

September 25, 2007
Pilesgrove Township
Work Session
Minutes

Mayor Bickford called the 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, and the Clerk read the annual notice:

This meeting is called pursuant to the provisions of the Open Public Meetings law. This meeting of September 25, 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 Clerk is directed to include this statement in the minutes of this meeting.

Attendance: Ernie Bickford
Ed Kille
William Miller
James McKelvie, P.E.

Mr. Scott Donnini, the owner of the winery development Auburn Farms in the Township, addressed Committee to express his frustration in dealing with various Township Officials in the completion of his project. Committeeman Miller reclused himself from this portion of the meeting. Mr. Donnini's development has been in the process for over 3 years, and to meet the requirements of his Alcoholic Beverage Control license, he must have a certificate of occupancy to open for business. At this point in the project, he feels that John Holroyd, the Township Construction Code Official, is being unreasonable in his requirements for the building. Mr. Donnini assured Committee that with the exception of the 5 "special events" his Planning Board approval grants, the maximum number of people in the tasting room at any one time will be 15. The Clerk was directed to discuss this matter with Mr. Holroyd, and if necessary, to set up a meeting with Mr. Donnini and Mr. Holroyd to resolve the issues.

Committeeman Miller reentered the meeting.

Motion made by Kille, 2nd by Bickford, to go into closed session to discuss matters in accordance with N.J.S.A. 10:4-12, specifically pending litigation in the matter of Robert J. Pacilli v. Pilesgrove Township, etal and South Jersey Builders League v. Pilesgrove. Ayes all.

Motion made by Kille, 2nd by Miller to reopen the meeting to the public.

Motion made by Kille, 2nd by Miller to concur with the conditions outlined in James H. McKelvie's letter of September 20, 2007 to Maureen R. Abdill, Clerk/Administrator, regarding the signing of the final plat for the Oldmans Bluff development. Ayes all.

Motion made by Kille, 2nd by Miller to approve the settlement for the monetary damages in the matter of South Jersey Builders League v. Pilesgrove as outlined to the Township Committee by George J. Botcheos, Esq., attorney for the Township's Municipal Excess Liability insurance company. Per Mr. Botcheos, the conditions of the settlement are \$5,000.00, with no admission of liability by the Township, the settlement does not effect the status of the other counts of the litigation with regard to the Letter of Interpretation requirement, and the plaintiff cannot come back to seek more damages in the future. .Ayes all.

Mayor Bickford left the meeting at 9:55 AM.

Motion made by Miller, 2nd by Kille to approve Resolution 07-095, appointing acting Construction Code and Sub Code Officials while the Township Construction Code official is on vacation. Ayes all.

Motion made by Miller, 2nd by Kille to approve Resolution 07-096, appointing James R. Birchmeier as Special Counsel in the second amended complaint in the matter of Pacilli v. Pilesgrove. Ayes all.

Motion made by Miller, 2nd by Kille to approve an \$8,000.00 replenishment of the Township's escrow account with the Woodstown Sewerage Authority. Ayes all.

Motion made by Miller, 2nd by Kille to approve the request of Concerned Pilesgrove Residents group to use the Municipal Building for a “Meet the Candidates” night sometime in October. Because this event would be primarily attended by Township residents, the requirement for a certificate of insurance was waived. Ayes all.

Discussion on correspondence from Garry Reid regarding his request for the reduction of his bonds for the expansion of his kennel operation. Jim McKelvie has reviewed the contracts for the work, and in a letter dated September 13, 2007, asked for clarification to determine if certain items are included in the contracts. Mr. Reid has addressed Mr. McKelvie’s concerns. Mr. McKelvie advised that a new detail of the work should be drawn up, to ensure that the bonds are specific as to the included work. The Clerk and Mr. McKelvie will work with Mr. Reid to finalize the list.

Deputy Mayor Kille briefed Committee on the status of the Township Planning Incentive Grant Program. A draft application for the next round of funding from the State has been prepared by Chris Warren, the Township Planner, and forwarded to the County Agriculture Development Board for review. In addition, the Township has received notice of some additional funding available for the Byrnes parcel, and the Township must make a decision on the allocation of the additional monies. Chris Warren will be asked for a recommendation and the Township will have to meet with the County to discuss the matter.

Motion made by Kille, 2nd by Miller to open the meeting to the public. Resident Cheryl Reardon asked for an explanation of the second amended complaint in the Pacilli matter, and the Builders League litigation. Mr. Kille advised that the second amended complaint in the Pacilli litigation was to include the Township Solicitor, Planner and Engineer. The Builders League litigation challenges the Township’s request for an LOI on the checklist for a subdivision. Ms. Reardon advised Committee that municipalities are being asked to pass a “Keep it Green” resolution supporting the continuance of the Garden State Preservation Trust, and asked that Township Committee consider passing such a resolution.

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

Motion made by Kille, 2nd by Miller to go into closed session to discuss matters in accordance with N.J.S.A. 10:4-12, specifically pending litigation in the matter of Robert J. Pacilli v. Pilesgrove. Ayes all.

Motion made by Kille, 2nd by Miller to reopen to the public.

Motion made by Kille, 2nd by Miller to adjourn at 10:50 A.M.

Maureen R. Abdill, Clerk