

BOROUGH OF WESTVILLE

Regular Council Meeting

114 Crown Point Road

August 13, 2008

A regular meeting was called to order by Mayor Russell 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:

Mayor Welsh, Councilmembers: Ledrich, Baker, Murtaugh, Muhlbaier, Pennington and Rodgers.

Also Present were:

Administrator Bittner, Solicitor Chell, Engineer Rodgers, Clerk Helder, Police Chief Lederer, Supervisor of Public Works Leahy and Housing Official Wasson.

The minutes of the meeting held on July 16, 2008 were approved by unanimous voice vote.

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

None

REPORTS OF THE COMMITTEES:

The Engineer reported that the sanitary sewer rehabilitation project is 100% completed. Additional inspection, cleaning and relining of sanitary sewer on Broadway will be scheduled and will not exceed the original bid amount. He advised that Curb Con, Inc. was the low bidder for the NJDOT Municipal Aid Project for Burr Avenue which is contingent upon approval of the solicitor. He also discussed the NJDOT Delsea Drive Streetscape Project and the High Street Project. He was authorized to proceed with the Burr Avenue project.

Councilman Ledrich noted an error in the Housing Report, listing the incorrect month. On motion by Councilman Pennington and a second by Councilman Muhlbaier, the Reports of the Committees were accepted by unanimous voice vote, with noted corrections.

OLD BUSINESS:

None

NEW BUSINESS:

A request from Fiber Technologies Networks, LLC for Municipal Consent for Use of Public Rights of Ways was tabled for further investigation and Solicitor Chell's review.

RESOLUTION #89-2008 Approving the 2007 Annual Audit Report. (Res. Bk. #18)

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

RESOLUTION #90-2008 Approving renewal of Plenary Retail Consumption License for 2008-2009 for Gateway Diner. (Res. Bk. #18)

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

RESOLUTION #91-2008 Refunding a tax overpayment for Block 87, Lot 13 in the amount of \$1,227.16. (Res. Bk. #18)

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

RESOLUTION #92-2008 crediting Water Account #925 for 107 Hunter Ave. for \$240.00 due to a computer generated error. (Res. Bk. #18).

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

ORDINANCE #06-2008 OF THE BOROUGH OF WESTVILLE RESIDENTIAL HOMEOWNER PROTECTION ORDINANCE

Mayor Welsh stated that he would like to see further work done on this ordinance to make sure it is done right. Councilman Pennington stated he would like to see further research on the "No Eminent Domain" situation. Councilwoman Rodgers stated she would like to see this ordinance introduced as is. Councilman Baker stated that fair market value was not negotiated by Fieldstone with previous property owners as they were supposed to do. Councilman Muhlbaier feels the ordinance should be introduced as is. The Administrator advised that the Borough can stipulate exactly what goes into a redevelopment agreement. This matter was discussed at length. A motion was made by Councilwoman Rodgers to introduce the ordinance as is, with a second by Councilman Muhlbaier. Motion was voted on with a roll call vote of 3 ayes by Councilwoman Rodgers, Councilman Muhlbaier and Councilman Baker. Councilman Ledrich, Councilman Murtaugh and Councilman Pennington voted nay. Mayor Welsh voted nay to break the tie. The ordinance was not introduced; it was sent back to the committee for further review.

NEW BUSINESS (Continued)

ORDINANCE #07-2008 OF THE BOROUGH OF WESTVILLE DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM was given first reading in title. The Solicitor advised that this ordinance is a State requirement due to recent changes in the pension law.

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

The ordinance will be advertised as required by law. A public hearing will be held on September 10, 2008 at 7:30 p.m. at which time the ordinance will then be considered for final adoption.

BOND ORDINANCE #08-2008 OF THE BOROUGH OF WESTVILLE AUTHORIZING ROADWAY CONSTRUCTION ON BURR AVENUE FROM DELSEA DRIVE TO ALMONESSON ROAD FOR THE BOROUGH OF WESTVILLE, COUNTY OF GLOUCESTER; APPROPRIATING THE SUM OF \$175,000 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATIONNOTES OF THE BOROUGH OF WESTVILLE, COUNTY OF GLOUCESTER, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$29,450; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING was given first reading in title. Councilman Ledrich questioned the funds in this ordinance. The Administrator advised that engineering fees are not included in this ordinance, and the Borough must borrow money to pay for these fees.

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

The ordinance will be advertised as required by law. A public hearing will be held on September 10, 2008 at 7:30 p.m. at which time the ordinance will be considered for final adoption.

BIDS RECEIVED on August 5, 2008 for Reconstruction of Burr Avenue:

<u>Name & Address of Bidder</u>	<u>Base Bid</u>	<u>Alt. Bid #1</u>	<u>Alt. Bid #2</u>
1. J. Daunoras, Inc. 20 Cedar Brook Rd. P.O. Box 116 Cedar Brook, NJ 08018	131,881.00	2,210.00	12,108.00
2. Paramount P.O. Box 8228 Cherry Hill, NJ 08034	126,370.00	2,545.00	11,576.00

NEW BUSINESS (Continued)

3. SMB Paving, LLC 1779 Delsea Dr. Deptford, NJ 0096	126,145.00	1,670.00	11,576.00
4. Curb Con, Inc. 514 N. Main St. Barneгат, NJ 08005	104,280.00	1,145.00	5,748.00
5. American Asphalt 116 Main St. W. Collingswood Hts., NJ 08059	120,657.00	4,770.00	25,866.00
6. Marandino Concrete 6,284.00 1820 Vine Rd. Vineland, NJ 08361	124,530.00	1,360.00	

The Clerk advised that Consulting Engineer Services has recommended that the bid be awarded to the low bidder, Curb Con, Inc. for \$111,173.00, subject to the solicitor's review and DOT approval.

RESOLUTION #99-2008 Awarding the CONTRACT TO CURB CON, INC. for reconstruction of Burr Avenue for \$111,173.00. (Res. Bk. #18)

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

RESOLUTION #93-2008 Amending the Budget for Roadway Construction on Burr Avenue. (Res. Bk. #18)

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

RESOLUTION #94-2008 authorizing and Interlocal Services Agreement with the Borough of National Park for the Borough of Westville to provide police coverage. (Res. Bk. #18)

Councilman Baker questioned the statement "equal police patrol". The Solicitor advised that this is the Chief of Police's call. This matter was discussed.

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

RESOLUTION #95-2008 Authorizing the Mayor to sign a Lease Agreement between National Park and the Borough of Westville for two police vehicles. (Res. Bk. #18)
This matter was discussed.

NEW BUSINESS (Continued)

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

RESOLUTION #96-2008 Approving the Public Works Contract from January 1, 2008 through December 31, 2011. (Res. Bk. #18)

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

Application for Raffles License (RA-403) for the Westville Woman's Club for 10/13/08, 10/25/08 and 12/6/08.

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

COMMUNICATIONS:

1. An invitation from the Gloucester County Board of Freeholders and the Mantua Township Committee to the Gloucester County Patriot Day Remembrance Ceremony to be held at the Gloucester County 9/11 Memorial in the Chestnut Brand Park, Main Street, in Mantua Township on Sept. 11, 2008 at 8:30 a.m. was received.
The Mayor advised he will be attending this Memorial.
2. A petition from NJ American Water Company to change the level of its purchase water adjustment clause and purchased sewerage adjustment clause was received.
3. A letter from John A. Bruno, CFO, to the Division of Local Government Services regarding the 2007 Audit Corrective Action Plan was received.
4. A letter from Triad Associates regarding FY2008 CDBG Annual Action Plan to HUD which includes correction of flooding issues at four intersections on High Street was received.
5. A Notice of Ordinance to Amend the Gloucester City Development Ordinance was received from the Gloucester City Clerk.
6. A letter from the Westville Land Use Board regarding the 2008 Master Plan re-examination and recommendations was received.
7. Certification of the 2008 Tax Rate for Westville was received from the Gloucester County Board of Taxation. (5.463)

MONIES COLLECTED BY THE CLERK:

Rent	\$ 780.00
Police Reports	137.20
Notary	.50
Interest	<u>12.70</u>
TOTAL	930.45

The foregoing monies were ordered turned over to the Chief Financial 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 carried by unanimous voice vote.

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

PUBLIC COMMENT:

Paul Demier, 105 Poplar Ave., asked if the Borough is paying for two Vice-Principals at Gateway Regional High School. He was advised to contact Gateway.

Mike Cerrato, 111 Broadway, commented on eminent domain. He stated that due to recent court decisions, further research is needed.

Pat Antonelli Cerrato, 111 Broadway, commented on fair market values, stating that your fair market value for your home, the developer's fair market value, and 10 different tax appraiser's fair market values will be entirely different from what you feel your property is worth. Fair market value has many different ranges.

Bill Brody, 1028 Broadway, commented on the redevelopment area and problems that were encountered. The Mayor advised that the redevelopment agreement was never signed. Mr. Brody discussed the use of eminent domain in the future. He then commented on grass not being cut at 807 Broadway and rusty poles that are against another resident's fence. He stated that the tenants grass is still not being cut.

PUBLIC COMMENT (Continued)

The Mayor advised that “Resident’s Assistance” forms are available at 1035 Broadway for complaints which will be turned over to the appropriate department head. These forms will be available on the website in the future.

Councilman Murtaugh discussed new “no parking” signs at the football field.

Councilman Murtaugh advised of articles written in The Gloucester County Times regarding response times of the ambulance squad, advising that apparently they were fired by Woodbury for doing a good job. The paper did not contact the Mayor of Westville or National Park to see the other side of their story.

He then advised that the park and pond were being looked at for the positioning of the sign for the ex-mayor.

Councilman Baker advised that he is looking forward to further discussion on the eminent domain issue, and hopefully get a resolution to protect property owners from potential eminent domain.

Councilman Ledrich advised that the location has been picked out for an “In Memory of Mayor Michael K. Galbraith” sign on the River Drive Park.

He then advised that he has a request from Gloucester Catholic for use of the tennis courts again. The Clerk advised that a Certificate of Insurance has been received.

A motion was made by Councilman Ledrich and a second by Councilwoman Rodgers to allow Gloucester Catholic to use the tennis courts for the fall season. Motion carried by unanimous roll call vote.

Councilman Pennington stated that traffic problems at E. Olive Street and Delsea Drive are being looked into.

Councilwoman Rodgers made a motion to allow councilmembers who are not on the Ordinance Committee to attend the Ordinance Committee meeting. Councilman Muhlbaier made a second which carried by a roll call vote of 5 ayes and 1 nay by Councilman Murtaugh.

The Mayor discussed a pamphlet from the Governor’s Office for meetings to be held in Atlantic City in September, and he requested that the Administrator and he be allowed to attend these meetings on COAH rules and regulations. Councilman Muhlbaier made a motion to allow the Mayor and Administrator to attend these meetings and a second was made by Councilwoman Rodgers. Motion carried by unanimous roll call vote.

RESOLUTION #97-08 Approving an executive session for the purpose of discussing certain personnel matters in the Police Department. (Res. Bk. #18)

Motion made by Councilman Baker and a second by Councilman Muhlbaier to approve the resolution. Motion carried by unanimous voice vote.

The meeting was recessed at 9:10 p.m.

The meeting was reconvened at 9:38 p.m.

RESOLUTION #98-08 appointing Michael Goodz, Anthony Garbarino, IV, and Thomas Steffen as Patrolmen, 0-1 year, effective August 20, 2008. (Res. Bk. #18)

Councilman Ledrich made a motion and a second was made by Councilwoman Rodgers to appoint Michal Goodz, Anthony Garbarino, IV, and Thomas Steffen as Patrolmen, 0-1 year, effective August 20, 2008. Motion carried by unanimous roll call vote.

With no further business to come before the meeting, a motion to adjourn carried at 9:40 p.m.

Respectfully submitted,

Christine A. Helder
Municipal Clerk