

BOROUGH OF WESTVILLE

Special Council Meeting

165 Broadway

May 23, 2016 ~ 7:00 p.m.

Meeting Minutes

Mayor Welsh called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

The Clerk read the public notice and roll call was taken, with the following persons in attendance:

Present: Mayor Russell W. Welsh, Jr., Council President Michael O. Ledrich, Council Members: Paul C. Mailley, Donna Moan, Bruce Nordaby, and Fritz H. Sims, Jr.
Municipal Clerk/Tax Collector Christine Helder, Administrator William Bittner, Jr., Public Works Assistant Superintendent Martin E. Finger, Jr., Chief William Whinna, Solicitor Timothy Scaffidi and Stephanie Cuthbert from Remington & Vernick, Engineers

Absent: Council Member Bruce Nordaby and Public Works Manager Donna Domico

NEW BUSINESS:

- ❖ RESOLUTION NO. 75-2016 ~ AUTHORIZING THE SOLICITATION OF BIDS FOR THE SALE OF THE WATER AND SEWER UTILITY SYSTEM(S) OF THE BOROUGH OF WESTVILLE, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40:62-4.

Prior to voting on the Resolution Mayor Welsh asked Councilman Members if they had any questions or comments.

Councilman Mailley stated he had no direct questions and while he understood the reason, he was concerned about the fast tracking of this project.

Councilman Murtaugh echoed Councilman Mailley's statement and said he's not comfortable and needs more information.

Councilman Sims stated there was a lot of information to review and he had specific questions.

Councilman Sims commented he did not notice the discounted Senior and Disabled rates in the RFP. Ms. Cuthbert advised that information can be added.

Administrator Bittner stated based on his discussion with Ms. Cuthbert, rate issues can be included in the RFP's. Administrator Bittner commented he felt it would be advantageous to Westville seniors to include that information in the RFP. Discussion took place on residents currently receiving Senior or Disability discounts. Ms. Cuthbert advised private companies will take facilities tours to look at the financial information.

NEW BUSINESS: (Continued)

Councilman Sims addressed the Fire Hydrant rental issue and stated the Fire District currently does not pay anything for Water (no rental) and asked how that could be addressed. Administrator Bittner said "technically they are supposed to" and the Borough never changed the law and that there is a structured rate for the Westville Fire Department vs. the Deptford Fire Department and that this issue should be dealt with before going to sale. Discussion took place regarding the history of the Fire Hydrant rental fees and Administrator Bittner advised this may be an issue with the private company. Councilman Murtaugh stated paying hydrant rental fees would be a quarter of the Fire District's budget and in today's times, they can only increase their budget by 2% and in his opinion the Borough would have to pay the fee. Administrator Bittner advised that issue would have to be negotiated. Discussion took place regarding hydrant rental. Councilman Sims asked if the hydrant rental fees can be broken out in the RFP to possibly say "to waive the rental fees for Fire Hydrants is worth this much" or "if the Borough pays, it's worth this much". Ms. Cuthbert stated bidders would have to tell the Borough how much the rental fees would cost and Administrator Bittner commented the Borough could negotiate the price at that time.

Councilman Sims asked if the sale went through, would the private company hire the current employees. Administrator Bittner stated he didn't think you could ask the company to hire current employees, but you can ask them to interview them. Ms. Cuthbert added, in her experience, she has seen private companies offer positions to current employees.

Councilman Sims inquired about "all rights and real property" and asked is this all the corresponding properties. Councilman Sims further stated when he inquired about this issue last Thursday, he was told no but the Borough could negotiate the property but now he noticed it's in the contract. Ms. Cuthbert advised, for the contract, everyone must establish whether an easement is going to be given or the building will be given and stated the Well house could go with the sale but the Public Works building is shared. Administrator Bittner said as the Borough gets closer to an Agreement, consideration will have to be given to the building where the Water Treatment and Public Works offices currently exist and stated it may be advantageous to the Borough to relocate the Public Works offices and facilities to another building. Councilman Sims asked "we're selling all real property" and Administrator Bittner interjected by stating whatever properties you deem for sale is what will be sold and if it's used in the operation of the Water Department or Management of the Water System, then if you didn't sell it you would have to grant some kind of Easement or Lease to that property. Administrator Bittner confirmed there is real property in this sale and Mayor and Council will determine what that is. Councilman Sims reaffirmed he doesn't know what properties the Borough is actually selling so how can he asked to vote on something when he doesn't know what's being sold. Ms. Cuthbert advised Council, as the sale progresses there will be questions that will be asked by prospective buyers and the list of real property for sale will be one of the questions. Ms. Cuthbert suggested Solicitor Scaffidi might be able to help the Borough with the "real property" language for the Agreement. Discussion took place on the space allocations at the Public Works office.

NEW BUSINESS: (Continued)

Public Works Assistant Superintendent Finger provided details on office space at the Public Works building located at 114 Crown Point Road.

Councilman Sims commented a street named Lake Avenue is mentioned in the report by Remington and Vernick and he wanted to clarify there is no Lake Avenue in Westville. Administrator Bittner confirmed his statement. Discussion took place regarding the Borough of Westville purchasing a Water allocation from the Borough of Brooklawn.

Councilman Sims asked for clarification, if a private company purchases Westville's Water, they will also own the Water Tower and will have the right to change the name on the Tower. Administrator Bittner advised the Borough can ask in the RFP's that the Borough's name stay on the Water Tower.

Councilman Sims asked about portable equipment (e.g. trucks) to confirm they would not be part of the sale. A general discussion took place regarding having three RFP's to include (1) Water only; (2) Sewer only and (3) Water, Lab, and Sewer. Assistant Superintendent of Public Works Finger confirmed the Lab pays for itself and that a Licensed Operator is required to oversee the Sewer system as required by the Department of Environmental Protection. Councilman Murtaugh asked Administrator Bittner to reach out to the County to see if there is a Shared Service Agreement for County Utilities.

Council President Ledrich expressed his concern that he would like to keep the special rates for the eligible Seniors and disabled residents.

Council President Ledrich also conveyed his unease about possible rate hikes and wanted to be sure the residents were protected. Discussion took place regarding including a three or five year freeze on rates in the RFP's. Ms. Cuthbert reminded Council the private companies are in the business of making money so this issue will have to be negotiated with the bidders.

Council President Ledrich stated he was concerned there was no value assessed to the portal equipment (trucks, etc.) or the Water Lab in the report provided by Ms. Cuthbert and she acknowledged her discussion with Administrator Bittner about this issue and stated she would adjust the report to reflect this information.

Councilwoman Moan and Mayor Welsh stated their concerns were already addressed by other Council Members.

A general discussion took place about how the private companies handle non-payment of utilities, shut-offs and including information in the RFP that would benefit the Borough (e.g. if the private company opens a road for a repair, they must repave.)

Councilman Sims presented a scenario - if whoever wins the bid has a major project in North Jersey that may cost millions of dollars, would that cost affect the rates of Westville residents. Ms. Cuthbert responded, yes it would affect all of their customers just like insurance rates - it would be statewide.

NEW BUSINESS: (Continued)

Councilman Murtaugh asked if any other entity put an “option to buy back” in the RFP to which Ms. Cuthbert replied no. Councilman Murtaugh asked for consideration of a buy back option in the RFP.

Councilman Murtaugh also discussed the Borough’s water usage and how much water is used by the Athletic fields and talked about installing meters for the fields.

Mayor Welsh confirmed the bid submission date is July 6, 2016.

Ms. Cuthbert suggested the facility tours be scheduled and that every question should be in writing.

Councilman Murtaugh stated he is not comfortable with the situation and Mayor Welsh acknowledged the tight timeframe but was more comfortable knowing the Borough has until July 6, 2016 to make changes and recommendations and that they are not making a decision to sell but rather just putting together information to go out to bid. Council President Ledrich reminded everyone this issue has to go on a referendum for a vote if Council approves and it will be up to the residents to decide. Council President Ledrich further advised, if the residents vote to approve the sale, Mayor and Council do not have to follow through with the sale.

Mayor Welsh confirmed he and Administrator Bittner will create a Communications plan that includes putting information on the web site and holding Town Hall meetings so that residents are aware of all aspects of this issue.

Administrator Bittner advised Mayor and Council they would all receive a copy of the RFP. Mayor Welsh suggested they allow Administrator Bittner to be the point person on this project so that all information is filtered through him.

A motion to approve Resolution No. 75-2016 was made by Councilman Sims and seconded by Council President Ledrich. *Motion unanimously approved by roll call vote.*

❖ **RESOLUTION NO. 76-2016 ~ ADOPTING THE MITIGATION PLAN FOR FOUR NEW JERSEY COUNTIES, DATED APRIL 8, 2016**

Administrator Bittner informed Mayor and Council this is the FEMA Mitigation Plan the Borough has been working on for the past three years. Administrator Bittner advised the Borough has been approved by the County for a number of years but now the Borough has to adopt the plan and Mayor and Council can review the information that was uploaded to the web site. Administrator Bittner stated it is a Mitigation Plan that protects property against repeated flooding and cited Timber Park as an example and stated those people should never have been able to build in that area so new building is not permitted as part of the Master Plan. Councilman Murtaugh added that this happens every four years and if the Borough does not comply, Federal Disaster Funds would not be available to Westville.

A motion to approve Resolution No. 76-2016 was made by Council President Ledrich and seconded by Councilman Mailley. *Motion unanimously approved by roll call vote.*

NEW BUSINESS: (Continued)

- ❖ **REQUEST** from John and Anne Augenblick, 628 Delsea Drive requesting permission to discharge into the sanitary sewer system at an annual fee of \$100. (Block 88, Lot 24)

Clerk Helder read the letter submitted by John and Anne Augenblick requesting the discharge.

A motion to approve the request was made by Councilman Mailley and seconded by Councilwoman Moan. *Motion unanimously approved by roll call vote.*

Mayor Welsh asked if this issue was the same as the Walnut Street situation and if anyone had contacted the Walnut Street individual. Administrator Bittner replied "we haven't contacted her" and reminded the Mayor that according to the Ordinance, the resident has to prove they cannot mitigate that problem on their own property and must submit requests in writing.

- ❖ **SETTLEMENT AGREEMENT AND GENERAL RELEASE** for an incident that took place on September 16, 2010.

Administrator Bittner advised this is the Fire Boat damage incident. Councilman Murtaugh summarized the incident by stating Westville's Fire Boat was at a fire located at Paulsboro's new port and Philadelphia's Fire Boat Independence was also at the scene and by the time Philadelphia's boat arrived Westville's boat had put out the fire so Philadelphia's boat did a U turn in the river that caused a 4 foot wave that hit and severely damaged the Westville boat. Councilman Murtaugh confirmed the boat was repaired and the settlement money goes back to JIF.

A motion to approve the Settlement Agreement was made by Council President Ledrich and seconded by Councilman Mailley. *Motion unanimously approved by roll call vote.*

PUBLIC COMMENT:

- ❖ Joyce Lovell, 328 Summit Avenue, advised Mayor and Council that that the value of the Water Lab which was originally assessed at \$55,000 and is currently valued at \$40,333 was listed in the report. Ms. Lovell stated she preferred the Borough not sell the Lab since it provides checks and balances. Mayor Welsh advised Ms. Lovell that the Borough is not looking to sell the Lab but they are investigating its value and further stated if there's no value and it's going to cost money to run, then consideration to selling it will be given. Ms. Lovell pointed out that on the diagram in the report, the Public Works garage is not in the proper location; therefore, the report should be corrected. Ms. Lovell asked if Mayor and Council were aware that the City of Woodbury decided not to sell their Water Department and Councilman Murtaugh commented he had a call into the Mayor of Woodbury. Ms. Lovell discussed the rate increase that may occur if the sale is approved. Ms. Lovell alluded to the fact that not all the information about this issue has been made public. Mayor Welsh informed Ms. Lovell residents with questions about this issue are free to contact him or attend the meetings that have been advertised. Additionally, Mayor Welsh informed Ms. Lovell all documents associated with the possible sale have and will be uploaded to the web site.

PUBLIC COMMENT: (Continued)

- ❖ Fred Coleman, 120 West Avenue, asked what RFP stands for and Administrator Bittner replied "Request for Proposals". Mr. Coleman discussed his concerns about information being placed in the RFP's (discounts, rate freeze and retention of employees) and asked about the source of the water that will be supplied to residents and Administrator Bittner advised the water will be supplied from Westville's wells. Mr. Coleman asked about the Borough's Water shut-off policy and the new summer office hours.

COMMENTS FROM MAYOR/COUNCIL/DEPARTMENT HEADS

- ❖ Councilwoman Moan stated she was approached by a resident regarding the Crossing Guard issue at Delsea Drive and Almonesson and was wondering if the Borough was going to put up flashing lights because of the dangerous conditions. Administrator Bittner advised the Borough is still looking into the situation as well as the possibility of purchasing a sign.
- ❖ Councilman Murtaugh advised the mold at the Little League building is back. Mayor Welsh suggested the Public Buildings, Grounds, Parks & Playgrounds Committee review the situation and report back to Council. Councilman Murtaugh also stated the restroom facilities at the Community Center must be addressed. Council President Ledrich suggested they look at available funds to get these problems fixed. Discussion took place regarding fixing the restroom facilities at the Community Center with the tankless toilets. Councilman Murtaugh asked Public Works Assistant Superintendent Finger if this is a project his team can manage and Public Works Assistant Superintendent Finger stated he team could fix the problems.
- ❖ Municipal Helder advised Mayor and Council that Primary Elections were scheduled to be held at the Community Center on June 7, 2016 so the decision to fix the toilets and the sinks was made a priority. Public Works Assistant Superintendent Finger stated they would flush out the hot water tanks to remove some of the sulfur smell.
- ❖ Councilman Mailley reminded everyone about the Borough's annual Memorial Day Celebration on May 30, 2016 at Thomas West Park beginning at 10 a.m.

A motion to adjourn the meeting was made by Councilman Murtaugh and seconded by Councilwoman Moan. *Motion unanimously approved by voice vote.*

The meeting was adjourned at 8:11 p.m.

Respectively Submitted,

*Christine A. Helder
CMC/Municipal Clerk*

Next Council meeting is scheduled June 13, 2016 @ 7:00 p.m.