

BOROUGH OF WESTVILLE

Regular Council Meeting

165 Broadway

MAY 4, 2020

Meeting Minutes

Council President Michael O. Ledrich called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

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

Council President Michael Ledrich, Council Members: Travis J. Lawrence, Paul C. Mailley, Charles D. Murtaugh, Bruce Nordaby, and Fritz H. Sims, Jr. Administrator/Clerk Ryan J. Giles, Deputy Clerk Kathleen Carroll, Public Works Manager Martin Finger, Engineer Ericka Vardaxis, Police Chief William Whinna and Solicitor Timothy Scaffidi.

A motion to approve the Regular and Executive minutes from March 2, 2020 and the March 16, 2020 Emergency Meeting was made by Councilman Nordaby and seconded by Councilman Lawrence. *Motion was unanimously approved by voice vote.*

PUBLIC COMMENT ON AGENDA ITEMS ONLY: No comments from the Audience

COMMITTEE REPORTS FOR JANUARY 2020:

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

OLD BUSINESS: No old business

NEW BUSINESS:

Introduction of:

- ❖ **Ordinance No. 5-2020** - Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

A motion to approve Ordinance No. 5-2020 was made by Councilman Murtaugh and seconded by Councilman Nordaby. *The motion was unanimously approved by roll call vote.*

- ❖ **RESOLUTION No. 54-2020** - Allowing for Self-Examination of the 2020 Budget

A motion to approve Resolution No. 54-2020 was made by Councilman Sims and seconded by Councilman Lawrence. *The motion was unanimously approved by roll call vote.*

- ❖ **INTRODUCTION OF:** 2020 MUNICIPAL BUDGET (*In Title Only*)

A motion to approve the Introduction of the 2020 Municipal Budget was made by Council President Ledrich and seconded by Councilman Nordaby. *The motion was unanimously approved by roll call vote.*

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NEW BUSINESS: (Continued)

- ❖ **RESOLUTION No. 55-2020** - Appointing Andrew Fardone to the position of full time Laborer I with the Public Works Department effective March 1, 2020

A motion to approve Resolution No. 55-2020 was made by Councilman Murtaugh and seconded by Councilman Nordaby. *The motion was unanimously approved by roll call vote.*

- ❖ **RESOLUTION No. 56-2020** - Refunding Ding Sun, a Lien Holder, \$135.85 for fees credited to the wrong lien account

A motion to approve Resolution No. 56-2020 was made by Councilman Nordaby and seconded by Councilman Mailley. *The motion was unanimously approved by roll call vote.*

- ❖ **RESOLUTION No. 57-2020** - Authorizing a property tax exemption for a totally disabled veteran, Paul Coker, 307 Edgewater Avenue, crediting the 4th quarter of 2019 in the amount of \$1,803.59 and 1st and 2nd quarter, 2020 taxes in the amount of \$3,937.52

A motion to approve Resolution No. 57-2020 was made by Councilman Murtaugh and seconded by Councilman Lawrence. *The motion was unanimously approved by roll call vote.*

- ❖ **RESOLUTION No. 58-2020** - Appointing certain Borough of Brooklawn Public Works employees to a full time position with the Borough of Westville Public Works Department as a result of a Shared Services Agreement

A motion to approve Resolution No. 58-2020 was made by Councilman Sims and seconded by Councilman Lawrence. *The motion was unanimously approved by roll call vote.*

- ❖ **RESOLUTION No. 59-2020** - Approving participation with the Department of Law and Public Safety (State of New Jersey) in a Safe and Secure Communities Program for 2019-2020

A motion to approve Resolution No. 59-2020 was made by Councilman Mailley and seconded by Councilman Nordaby. *The motion was unanimously approved by roll call vote.*

- ❖ **RESOLUTION No. 60-2020** - Rejecting all bids for the 2018 CDBG demolition of existing structure and construction of ADA compliant bathrooms at the soccer complex

A motion to approve Resolution No. 60-2020 was made by Councilman Murtaugh and seconded by Councilman Sims. *The motion was unanimously approved by roll call vote.*

Bids were received and opened by the Borough Clerk for the FY2019 “Reconstruction of Hazel Avenue” on March 18, 2020 with the following results:

BIDDER	TOTAL BID
Landberg Construction, LLC 466 Clarkstown Road, Mays Landing, NJ	\$270,091.63
Paving Plus P.O. Box 508, Franklinville, NJ	\$271,897.00
Bogeys Trucking & Paving, Inc. 1779 Delsea Drive, Deptford, NJ	\$280,011.00
Pioneer Pipe 2682 Glassboro Crosskeys Road, Sewell, NJ	\$297,579.20

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NEW BUSINESS: *(Continued)*

- ❖ **RESOLUTION No. 61-2020** - Authorizing the Governing Body of the Borough of Westville to award the bid for Project FY2019 "Reconstruction of Hazel Avenue" for the total bid amount of \$270,091.63 to Landberg Construction, LLC.

In response to Councilman Sims' question about Landberg Construction and their work, Engineer Vardaxis replied that she has worked with them before and they do good work. Councilman Murtaugh also confirmed that the bid was within the Grant money.

A motion to approve Resolution No. 61-2020 was made by Councilman Sims and seconded by Councilman Murtaugh. *The motion was unanimously approved by roll call vote.*

- ❖ **RESOLUTION No. 62-2020** - Approving Change Order No. 1 FY2018 "Resurfacing and Safety Improvements" to Walnut Street

(A brief discussion took place regarding the change which included a reduction in the costs. Discussion also took place specific to work not being completed and Engineer Vardaxis said that she would reach out to the inspectors regarding the reseeding. Councilman Sims asked about the status of the punch list that was discussed at previous meetings.)

A motion to approve Resolution No. 62-2020 was made by Councilman Murtaugh and seconded by Councilman Lawrence. *The motion was unanimously approved by roll call vote.*

DISCUSSION OF:

1. 2020 Fireworks show scheduled for June 27th and whether it should be held due to the COVID-19 virus

Councilman Nordaby advised that based on the discussions held by the Celebrations Committee, it was decided that the Fireworks be postponed until the evening of the Fall Festival. Councilman Nordaby commented that if the Borough canceled the Fireworks, they would lose the deposit.

Motion to reschedule the June 27th Fireworks show to the evening of the Fall Festival scheduled for September 26, 2020 was made by Councilman Nordaby and seconded by Councilman Lawrence. *The motion was unanimously approved by voice vote.*

Councilman Murtaugh asked Solicitor Scaffidi if the Borough can include language in the 2021 Fireworks contract that states the Borough will not lose its deposit if there is a national emergency. Solicitor Scaffidi agreed that the language should be included in the contract.

2. Water problem at 232 E. Olive Street

Discussion of the continuing water problem at 232 E. Olive Street took place because the problem was fixed and after PSE&G did work at the location the problem resumed. Public Works Superintendent Finger discussed the issue and stated he needs the manpower to fix the problem. Conversation took place specific to eliminating the water issue.

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DISCUSSION OF: (continued)

3. Easement at 32 Delsea Drive (Schileen's Pub) and the New Jersey Department of Transportation's project along Delsea Drive

Administrator Giles discussed the agreement between Schileens owner (John and Eileen Schillig) and the Borough. Solicitor Scaffidi stated that an Ordinance should be written to memorialize the Easement regarding Schileen's use of property owned by the Borough.

Solicitor Scaffidi advised the Borough do an Ordinance.

Motion to Introduce Ordinance No. 6-2020, Authorizing Granting of an Easement to Schileen's Pub for Ingress and Egress access to a portion of property along Delsea Drive owned by the Borough of Westville. (Councilman Fritz asked if the Borough needed to notify the State and Councilman Murtaugh commented that it was Schileen's responsibility to contact the State.) General discussion took place regarding the project. Motion to introduce Ordinance No. 6-2020 was made by Councilman Nordaby and seconded by Councilman Sims. *The motion was unanimously approved by roll call vote.*

4. Extending the May 1, 2020 to June 1, 2020 grace period to pay second quarter taxes

Resolution No. 63-2020 - Extending grace period to pay second quarter real estate taxes due May 1, 2020 to June 1, 2020 was made by Councilman Murtaugh and seconded by Councilman Lawrence. *The motion was unanimously approved by roll call vote.*

5. Council's participation in a Zoom, "Youth in Government" meeting with students from Parkview School

Discussion took place regarding Council's participating in an online Student Government session. It was decided that Administrator Giles would talk with Principal Egan to discuss details on how to conduct the Zoom session.

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6. Request from Helen Ganz to open a Spa business on Broadway. Administrator Giles advised that based on Land Use Board rules the Spa business must be approved by the Governing Body rather than Planning and Zoning. Administrator Giles confirmed this is a "permitted use" business and that the owner of the property, Tak Chan, was online if anyone had any questions. Councilman Sims asked Mr. Chan to provide an overview of the type of business to which Mr. Chan responded that it was his understanding that Ms. Ganz wanted to open a business similar to a "Hands and Spa". Because of the language barrier, Brian Long spoke for Ms. Ganz, and stated that Mr. Chan was correct in describing the type of massage business. Councilman Sims asked for clarification on the hours of operation and Ms. Ganz (through Mr. Long) advised she was hoping for the hours of 10 a.m. to 10 p.m., seven days a week. Councilman Murtaugh commented the request is in line with other businesses in town, citing the pizza shops. Administrator Giles asked if Ms. Ganz had the lease to the property and when did she expect construction to begin. Mr. Long provided general details on the project and when the construction would begin. Councilman Nordaby asked if a health inspection needed to be performed before opening and Councilman Murtaugh advised yes. General discussion took place regarding the business and whether or not Ms. Ganz is licensed. Solicitor Scaffidi stated council could approve the use as a Spa, subject to all appropriate licensing, inspections, certifications and certificate of occupancy but the purpose of tonight's discussion was to determine the ability of Ms. Ganz to get the license, subject to all the conditions. Councilman Murtaugh asked Solicitor Scaffidi if the Borough could approve the request but withhold the Certificate of Occupancy (CO) if the licensing is not valid. Councilman Murtaugh commented that Envy has a small part of their salon devoted to massages and they haven't had issues. Mr. Long stated Ms. Ganz had concerns about language that was sent to her that stated "men cannot provide massage services to women and women cannot provide massage services to men" and she wanted to confirm that it was not a requirement for the business. Council President Ledrich stated that this is an antiquated statement and probably written many years ago and would not apply today. Discussion took place, specific to that language in a Borough Ordinance and Solicitor Scaffidi stated the Ordinance containing that language could be amended so that by time the business opens, this statement would not be an issue.

Motion to permit the proposed use as a Spa, which is a permitted use in that Zone, but requires Council's approval for the specific use and would be subject to appropriate licenses and inspections and if those licenses are not presented to the Municipality, the Certificate of Occupancy would not be approved and that there would be no issue of male/female massages but that the Borough would move to amend the Ordinance to remove that portion was made by Councilman Murtaugh and seconded by Councilman Mailley. *The motion was unanimously approved by roll call vote.*

-----CONCLUSION OF NEW BUSINESS-----

BILLS & VOUCHERS: List of Bills:

A motion to dispense with reading of the bills was made by Councilman Mailley 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 Councilman Nordaby and seconded by Councilman Lawrence. *Motion was unanimously approved by roll call vote.*

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COMMUNICATIONS:

- ❖ Letter from former Mayor Russell Welsh advising Council of his resignation from the position of Mayor effective May 1, 2020.

PUBLIC PORTION: (Individuals must state their name and address for the record and respect the five minute time limit while addressing the Governing Body.)

- ❖ Donna Moan, 232 E. Olive Street, expressed her concern about a reoccurring water leakage problem at her property and asked for the issue to be fixed as soon as possible

COMMENTS FROM MAYOR/COUNCIL/DEPARTMENT HEADS:

- ❖ Engineer Vardaxis provided updates on the Hazel Avenue project and asked if anyone had any questions about the Boundary Lane project. Public Works Manager Finger advised he was emailed the plans and can forward them to interested individuals. General discussion took place regarding the DOT 2021 grant and which job the Borough should choose for this project. Councilman Sims asked now that the Hazel Avenue project was approved, how long before the job is started and Engineer Vardaxis stated approximately one month.
- ❖ Chief Whinna commended Councilman Murtaugh and the Office of Emergency Management (OEM) for the good job they are doing during the pandemic.
- ❖ Administrator Giles provided an update on completing the Financial Disclosure Statements and the online Cyber Security course employees and elected officials are required to take. Administrator Giles also confirmed that the renewal for Liquor Licenses has been extended to September 2020.
- ❖ Councilman Sims thanked Mayor Welsh for his 20 years of service and the OEM for their service and emergency services personnel.
- ❖ Councilman Lawrence also thanked OEM for their services as well as emergency services personnel and thanked Mayor Welsh for his service.
- ❖ Councilman Mailley wished everyone to stay safe.
- ❖ Councilman Nordaby advised the Celebration Committee canceled the Memorial Day Service and asked for Council's support on that decision. All Council members agreed with the decision. Councilman Murtaugh asked if the wreaths and flags could still be placed at the monument. Councilman Nordaby also provided an update on the 9-11 Memorial and also thanked the OEM personnel and thanked Mayor Welsh for his years of service.
- ❖ Councilman Murtaugh offered his condolences to Kate Carroll and her family and thanked Mayor Welsh for his service and that the OEM received a state EMAA grant in the amount of \$10,000 that can be applied to various emergency management expenses and is a reoccurring yearly grant.

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COMMENTS FROM MAYOR/COUNCIL/DEPARTMENT HEADS: *(continued)*

- ❖ Council President Ledrich thanked the OEM workers and Mayor Welsh for his service and offered his condolences to Kate and her family.
- ❖ Administrator Giles advised that Borough employees (Court, Police Secretary and Administration) are still on modified hours by working 9 a.m. to 4 p.m. and Public Works is also working modified hours but are more flexible in the time they finish work in both Brooklawn and Westville. Administrator Giles also mentioned that the State is planning on having “virtual courts”.
- ❖ Solicitor Scaffidi wished Mayor Welsh good luck.
- ❖ Councilman Murtaugh suggested that a Proclamation be written for Mayor Welsh and read at the first meeting that is not online.

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

The meeting was adjourned at 8:10 p.m.

Respectively Submitted,

Ryan J. Giles

Ryan J. Giles

Municipal Clerk/Administrator

Next Meeting Scheduled for June 1, 2020