

PILESGROVE TOWNSHIP
AUGUST 7, 2007
AGENDA MEETING
MINUTES

Mayor Bickford called the agenda work session meeting of the Pilesgrove Township Committee to order at 9:00 A.M. followed by the Pledge of Allegiance. Mayor Bickford stated that the meeting was in compliance with the New Jersey Sunshine Law.

This meeting is called pursuant to the provisions of the Open Public Meetings law. This meeting August 7, 2007 was included in a list of meetings notice sent to the Today's Sunbeam and the Elmer Times on January 3, 2007, posted on the bulletin board at the Municipal Building on January 3, 2007 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Mayor Bickford advised that proper notice having been given; the Acting Clerk is directed to include this statement in the minutes of this meeting.

Attendance: Ernie Bickford
William Miller
Ruth Moynihan, CFO
William Horner, Solicitor
John Ober, Planning Board Chairman

Mayor Bickford explained that our Zoning Officer was going to issue a stop work letter for Tractor Supply for the record, but the contractor for Tractor Supply contractor voluntarily stopped work when he was turned down for a Zoning Permit. Mr. Horner is working with the lawyer for Tractor Supply to get from him everything necessary to complete the process and have the plans signed by the Planning Board. He explained the need for a resolution authorizing a replacement declaration for TKC LXVIII, LLC (Tractor Supply)

After some discussion Miller made a motion to approve resolution 07-076 Resolution Authorizing a Replacement Declaration of Covenants & Restrictions & Deed of Easement for TKC LXVIII, LLC (Tractor Supply) seconded by Bickford. Ayes all

Mr. Horner read verbiage concerning Conservation restrictions that he had written. There was much discussion on the issue.

Miller made a motion seconded by Bickford to pay a bill to Woodstown Sewerage Authority for two Equivalent Dwelling Units in the amount of \$7,053.52. Ayes all.

John Ober left the meeting.

A motion was made by Bickford 2nd by Miller to go into closed session to discuss Cotler Costs, Pacilli Fee Dispute, and Pacilli Order to Show Cause. Ayes all.

Mr. Horner explained that the court has ordered the township to pay Mr. Cotler's Legal Costs in the amount of \$230.00. He has filed with appellate court to recoup \$1,285.45 additional costs. After discussion it was decided that we would pay the \$230.00 and not ask Mr. Horner to fight the \$1,285.45 at the appellate level. The amount is such a small amount it would not justify the cost of further litigation.

Mr. Horner advised that the Pacilli Fee Dispute challenging engineering fees is scheduled to be heard by the Construction Board on September 11th 2007. After much discussion it was decided that the Township would not get involved but let Alaimo and their attorney handle this matter. Mr. Horner explained that if the Construction Board reduced some of the bills that were paid by Pacilli, which the Township would have

to pay them and wait to be reimbursed by Alaimo. Horner will check with Alaimo's attorney to update the Committee on where this stands. It was decided that this would be between Pacilli & Alaimo. The Township will not get involved.

Mr. Horner explained the Pacilli order to Show Cause. Jim McKelvie has refused to sign Pacilli's plans and gave a list of deficiencies needed corrected before he would sign them. On August 17th 2007 the judge will meet with Pacilli & McKelvie to hear the order to show cause why he will not sign the plans. Horner recently received a copy of correspondence from Marty Ettin, Alaimo's attorney, to the judge which indicates that McKelvie will sign if the judge orders him to do so. There was discussion on the matter.

Motion was made by Miller to go back into open session. Seconded by Bickford. Ayes all.

Motion was made by Miller and seconded by Bickford to encumber the \$230.00 for Joseph Cotler and send a purchase order when the court order is received. Ayes all.

Bickford made a motion to have Horner write a letter to the judge opposing the order to show cause filed by Pacilli unless the plans comply with the Township's mapping regulations as indicated by the Township Engineer. Seconded by Miller. Ayes all.

Motion made by Kille, 2nd by Miller to open the public comment portion of the meeting. Ayes all. There being no public comment, motion made by Kille, 2nd by Miller to close the public comment portion. Ayes all.

Motion made by Bickford, 2nd by Miller to adjourn at 11:00 a.m. Ayes all.

Ruth A. Moynihan
Acting Clerk