

BOROUGH OF WESTVILLE
Regular Council Meeting
114 Crown Point Road
August 12, 2009

Meeting called to order by Council President Ledrich at 7:30 p.m.

Salute and Pledge of Allegiance to the Flag took place.

The Clerk read the Notice that this meeting had been duly advertised in accordance with the provisions of the "Open Public Meetings Act" by sending notice to the Gloucester County Times of Woodbury, NJ and the Courier Post of Camden, NJ.

ROLL CALL

PRESENT: Council President Ledrich, Council Members: Baker, Muhlbaier, Murtaugh, Pennington and Rebel
ABSENT: Mayor Welsh, Jr.
STAFF: Administrator Bittner, Jr., Public Works Supervisor Leahy, Municipal Clerk Helder, Chief of Police Lederer and Housing Official Wasson.

A motion to approve the meeting minutes from July 8, 2009 was made by Council Member Muhlbaier and seconded by Council Member Murtaugh. *Unanimously approved by voice vote.*

PUBLIC COMMENT ON AGENDA ITEMS ONLY: No comment from the public.

REPORTS OF THE COMMITTEES:

Celebration of Public Events - William C. Rebel, Chair,
 James A. Pennington and Russell W. Welsh, Jr., Mayor

Finance & Accounting - Michael Ledrich, Chair
 Charles D. Murtaugh and Russell W. Welsh, Jr., Mayor

Ordinance & Code Enforcement - James A. Pennington, Chair
 & Charles D. Murtaugh and Russell W. Welsh, Jr., Mayor

Planning & Business Development - James A. Pennington, Chair
 George K. Baker & Russell W. Welsh, Jr., Mayor

Public Safety Municipal Court & Personnel - Michael O. Ledrich, Chair
 James A. Pennington, & Russell W. Welsh, Jr., Mayor

Water, Sewer, Highway, Street Lighting & Recycling - George K. Baker, Chair
 Ronald S. Muhlbaier & Russell W. Welsh, Jr., Mayor

Web Site ~ Ronald S. Muhlbaier, Chair
 Charles D. Murtaugh & Russell W. Welsh, Jr., Mayor

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REPORTS OF THE COMMITTEES: *(Continued)*

Engineer's Report ~ Engineer Norm Rodgers advised, prior to meeting that he had nothing new to report.

Library Report ~ None Submitted

Environmental Commission Report ~ None Submitted

Motion to accept Reports of the Committees was made by Council Member Baker and seconded by Council Member Pennington. *Motion unanimously approved.*

OLD BUSINESS: Nothing to report.

NEW BUSINESS:

1) **PUBLIC HEARING on**

ORDINANCE NO. 08-2009 ~ MUNICIPAL SOURCE SEPARATION AND RECYCLING ORDINANCE

Motion to open the meeting up to the public was made by Council Member Baker and seconded by Council Member Murtaugh. (No comment from the public.)

Motion to close the meeting to the public was made by Council Member Baker and seconded by Council Member Murtaugh.

ORDINANCE NO. 08-2009 ~ MUNICIPAL SOURCE SEPARATION AND RECYCLING ORDINANCE

Motion was made by Council Member Murtaugh and seconded by Council Member Baker to approve the Ordinance.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None

Motion unanimously passed.

2) **Introduction of:**

ORDINANCE NO. 09~2009 REPEALING ORDINANCE NO 12-07 ENTITLED "SEX OFFENDER RESIDENCY RESTRICTION" ORDINANCE OF MUNICIPAL CODE OF THE BOROUGH OF WESTVILLE, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY

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NEW BUSINESS: (continued)

Motion to approve the Introduction of Ordinance No. 09-2009 was made by Council Member Pennington and seconded by Council Member Rebel.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved.*

3) **RESOLUTION NO. 71~2009** Adopting a Tort Claim Form, as required by Joint Insurance Fund

A motion was made by Council Member Murtaugh and seconded by Council Member Muhlbaier to approve the Resolution.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved.*

4) **RESOLUTION NO. 72~2009** SUPPORTING THE EXTENSION OF LIGHT RAIL AND BUS RAPID TRANSIT SERVICE TO THE COUNTY OF GLOUCESTER (Letter received from the Gloucester County Board of Freeholders asking each Municipality to adopt the resolution.)

A motion was made by Council Member Baker and seconded by Council Member Murtaugh to approve.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved.*

5) **RESOLUTION NO. 73~2009** PLACING PROPERTY MAINTENANCE LIENS for:

<u>Block & Lot</u>	<u>Address</u>	<u>Amount of Lien</u>
8/9	500 Highland Avenue *	\$137.45
50/20	324 High Street*	\$107.45
71/20	222 Chestnut Street *	\$152.45
92/12	17 Harvard Avenue *	\$137.45
95/6	44 Harvard Avenue *	\$122.45

*Prior Property Maintenance Lien

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NEW BUSINESS: (continued)

A motion was made by Council Member Murtaugh and seconded by Council Member Pennington to approve the Resolution.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved.*

6) **RESOLUTION NO. 74~2009** AUTHORIZATION TO SUBMIT AN APPLICATION FOR THE WESTVILLE MUNICIPAL ALLIANCE GRANT FOR THE CALENDAR YEAR 2010 IN THE AMOUNT OF \$9,249.00

A motion was made by Council Member Pennington and seconded by Council Member Baker to approve.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved*

7) **RESOLUTION NO. 75~2009** AWARDING OF SALE OF MUNICIPAL OWNED VEHICLES to highest bidders for 1984 Public Works Pick Up Truck, 1995 & 2003 Crown Victoria Vehicles.

Bidder	Vehicle	Amount of Bid
	1984 Pick Up Truck	
Alan Rusk, Gloucester City		\$200.00*
Jersey One Auto Sales, Inc., Jersey City, NJ		\$150.00
	1995 Ford Crown Victoria	
Jersey One Auto Sales, Inc., Jersey City, NJ		\$300.00
Alan Rusk, Gloucester City, NJ		\$300.00
Devin Walton, Westville, NJ		\$600.00*
	2003 Crown Victoria	
Jersey One Auto Sale, Inc., Jersey City, NJ		\$1,111.00*
Bay Ridge Motors, Inc., Staten Island NY 10310		\$811.00
Alan Rusk, Gloucester, NJ		\$500.00

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NEW BUSINESS: (continued)

A motion to approve was made by Council Member Muhlbaier and seconded by Council Member Pennington.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved*

8) **RESOLUTION NO. 76-2009** APPOINTING CHRISTINE A. HELDER TO SECOND TERM AS MUNICIPAL CLERK.

A motion to approve the Resolution was made by Council Member Pennington and seconded by Council Member Rebel.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved*

9) **RESOLUTION NO. 77~2009** ADOPTING AN IDENTITY THEFT POLICY

A motion was made by Council Member Murtaugh and seconded by Council Member Baker to approve.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved*

10) **RESOLUTION NO. 78~2009** AUTHORIZING NOTARY PUBLIC FEES TO BE CHARGED (Increase from \$.50 to \$2.50)

A motion was made by Council Member Pennington and seconded by Council Member Muhlbaier to approve.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved*

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NEW BUSINESS: (continued)

11) RESOLUTION NO. 79~2009 APPOINTING SAMANTHA BELLEBUONO AS FULL TIME DEPUTY COURT ADMINISTRATOR

A motion was made by Council Member Pennington and seconded by Council Member Muhlbaier to approve.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved*

12) RESOLUTION NO. 80~2009 APPROVING A YEARLY SALARY FOR LAURA RIVELL (WEATHERBY) AS MUNICIPAL COURT ADMINISTRATOR

A motion was made by Council Member Murtaugh and seconded by Council Member Muhlbaier to approve.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved*

13) Letter from Patrick Murphy, Athletic Director for Gloucester Catholic to use Parkview's Tennis Courts during the Fall 2009 Girls season and the Spring 2010 Boys season.

A motion was made by Council Member Baker and seconded by Council Member Murtaugh to approve. (Certificate of Insurance and Hold Harmless are to be provided. They have contacted their insurance carrier and they will be faxing their insurance certificates over to Clerk.)

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion was unanimously approved*

14) Discussion took place on a request submitted from the Library on items they wish to purchase. Council President Ledrich reported on a meeting he and Mayor Welsh attended with Library Director and Mrs. Grace Williams. They agreed with all purchases, with the exception of a Rubbermaid storage container, with a cost of \$370.00.

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NEW BUSINESS: (continued)

A motion to approve their request, with the one exception, was made by Council Member Murtaugh and seconded by Council Member Muhlbaier. The last item, in the amount of \$370., was to be removed from the list. Administrator Bittner requested that any approval be in compliance with the Local Finance Law, some purchases may need quotes.

Vote: 5-1

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh and Council Member Rebel

No: Council Member Pennington

Abstained: None *Motion Approved*

- 15) Letter from Gloucester County Division of Senior Services requesting use of the shuttle bus for the September 9, 2009 Senior Citizen Picnic. Mr. Leahy, advised that it would depend on the availability of the driver.

Unanimously approved by voice vote.

- 16) Letter from Liberty Tax Service requesting that the Borough install (1) a utility light in front of their building at the intersection of Broadway and Delsea Drive and (2) an outdoor electrical outlet on the telephone pole at the same location. Administrator Bittner addressed concerns and observations commented that although they are a good business, he did not believe it was the Borough's responsibility to provide light fixtures, so their employees can be seen. The other concern is the display, running across the sidewalk, he did not feel that the Borough should provide electrical service for this. Council agreed.

All new lights have receptacles in them, and are for Borough use only. The Borough pays a premium for the receptacles. Solicitor Alice advised there is a signage issue. He advised the Land Use Board is required to grant permission for any signage, etc.

A reply to their request is needed, advising that their request was being denied by Council, due to fact that the Borough cannot supply electricity and the Borough cannot approve the outside floppy waver. They need to go before the Zoning Board to get approval - it could be a hazard.

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NEW BUSINESS: (continued)

- 17) Letter from Rose Clark, a disabled resident who lives at the Woodcrest (West Wood) Manor Apartments requesting a bus sign at Broadway and Cedar to make it convenient for her to utilize the NJ Transit System was discussed.

Administrator Bittner advised that an Ordinance is required to change bus transit stops and that public service will not change locations unless the Borough provides an Ordinance. Chief Lederer spoke with Ms. Clark and he felt that the Spruce stop should be moved down to Cedar where there are handicapped cutouts available.

Chief Lederer spoke with another resident on Delsea Drive and Olive Street, who was requesting that the Bus stop be moved further south to the location across from Baby Luna's Restaurant (in front of a business rather than a residency); Center and Broadway Transit location was discussed. Administrator requested Chief look at all of the Transit locations and report back to Mayor and Council with his suggestions.

- 18) Clear Channel Leases ~ Discussion took place and a motion was made by Council Member Murtaugh and seconded by Council Member Baker to approve the leases.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion unanimously approved.*

COMMUNICATIONS:

1. Letter from Gloucester County Improvement Authority regarding the Solid Waste Management Plan; (Phase VII-Development and Phase VIII-Development Lateral Expansions to the Solid Waste Complex. The Amendment is to obtain a permit for the vertical expansion of the facility.)
2. ATC Associates, T-Mobile/901 Almonesson Road. (T-Mobile is proposing to construct a new 143-foot high telecommunications monopole.)
3. Gloucester, Cumberland, Salem School Districts Joint Insurance Fund (GCSSDJIF) - notification of 2010 budget hearing.
4. Gloucester, Cumberland, Salem School Districts Joint Insurance Fund (GCSSDJIF) - notification 2009-2010 Meeting Schedule.

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COMMUNICATIONS: (Continued)

5. Consulting Engineer Services - Woodbine Avenue Reconstruction. (Submission of the SA-96 forms for the Woodbine Avenue Reconstruction.)
6. Public Hearing Notice regarding Clearwire Land Use Board Application for 607 Ryan Avenue.
7. Thank You Card from Steve Evans.
8. Letter from the Gloucester County Board of Chosen Freeholders regarding passage of the County Property Assessment Reform Act. (Transition from municipal-based assessment of real property to the establishment of the office of County Assessor.)
9. Letter from the Gloucester County Board of Freeholders confirming that the meeting scheduled to discuss the expansion of the Solid Waste Complex in South Harrison Township will be cancelled indefinitely until the Board can meet with concerned constituents and provide them with all the information desired.
10. Letter from NJ Office of the Attorney General regarding Legalized Games. (The Division strongly recommends that municipalities fingerprint all individuals who apply for amusement game licenses.)
11. Letter from the Gloucester County Improvement Authority confirming the September 2, 2009 date for the hearing to discuss the lateral expansion of the Solid Waste Complex.
12. Letter from the State of New Jersey, Department of Environmental Protection regarding the "Recycling Enhancement Act".

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MONIES COLLECTED BY CLERK

Marriage License	\$ 12.00
Death Certificate	\$ 300.00
Burial Permit	\$ 15.00
Use Car License	\$ 200.00
Police Accident Reports	\$ 61.00
Rental of Municipal Building	\$2,400.00
Polling Places Pay	\$ 100.00
Election Workers Pay	\$ 112.50
Notary Services	\$ 1.00
Misc. Receipts	\$ 10.00
Marriage Certificates	\$30.00
List of Property Owners	\$20.00
TOTAL	\$3,261.50

BILLS & VOUCHERS:

List of Bills were posted in foyer. A Motion to *dispense with reading* of the Bills was made by Council Member Pennington and seconded by Council Member Muhlbaier.

Motion unanimously approved by voice vote.

Motion to pay all Bills and Vouchers was made by Council Member Baker and seconded by Council Member Murtaugh.

Vote: 6-0
Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel
No: None
Abstained: None *Motion unanimously passed.*

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PUBLIC COMMENT: No comment from the public.

COMMENTS FROM GOVERNING BODY & DEPARTMENT HEADS:

- 1) Chief Lederer reported on a recent cooperative drug investigation. Officers from surrounding towns recently conducted the investigation targeting a large-scale crack and cocaine distribution organization based in Gloucester County. As a result, law enforcement officers seized \$55,042.

Chief Lederer advised he met with our CFO Jack Bruno and Administrator Bittner to discuss requirements to open a special account with DEA funds. The Police Department will receive a percentage of the money. He was advised that the Account requires two authorized signatures. He requested that he and Administrator Bittner be authorized as the signors on the account. Approval by Council Members was given.

- 2) Council Member Murtaugh discussed recent meetings held with school board members, regarding Parkview parking problem. Discussion took place on restricting parking in the area. Chief Lederer advised that the main concern was safety of children, and unfortunately tagging enforcement will take place.

Introduction (Title only)

**ORDINANCE NO. 10-2009 AMENDING BOROUGH CODE 113-31 SCHEDULE III:
 NO STOPPING OR STANDING/ PROHIBITING STOPPING OR STANDING ON
 BOUNDARY LANE AND BIRCH STREETS**
 (Solicitor will provide the wording for the Ordinance.)

A motion was made by Council Member Murtaugh and seconded by Council Member Baker to introduce parking ordinance, as previously discussed.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion Unanimously Passed.*

- 3) Discussion took place regarding the hiring of an adult crossing guard at Birch & High and Duncan & High, controlling traffic, as well as foot patrol. (Crossing Guard training starts Tuesday.)

**RESOLUTION NO. 81-2009 APPROVING HIRING OF ADDITIONAL CROSSING
 GUARD POSITION TO POST AT BIRCH AND HIGH STREETS**

A motion was made by Council Member Muhlbaier and seconded by Council Member Baker to approve.

Vote: 6-0

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COMMENTS FROM GOVERNING BODY & DEPARTMENT HEADS: (continued)

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion unanimously approved.*

- 4) Council Member Murtaugh discussed new billboards going up on Route 295 by a brand new company, along Creek Road and Route 295. He felt there may be a possibility for future income and the Borough should look into this.
- 5) Discussion took place on traffic concerns regarding traffic going North, on Route 130 and making a right turn on Chestnut Street to Route 45 instead of Olive Street.

Council Member Murtaugh first suggested making a no right hand turn on Chestnut Street to route 45. Administrator Bittner felt it would be a problem and suggested making Chestnut at Little Chestnut Street one way.

Introduction (Title only)

ORDINANCE NO. 11-2009 RESTRICTING TRAFFIC AT CHESTNUT AND LITTLE CHESTNUT STREETS TO ONE WAY

A motion was made by Council Member Murtaugh and seconded by Council Member Baker to introduce a Traffic Ordinance at Chestnut Street and Little Chestnut Street.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion unanimously approved.*

- 6) Public Works Supervisor Leahy reported on the Thomas West Park Fountain, advising that the fountain did not survive the recent storms. There was an electrical problem and it is in the process of being fixed. Also, turtle docks seemed to have disappeared during recent storms and washed away. The docks were moved down to the Duncan Avenue side, so they don't get washed away again.
- 7) Housing Official Bruce Wasson, thanked Mayor and Council and employees in the Borough Office for their support during his recent illness.
- 8) Clerk advised that under monies collected, there was a significant increase in rental income due to leases being signed and delinquent rent being collected, tenants are being paid up to date. Monthly reports should show an income of \$975.00.

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COMMENTS FROM GOVERNING BODY & DEPARTMENT HEADS: (continued)

- 9) **RESOLUTION NO 82-2009 FOR EXECUTIVE SESSION** was read and a motion was made by Council Member Pennington and seconded by Council Member Baker to approve.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion Unanimously Approved.*

[Time In 8:22 p.m. Time Out: 9:02 p.m.]

- 10) A motion was made by Council Member Murtaugh and seconded by Council Member Baker to dismiss Ptlm. Michael Goodz as a result of not successfully completing his probationary period, effective immediately.

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion unanimously approved.*

- 11) **RESOLUTION NO. 83- 2009 ACKNOWLEDGING SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD OF ONE YEAR FOR PATROLMAN ANTHONY J. GARBARINO AND THOMAS STEFFEN**

Motion to retain Ptlm. Anthony J. Garbarino and Thomas Steffen for successfully completing their probationary period was made by Council Member Baker and seconded by Council Member Pennington

Vote: 6-0

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion unanimously approved.*

- 12) **RESOLUTION NO. 84-2009 AUTHORIZING THE APPOINTMENT OF HEARING OFFICER DENNIS P. MC INERNEY**

Motion to retain hearing officer (McInerney) to hear administrative charges against PD employee if it becomes necessary, was made by Council Member Baker and seconded by Council Member Murtaugh.

Vote: 6-0

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COMMENTS FROM GOVERNING BODY & DEPARTMENT HEADS: (continued)

Yes: Council Member Baker, Council President Ledrich, Council Member Muhlbaier, Council Member Murtaugh, Council Member Pennington and Council Member Rebel

No: None

Abstained: None *Motion unanimously approved.*

- 13) Administrator Bittner provided a copy of Personnel Policy to all Council Members. Mayor requested everyone review it and any changes or comments be completed by September 9th. Council Member Baker requested that Department Head amendments be made available to Council.

A motion was made by Council Member Baker and seconded by Council Member Murtaugh to adjourn. *Motion unanimously approved and meeting adjourned at 9:08 p.m.*

Respectfully submitted,

Christine A. Helder, Municipal Clerk