

**BOROUGH OF WESTVILLE**

**Regular Meeting of Mayor and Council  
114 Crown Point Road  
April 9, 2008**

A regular meeting was called to order by Council President Welsh at 7:30 p.m.

The meeting was opened with the salute and pledge of allegiance to the flag.

The Clerk read the opening statement.

**Roll Call – Present**

**Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.**

**Absent – Mayor Galbraith**

**Also Present were:**

**Administrator Bittner, Clerk Helder, Police Chief Lederer, Public Works Manager Domico, and Housing Official Wasson.**

**Meeting Minutes of March 25, 2008:**

A motion was made by Councilwoman Rodgers to approve the meeting minutes of March 25, 2008. A second was made by Councilman Pennington. Motion carried by unanimous voice vote.

Council President Welsh presented a Proclamation to Thomas M. Gibson who had received the Eagle Scout Award in the Boy Scouts of America Troop #40 by building five picnic benches from scratch for the Borough park areas. Mr. Gibson thanked the governing body and his parents for their support.

**PUBLIC COMMENT ON AGENDA ITEMS ONLY:**

No comment from the public.

**OLD BUSINESS:**

An ordinance entitled **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** was given final reading. The public hearing was opened.

Ginger Horn, 111 Twedell Ave., questioned the 3.5% Cap Ordinance. The Administrator advised that this ordinance allows the Borough to go 1% over the limit of 2.5% as directed by the State. With no further comment being heard or received,

the public hearing was closed on motion by Councilmember Baker and a second by Councilwoman Muhlbaier. Motion carried by unanimous voice vote.

A motion to adopt the ordinance was made by Councilman Ledrich and a second by Councilman Pennington. Motion carried by a roll call vote of 5 ayes and 1 nay. (Ord. Bk. 4, Pg. 1-08).

**Roll Call – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

**Against – Councilwoman Rodgers**

A PUBLIC HEARING ON THE 2008 BUDGET was opened to the public. Ginger Horn, 111 Twedell Ave., asked what the rate increase will be for the proposed budget. The Administrator advised that it is 28 cents per \$100 of assessed value. He then discussed this matter thoroughly.

An ordinance entitled ORDINANCE PROHIBITING PARKING ALONG COUNTY ROUTE 551, ALONG THE FRONTAGE OF BLOCK 73, LOTS 6 & 7 (Physical location known as 1000-1002 and 1010 Broadway) IN THE BOROUGH OF WESTVILLE was given final reading. The public hearing was opened to the public. With no comment being heard or received, the public hearing was closed on motion by Councilman Pennington and a second by Councilman Ledrich. Motion carried by unanimous voice vote.

A motion to adopt the ordinance was made by Councilman Baker and a second by Councilwoman Rodgers. Motion carried by unanimous roll call vote. (Ord. Bk. 4, Pg. 2-08).

**Roll Call – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier Councilman Pennington and Councilwoman Rodgers.

An ordinance entitled ORDINANCE AUTHORIZING AN EMERGENCY APROPRIATION PER N.J.S. 40A:4-53 FOR \$20,000 FOR CODIFICATION OF ORDINANCES was given final reading and discussed by Councilwoman Rodgers. The public hearing was opened to the public. With no comment being heard or received, the public hearing was closed on motion by Councilman Muhlbaier and a second by Councilman Pennington. Motion carried by unanimous voice vote.

A motion to adopt the ordinance was made by Councilman Ledrich and a second by Councilwoman Rodgers. Motion carried by unanimous roll call vote. (Ord. Bk. 4, Pg. 3-08).

**Roll Call – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

An ordinance entitled ORDINANCE AMENDING CHAPTER 113 OF THE CODE OF THE BOROUGH OF WESTVILLE ENTITLED VEHICLES AND TRAFFIC was given final reading in title. Councilman Pennington advised that additional stop signs are proposed for West Ave. and Edgewater Ave., and Twedell Ave. and Edgewater Ave.

The public hearing was opened to the public. Ginger Horn, 111 Twedell Ave., asked why additional stop signs were not considered for Edgewater Ave. east. of Twedell as it seems that Edgewater Ave. is a raceway there. Councilman Welsh stated that there had been no complaints from the residents when they were considering these stop signs. This matter was discussed at length. A motion to close the public hearing was made by Councilman Baker and a second by Councilman Pennington. Motion carried by unanimous voice vote.

A motion to adopt the ordinance was made by Councilman Pennington and a second by Councilman Baker. Motion carried by unanimous roll call vote. (Ord. Bk. 4, Pg. 4-08).

**Roll Call – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

A discussion regarding the transfer of water allocation from Brooklawn to the Borough of Westville was tabled on recommendation of the Administrator.

A presentation on the 2008 Gateway Regional High School Proposed Budget was given by Joyce Stumpo and Bruce Finkle, Business Administrator.

A presentation was given on the 2008 Proposed Budget for Parkview School by Shannon Whalen, Superintendent.

**RESOLUTION #47-08 Approving the Display/Contract for International Fireworks.**

A motion to approve the resolution was made by Councilman Ledrich and a second by Councilman Muhlbaier. Motion carried by unanimous roll call vote. (Res. Bk. 18)

**Roll Call Vote – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

A proposal from CES for Construction Administration Services for Sanitary Sewer Line Rehabilitation was discussed by the Public Works Manager and the Administrator.

A motion to approve the proposal was made by Councilwoman Rodgers and a second by Councilman Pennington. Motion carried by unanimous roll call vote.

**Roll Call Vote – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

**RESOLUTION #48-08** Crediting Water Account #76 for 626 Summit Ave. in the Amount of \$253.43 and Water Account #1826 for 1310 Edgewood Ave. in the amount of \$1,511.42 due to malfunctioning water meters was discussed by Public Works Manager Domico.

A motion to approve the resolution was made by Councilman Ledrich and a second by Councilman Pennington. Motion carried by unanimous roll call vote.  
(Res. Bk. 18)

**Roll Call Vote – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

**RESOLUTION #49-08** Approving Final Change Order #1 for Marandino Concrete Company for completion of work on River Drive in the amount of \$6,441.41 was discussed by the Public Works Manager and the Administrator.

A motion to approve the resolution was made by Councilman Pennington and a second by Councilwoman Rodgers. Motion carried by unanimous roll call vote.  
(Res. Bk. 18).

The Administrator discussed the Pilot Program (15% to the Borough or \$89,000 for the first year in lieu of taxes) for the proposed senior complex at 1000 Broadway which will be age and income restrictive with the fee going up every year for 15 years. This will make the developer eligible for State financing. Councilman Pennington advised that the Committee recommends accepting this offer.

**RESOLUTION #50-08** Approving the Pilot Program for the proposed Senior Complex at 1000 Broadway. (Res. Bk. 18).

A motion to approve the proposal was made by Councilman Pennington and a second by Councilwoman Rodgers. Motion carried by unanimous roll call vote.

**Roll Call – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

A discussion was held on a proposed Parks and Playgrounds ordinance to reflect restriction on the use of Borough owned athletic fields to specific organizations within the Borough. This matter will be looked into further.

An ordinance entitled 2008 SALARY ORDINANCE OF THE BOROUGH OF WESTVILLE was given first reading in title. The Administrator discussed the ordinance.

A motion to approve the ordinance on first reading was made by Councilman Baker and a second by Councilman Pennington. Motion carried by unanimous roll call vote, ordered advertised as required by law, and will be considered for final adoption after a public hearing to be held on May 14, 2008.

**Roll Call – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

**COMMUNICATIONS:**

1. A letter from the Borough of Brooklawn requesting the use of the Shuttle Bus on Tuesday, April 22, 2008 was discussed by Public Works Manager Domico. On motion by Councilwoman Rodgers and a second by Councilman Muhlbaier, the request was approved by unanimous voice vote.
2. A letter from N.J. Department of Transportation advising of applications for Municipal Aid, Bikeway, Centers of Place, Historic Bride and Safe Streets to Transit.
3. Correspondence from Bach Associates regarding COAH's proposed rules.
4. Notification from the State of N.J. Treasury Division regarding an increase in fees for solid waste.

**MONIES COLLECTED BY THE CLERK:**

Rent	\$ 780.00
Police Reports	62.75
Peddler's Permit	25.00
Peddler's Badge	10.00
Amusement Games	100.00
Notary Fees	1.00
Election Poll Workers Pay	4,125.00
Interest	<u>6.77</u>
Total	\$5,110.52

The foregoing monies were ordered paid to the Chief Finance Officer.

**LIST OF BILLS:**

A motion was made by Councilman Pennington and a second by Councilman Muhlbaier to dispense with the reading of the bills. Motion was approved by unanimous voice vote.

A motion was made by Councilman Baker and a second by Councilman Ledrich to pay the bills. Motion carried by unanimous roll call vote.

**Roll Call – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

**PUBLIC COMMENT:**

Stephanie Wilson, 17 Oak Ave., questioned the Pilot Program. The Administrator advised that these additional monies will not go into effect for two, three or four years.

Joyce Lovell, 328 Summit Ave., thanked Council for inserting the Environmental Commission's Newsletter with the Mayor's Newsletter. She advised that there is an interstate cleanup program on April 19, 2008 in Woodbury, and she requested volunteers. The Environmental Commission will receive \$500 for their participation. She then advised that on May 3, 2008 there will be the annual bird quest on River Drive between 7:30 a.m. to 11:00 a.m.

Paul Demier, 105 Poplar Ave., questioned the meeting with Fieldstone.

**MAYOR'S COMMENT:**

Councilman Welsh advised that Mayor Galbraith would like to thank everyone for the excellent newsletter that went out. He also wanted to express his sincere thanks for everyone keeping him in their thoughts, prayers and support.

**COUNCILMEMBER'S COMMENTS:**

Councilmember Welsh discussed the possibility of holding only one meeting during the summer months. It was decided to hold the first Wednesday of each month for June, July and August as the meetings for the summer.

Councilmember Muhlbaier discussed changing the starting time of Council meeting from 7:30 p.m. to 7:00 p.m. It was decided to leave the time at 7:30 p.m.

Public Works Manager Domico advised that the sewer project will begin on May 1, 2008. She then discussed the possibility of painting a fire lane on River Drive. This matter was discussed and will be looked into further.

Councilmember Welsh read a statement from Fieldstone Associates announcing their withdrawal from the Redevelopment Project at The Cove at Big Timber Creek due to the depressed housing market and national recession. They will provide the Borough with all of the studies, reports and related documentation commissioned during the project at no cost.

**RESOLUTION #51-08** for an Executive Session to Discuss Certain Police Personnel Matters, Purchase, Lease of Property, Pending Litigation and Contract Negotiations. (Res. Bk. 18).

A motion to approve the resolution was made by Councilman Pennington and a second by Councilman Ledrich. Motion carried by unanimous roll call vote.

**Roll Call – In Favor:**

Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

The meeting was recessed at 9:15 p.m.

The meeting was reconvened at 10:05 p.m.

**RESOLUTION #52-08** for Authorization to Settlement of Litigation between the Borough of Westville and Grabbe's, Inc. (Res. Bk. 18).

A motion to approve the resolution was made by Councilmember Baker and a second by Councilmember Muhlbaier. Motion carried by unanimous roll call vote.

**Roll Call – In Favor:**

Councilmember Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

**RESOLUTION #53-08** Accepting a Proposal from William Rebel of \$5,000 to Purchase vacant land at 128 Broadway. (Res. Bk. 18)

A motion to approve the resolution was made by Councilman Baker and a second by Councilman Pennington. Motion carried by unanimous roll call vote.

**Roll Call – In Favor:**

Councilmember Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.

**RESOLUTION #54-08 to Hire Grant K. Roberts as Patrolman 0 to 1 year effective April 9, 2008. (Res. Bk. 18).**

A motion to approve the resolution was made by Councilman Ledrich and a second by Councilmember Baker. Motion carried by unanimous roll call vote.

**Roll Call – In Favor:**

**Councilman Welsh, Councilman Baker, Councilman Ledrich, Councilman Muhlbaier, Councilman Pennington and Councilwoman Rodgers.**

A motion to adjourn carried at 10:06 p.m.

Respectfully submitted,

Christine A. Helder  
Municipal Clerk