THURSDAY, NOVEMBER 2, 2023, MOUNT EPHRAIM COMMISSION MEETING MINUTES MEETING HELD IN BOROUGH HALL MEETING ROOM

MEETING CALL TO ORDER/OPEN PUBLIC MEETINGS STATEMENT

Mayor Tovinsky called the meeting to order at 7:00pm with the "Pledge of Allegiance". He announced that this meeting was posted in accordance with the "Open Public Meetings Act" and proper notice of this meeting was made.

ROLL CALL

The Clerk called the roll with Commissioner Gies, Commissioner Wolk and Mayor Tovinsky present. Also in attendance for the Borough were Clerk Shannon, Solicitor Justin Strausser and Engineer Greg Fusco.

APPROVAL OF MINUTES

Mayor Tovinsky announced that the August 29, 2023, Caucus and September 7, 2023, Commission meeting minutes were submitted for review and approval. On a motion by Commissioner Gies, second by Commissioner Wolk, the minutes were approved with all present in favor.

APPROVAL OF VOUCHERS

Mayor Tovinsky announced that vouchers in the amount of $943,089.99 were submitted for approval. On a motion by Commissioner Gies, second by Commissioner Wolk, the vouchers as submitted were approved with the following poll vote: Gies-yes, Wolk-yes, Tovinsky-yes.

ORDINANCE FOR PUBLIC HEARING AND ADOPTION

The Clerk read the following ordinances by title:

Ord. 2023-15 Amending the Code of the Borough of Mount Ephraim to Supplement, Amend and Revise Chapter 410 Entitled "Vehicles and Traffic"
(establishes permit parking on Valley Road)

Mayor Tovinsky opened the public hearing on this ordinance. Sue Carney from Valley Road thanked the governing body for this ordinance. With the proposed cannabis shop, it could create a lot of traffic and there is concern about the amount of parking it could bring, especially since there are so many kids on the street. Seeing no further public comment, on a motion by Commissioner Gies, second by Commissioner Wolk, the hearing on this ordinance was closed.

On a motion by Commissioner Gies, second by Commissioner Wolk, ordinance 2023-15 was adopted with the following poll vote: Gies-yes, Wolk-yes, Tovinsky-yes.

RESOLUTIONS FOR APPROVAL BY CONSENT AGENDA

The Clerk read the following Resolutions by title for approval by Consent Agenda:

23-88 Authorizing Change Order No. 1 for the Municipal Building Tank Removal Project

23-89 Appointing a Conflict Attorney for the Land Use Board

23-90 Authorizing Travel Advances for Attendance at the NJLM Convention

23-91 Approving Change Order No. 4, Final, Reconstruction of Lake Street Project

23-92 Cancelling Taxes for Totally Disabled Veteran

23-93 Authorizing 2023 Budget Transfers

23-94 Authorizing Approval of Mercantile Licenses for 2023

On a motion by Commissioner Gies, second by Commissioner Wolk, the resolution consent agenda was approved with the following poll vote: Gies-yes, Wolk-yes, Tovinsky-yes.

REPORTS AND COMMENTS BY COMMISSIONERS

Commissioner Gies read the court report for September reporting they turned over $4,492.42 in fines and fees to the borough. He then talked about Trunk or Treat event by the Celebrations Committee. It started out in panic mode because the County had allowed another Trunk or Treat at the same time but it was resolved and was a great event. He then read highlights from the October report from the fire department reporting they had 38 calls for service. They did fire prevention events for the month at the schools. Hoagie sale will be Saturday, November 11. The fire department and police department will have the honor of presenting the flag on the field at the Eagles vs. Cowboys game. At the Monday night game against Miami, all of the flags were our flags and represented each of the American citizens that were held hostage by the Palestinians. He then read highlights from the October police department reporting they had 622 calls for service and he read the breakdown of calls. They made 112 car stops and issued 97 summonses. They served 20 warrants and had three adult arrests for the month and he read highlights of the charges.

Commissioner Wolk read the Tax Collector's report for October reporting total collections for the month were $1,109,600.84.

Greg Fusco reported you just approved the change order for Lake Street and that project is finished. We will submit the close-out documents to DOT. Two weeks ago, the contractor finished the intersection of Harding and Linwood. We are processing his final voucher and as soon as we received all the cancelled checks, we will submit to DOT for reimbursement.

Mayor Tovinsky reported single stream recycling was 54,340 pounds and we collected 150 tons of trash for a cost of $13,496. Public Works maintained the parks, the storm inlets, cleaned around borough hall and made the fields look good for Trunk or Treat. For the Construction Office, they issued 21 permits and collected $5,322 and did five CO inspections for a total of $600.

PUBLIC PARTICIPATION

Mayor Tovinsky opened the meeting to the public and asked that residents state their name for the record.

Sean McBratnie, attorney for Lindmeier/Spread Eagle Tavern, said that at the last meeting, you were discussing the need to support the commercial sector and we wanted to revisit having the restrictions lifted on Mr. Lindmeier's liquor license regarding his hours. On October 26, Bobby Ray's opened and they are open 'til 1am Sunday through Wednesday and until 2am Thursday-Saturday. This is unfair as my client has to close at midnight. Why would someone go to his bart when they know he will close at midnight? On the day Bobby Ray's opened, it was reported people were tailgating waiting for the bar to open. There were some charges with public consumption of alcohol. My client is looking for fairness and that the board consider removing the restrictions on my client's hours of operation. He also has a license in Clementon and there are no restrictions on that license. Commissioner Gies responded that when he came in for the license transfer, you offered these restrictions as an option rather than having to appeal our denial. McBratnie responded they were to be for one year. But we extended beyond the first year event though there were no issues. Chief Conte said he thought the restrictions were for three years. Solicitor Justin Strausser responded that it has been six months since the restrictions were loosened and you are asking for it again. McBratnie said there have been no issues at the bar. He has been operating for over a year now and there have been no issues. We agreed to the initial restrictions but now there is another bar opening that does not have these restrictions. We are looking to start a conversation to review this situation.

Theresa Armbruster from 4th Avenue said she agrees with him. We are trying to attract businesses and everyone should be treated the same. She then spoke about the painting on the street, crosswalks and signs that she requested. Mayor Tovinsky responded we are having vehicle problems right now and had three part-timers quit so we are discombobulated right now. Armbruster said she has been asking for months. I am just asking for some paving and signage. Mayor Tovinsky said he will discuss with Jim Beebe.

Sue Carney from Valley Road said she went to Bobby Ray's and it was packed. She took some volunteers to Bobby Ray's after Trunk or Treat and it was again packed so we went to the Spread and were pleasantly surprised. Quiet conversations, new acoustics and screens, it was very nice. It seems inequitable that we are allowing Bobby Ray to be open til 2am but the Spread has to close at midnight. There was already a problem at Bobby Ray's that required police response. That was their first weekend. Incidents happen at bars. It is very disparaging that we are keeping restrictions on one guy and not on the other. Commissioner Gies asked the solicitor if it was one year or three. Strausser responded it was a one-year agreement. Carney again said it is not fair to impose these restrictions on only one bar. We have to be fair to the businesses in town across the board.

Stan Witkowski asked the board to consider putting a cross (do not block the intersection) box at the CVS driveway on Black Horse Pike. His wife was trying to get into the parking lot and was stuck because of the traffic at the light. Mayor Tovinsky responded that is a state road and you would have to go through DOT. Witkowski then asked about the parking permit ordinance—why Valley Road? Mayor Tovinsky explained it is because of the cannabis business and the sandwich shop that will be at the corner. There was concern about the volume of traffic and parking issues they could be so we did permit parking to help the residents on Valley Road. Witkowski said he hopes we can expand that to other streets in the future.

Seeing no further public comment, on a motion by Commissioner Gies, second by Commissioner Wolk, the public hearing was closed.

On a motion by Commissioner Gies, second by Commissioner Wolk, the meeting was adjourned at 7:29pm.

Approved: *Terry Shannon*
Terry Shannon, Borough Clerk