

## BOROUGH OF WESTVILLE

Regular Council Meeting

165 Broadway

June 13, 2016 - 7:00 p.m.

*Agenda*

Mayor Welsh called the meeting to order at 7:01 p.m., followed by the Pledge of Allegiance. Mayor Welsh asked meeting attendees to remain standing to offer a moment of silence for the victims of the Orlando nightclub shooting.

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

Mayor Russell W. Welsh, Jr., Council President Michael O. Ledrich, Council Members: Paul C. Mailley, Donna Moan, Charles D. Murtaugh, Bruce Nordaby and Fritz H. Sims, Jr., Municipal Clerk/Tax Collector Christine Helder, Administrator William Bittner, Jr., Public Works Manager Donna Domico, Public Works Assistant Manager Martin E. Finger, Jr., Engineer Jon Bryson, Chief William Whinna and Solicitor Timothy Scaffidi

A motion to approve the Meeting Minutes from May 9, 19, and 23, 2016 was made by Council President Ledrich and seconded by Councilwoman Moan. *Motion was unanimously approved by voice vote.*

### PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Joyce Lovell, 328 Summit Avenue, asked for an explanation of the letter, in the Correspondence Section, received from the New Jersey Department of Environmental Protection regarding the Borough's Stormwater Inspection. Public Works Manager Domico advised that the Borough was notified they passed a routine inspection.

Seeing no other comments, this portion of the meeting was closed to the public.

### REPORTS OF THE COMMITTEES FOR MAY

Councilwoman Moan asked Joyce Lovell of the Environmental Commission about the March 19, 2016 meeting minutes where it states the Commission met at the flower bed located at Broadway and Delsea. Councilwoman Moan stated she wasn't aware the Environmental Commission did this type of work. Ms. Lovell confirmed the Environmental Commission planted a sustainable four season garden, built with regenerating plants, at this location. Ms. Lovell advised Environmental Commission members weeded the flower bed. Councilwoman Moan confirmed with Ms. Lovell that the Environmental Commission will continued to maintain that area.

A motion to approve the reports, as submitted, was made by Councilman Mailley and seconded by Councilman Nordaby. *Motion was unanimously approved by voice vote.*

### FLOODING & TRAIN ISSUES:

Administrator Bittner advised that there were no new issues since last month. He did state that Sunoco was under the impression the flooding issues were taken care of, but obviously they were not. Administrator Bittner confirmed he forwarded information to Congressman Norcross' office. Mayor Welsh explained information was sent to Congressman Norcross' office as a result of their follow up regarding flooding issues in the Borough.

**OLD BUSINESS**

*Public Hearing on:*

- ❖ **ORDINANCE NO. 10-2016 ~ AMENDING CHAPTER 197, OF THE HOUSING STANDARDS, §197-8. INSPECTIONS OF DWELLING UNITS AND CERTIFICATE OF OCCUPANCY, SECTION G [*Inspection Rates*]**

A motion to open the meeting to the public was made by Council President Ledrich and seconded by Councilman Nordaby. *Motion unanimously approved by voice vote.* A motion to close the meeting to the public was made by Councilwoman Moan and seconded by Council President Ledrich. *(No comments from the public.) Motion unanimously approved by voice vote.*

Motion to approve Ordinance No. 10-2016 was made by Councilman Murtaugh and seconded by Council President Ledrich. *Motion unanimously approved by roll call vote.*

**NEW BUSINESS:**

- ❖ ***"Draft"* ORDINANCE ~ REPEALING CHAPTER 180, FLOOD DAMAGE PREVENTION OF THE CODE OF THE BOROUGH OF WESTVILLE AND HEREBY ADOPTING A NEW CHAPTER 180, FLOOD DAMAGE PREVENTION CHAPTER FOR THE BOROUGH OF WESTVILLE [*Introduction and Public Hearing will take place, upon approval of the draft Ordinance by the State.*]**

Administrator Bittner advised the Borough is required, by the State, to do this Ordinance and that the Borough completed a similar Ordinance about 10 years ago. Because of Super Storm Sandy and other storms, the State revised the standards regarding what can and cannot be built in a flood zone. Administrator Bittner confirmed the State's revisions affect the Borough's Flood Plan Ordinance.

Motion to introduce the Draft Ordinance was made by Council President Ledrich and seconded by Councilman Mailley. *Motion unanimously approved by roll call vote.*

- ❖ **RESULTS of Bids FY2015 NJDOT MUNICIPAL AID, Resurfacing and Safety Improvements to Ryan Avenue, opened by the Borough Clerk on May 3, 2016:**

<u>BIDDER</u>	<u>BID AMOUNT</u>
Gerald A. Barrett, LLC 329 Lakedale Road, Berlin, NJ 08009	\$75,868.11
American Asphalt Company 110 Main Street, West Collingswood Heights, NJ 08059	\$89,201.90
SMS Bogey's Trucking & Paving Inc. 1779 Delsea Drive, Deptford, NJ 08096	\$110,951.00
Think Pavers Hardscaping, LLC 405 Helms Avenue, Swedesboro, NJ 08085	\$115,889.10

**NEW BUSINESS:** (Continued)

- ❖ **RESOLUTION NO. 77-2016 ~ AUTHORIZING THE GOVERNING BODY OF THE BOROUGH OF WESTVILLE TO AWARD THE BID FOR THE FY2015 NJDOT MUNICIPAL RESURFACING AND SAFETY IMPROVEMENTS TO RYAN AVENUE TO GERALD A. BARRETT, LLC, FOR THE TOTAL BID AMOUNT OF \$75,868.11**

Mayor Welsh asked if this is enough money to complete the project. Public Works Manager Domico and Administrator Bittner advised there was, with small amount left over. Councilwoman Moan asked and received confirmation that all the paperwork was in order for this bidder.

Motion to approve Resolution No. 77-2016 was made by Council President Ledrich and seconded by Councilman Mailley. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 78-2016 ~ AUTHORIZING ADMINISTRATOR TO SUBMIT AN APPLICATION FOR THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) SAFE ROUTES TO SCHOOL (SRTS) GRANT**

Administrator Bittner advised this grant will address the pedestrian crossing concerns at this location by adding flashing lights. (As required by the New Jersey Department of Transportation, Mayor Welsh sent a letter of support for this project.)

Motion to approve Resolution No. 78-2016 was made by Council President Ledrich and seconded by Councilwoman Moan. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 79-2016 ~ AUTHORIZING THE PLACEMENT OF PROPERTY MAINTENANCE LIENS**

<u>Block/Lot</u>	<u>Address</u>	<u>Amount</u>
6/20	533 Highland Avenue	\$161.05
34/39	185 Broadway	\$171.57
36/9	123 Maple Avenue	\$151.57
37/8	813 Crown Point Road	\$182.13
45/1	714 Gateway Boulevard	\$171.57
48/6	20-22 Pine Street	\$151.57
48/16	224-226 Broadway	\$151.57
51/1	351 Broadway	\$151.57
52/17	331 High Street	\$151.57
53/1	427 Broadway	\$181.05
53/5.01	401 Broadway	\$151.57
57/10	237 Delsea Drive	\$151.57
57/22	201 Delsea Drive	\$182.13
59/16	235 Edgewater Avenue	\$142.13
59/16	235 Edgewater Avenue (boarding & property clean up)	\$392.80
68/17	721 Almonesson Road	\$171.57
70/2	500 Almonesson Road	\$151.57
71/13	262 Chestnut Street	\$162.13
72/2	234 W. Olive Street	\$171.57
72/8	204 W. Olive Street	\$171.57
74/9	38 Oak Avenue	\$181.05
74/12	29 Spruce Avenue	\$181.05

**NEW BUSINESS:** (Continued)

75/13	157 Spruce Avenue	\$131.57
77/7	124 Spruce Avenue	\$171.57
77/24	133 Cedar Avenue	\$182.13
81/16	160 Locust Avenue	\$162.13
82/3.01	36 E. Olive Street	\$202.13
86/7	40 Walnut Street	\$181.05
92/12	17 Harvard Avenue	\$171.57
95/8	102 Harvard Avenue	\$171.57
95/20	33 Lehigh Avenue	\$191.57

Mayor Welsh asked if the Borough is charging enough for the Property Maintenance Liens. Public Works Manager Domico stated she has been short an employee and would like to offer the Property Maintenance Liens as overtime. Councilman Sims asked how much of the money is recovered and Administrator Bittner advised the Borough recovers the money and interest when the property is sold.

Motion to approve Resolution No. 79-2016 was made by Council President Ledrich and seconded by Councilman Murtaugh. *Motion unanimously approved by roll call vote.*

- ❖ RESOLUTION NO. 80-2016 ~ APPOINTING JONATHAN L. COFFIN AS A PART-TIME SUMMER EMPLOYEE, EFFECTIVE, JUNE 20, 2016

Public Works Manager Domico confirmed everything was in order, the only pending item were the results of the physical and drug screen tests.

Motion to approve Resolution No. 80-2016, pending the results of the physical, was made by Councilwoman Moan and seconded by Council President Ledrich. *Motion unanimously approved by roll call vote.*

- ❖ RESOLUTION NO. 81-2016 ~ APPOINTING SHANE J. RETTIG AS A PART-TIME CLEAN COMMUNITIES SUMMER EMPLOYEE, EFFECTIVE JUNE 14, 2016

Public Works Manager Domico confirmed everything was in order, however it was determined by Virtua that Mr. Rettig is color blind so a release is required from his ophthalmologist.

Motion to approve Resolution No. 81-2016, pending approval of the ophthalmologist, was made by Council President Ledrich and seconded by Councilman Nordaby. *Motion unanimously approved by roll call vote.*

**NEW BUSINESS: (Continued)**

- ❖ **RESOLUTION NO. 82-2016 ~ APPOINTING JERED T. RUSK AS A PART-TIME CLEAN COMMUNITIES SUMMER EMPLOYEE, EFFECTIVE JUNE 20, 2016**

Public Works Manager Domico confirmed Mr. Rusk passed his physical.

Motion to approve Resolution No. 82-2016 was made by Council President Ledrich and seconded by Councilman Murtaugh. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 83-2016 ~ AUTHORIZING ISSUANCE OF THE 2016-2017 RETAIL LIQUOR LICENSE FOR GRABBES INC., WESTVILLE POWER BOAT ASSOCIATION, SCHILEENS PUB INC., BABALOUIE ENTERPRISES AND WESTVILLE LIQUOR GROUP**

Motion to approve Resolution No. 83-2016 was made by Council President Ledrich and seconded by Councilman Nordaby. *Motion unanimously approved by roll call vote.*

- ❖ **A letter from the State of New Jersey, Department of Transportation was received awarding Municipal Aid Funding for FY 2016 for the Reconstruction of Yale Drive.**

- ❖ **RESOLUTION NO. 84-2016 ~ AUTHORIZING BOROUGH ENGINEER, FEDERICI & AKIN, TO PROCEED WITH THE YALE DRIVE RECONSTRUCTION PROJECT**

Councilman Murtaugh asked about the water issue on this street and Engineer Bryson stated drainage and curbs will be installed.

Motion to approve Resolution No. 84-2016 was made by Councilman Murtaugh and seconded by Councilman Sims. *Motion unanimously approved by roll call vote.*

- ❖ **A request was received from Janelle T. Orsino to waive Medical Coverage and receive reimbursement per the Personnel Policy.**

Motion to approve the request was made by Council President Ledrich and seconded by Councilman Murtaugh. *Motion unanimously approved by roll call vote.*

**MONEY COLLECTED BY CLERK FOR THE MONTH OF MAY**

Police	\$30.40
Rent	\$1,175.00
Death Certificates	\$340.00
Marriage Licenses	\$112.00
Certified Copies-Marriage Licenses	\$30.00
Amusement License	\$30.00
Liquor License	\$2,403.00
Cat License	\$10.00
<b>TOTAL</b>	<b>\$4,130.40</b>

**BILLS & VOUCHERS:**

The Clerk advised that the list of bills was posted in hallway.

A motion to dispense with reading of the bills was made by Councilwoman Moan and seconded by Councilman Mailley. *Motion unanimously approved by voice vote.*

A motion to pay all bills and vouchers that were in order, was made by Councilman Sims and seconded by Councilwoman Moan. *Motion unanimously approved by roll call vote.*

**COMMUNICATIONS:**

1. Letter from Timothy Scaffidi, Esq. regarding Bid Documents for the Resurfacing & Safety Improvements to Ryan Avenue
2. Letter from the State of New Jersey, Department of Environmental Protection regarding the Borough's Stormwater Inspection
3. Letter from Gloucester County Local Citizen's Transportation Advisory Committee inviting the Municipal Clerk and Borough Administrator to their annual meeting scheduled for June 23, 2016 at Gloucester County College
4. Letter from PT Consultants, Inc. regarding remediation at 207 Third Avenue
5. Documentation from T&M Associates regarding a remediation project located at the terminus of Water Street in Gloucester City. (Project materials are available for review at the Clerk's office.)
6. Notice from PSEG regarding second extension of a solar generation investment program
7. Notice from PSEG regarding approval of electric and gas base rate adjustments
8. Letter from the State of New Jersey, Department of Transportation advising they are unable to approve the grant request for the resurfacing of Hazel Avenue
9. Notice from PSEG regarding Electric Meter Replacement
10. Letters to Mayor and Council, Administrator Bittner and Municipal Clerk Helder from Parkview Principal Egan thanking Borough officials for the Youth in Government activities
11. Letter from Hardenbergh Insurance Group acknowledging Ed and Tim Leahy for receiving the John Wagner Award for Safety for their outstanding safety contributions
12. Letter of introduction from Rolling Badges Law Enforcement Motorcycle Club

Councilwoman Moan summarized the request from Rolling Badges Motorcycle Club to use the Flotilla as a meeting location.

Les Whinna, 59 Pelham Drive, West Deptford, talked about the Rolling Badges organization, their philanthropic causes and their need for a clubhouse to hold meetings. Mr. Whinna advised he was a former resident of Westville and did a lot of charitable events.

Councilman Sims asked about the legality of the request and Solicitor Scaffidi stated there are some exceptions where the Borough can lease property, for a nominal consideration, for certain non-profits and advised he would have to review the statute for specifics. Solicitor Scaffidi advised those organizations who do not qualify as non-profits and wanting to lease the building would require the Borough to advertise for a public bid. Administrator Bittner added that area has been identified as a Redevelopment area and that there is an ongoing concern about the SMS property. He advised the Borough is in the process of foreclosing on the property so that it can be offered for Redevelopment and confirmed the Flotilla is located in the Redevelopment zone. Administrator Bittner advised that while he agrees the Rolling Badges is a good organization, he felt that it was not a good time to enter into an agreement because of recent inquiries by Redevelopers and suggested the request be sent back to Buildings and Grounds for discussion.

Mayor Welsh asked Mr. Whinna if the organization would be interested in the old Police building. Mr. Whinna expressed his concern about the mold issue and Public Works Manager Domico stated the building is not in the best of shape. Councilman Murtaugh talked about the Little League Clubhouse that has major mold issues and stated if the current clubhouse cannot be fixed, he felt the Flotilla would be a viable solution.

Mayor Welsh asked that the issue be referred to the Buildings and Grounds Committee so that they can report back to council at the July 11, 2016 meeting. Administrator Bittner advised Mr. Whinna that he would show him the building at 114 Crown Point Road.

**PUBLIC PORTION:**

Mayor Welsh advised those in attendance, wanting to address Council, to speak into the microphone and to provide their name and address and reminded those wanting to speak, there is a five (5) minute time limit.

- ❖ Joyce Lovell, 328 Summit Avenue, talked about the bid specs for the potential sale of the Water and Sewer Utilities. Ms. Lovell asked Councilman Murtaugh if he was able to talk with the Mayor of Woodbury to find out why they backed out from selling their system. Ms. Lovell was informed that the City of Woodbury had not backed out, but rather had decided to wait a year to put the issue before the residents and planned to follow the same process as Westville.

Ms. Lovell asked a follow up question from the June 11, 2016 meeting by asking which town "bought back" their water and sewer system. Councilman Murtaugh informed her it was the City of Wildwood.

A lengthy discussion took place with Ms. Lovell asking questions on the following issues, specific to the sale of the Water and Sewer Utilities: water rates for a school district, fire district hydrants vs. public hydrants, metered and unmetered water. Ms. Lovell also asked about the proceeds of the sale of the Utilities and Administrator Bittner stated proceeds from the Sale of the Water Utility must reduce the debt of the Water Department and then whatever monies are left are deposited into the General Fund and can be used to reduce taxes or reduce the budget.

- ❖ Eileen Schillig of Schileens Pub, 32 Delsea Drive, introduced Alex Helms who rents 189 Broadway and owns a Construction business at 183 Broadway. Ms. Schillig expressed her concerns about a business located at 185 Broadway and the night activity associated with the business. Chief Whinna advised problems at this location were addressed and no new complaints have been received. Ms. Schillig stated she felt businesses should be reviewed each year and Administrator Bittner stated that would be an impossible task.

Comments from Mayor/Council/Department Heads

- ❖ Chief Whinna provided additional comments regarding the business at 185 Broadway.
- ❖ Administrator Bittner advised he received information from Cross County Connections regarding Bikeways that details the bike route that will run along the railroad track bed from one Borough limit to the next. He asked for Council's approval to contact Cross County Connections regarding the route. Administrator Bittner advised he would share the correspondence with Council.
- ❖ Councilwoman Moan advised the Planning and Business Development Committee has decided to purchase 20 self-watering planters from Earth Planter totaling \$5,526. The money will be used from the donation made by Sunoco for planters and banners. She advised the Committee will research banners to be purchased at a later date. Councilman Sims asked for clarification on the type of planter being purchased, compared to the ones that were researched last year. Councilwoman Moan confirmed she is working with a different company. Public Works Manager Domico advised the product, previously researched, was called "Water Well" and not as efficient as the self-watering. Discussion also took place on the possibility of selling the current flower pots.

Motion to purchase 20 Earth Planter, 27 gallon, self-watering planters from the donation received from Sunoco was made by Councilwoman Moan and seconded by Councilman Nordaby. *Motion unanimously approved by roll call vote.*

- ❖ Council President Ledrich raised his concerns about installing a four-way stop sign at High and Walnut Streets. Council President Ledrich discussed the lack of visibility drivers experience when exiting the street. Administrator Bittner advised, before installing the stop signs, the Engineer would have to visit the site. Municipal Clerk Helder added there is a similar situation at Poplar and Edgewater Avenues.
- ❖ Councilman Sims confirmed he needed an Executive session. He also expressed his disappointment at the way the discussion with Eileen Schillig and Mr. Helms ended.
- ❖ Councilman Murtaugh requested that Housing Official Morina take a look at the former Teddy's Place at the corner of Olive and Broadway and notify the owner that he remove the concrete seating. Councilman Murtaugh brought up the issue of planters and discussion took place regarding the maintenance of the planters.
- ❖ Councilman Murtaugh advised the pond lights are scheduled to be installed shortly.
- ❖ Councilman Mailley asked Administrator Bittner about uploading the pictures from the Memorial Day (wreath laying) ceremony to the web site.
- ❖ Administrator Bittner asked Mayor Welsh if lienholder Vasyl Kavatsiuk, 449 Mountain Avenue, Berkeley Heights, NJ, could address council. Mr. Kavatsiuk stated he was a real estate investor/developer and advised he holds liens in the Borough. A lengthy discussion followed.

Comments from Mayor/Council/Department Heads (Continued)

Administrator Bittner provided details regarding the property(s) that both the Borough and Mr. Kavatsiuk have liens on. He described the consolidation of the liens for Block 99, Lots 12, 14, 15, 16, 17 and the actions taken by the County Tax Assessor's office in consolidating the lots. Administrator Bittner advised Mr. Kavatsiuk did not pay subsequent delinquent amount payments, resulting in the liens becoming Municipal Liens. (Mr. Kavatsiuk would be required to redeem the Municipal Liens for the full amount due, prior to being able to foreclose on the property.)

Mr. Kavatsiuk asked for consideration in reducing the amount to be required to redeem the Municipal Liens. Mayor Welsh advised, for this to happen, the Borough would have to put it out for sale; therefore, everyone would have an opportunity to bid and potentially purchase the property.

- ❖ Mayor Welsh advised he will be working with Municipal Clerk Helder to create the Mayor's summer newsletter and confirmed they will be including information about the possible sale of the Water and Sewer Utilities. He asked Council Members if they had any Committee information they want included in the newsletter.
- ❖ Mayor Welsh shared with Council Members the traffic flow of the new office hours that have been in effect for 10 weeks: 199 walk-ins or on average 20 walk-ins per week between the hours of 4:00 p.m. and 6:00 p.m. and 120 phone calls between the hours of 4:00 p.m. and 6:00 p.m. during the 10 week period.
- ❖ Councilman Sims asked Administrator Bittner if the SMS Property is clean. Administrator Bittner advised he had a final letter from DEP, dated March 2016, that confirms the only restriction is that no wells can be driven on the property. Discussion took place regarding any property clean-up, if necessary. Councilman Murtaugh advised Harte-Hanks may be liable for any potential clean-up of the property.
- ❖ Municipal Clerk Helder read RESOLUTION NO. 85-2016, AUTHORIZING AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS FOR NON-CONTRACTUAL EMPLOYEES.

A motion to approve Resolution No. 85-2016 was made by Councilman Murtaugh and seconded by Councilwoman Moan. *Motion unanimously approved by voice vote.*

---

*Time In: 8:42 p.m.      Time Out: 8:59 p.m.*

---

- ❖ Public Works Manager Domico confirmed she spoke with a State representative regarding the Water Allocation arrangement with Brooklawn and stated the approval should be received in approximately two weeks. She wanted to make sure the money was in the budget. Discussion took place on the payment arrangements with Brooklawn and the sale of the Water and Sewer Utility.

*Meeting Minutes ~ June 13, 2016*

- ❖ Discussion took place regarding possible retirement of individuals in different departments.

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

*The meeting was adjourned at 9:05 p.m.*

*Respectively Submitted,*

*Christine A. Helder  
CMC/Municipal Clerk*

**Next Council meeting scheduled for July 11, 2016 @ 7:00 p.m.**

*[Introduction of an Ordinance Authorizing Execution of a Sale Contract (Water) with the successful respondent & placing a question on the November General Election Ballot for the sale.]*

**July 15<sup>th</sup>, @ 7:00 p.m. ~ Special Council Meeting for Public Hearing**

*An Ordinance Authorizing Execution of a Sale Contract with the successful respondent & placing a question on the November General Election Ballot for the sale*