

BOROUGH OF WESTVILLE

Regular Council Meeting
165 Broadway
November 13, 2017 - 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: Charles D. Murtaugh, Donna Moan, Bruce Nordaby and Fritz H. Sims, Jr., Deputy Clerk Kathleen Carroll, Administrator Ryan J. Giles, Public Works Assistant Manager Martin Finger, Engineer Jon Bryson, Chief William Whinna and Solicitor Timothy Scaffidi.

Absent: Council Member Paul C. Mailley

A motion to approve the October 9, 2017, Special Meeting of October 30, 2017 and Executive Session from October 30, 2017 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 if the Borough could legally hold the Public Hearing on Ordinance No. 14-2017, entitled "Amending Chapter 387 of the Code of the Borough of Westville (Schedule of Water Rates)" because the Ordinance was not posted on Borough property 10 days prior to the meeting. Solicitor Scaffidi confirmed that Ms. Lovell did receive the Ordinance prior to the meeting; therefore, the Borough could proceed with the public hearing.

Mayor Welsh administered the Oath of Office to Police Officer William O'Connell

OLD BUSINESS

Public Hearing:

- ❖ **BOND ORDINANCE No. 12-2017** - Authorizing the completion of various capital improvements for the Water Utility in the Borough of Westville, County of Gloucester, New Jersey; appropriating the sum of \$215,000 therefor; authorizing the issuance of general obligation bonds or bond anticipation notes of the Borough of Westville, County of Gloucester, New Jersey, in the aggregate principal amount of up to \$215,000 making certain determinations and covenants; and authorizing certain related actions in connection with the foregoing

Administrator Giles confirmed this is an extension of the Watermain project being conducted throughout the Borough.

A motion to open the meeting to the public was made by Councilman Murtaugh and seconded by Councilman Nordaby. *The motion was unanimously approved by voice vote.*

Hearing no comment from the public, a motion to close the meeting to the public was made by Councilman Nordaby and seconded by Councilman Murtaugh. *The motion was unanimously approved by voice vote.*

A motion to approve Ordinance No. 12-2017 was made by Councilman Nordaby and seconded by Councilman Murtaugh. *The motion was unanimously approved by roll call vote.*

Public Hearing:

- ❖ **ORDINANCE No. 13-2017** - Authorizing the sale of land located within the Borough of Westville and known as Block 99, Lots 5 and 12 and execution of all necessary documents (Deadline Drive property)

Mayor Welsh advised Solicitor Scaffidi recommended the Borough proceed with the public Hearing but that additional real estate matters regarding this subject be addressed in Executive Session.

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

Brian Tait, 241 Edgewater Avenue asked about the property and Administrator Giles provided details on possible purchasers and uses of the building. It was confirmed the building will be used for commercial use.

Hearing no comment from the public, a motion to close the meeting to the public was made by Councilman Nordaby and seconded by Councilman Murtaugh. *The motion was unanimously approved by voice vote.*

A motion to approve Ordinance No. 13-2017 was tabled for additional discussion in Executive session.

Public Hearing:

- ❖ **ORDINANCE No. 14-2017** - Amending Chapter 387 of the Code of the Borough of Westville (Schedule of Water Rates)

Administrator Giles advised this Ordinance is in reference to the letter that was sent to residents last week regarding the 50% increase in water rates across the next three years. Administrator Giles confirmed the Borough spent \$2.285 million dollars on the water main replacement project to date and that the expenditure for the initial phase is \$2.5 million dollars to replace the old concrete mains. Administrator Giles confirmed additional water mains throughout the town will be started in 2019.

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

Joyce Lovell, 328 Summit Avenue asked about the multiple rate levels and complemented the Borough for increasing the gallonage if there are two units per property but challenged the excess usage rates. Administrator Giles advised there needs to be enough money in the Water account to cover all water expenses including outstanding notes; therefore, the 2018 rates were increased 20% across the board and in 2019 and 2020 the rates will increase 15%. Administrator Giles confirmed he will look at the commercial rates to be sure the calculations are correct before making any billing changes to residents.

Ms. Lovell asked who set the \$20,000 limit for Senior deductions and was informed that was a State requirement. Ms. Lovell asked if Mayor and Council would consider raising the senior citizen threshold to \$25,000.

Ms. Lovell asked about the "Repealer" section of the ordinance and Solicitor Scaffidi provided details on the purpose of the "Repealer" section.

OLD BUSINESS: (continued)

Ms. Lovell asked about the 20 year study that was conducted regarding what water rates would be if the sale of the water system was not approved and why the rates were increased so much.

Administrator Giles provided extensive details on the most fiscally responsible loan process to complete the water main replacement process.

Eric Estrada, 222 Chestnut Street, asked for clarification on why the water rates were being raised so much faster than the suggested amounts in the 20 year study. Public Works Manager Domico stated the report did not include making a \$2.2 million dollar investment in 2017 to account for the water mains that were just replaced. Mr. Estrada asked if the Borough will be able to look into any "green" infrastructure solutions to the water main issue. Public Works Manager Domico advised the Borough is installing C900 plastic which has a longer life than iron pipe.

Rosemary Marcus, 417 Highland Avenue asked about the Newbold section and Public Works Manager Domico confirmed that will be next area to be replaced. Ms. Marcus asked about water billing for duplexes and it was confirmed she will be charged for two meters for the property.

A motion to approve Ordinance No. 14-2017 was made by Council President Ledrich and seconded by Councilman Murtaugh. *The motion was unanimously approved by roll call vote.*

NEW BUSINESS

Introduction:

- ❖ **ORDINANCE No. 15-2017** – An Ordinance Amending Chapter 373, Vehicles and Traffic, Article XI. Schedules, Section 373-37.2 Schedule IXB: Four-Way Stop Intersections of the Borough of Westville Code Book (Vehicles and Traffic)

Councilman Sims asked about additional stop signs that were proposed and the suggestion that West Olive Street be made "no parking". Administrator Giles presented information regarding adding "no parking" and "speed bumps" to West Olive Street and suggested that project be completed via a different Ordinance so that Ordinance No. 15-2017 can immediately be sent to the DOT Commissioner in order to stay within the 90 day timeline as required by the DOT. Engineer Bryson confirmed after Ordinance No. 5-2017 was sent to the DOT Commission, the Borough can create another Ordinance to add "speed bumps" and "no parking" requirements because the traffic study will support those measures. Administrator Giles confirmed the Borough can add Ordinance No. 16-2017 that will amend Ordinance No. 15-2017 to add "no parking" to West Olive Street and he further confirmed that speed bumps can be included in the new Ordinance. Discussion took place regarding placement of speed bumps and placement of other stop signs and completing a second traffic study. Engineer Bryson also discussed striping improvements, signage upgrades, pedestrian crosswalks and large strip bars. Chief Whinna mentioned additional traffic study data that we was expecting.

A motion to Introduce Ordinance No. 15-2017 was made by Councilman Murtaugh and seconded by Councilwoman Moan. *The motion was unanimously approve by roll call vote.*

Introduction:

- ❖ **ORDINANCE No. 16-2017** – An Ordinance Amending Chapter 373, Vehicles and Traffic, Article XI. Schedules, Section 373-37.2 Schedule IXB: to provide for “no parking” on both sides of West Olive Street (*In Title Only*)

Engineer Bryson expressed his pros and cons regarding “no parking” on West Olive Street; however, confirmed that if “speed bumps” are installed, traffic should down.

A motion to Introduce Ordinance No. 16-2017 was made by Councilman Sims and seconded by Council President Ledrich. *The motion was unanimously approve by roll call vote.*

Engineer Bryson stated the Borough may install speed bumps because the posted speed is less than 30 miles per hour

A motion to have the option to install speed bumps on West Olive Street was made by Councilman Sims and seconded by Councilman Murtaugh. *The motion was unanimously approve by roll call vote.*

- ❖ **Raffle request** from the Gloucester County Bar Foundation to hold a Raffle at Sperenza Ristorante, 158 Broadway on November 30, 2017. (Proceeds to benefit their scholarship program.)

A motion to approve the Raffle request was made by Councilman Murtaugh and seconded by Councilwoman Moan. *The motion was unanimously approve by roll call vote.*

- ❖ **Electronics Waste Collection Contract.** Authorizing the Mayor or his representative to sign a one year agreement, effective January 1-December 31, 2018, with Reverse Logistics Group Americas, Inc. (RLGA) for the collection of Electronic Waste.

Public Works Manager Domico stated this company will take the Borough’s electronic waste free of charge.

A motion to approve the Electronics Waste Collection Contract was made by Councilman Nordaby and seconded by Council President Ledrich. *The motion was unanimously approve by roll call vote.*

- ❖ **2017-2018 Brine Agreement.** Authorizing the Mayor or his representative to sign a one year agreement, effective January 1-December 31, 2018, with the City of Gloucester to provide Brine for weather events.

A motion to approve the Brine Agreement request was made by Councilman Murtaugh and seconded by Councilwoman Moan. *The motion was unanimously approve by roll call vote.*

-----**CONSENT AGENDA**-----

The items listed below are considered to be routine by the Borough of Westville and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

(Motion to approve/deny all Resolutions listed under the Consent Agenda by Roll Call Vote)

RESOLUTION No. 147-2017 - Authorizing the Tax Collector to issue a refund in the amount of \$2952.20 to Corelogic for payments made in error on Block 16, Lot 6, 13 Third Avenue, property owner James & Maryann Rich

RESOLUTION No. 148-2017 - Authorizing the Tax Collector to Transfer funds from the Premium Account to the General Fund (funds from foreclosed properties in the Borough)

RESOLUTION No. 149-2017 - Requesting Approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87 (accept \$500 grant from GCIA into the Environmental Commission's budget)

RESOLUTION No. 150-2017 - Authorizing the Mayor or Borough Administrator to sign the Utility Engineering and Construction Agreements for the Water and Sewer Facilities with the New Jersey Department of Transportation for the Route 47 Bridge over Big Timber Creek (project numbers UECA-8-RT4Bridge-BTC-113710 and UECA-9-RT47Bridge-BTC-113710)

RESOLUTION No. 151-2017 - Authorizing the Placement of two Property Maintenance Liens on 23 Avon Avenue totaling \$371.26

RESOLUTION No. 152-2017 - Supporting Replacement of the I-295 Ramp "S" over New Jersey Route 45 Southbound

RESOLUTION No. 153-2017 - Awarding Bid and Purchase of 2017 Backhoe/Loader

RESOLUTION No. 154-2017 - Approving Change Order No. 1 FY 2017 Watermain replacement for Broadway, all of Walnut Street, Olive Street from Broadway to High Street and Almonesson Road area

RESOLUTION No. 155-2017 - Amending Personnel Policies and Procedures (Section 4, Compensation & Employee Benefits Policy - *new section*: Retirement Option)

RESOLUTION No. 156-2017 - Submission of Grant Application and Execution of Agreement for Municipal Aid from the New Jersey Department of Transportation for Local Aid for the Reconstruction of Hazel Avenue #00657

RESOLUTION No. 157-2017 - Submission of Grant Application and Execution of Agreement for Municipal Aid from the New Jersey Department of Transportation for Local Aid for the Reconstruction of Walnut Street #00658

Council President Ledrich asked for clarification on Resolution No. 154 and Public Works Manager Domico provided details on the extra water mains that were installed

A motion to approve Resolution Numbers 147-157, 2017 was made by Council President Ledrich and seconded by Councilman Murtaugh. *The motion was unanimously approve by roll call vote.*

-----*End of Consent Agenda*-----

BILLS & VOUCHERS:

The Deputy 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 Nordaby. *Motion 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. *Motion unanimously approved by roll call vote.*

COMMUNICATIONS:

Thank you card from the Packer Family

PUBLIC PORTION:

- ❖ James Radler, 228 West Olive Street, talked about the “no parking” issue addressed in Ordinance No. 16-2017 on West Olive Street by stating the Church at the corner of Olive and Folsom has services on Sunday morning so parking is needed. Solicitor Scaffidi advised the Ordinance could be adjusted to clarify that parking can be permitted on Sundays during certain times.
- ❖ Sonia Bennis, 324 West Olive Street, expressed her concerns about adding stop signs and eliminating the parking on West Olive Street because she felt stop signs alone will not stop the speeders that come down the street. Public Works Manager Domico confirmed plans are now in place to reduce the speeding on West Olive Street that can include the addition of speed bumps. Mayor and Council stated the changes can take effect 90 days after Adoption of Ordinance No. 15.
- ❖ Brian Tait, 241 Edgewater Avenue, received confirmation that any single family dwelling could become a rental property. Solicitor Scaffidi did confirm that all rental properties must be registered with the Borough.

Mr. Tait complained about the property maintenance in town and specially addressed an individual who is putting out trash from his general contractor job. Discussion took place regarding the Borough’s property maintenance issues.

- ❖ Brian Cook, 609 Almonesson Road, asked about the Water fees and specifically the number of seniors in town and stated he felt \$10 a quarter seemed a little low.

- ❖ Joyce Lovell, 328 Summit Avenue, commented on the Senior water discount and the amount of water used by the Seniors. Ms. Lovell also commented on the speeding vehicles coming over the Route 45 Bridge and asked about the Police issuing tickets and was informed that it is a State road and the Borough has no jurisdiction.

Councilman Murtaugh advised the Police are out patrolling with radar guns.

- ❖ Stacy Murphy, 320 Highland Avenue, talked about the large amount of rental and unkempt properties in the Borough. Ms. Murphy asked how many rental properties are in the Borough and the number of inspections conducted. Housing/Code Enforcement Officer Marino explained that the Borough, according to State law, does not have the authority to go into a dwelling because of the way it looks. Discussion took place regarding maintenance of abandoned or rental properties. Public Works Manager Domico suggested Landlords be financial responsible for the trash left at the curb by their tenants when they move.
- ❖ Brian Tait, 241 Edgewater, asked again about rental properties and Housing/Coding Enforcement Officers Morina provided information regarding State Laws specific to housing inspections.

COMMENTS FROM MAYOR/COUNCIL/DEPARTMENT HEADS:

- ❖ Councilwoman Moan congratulated Councilmen Murtaugh and Sims on their re-election.
- ❖ Councilman Nordaby congratulated Councilmen Murtaugh and Sims on their re-election.
- ❖ Council President Ledrich congratulated Councilmen Murtaugh and Sims on their re-election.
- ❖ Councilman Sims thanked everyone for their support in the last election.
- ❖ Councilman Murtaugh thanked Housing/Code Official Morina for all his hard work and commented on the conditions of some properties in the Borough and the proposed new Water rates.
- ❖ Public Works Manager Domico advised the temporary Walnut Street paving is going to take place on Thursday and that residents affected by the paving were notified and that Thursday trash will be collected on Wednesday, November 22, 2017.
- ❖ Engineer Bryson provided an update on the 2017 Water main replacement project by stating that all connections should be completed before Thanksgiving.
- ❖ Mayor Welsh and Council approved the appointment of Anita Fritz to the Environmental Committee.
- ❖ Mayor Welsh reminded meeting attendees of what they gave up when residents voted down the sale of the Water Utilities and thanked individuals for coming to the meeting.

EXECUTIVE SESSION:

Deputy Clerk Carroll read RESOLUTION No. 158-2017 authorizing an Executive Session for discussion of Personnel Matters in the Administration Department; Pending Litigation regarding Deadline Drive and Contract Negotiations within the Police Department

A motion to approve Resolution No. 158-2017 was made by Council President Ledrich and seconded by Councilwoman Moan. *Motion unanimously approved by voice vote.*

Time In: 8:37 p.m. Time Out: 9:28 p.m.

Hearing for Delaney’s Auto Sales regarding Business License

Solicitor Scaffidi advised the meeting was back in Public Session and that the next item on the agenda was a hearing for Delaney’s Auto Sales requested by Code Enforcement Officer Dennis Morina and involved the business operated by Ryan Bogos trading as Delaney’s Auto Sales at 108 Broadway. Solicitor Scaffidi further advised the meeting is a result of a letter sent by him to Mr. Bogos advising him the Borough of Westville’s Governing Body would hold a meeting to consider possible revocation or suspension of the Used Car License that was issued for the property and any such action requires that the Borough afford the business owner a hearing. Solicitor Scaffidi provided details on how the hearing would proceed. Solicitor Scaffidi swore in Code Enforcement Officer Dennis Morina, Ryan Bogos, Daniel Rosenberg (Attorney for Ryan Bogos) and an employee of Mr. Bogos’.

Code Enforcement Officer Morina stated the violations began on September 9 when he received a complaint regarding the amount of vehicles that were at the 108 Broadway location. Code Enforcement Officer Morina also advised a complaint was filed about the number of Delaney’s Auto Sales vehicles parked in the Municipal parking lot (Public Works) at 114 Crown Point Road. Prior to visiting the property, Code Enforcement Officer Morina viewed a subcommittee report dated January 12, 2017 where he confirmed the committee approved (1) 10 to 14 vehicles permitted on the lot; (2) vehicles were not to block the view for oncoming traffic at Falls Avenue; and (3) no other business was permitted at that site. Code Enforcement Officer Morina confirmed that Mr. Bogos had a valid license to operate a Used Car business within the Borough of Westville.

Code Enforcement Officer Dennis Morina visited Delaney’s Auto Sales on September 9 and observed 28 vehicles on the lot as well as vehicles parked along the sides of Broadway and Crown Point Road. Further, vehicles were along the sidewalk and blocking the driveway and obstructing the handicap sidewalk ramp. He also observed seven vehicles were in the Public Works parking lot. Code Enforcement Officer Morina advised while he was at Delaney’s Auto Sales on September 9, he was approached by Mr. Bogos who told him he would be moving the vehicles from the Public Works lot that day. Code Enforcement Officer Morina stated he advised Mr. Bogos the number of cars on his lot exceeded the 10-14 vehicles permitted by Ordinance and of all the violations he observed. Additionally, Code Enforcement Officer Morina invited Mr. Bogos to come back to the subcommittee so that the committee can reinforce the Ordinance guidelines and advise him he was in non-compliance with the regulations.

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Code Enforcement Officer Morina then provided a detailed report of all the violations starting September 9 through November 13, 2017.

Daniel Rosenberg, Attorney for Mr. Bogos asked if he could streamline the process by putting forth his argument to which Mayor and Council agreed. Mr. Rosenberg acknowledged the number of vehicles on the lot exceeded the number permitted by the subcommittee and acknowledged all the violations assessed to Mr. Bogos. Mr. Rosenberg did acknowledge that Mr. Bogos does repair his vehicles and understands that all vehicles will be worked on inside the garage. Mr. Rosenberg stated Mr. Bogos has made arrangements to store some of his cars at another locations so they are not on the 108 Broadway lot and assured Mayor and Council that Mr. Bogos is making a good faith effort to maintain no more than 14 cars on the lot. Mr. Rosenberg advised Mr. Bogos had some "at home" issues which may have prevented him from complying with the requirements in a timely manner. Mr. Rosenberg also acknowledged that Mr. Bogos will deal with the Ordinance violations in Municipal Court.

Code Enforcement Officer Morina reinforced the location is zoned for the sale of vehicles and not a repair facility so the storage of engines should not be at the location. Discussion of a lift being installed at the property took place and Mr. Bogos provided information about the lift. Mr. Rosenberg advised the car repairs will cease and asked for continued time so that Mr. Bogos can comply. Mr. Rosenberg acknowledge that Mr. Bogos understands that when he returns to the December 20, 2017 council meeting that if he has any violations he knows his fate is sealed.

Mr. Bogus' employee provided information on the number of vehicles at the lot.

Public Works Manager Domico advised at one time she talked to Mr. Bogos about parking vehicles in the Public Works lot.

Discussion took place regarding the lift inside the garage and Mr. Rosenberg confirmed that all his vehicles will be worked on inside the garage. Mr. Rosenberg confirmed that he understands that if Mr. Bogos is not in compliance, his Used Car Auto License will not be renewed for 2018.

Mr. Bogos discussed the type of repair work being conducted at this business.

Mayor Welsh agreed with Mr. Rosenberg's request to withhold a decision until December 20, 2017 to see if Mr. Bogos is in compliance.

Councilman Sims inquired about any pending fines.

Mayor Welsh asked for a motion to allow Mr. Bogos to have from now to December 20, 2017 (basically a probationary period) and returning on the 20th to have a follow up meeting. (Mr. Bogos interjected by asking if his hearing could be scheduled for the beginning of the meeting.) Council agreed to hold the hearing at the beginning of the December 20, 2017 meeting. A motion to hold the hearing at the beginning of the December 20, 2017 meeting was made by Councilman Murtaugh and seconded by Council President Ledrich. *Motion unanimously approved by voice vote.*

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Solicitor Scaffidi discussed the Public Hearing for Ordinance No. 13-2017, Authorizing the Sale of Land, Block 99, Lots 5 and 12 and stated there needs to be a motion to amend that Ordinance to change the purchaser to Michael Brewer or his affiliate for \$165,000 and subject to a contract being entered into. Solicitor Scaffidi further stated the Borough would have to re-publish the Ordinance for Adoption on December 20, 2017.

A motion to Amend Ordinance No. 13-2017 and re-introduce the Ordinance was made by Council President Ledrich and seconded by Councilwoman Moan. *Motion unanimously approved by roll call vote.*

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

The meeting was adjourned at 10:35 p.m.

Respectively Submitted,

*Kathleen Carroll
Deputy Municipal Clerk*

Next Council meeting scheduled for December 20, 2017 at 7:00 p.m.