

BOROUGH OF WESTVILLE

Regular Council Meeting

165 Broadway

November 14, 2016 - 7:00 p.m.

Meeting Minutes

Mayor Welsh called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

The Deputy 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, Charles D. Murtaugh, Bruce Nordaby Fritz H. Sims, Jr., Administrator/Deputy Clerk William J. Bittner, Jr., Public Works Superintendent Donna Domico, Engineer Jon Bryson, Lt. Michael Packer and Solicitor Timothy Scaffidi

Absent: Councilwoman Donna Moan and Municipal Clerk/Tax Collector Christine Helder

A motion to approve the Meeting Minutes from October 10th and 24th, 2016 was made by Councilman Sims and seconded by Councilman Mailley. *Motion was unanimously approved by voice vote.*

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Brian Waters, 226 Summit Avenue, inquired about Resolution No. 117-2016, "Authorizing the Placement of Property Maintenance Liens". He wanted to know what people were getting for the cost assessed by the Borough. Mr. Waters asked about Resolution No. 120-2016, "Appointing Nadine Dawson to a Crossing Guard Position" and questioned why the Crossing Guard position was not part of the School system and inquired about Resolution No. 122-2016, "Supporting Senate Bill 2663 and Assembly Bill 4234" and asked as to whether or not JIF is eligible to invest. Public Works Manager Domico responded to the question about Resolution No. 117-2016 by stating that when a property is vacant and the homeowner does not maintain the property a letter is sent to the residence about maintenance of the property and if the homeowner does not respond or comply, Public Works employees will mow, weed whack and clean the outside and then place a lien on the property for the costs associated with that service. Administrator Bittner responded to the question about Resolution No. 120-2016 by stating many municipalities have been trying to have the schools pay for Crossing Guards but the State maintains the position is specific to Public Safety; therefore, would fall within the realm of the Police Department. Administrator Bittner also provided the response to the question about Resolution No. 122-2016 by stating because JIF is a semi-public entity they are restricted on how they can invest their money so the bill would permit JIF to invest in Municipal Bonds.

Fred Coleman, 120 West Avenue, asked when a lien is placed on a property, as in Resolution No. 117-2016, who gets notified. Public Works Manager Domico advised the homeowner is notified and if the property is vacant the owner of record or the bank is notified.

Hearing no other comments, Mayor Welsh closed this portion of the meeting to the public.

REPORTS OF THE COMMITTEES FOR OCTOBER:

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

FLOODING & TRAIN ISSUES: Administrator Bittner advised there were no updates on Flooding and Training Issues.

OLD BUSINESS:

Solicitor Scaffidi updated the Governing Body on the Lease of Public Lands for Block 18/Lot 13 for Babalouie Enterprises and confirmed he will update the Ordinance to include Administrator Bittner's comments regarding the Rights of Access to the Public Works Department and the rent charges based on Council's recommendation.

Discussion took place regarding having the property assessed in order to determine the rental charges.

NEW BUSINESS:

Introduction of

- ❖ **ORDINANCE NO. 16-2016 ~ AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT FOR A PORTION OF BLOCK 18, LOT 3 BETWEEN THE BOROUGH OF WESTVILLE AND BABALOUIE ENTERPRISES, LLC/LOUIS M. DiAGOSTINO, MEMBER A/K/A/ TOWER TAVERN**

LEASE AGREEMENT with Tower Tavern for use of a portion of the property known as Block 18, Lot 3

HOLD HARMLESS AGREEMENT between the Borough of Westville and Tower Tavern for use of a portion of the property known as Block 18, Lot 3

Motion to Introduce Ordinance No. 16-2016 and the corresponding Agreement was made by Council President Ledrich and seconded by Councilman Sims. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 109-2016 ~ AUTHORIZING A PERSON-TO-PERSON LIQUOR LICENSE TRANSFER FROM WESTVILLE LIQUOR GROUP, LLC TO SAJAL SHRADDHA, LLC. (tabled from October 10, 2016 Council Meeting)**

Motion to approve Resolution No. 109-2016 was made by Councilman Murtaugh and seconded by Councilman Sims. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 115-2016 ~ PERMITTING QUARTERLY INSTALLMENT PAYMENTS FOR AN EXCESSIVE WATER BILL FOR ACCOUNT NO. 177-0, 445 WOODBINE AVENUE (Due to an undetected leak, the resident experienced a significant increase in their water charges so sent a written request to Mayor and Council for a payment plan.)**

Motion to approve Resolution No. 115-2016 was made by Council President Ledrich and seconded by Councilman Mailley. *Motion unanimously approved by roll call vote.*

NEW BUSINESS: (Continued)

- ❖ **RESOLUTION NO. 116-2016 ~ ACCEPTING A REQUEST FOR WAIVER OF MEDICAL INSURANCE COVERAGE AND FOR REIMBURSEMENT FROM THOMAS C. CURL, II**

Motion to approve Resolution No. 116-2016 was made by Councilman Murtaugh and seconded by Councilman Mailley. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 117-2016 ~ AUTHORIZING THE PLACEMENT OF PROPERTY MAINTENANCE LIEN ON BLOCK 2, LOT 18, 525 SUMMIT AVENUE, IN THE AMOUNT OF \$251.84**

Motion to approve Resolution No. 117-2016 was made by Council President Ledrich and seconded by Councilman Mailley. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 118-2016 ~ AUTHORIZING THE TAX COLLECTOR TO REFUND A TAX OVERPAYMENT IN THE AMOUNT OF \$1,059.75 TO PROPERTY OWNER, RUTH SUROVICK, FOR 4TH QUARTER TAXES FOR BLOCK 79, LOT 17, 149 LOCUST STREET**

Motion to approve Resolution No. 118-2016 was made by Councilman Sims and seconded by Councilman Nordaby. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 119-2016 ~ CANCELLATION OF \$100 OVERPAYMENT ON ACCOUNT FOR BLOCK 999, LOT 999**

Motion to approve Resolution No. 119-2016 was made by Council President Ledrich and seconded by Councilman Nordaby. *Motion unanimously approved by roll call vote.*

- ❖ **RESOLUTION NO. 120-2016 ~ APPOINTING NADINE M. DAWSON TO THE POSITION OF CROSSING GUARD IN THE WESTVILLE POLICE DEPARTMENT**

Motion to approve Resolution No. 120-2016 was made by Councilman Sims and seconded by Council President Ledrich. *Motion unanimously approved by voice vote.*

- ❖ **RESOLUTION NO. 121-2016 ~ AUTHORIZING THE APPOINTMENT OF RAYMOND BERRY AS A FULL BOARD MEMBER ON THE LAND USE BOARD**

Motion to approve Resolution No. 121-2016 was made by Councilman Sims and seconded by Council President Ledrich. *Motion unanimously approved by voice vote.*

- ❖ **RESOLUTION NO. 122-2016 ~ SUPPORTING SENATE BILL 2663 AND ASSEMBLY BILL 4234 (Allowing JIF to invest in Municipal Government Bonds)**

Motion to approve Resolution No. 122-2016 was made by Council President Ledrich and seconded by Councilman Ledrich. *Motion unanimously approved by voice vote*

NEW BUSINESS: (Continued)

❖ **BRINE AGREEMENT with the City of Gloucester for 2016-2017**

Motion to approve the Agreement was made by Councilman Nordaby and seconded by Councilman Mailley. *Motion unanimously approved by roll call vote*

❖ **REQUEST for assistance from Jeffrey Norcross, Curator of the South Jersey Museum of American History in finding a building to house exhibits**

Administrator Bittner advised he and Council President Ledrich had a meeting and were unable to come up with a suitable facility for the Museum. Mayor Welsh asked Administrator Bittner to be sure a letter was sent to Mr. Norcross advising him that unfortunately, the Borough does not have a building available for the museum's use.

❖ **REQUEST from Gloucester County Division of Senior Services to make the shuttle bus available for the Senior Christmas Parties scheduled for December 6, 7 and 13 was discussed.**

Motion to approve the request was made by Councilman Nordaby and seconded by Council President Ledrich. *Motion unanimously approved by voice vote.*

❖ **REQUEST from Mike Petrotz of the South Jersey Titans to use the Baseball field starting March 2017 was discussed.**

Motion to deny the request was made by Councilman Murtaugh and seconded by Council President Ledrich. *Motion unanimously declined by voice vote.* (Mayor Welsh asked Administrator Bittner to send a letter to Mr. Petrotz informing him of Council's decision.)

❖ **REQUEST from Dr. Napoleon Vaughn to use his building at 216-218 Broadway as a facility for business startups was discussed.**

Administrator Bittner stated he had a conversation with Dr. Vaughn, who is looking for funds to start a company at his building, where individuals can rent desks and office space. Administrator Bittner advised he will contact Dr. Vaughn to let him know there are no grant funds available but if the business falls within the "permitted use" category he may move forward with obtaining a variance from the Land Use Board.

❖ **DISCUSSION took place concerning an Agreement for a Disposal Facility with OMNI Recycling, 408 Lambs Road, Pitman for the Borough's Single Stream recyclable materials.**

Public Works Manager Domico advised her current recycling contract ends December 31, 2016 and she would like to meet with her committee regarding the upcoming contract and possibly replacing the recycler.

- ❖ Second Police Vehicle Auction took place on November 3, 2016

RESULTS OF POLICE VEHICLE AUCTION:

Jake Coleman, Public Works Department, purchased the 1999 Jeep Grand Cherokee for the minimum bid of \$500

No bid(s) received on the 2008 Ford Crown Victoria which had a minimum bid of \$500.

MONEY COLLECTED BY CLERK FOR THE MONTH OF OCTOBER

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|--------------------|-----------------|
| Police | \$56.13 |
| Rent | \$625.00 |
| Notary | \$2.50 |
| Death Certificates | \$160.00 |
| OPRA | \$1.25 |
| Cat License | \$5.00 |
| TOTAL | \$849.88 |

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 Councilman Nordaby and seconded by Councilman Sims. *The motion was unanimously approved by voice vote.*

A motion to pay all bills and vouchers that were in order, was made by Council President Ledrich and seconded by Councilman Nordaby. *The motion was unanimously approved by roll call vote, with Councilman Mailley abstaining from check number 25261.*

COMMUNICATIONS RECEIVED:

- ❖ Public Notice from New Jersey Transit regarding the Senior Citizen and Disabled Resident Transportation Assistance Act
- ❖ Letter from the Superior Court of New Jersey regarding 2017 Municipal Court Budget Requests. (Councilman Sims inquired about the budget process and Administrator Bittner advised the Court submits the information to the Borough so that the funds can be merged in with the overall Borough budget.)
- ❖ Letter from the State of New Jersey, Department of Transportation regarding the lifting of Executive Order No. 210 (projects financed using Transportation Trust Fund Authority may proceed)
- ❖ Notice from PSE&G regarding approval of gas base rate adjustments

PUBLIC PORTION:

- ❖ Glen Cook, 609 Almonesson Road asked about all the activity at 608 Almonesson Road. Administrator Bittner advised Mr. Cook that Housing Official Morina would have access to that information and encouraged him to contact Mr. Morina during work hours for an update.
- ❖ James Blakey, West Chester Pike, Newtown Square, PA asked if Mayor and Council had any intention of revisiting the Water Sale issue next year and Mayor Welsh responded by saying, no, he personally was not interested. Mr. Blakey stated he listened to the audio for the September 19th and October 24th Special Water Meetings and heard the statement that non-Westville residents were not permitted to ask questions or comment and asked why that statement was made. Mayor Welsh commented he was not at one of the meetings but at the other he wanted Westville residents to have priority before hearing from other individuals that didn't have a vote. Mr. Blakey asked why that statement was made and Mayor Welsh confirmed that no one was turned away from making comments. Discussion took place, with statements being made by Solicitor Scaffidi, Mayor Welsh and Mr. Blakey regarding residents and non-residents speaking at council meetings.
- ❖ Carolyn Emery a representative from the Church of Eternal Life, located at 243 West Olive Street, made a request for handicap parking at their location. Administrator Bittner advised consideration of handicap parking is based upon the needs of the neighborhood rather than a business or an organization. Administrator Bittner advised Ms. Emery the Church could create handicap parking on their property; however, all requests of this nature must be submitted in writing to the Clerk. Ms. Emery stated she had a written request and gave it to Administrator Bittner.
- ❖ Brian Waters, 226 Summit Avenue, inquired about the meeting minutes for the Environmental Commission, Library and Land Use Board being uploaded to the web site. Mr. Waters asked about the September 19th meeting and why budget issues (pay issues for a certain class of employees) was discussed in closed session, why it was approved so close to an election and what was the percentage of the increase. Solicitor Scaffidi advised discussions concerning pay raises and merit increases can take place in closed sessions as personnel matters but that Mayor and Council had to come back into the public portion of the meeting to make it official to approve any such action. Solicitor Scaffidi further stated that is why the record reflects the action was approved in the public portion. Discussion took place regarding the process for approving the merit increases. Mayor Welsh confirmed that non-contractual employees received a 2% cost-of-living increase that was retroactive from the beginning of the year. Discussion took place regarding Mr. Water's request for copies of the audio recordings for the Special Water Meetings and the format in which the information was provided. Mr. Waters also asked about the contract for the equipment used to record meetings. Solicitor Scaffidi advised Mr. Waters that if any time he feels the Borough has not been appropriately responding to his OPRA requests, he has a right to file an OPRA complaint and the Borough will respond accordingly.
- ❖ Ginger Horn, 111 Twedell Avenue, asked if the information on Borough Committees could be listed on the web site. Ms. Horn discussed signs placed in the Right of Way and also received confirmation from Mayor Welsh that no one member of Council could override an Ordinance.

PUBLIC PORTION: (Continued)

- ❖ Fred Coleman, 107 Maple Avenue, commented on the condition of Delsea Drive coming from Brooklawn and was informed by Public Works Manager Domico that it is a State road and that plans are in the works for resurfacing. Mr. Coleman asked the Borough to put pressure on the State to move the project forward and Public Works Manager Domico said she would reach out to her contact for updated information. Mr. Coleman inquired about the road conditions at the Railroad crossing at Pine Street. Public Works Manager Domico advised she sent the Railroad a letter in April and they came out and filled in some of the pot holes but confirmed more work is needed at that location and it is the Railroad's responsibility to fix the road. Mr. Coleman asked Public Works Manager Domico to send another letter to the Railroad asking them to fix the road. Mr. Coleman also addressed the issue with the traffic light at Broadway and Delsea Drive not pointing in the correct direction and asked why Borough employees could not climb the pole to adjust the direction of the light. Administrator Bittner advised Mr. Coleman the Borough would incur significant penalties if employees attempted to fix lights on State Highways and stated the Borough is only permitted to call the State to let them know the problem with the light. Lt. Packer advised he contacted the State about the problem and was advised the State would address the issue with the light. Mr. Coleman also talked about the light at Olive Street & Gateway Boulevard and that drivers cannot clearly see the traffic signal. Mr. Coleman asked that a letter be sent to the State regarding improving the visibility of the light to drivers. Mr. Coleman asked who was paying the bus driver's salary to transport seniors to the County Seniors' Christmas Party and Public Works Manager Domico advised that is her regular day to work, but that historically no Westville Seniors attend the party. Mr. Coleman asked how long the lease for Tower Tavern parking was for and Administrator Bittner told him five years.

Hearing no other individuals wanting to speak, this portion of the meeting was closed to the Public

COMMENTS FROM MAYOR/COUNCIL/DEPARTMENT HEADS

- ❖ Councilman Nordaby expressed his disappointment that more residents were not in attendance at the meeting and that, even though the Sale of the Water was defeated, some individuals cannot let the issue go.
- ❖ Councilman Sims congratulated Councilwoman Moan and Councilman Mailley on winning the election and maintaining their position on Council.
- ❖ Councilman Murtaugh advised Ms. Horn that if she went into the Borough web site and clicked on Borough Government, Departments and then Council Committees 2016, she will find the list of Committees.
- ❖ Councilman Murtaugh stated he would like to see Public Works Manager Domico meet with the Engineer to set a priority for Water Main repairs.
- ❖ Public Works Manager Domico brought up the subject of the Senior Housing Project along Broadway and the Sewer lines and Water Main issues that will have to be addressed. She also talked about recent main water breaks and stated Westville residents would have been served better if the Sale of the Water had been approved.

COMMENTS FROM MAYOR/COUNCIL/DEPARTMENT HEADS: (Continued)

- ❖ Mayor Welsh agreed that a priority list needs to be established for the repair of the Water Mains. He stated he wanted to talk about the office hours for the Administrative staff and confirmed that the Monday through Thursday hours are in effect until the end of the year.

- ❖ Mayor Welsh thanked everyone who came out to vote on Tuesday and stated he wished the majority of everyone who voted had come out to a town hall meeting so that they had the opportunity to hear the truth and to get their questions answered. He also stated that it was unfortunate that a small group of people took it upon themselves to influence the uninformed residents, those that were unable to attend the meetings, with incorrect statements. Mayor Welsh expressed his disappointment regarding some of the accusations (lining of their pockets and sitting on the board of Aqua) that were completely inaccurate. Mayor Welsh assured those in attendance that the Governing Body is committed to finding ways to stabilize the tax rate and stated that Council had found a way to stabilize the tax rate for nine (9) years but the residents voted No. Mayor Welsh stated he and Council will continue to look at ways to keep taxes stable without jeopardizing the services that the Departments and Department Heads deliver that other municipalities just don't do. Mayor Welsh advised Council will continue to explore any option that is deemed reasonable and equitable for the Town. He stated "we had a major miss this year" and reminded meeting attendees that Council members are not compensated - they are volunteers and are taxpayers. Mayor Welsh stated the Finance Committee would be meeting with the Chief Financial Officer that evening to discuss finances and the next steps in regards to the Water and Sewer infrastructure since the Borough now has to finance all the repairs. Mayor Welsh stated the Borough will not ignore the infrastructure problems; however, the Borough had an opportunity for someone else to assume the liability and stabilize the tax rate for nine (9) years but that didn't work out. Mayor Welsh advised the Borough has to determine the best way to fund these repairs while minimizing the impact on the taxpayers. He again thanked everyone who voted and stated it would be nice to have a lot of people at all council meetings. Mayor Welsh thanked Mr. Coleman for the points he made tonight. Mayor Welsh closed the meeting by wishing everyone a Happy Thanksgiving and a safe Happy Holiday season.

A motion to adjourn the meeting was made by Council President Ledrich and seconded by Councilman Murtaugh. *The motion was unanimously approved by voice vote.*

The meeting adjourned at 8:02 p.m.

Respectively Submitted,

*William J. Bittner, Jr.
Deputy Municipal Clerk*

Next meeting scheduled for Monday, December 12, 2016