and anyone there understood that the alternate items were not to be included in the motion and that it never had been discussed that it be in the motion.

Mrs. Gage asked that the resolution be amended to have the \$25,403.00 for the alternate items taken out of the resolution. Mrs. Gage stated that she does not want the \$265,000 to not be applied to the state grant but that the \$65000 to the taxpayers is plenty and that the \$25,000 could be included in Phase II which is what she thought was to be done and somehow it was included in the resolution which went to the State. Mrs. Gage asked for a motion to amend that portion of the resolution to have the \$25,403.00 removed from the resolution.

Mayor stated that everyone knew it would be over the grant amount and that we had already done a Bond Ordinance to cover the overages and the alternate items had to be included in the resolution. Mayor stated that it had been discussed and there was a bid for \$265,000 and \$75,000 for alternates and we knew that \$50,000 was not a factor because they were lights that we were not going to have. Mrs. Gage stated that that was not discussed that night. Mrs. Gage stated that the \$65,000 was approved but that more money was added into the resolution that wasn't supposed to be because it was not approved and voted on. Mayor stated that we accepted the bid from Think Pavers that has the alternates included that we may or may not buy. Mrs. Gage stated that the minutes state the motion she made was for \$265,946.50 and not to include the alternates. Mayor stated that the resolution has been sent to the State for approval. Mrs. Gage stated that it is illegal because that is not what was voted on. Mr. Dryden thanked Mrs. Gage for being so thorough. Mayor stated that maybe we should ask a legal person and that no one involved in the conversation thought we were looking at anything other than \$265,000 plus alternates and accepted the bid. Mr. Dryden stated that we may have done something unknowingly but that it is a valid point that needs to be addressed.

Mrs. Gage replied the bid for \$265,496.50 was approved not the additional \$75,000 in alternates. Mrs. Gage stated that the amount in the bid specs received for the alternates was \$75453.00 but assumed that after the meeting it was decided not to use certain lights which lowered the costs.

Mayor stated that if you are accepting the bid you are accepting the bids as submitted. Mrs. Gage replied you are accepting the bid not the alternate items. Mayor stated that anyone involved would logically say that it would be done the way we said it would be done for the extra items and if we have to borrow a little money we would do so and felt



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that that was what everyone else thought and that is what he thought when the resolution was passed and or it wouldn't have gotten passed that way.

Mr. Dryden stated that Mrs. Gage may be helping us out. Mayor stated that only if she wants the project stopped. Mrs. Gage stated that she does not want the project stopped. Mr. Dryden stated that this needs to be addressed. Mayor will have Borough Solicitor look at it and see if we have to amend it and if it needs to be amended we will do it. Mrs. Gage asked what the big hurry was to award this bid. Mayor stated that it is with the DOT and that we went through the bid process and there was absolutely no intent that we were adding \$25,000. They are alternate items that we don't have to do and they can be done in Phase II if we want to but the bid has to be accepted. Mrs. Gage stated that it says in the minutes but not in the resolution that the items can be done in Phase II and that is the problem it was not discussed and in the minutes the Mayor states that it can be done in Phase II but it's included in Phase I resolution and we didn't vote on that. Mayor stated that it says it's included in the Streetscape Improvements which is Phase I, II, or III.

Mayor stated that no way was anything sinister or sneaky done. Mr. Dryden stated that everyone knows what the intention is but there is a variance here from what occurred at the meeting. Mr. Dryden said that Mrs. Gage has a valid point and that the resolution has to be addressed before it is a problem. Mayor asked how it can become a problem. Mr. Dryden stated that you can't change something after it was voted on. Mr. Murray asked what Mr. Dryden would recommend? Mrs. Gage stated that she would like to call the Borough Solicitor and talk to him about this and see what he recommends. Mr. Murray asked what to do about DOT. Mr. Dryden suggested letting it go until we see what we have to do. Mrs. Gage stated that she is not in favor of throwing out the \$200,000 grant that we have and that she loves this town more than anything and wants to see it beautified but that when something is done and not done right then that is when she has a problem with it. Mayor asked Mr. Flaherty if it had been included and Mr. Flaherty stated yes. Mrs. Gage said that it was discussed but the motion wasn't made. Mr. Flaherty stated that a motion was made for the \$265,000 and the additional stuff needed. Mrs. Gage stated that no motion on the additional stuff. Mayor stated that it was said that we would accept the low bid and the resolution says approving on condition of final study by the Engineer. The engineer came back and the Mayor told him the bids were received and the original resolution had the alternates as \$75000 and the engineer recommended to include only the specified numbers of the alternate items. Mrs. Gage asked who said that they were to be part of the resolution and that no where on the tape or in the minutes does it state she made a motion to approve alternate items numbers 101-107. Mrs. Gage said that she assumes that after the meeting that there was notification that we weren't doing the \$50,050. in lamps but that the items were not in the motion. Mr. Dryden stated that there is a discrepancy that needs to be addressed. Mayor to ask Borough Solicitor what course of action needs to be taken. Mayor stated that he hopes no one wants to stop the process. Mrs. Gage stated that she made a motion and afterwards something was added. Mayor stated that nothing has been committed or borrowed any



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money. Mr. Dryden asked if the intentions match up with the action taken. Ms. Churchville suggested that the Mayor speak to the Borough Solicitor.

Mrs. Gage motioned to approve sick pay benefits for John Gangemi, 6/27, Carl Bagby, 6/28, ½ day on 7/6, Charles Simmerman, ½ day 7/3, 7/5, ½ day on 7/6, 7/7, and Michael Sparks, 7/13, 7/14, seconded by Mr. Dryden. Vote all yes.

Clerk asked Mayor and Council about the possibility of them or employees attending the NJ State League of Municipalities Conference in November. Clerk stated that CEU's are needed for all the Boroughs certified people and last year some of Council stated that they would like to attend. Mayor said to ask the CFO if funds are available.

NEW BUSINESS

Mr. Dryden went over the letter he received from the First Presbyterian Church whose parking lot was damaged in the construction and have asked that it be fixed. Mr. Flaherty to look into it.

Mrs. Gage motioned to appoint Robert Oliver, 104 East Ave. as a Planning/Zoning Alternate #1, seconded by Mr. Dryden. Vote all yes.

Mayor reported the following:

That Landlord Registration Inspector, John Leech has completed 130 inspections or reinspections and has asked him to come to the next council meeting to report.

Councilman Pat Daley and himself met with the auditors to close out the findings for the 2005 audit and we will get a report within the next few weeks.

The ceiling in the Police station is done, the floor was being done today and the door bids are due today and also needs to speak to the painters union.

Plans are in for Redrow Ave. to be overlayed and it will be done in September.

CFO asked to have a person 5-6 Fridays to help her finalize with the Edmunds programs for \$20.00 per hour and Brooke Goodwin will come in temporarily to help to clear the small items in the audit.

Mr. Dryden motioned to approve the temporary help, seconded by Mrs. Gage. Vote all yes.

Mayor suggested budgeting summer help every year.



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List of roads to request to have overlayed through DOT are Poplar, Fow, Ashton and Water. Ms. Churchville mentioned Mayhew Ave.

Curb cuts and tie in for the gas station on Glen Echo in the process.

Public Works contract completed as far as Mayor is concerned. It will be for 3 years and retroactive back to 1/1/06.

Settlement to law suits with Hidden Valley in sight and will soon get the details in writing or we could go into closed session for the Mayor to go over.

Discretionary Aid to be received is \$50,000. The Borough applied for \$80,000.

Received a letter that Swedesboro is now certified under the provision of Section 101© of the national historic Preservation Act. Mayor commended Lois Stanley for all her hard work.

Mrs. Gage motioned to pay all duly authorized bills, seconded by Ms. Churchville. Vote all yes.

Ms. Churchville motioned to adjourn, seconded by Mr. Flaherty. Vote all yes.

Mayor adjourned the meeting at 9:28 PM.

Dolores M. Connors
Borough Clerk