

BOROUGH OF WESTVILLE
Regular Council Meeting
114 Crown Point Road
January 20, 2010
MEETING MINUTES

The meeting was called to order by Council President Ledrich at 7:00 pm and the Salute and the Pledge of Allegiance to the Flag took place.

The Clerk advised that notice of 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 Michael O. Ledrich, Council Members: George K. Baker, Michael O. Ledrich, Ronald S. Muhlbaier, Charles D. Murtaugh, James A. Pennington, Jr. and William C. Rebel

Absent: Mayor Russell W. Welsh, Jr.

Also Present: Administrator William J. Bittner, Jr., Police Chief Fred Lederer, Public Works Manager Donna Domico, Housing Inspector Bruce Wasson, Clerk/Tax Collector Christine Helder

Council President Ledrich presented the Oath of Office to full time Police Officer Daniel J. Rice who thanked everyone for the opportunity.

A motion to approve the Reorganization Meeting Minutes of January 6, 2010 was made by Councilman Muhlbaier and seconded by Councilman Rebel. *Motion unanimously approved by voice vote.*

Public Comment on Agenda items only:

Joyce Lovell, 328 Summit Avenue, asked for a brief synopsis of the old Flood Ordinance (Chapter 57 of the Code) and what the new Ordinance entails as far as damages. Municipal Clerk Helder stated there was a copy of the Ordinance posted at the meeting and Councilman Muhlbaier commented that the Flood Ordinance in place (Chapter 57 of the Code) was brought up to State standards so that Borough homeowners could obtain flood insurance, if needed.

REPORTS OF THE COMMITTEES for the month of January:

Celebration of Public Events ~ William C. Rebel, Chair,
Ronald S. Muhlbaier and Charles D. Murtaugh

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REPORTS OF THE COMMITTEES for the month of January: (Continued)

Finance & Accounting ~Michael O. Ledrich, Chair
Charles D. Murtaugh, James A. Pennington, Jr., and John A. Bruno, Ex-Officio

Ordinance & Code Enforcement ~Charles D. Murtaugh, Chair
James A. Pennington, Jr. and George K. Baker

Planning & Business Development ~ James A. Pennington, Jr., Chair
William C. Rebel, Michael O. Ledrich and William J. Bittner, Ex-Officio

Public Buildings, Grounds, Parks & Playgrounds ~Charles D. Murtaugh, Chair
William C. Rebel and George K. Baker

Public Safety Municipal Court & Personnel ~ Michael O. Ledrich, Chair
James A. Pennington, Jr., and Charles D. Murtaugh

Water, Sewer, Highway, Street Lighting & Recycling ~ George K. Baker, Chair
Ronald S. Muhlbaier and Michael O. Ledrich

Web Site ~ Ronald S. Muhlbaier, Chair
William C. Rebel, George K. Baker and William J. Bittner, Jr., Ex-Officio

Engineer's Report ~ None Submitted
Library Report ~ None Submitted
Environmental Commission Report ~ Submitted

Motion to accept the reports of the Committees was made by Councilman Murtaugh with a second by Councilman Pennington.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. Motion unanimously passed by roll call vote.

OLD BUSINESS:

No Old Business to report.

NEW BUSINESS:

Public Hearing on

- 1. ORDINANCE #17-2009 ~ AN ORDINANCE OF THE BOROUGH OF WESTVILLE REPLACING CHAPTER 57 OF THE BOROUGH OF WESTVILLE CODE AND ADOPTING A NEW FLOOD DAMAGE PROTECTION ORDINANCE FOR THE BOROUGH OF WESTVILLE.**

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Public Hearing (Continued)

A motion to open the meeting up to the public was made by Councilman Pennington and seconded by Councilman Muhlbaier. No comment received from the Public. Motion to close the meeting to the public made by Councilman Pennington and seconded by Councilman Murtaugh.

ORDINANCE #17-2009 OF THE BOROUGH OF WESTVILLE REPLACING CHAPTER 57 OF THE BOROUGH OF WESTVILLE CODE AND ADOPTING A NEW FLOOD DAMAGE PROTECTION ORDINANCE FOR THE BOROUGH OF WESTVILLE.

Motion to approve the Ordinance was made by Councilman Murtaugh with a second by Councilman Muhlbaier.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

2. Contract from Edmunds & Associates, Inc. for a 2010 Application Software and Hardware Support Agreement.

Motion to approve the Contract was made by Councilman Pennington with a second by Councilman Murtaugh.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

3. RESOLUTION Crediting Block 97, Lot 2, Property Owner EJB LLC, 209 Harvard Ave., in the amount of \$18,438.98 due to a Tax Appeal granted by the Superior Court of New Jersey.

Motion to approve the Resolution was made by Councilman Baker with a second by Councilman Pennington.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

4. RESOLUTION refunding a \$1,194.00 tax overpayment for Block 6, Lot 14 (505 Highland Avenue) for taxes paid again by the Bank of America Mortgage Company, due to the property owner being granted a totally disabled veteran deduction.

Motion to approve the Resolution was made by Councilman Pennington with a second by Councilman Baker.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

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NEW BUSINESS: (continued)

5. **RESOLUTION** refunding a \$126.92 tax overpayment for Block 39, Lot 22 (344 Hazel Avenue) for an overpayment of taxes at the time of settlement.
Motion to approve the Resolution was made by Councilman Murtaugh with a second by Councilman Baker.
Vote: 6-0
Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

6. **RESOLUTION** crediting Water account 891, Block 64, Lot 16.01, (136 West Avenue) for a water meter reading error in the amount of \$16.50.
Motion to approve the Resolution was made by Councilman Baker with a second by Councilman Pennington.
Vote: 6-0
Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

7. **RESOLUTION** crediting Water account 86, Block 5, Lot 12, (613 Highland Avenue) for a water meter error in the amount of \$60.
Motion to approve the Resolution was made by Councilman Baker with a second by Councilman Muhlbaier.
Vote: 6-0
Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

8. Request from Brick Management, LP to reduce the \$2850. Water bill at 14 Pine Street due to the tenant's failure to notify property owner of a leaky toilet.
A discussion took place on the number of units on the property and Housing Inspector Wasson confirmed there were seven (7) tenants. Public Works Manager Domico stated her department felt the leak existed for at least 90 days which is the reason for the excessive water usage of 482,200 gallons. Councilman Muhlbaier reminded everyone they were unable to approve a similar request that was submitted earlier in the year but he would be supportive of a payment plan. Councilman Baker stated someone had to pay for the \$2850. Water bill and a landlord is responsible for their property.
Motion to deny the request was made by Councilman Murtaugh with a second by Councilman Muhlbaier.
Vote: 6-0
No: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

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NEW BUSINESS: (continued)

9. RESOLUTION - PARIS Grant Program through Shared Services with the County of Gloucester, State of New Jersey.

Motion to approve the Resolution was made by Councilman Pennington with a second by Councilman Murtaugh.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

10. RESOLUTION Re-appointing John A. Bruno, Jr., to a second Term Of Office, as Chief Financial Officer, beginning January 1, 2010, and ending January 1, 2014.

Motion to approve the Resolution was made by Councilman Pennington with a second by Councilman Rebel.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel *Motion unanimously passed by roll call vote.*

COMMUNICATIONS:

- Reviewed a letter received from a resident regarding flooding problems on Lehigh Avenue. Council President Ledrich commented he has the same problem on his property. Administrator Bittner stated the Engineer looked at the issue informally and his suggestion was to put a pipe between the curb and the sidewalk. Administrator Bittner's recommendation would be to do a storm sewer and assess the homeowners who want the improvement (e.g. only assess those residents where the problem is unique to their area). If installed, the storm sewer could drain into the creek. Councilman Rebel asked if it was illegal to put sump pump discharge into a storm drain and Administrator Bittner stated Engineer Rodgers confirmed it was not illegal. Public Works Manager Domico confirmed it's not illegal to put sump pump discharge into a storm drain, but it cannot be
- pumped into a sanitary sewer system. Public Works Manager Domico also stated she had spoken to Engineer Rodgers earlier in the day to discuss a pipe that had been installed on Harvard Avenue and her recommendation would be to utilize this pipe that she can access across the grass, rather than a service walk. Council President Ledrich asked if the engineering solution to the problem was to install storm sewers. Administrator Bittner stated the problem surfaced now because many homeowners were forced to disconnect from the storm sewers and when that happened the only place to put the water was in the streets, None of the streets are engineered with storm sewers because of the close proximity to the creek. If storm sewers are installed, Administrator Bittner's suggestion is to fund the project with a Municipal Assessment to spread the loan payment, that would be paid by the affected area residents, over 20 years. Council President Ledrich will contact the homeowners, who sent letters, to let them know Council is

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COMMUNICATIONS: (Continued)

working on the problem. Councilman Rebel asked Public Works Manager Domico if she was familiar with Pervious Asphalt; she said she wasn't but would do research on the product.

- 2009 Annual Report from Tax Collector was received
- Letter from Kelsch Associates, Inc. praising Patrolman Michael Packer for his professional behavior during an incident with a former Kelsch employee.

MONEY COLLECTED BY THE CLERK:

Notary Fees	\$5.00
Rent	\$977.50
Police Reports	\$77.50
<hr/> TOTAL	<hr/> \$1,060.00

BILLS & VOUCHERS:

List of bills were posted in the foyer. A motion to dispense with reading of the bills was made by Councilman Murtaugh and seconded by Councilman Pennington.

Motion to pay all bills and vouchers was made by Councilman Rebel and seconded by Councilman Pennington.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel. *Motion unanimously passed by roll call vote.*

PUBLIC COMMENT:

Joyce Lovell, 328 Summit Avenue, suggested to Public Works Manager Domico she add Spruce and Broadway to the list of flooded streets, but Public Works Manager Domico stated it was a County storm sewer. Ms. Lovell commented that back in March some of the Environmental Commission members went to the Dodge Foundation Building in Moorestown (the green building for the State) and wanted to let everyone know the property features Pervious asphalt.

COMMENTS FROM GOVERNING BODY AND DEPARTMENT HEADS:

- Public Works Manager Domico reported this is the first year since 1996 Westville did not exceed its water allocation. Additionally, trash collection is down and recycling is up. Recycling efforts saved Westville \$76,000 this year.

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COMMENTS FROM GOVERNING BODY AND DEPARTMENT HEADS: (continued)

- Councilman Muhlbaier announced the next Town Watch meeting was scheduled for Thursday, January 21st at 7 pm at Parkview School.
- Councilman Rebel did a physical inspection of the street poles, tree grates and trash cans and forwarded his report to Public Works Manager Domico who had her staff fix many of the problems. Public Works Manager Domico stated she contacted PSE&G to have the poles repaired and obtained estimates for the tree grates which will cost \$550 each and 14 are needed. Trench grates are breaking and cost \$172 each and 28 are needed. Due to the high cost of the tree grates, a possibility of using mulch was discussed. Councilman Pennington asked if an insurance claim was submitted for the stolen tree grates and it was determined that no report was sent to the Insurance Company. Administrator Bittner agreed to submit a claim to see if reimbursement can be obtained.
- Councilman Rebel asked if money from the Streetscape Improvement project could be used to replace the tree gates. Administrator Bittner commented the money is slated for Delsea Drive and the State controls the funds.
- Councilman Baker commented on the flooding at Timber Creek at Delsea Drive and said the State was supposed to do a study to identify what is causing the flooding. Councilman Baker's recommendation to fix the problem is to install an electric pump; however, on roadway engineering, electric pumps are not recommended due to a possible power failure. Councilmen Baker and Rebel plan to meet to discuss fixing the flooding problem on Delsea Drive.
- Councilman Rebel discussed the Street Sweeper that's now in disrepair - there are holes in the body of the truck and its 20 years old. The mechanics of the truck are useable, but the body of the truck needs repair and Public Work Manager Domico is looking for a cab replacement.
- Councilman Muhlbaier stated they are testing cameras for possible use by Town Watch and one was temporarily set up in the Court Room.
- Council President Ledrich read a letter from resident Donna Carrelli complimenting the Public Works Department on an excellent job of snow removal during the last storm.
- RESOLUTION Authorizing an Executive Session was read by the Clerk and a motion to approve the Resolution was made by Councilman Baker and seconded by Council Muhlbaier.
Vote: 6-0
Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel *Motion unanimously passed by roll call vote.*

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Time in Executive Session was 8:12 pm and Time Out was 9:57 pm.

- Motion to authorize Chief Lederer to offer employment as a Special Law Enforcement Officer II, to Steven Flannery was made by Councilman Murtaugh and seconded by Councilman Baker.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel *Motion unanimously passed by roll call vote.*

- Motion to grant a Position Step Up for Devon Walton, Public Works Laborer from Laborer II to Laborer III, effective January 1, 2010 was made by Councilman Murtaugh and seconded by Councilman Muhlbaier.

Vote: 6-0

Yes: Council President Ledrich, Councilman Baker, Muhlbaier, Murtaugh, Pennington and Rebel *Motion unanimously passed by roll call vote.*

A motion to adjourn the meeting was made by Councilman Baker and seconded by Councilman Muhlbaier. *Motion unanimously approved by voice vote.*

Reminder

Next meeting scheduled for Wednesday, February 10, 2010 at 7 p.m.

Respectfully Submitted,

Christine A. Helder, Municipal Clerk