

**REGULAR COUNCIL MEETING
BOROUGH OF WOODBURY HEIGHTS
500 ELM AVENUE, WOODBURY HEIGHTS, NJ 08097
MARCH 15, 2017 7:30 P.M.**

Mayor Robbie J. Conley called the meeting to order with the following note: Adequate notice of this meeting has been provided by adopting a schedule of meetings for 2017 which was faxed to the South Jersey Times and Courier Post on January 9, 2017 and posted on the bulletin board in the Municipal Building conforming to the directives of the "Open Public Meetings Act".

Mayor Conley led everyone in the Pledge of Allegiance.

The roll call showed the following to be present: Councilman Robert Yerka, Councilwoman Cara Witasick, Councilman William Packer, and Councilman Richard Gambale. Also in attendance were Borough Solicitor Brian Lozuke, Borough Engineer Mark Brunermer, Borough CMFO Vikki Holmstrom and Janet Pizzi, Clerk/Administrator. Absent was Councilman Harold "Hap" Pye. Councilman Eshia "Jake" Jacob was present at 7:43 p.m.

MINUTES: A motion to approve the minutes of the Regular Council Meeting February 15, 2017 was made by Councilman Packer and seconded by Councilwoman Witasick. A roll call vote in favor was unanimous. The minutes were approved.

PUBLIC PORTION: Mayor Conley opened the public portion of the meeting.

Michael McCabe, Elm Avenue: Mr. McCabe asked for the facts regarding the purchase of a new fire truck. Councilman Yerka responded that the Borough is looking to go out to bid to purchase a new fire truck and the cost is \$600,000. The CMFO, Vikki Holmstrom, confirmed that the first step would be to appropriate the funds through a capital ordinance. Discussion continued regarding the need and the cost of purchasing a new fire truck. Mr. McCabe stated that he is "dead-set against it" and asked if Council members with a fire department affiliation would be voting on the purchase. Mayor Conley said that he did not think there was a conflict and asked Solicitor Lozuke who stated that he was unaware of a conflict. Solicitor Lozuke added that Mr. Yerka had a question considering prior affiliation which can be addressed by requesting an ethics opinion from the Local Finance Board.

Discussion continued regarding Borough funds in the fire department. Solicitor Lozuke stated that it's important for the residents to understand that the fire department and the fire association are distinct and separate entities from the Borough. He explained that both the land and building are owned separately by the fire association and the fire department uses the equipment owned by the Borough. Mr. McCabe asked if the missing \$140,000 will be paid back and stated that according to the Prosecutor's office, the arraignment is April 13. Mr. McCabe asked why the public was not informed of the missing money. Mayor Conley explained that the Fire Association is completely separate from the Fire Department and that no Borough funds were involved. Solicitor Lozuke advised that it would be inappropriate for the governing body to comment on an open criminal investigation. Solicitor Lozuke also noted that last year the Fire Chief directed a letter to Mayor and Council putting the Borough on notice that there was an issue with the Fire Association and that it was turned over to the County Prosecutor's Office. Our Police Department was not involved. Councilwoman Witasick added that Fire Association meets the first Tuesday of every month. Residents are welcome to join and attend those meetings.

Mr. McCabe next referenced the fire at the firehouse and stated that it's the second time it has burned down and also the second time it was arson. Fire Chief Radcliff confirmed that it was determined to be arson. Discussion continued and included neglected problems in town, the road program, affordable housing and property maintenance issues.

PUBLIC PORTION (CONTINUED)

Fire Chief Radcliff explained the reasons why the purchase of a new fire truck is necessary and along with Mayor Conley, also noted the cost and problems associated with repairing/refurbishing the existing trucks. Mr. McCabe questioned the option of going with County Fire Services. Mayor Conley responded “only if it makes sense”. Discussion ensued.

Frank Hipple, Elm Avenue: Pertaining to the property with multiple vehicles, Mr. Hipple stated that when he first moved to Woodbury Heights he asked the Police Chief how a resident can have seven (7) vehicles on his property. Former Police Chief Miller advised him that as long as the vehicles are registered, they are legal. Discussion ensued. Chief Lindsay stated that more recently the zoning official confirmed that the vehicles meet the criteria to remain on the property. Chief Lindsay also stated that some of the vehicles are stored on a registered trailer. Mayor Conley asked Councilman Gambale to contact the zoning department about the vehicles on this property.

Ed Hernisey, 405 Linden Avenue, former Fire Chief: Mr. Hernisey asked how many miles are on the Luverne fire truck, then added-less than 10,000? He stated that our fire department does not respond to half of the calls and suggested getting the run sheets from the county to see how many calls are actually answered and the staffing. Mr. Hernisey made accusations of arson, theft, and cover up. Mayor Conley responded that the Prosecutor’s office was investigating the fire and the Prosecutor’s office was notified as soon as they found out about the missing money. Discussion ensued.

John Lukas, Glassboro Road: Mr. Lukas complained of the speeding on Glassboro Road.

Joe Martino, Poplar Avenue: Mr. Martino stated that a lot of people in town feel the same way as what was discussed earlier-“\$600,000 makes them see their taxes going up.” Mr. Martino also said that the Public Works do a great job in town.

Ed Majewski, Central Avenue: Mr. Majewski stated that the website contained no information about the change in the trash schedule. Councilwoman Witasick stated that it was on the sign outside of Borough Hall. Vikki Holmstrom stated that the notice was sent to the webmaster and Mayor Conley said that he saw it on Facebook. Mr. Majewski next asked who enforces the sidewalk and tree maintenance. Mayor Conley stated either police or zoning. Mayor Conley asked for the public’s help with identifying problems.

Frank Hipple, Elm Avenue: Mr. Hipple asked who is responsible for the trees in between the sidewalk and the street. Mayor Conley confirmed that it is the home owner’s responsibility to maintain.

Beth Lukas, Glassboro Road: Mrs. Lukas stated that she is also against the purchase of a new fire truck and stated that she has a scanner and listens to the calls and she hears other towns responding to more calls. Mrs. Lukas stated that she would rather have more officers on duty and asked if the tax bill going out in August will contain a huge increase. Councilman Packer replied no, not this August and that the budget introduced this evening will show about a \$43 increase to the average home. Mrs. Lukas asked how long the fire truck bonding will be. Vikki Holmstrom replied that repayment will most likely be a 20 year bond and it will come in with the roads. Mrs. Lukas asked for clarification on who holds the fundraisers...the fire department or the fire association? Councilwoman Witasick

PUBLIC PORTION (CONTINUED)

replied the association. Mrs. Lukas asked why the fire department was advertising a hoagie sale. Councilwoman Witasick replied because it's held in the fire department building. Chief Radcliff provided an explanation of the fire association and fire department memberships.

Mike McCabe, Elm Avenue: Mr. McCabe requested that Councilman Yerka obtain copies of the county fire call reports for Woodbury Heights for the next meeting.

Maureen McCabe, Elm Avenue: Mrs. McCabe made a statement for the record that Mayor Conley was the Fire Chief at the time the first \$20,000 went missing from the Fire Association and along with three (3) other men hid it from everyone and allowed this same man to take another \$120,000--only then letting law enforcement get involved. Mayor Conley stated that as the Fire Chief he had nothing to do with it.

Tim Jennings, Linden Avenue: Mr. Jennings stated that he had a fire at his home in January and the Police were the first responders immediately followed by Chief Radcliff. Mr. Jennings stated that they did a great job and thanked everyone involved.

Upon hearing no additional questions or comments, a motion to close the public portion of the meeting was made by Councilwoman Witasick and seconded by Councilman Packer. All of Council agreed. Motion carried.

ENGINEER'S REPORT: Mr. Brunermer reported an update to the Route 45 Pump Station Project and stated the new controls are in and operating. It is anticipated that Lincoln Avenue will be paved sometime between April 1 and April 30 to finish the project. They are working through DEP comments on Well #2. The following proposals are presented this evening for Council's consideration:

1. PROPOSAL FOR CLEMENT AVENUE & GLASSBORO ROAD RECONSTRUCTION
2. PROPOSAL FOR 2017 ROAD RECONSTRUCTION PROGRAM

A motion to approve both proposals was made by Councilwoman Witasick and seconded by Councilman Packer. A roll call vote in favor was unanimous. The proposals were approved.

SOLICITOR'S REPORT

**ORDINANCES
FINAL READING/PUBLIC HEARING**

**ORDINANCE 2-2017
TABLED FROM FEBRUARY 15, 2017**

**AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS
RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE
PUBLIC IN A PORTION OF CERTAIN STREETS IN THE BOROUGH OF
WOODBURY HEIGHTS, COUNTY OF GLOUCESTER AND STATE OF NEW
JERSEY**

Solicitor Lozuke stated that he is still waiting for legal descriptions and requested that Ordinance 2-2017 again be tabled until the next regular meeting scheduled April 19, 2017. A motion to table Ordinance 2-2017 was made by Councilman Packer and seconded by Councilman Gambale. A roll call vote in favor was unanimous. Ordinance 2-2017 is tabled to the meeting scheduled April 19, 2017.

ORDINANCES (CONTINUED)

ORDINANCE 3-2017

BOND ORDINANCE AUTHORIZING VARIOUS ROAD IMPROVEMENTS IN AND FOR THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER, NEW JERSEY; APPROPRIATING THE SUM OF \$1,020,408 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$950,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Solicitor Lozuke read Ordinance 3-2017 by title only. Mayor Conley opened the public hearing for Ordinance 3-2017 and upon hearing no questions or comments, a motion to close the public hearing was made by Councilman Packer and seconded by Councilwoman Witasick. All of Council agreed. Motion carried. A motion to approve Ordinance 3-2017 was made by Councilman Packer and seconded by Councilman Yerka. A roll call vote in favor was unanimous. Ordinance 3-2017 was adopted.

FIRST READING/INTRODUCTION

ORDINANCE 4-2017

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S. 40A:4-45.14)

Solicitor Lozuke read Ordinance 4-2017 by title only. A motion to approve this ordinance on first reading was made by Councilman Packer and seconded by Councilwoman Witasick. A roll call vote in favor was unanimous. Ordinance 4-2017 was approved on first reading.

RESOLUTIONS

RESOLUTION 37-2017

REFUNDING TAXES FOR DISABLED VETERAN

Solicitor Lozuke read Resolution 37-2017 by title only. A motion to approve this resolution was made by Councilman Jacob and seconded by Councilwoman Witasick. A roll call vote in favor was unanimous. Resolution 37-2017 was approved.

RESOLUTION 39-2017

RESOLUTION EXCLUDING PUBLIC PARTICIPATION WITHIN A PORTION OF A MEETING OF THE BOROUGH COUNCIL PURSUANT TO NJSA 10:4-12

Solicitor Lozuke read Resolution 39-2017 by title only. A motion to approve this resolution was made by Councilman Packer and seconded by Councilwoman Witasick. A roll call vote in favor was unanimous. Resolution 39-2017 was approved.

RESOLUTION 38-2017

INTRODUCTION OF THE 2017 MUNICIPAL BUDGET

Solicitor Lozuke read Resolution 38-2017 by title only. Vikki Holmstrom, CMFO, gave an overview of the 2017 municipal budget. She noted that the budget represents a 2.5 cents increase which equates to \$43.82 on a home assessed at \$178,372.00. Highlights of the budget-surplus use is down, overall appropriations are down this year, our tax base is down somewhat (and we are seeing that a little in our increase), and collections remain steady. We are under our levy tax for appropriations and the entire levy, and the biggest increase was in the salary and wage line item totaling \$19,400.00 in mostly contractual increases.

RESOLUTIONS (CONTINUED)

Councilman Packer commented that this is a solid budget and thanked the CMFO for her work and noted that with a strong economic report and a strong budget, the Borough's bond rating has increased which will qualify the Borough for lower interest rates on borrowing. A motion to approve Resolution 38-2017 was made by Councilman Packer and seconded by Councilwoman Witasick. A roll call vote in favor was unanimous. Resolution 38-2017 was approved. The 2017 Municipal Budget was approved on introduction.

COMMITTEE REPORTS:

Public Safety Committee: Councilman Yerka presented the monthly Police and Fire Department Reports which will be on file in the Clerk's office. Mayor Conley asked Chief Lindsay for status on the speeding problems on Central Avenue and Holly Avenue. Chief replied that a handful of tickets were issued. Mayor Conley asked Chief Lindsay to continue to monitor those areas and follow up at next meeting.

Water & Sewer: Councilwoman Witasick presented the monthly water/sewer report. A copy will be on file in the Clerk's office.

Finance & Administration: Councilman Packer stated that his report was presented earlier in the meeting. A copy of his report will be on file in the Clerk's office.

Property & Environmental: Councilman Gambale stated that it was a quiet month and provided a status report for several properties that he is working on with the Property Maintenance Liaison, Duane Pheasant.

Recreation & Civic: Councilman Jacob stated that Senator Sweeney contacted him and advised him that legislation passed involving a tax benefit for veterans and will begin next year. Opening day is April 1. The movie this year to be held on July 7 at the community center will be "Sing".

Mayor Conley thanked the Police, Fire and Public Works departments for their work during the storm.

BILL LIST: A motion to approve the bill list as presented was made by Councilman Packer and seconded by Councilwoman Witasick. A roll call vote in favor was unanimous. The bill list was approved.

PUBLIC PORTION: Mayor Conley opened the public portion for questions or comments.

Frank Hipple, Elm Avenue asked for the parameters for a disabled veteran benefit. Mrs. Holmstrom replied that you must be deemed 100% disabled by the Veterans' Administration. The application is filed with the County.

Mike McCabe, Elm Avenue asked the Public Works Director about a down tree. Discussion ensued.

Frank Hipple, Elm Avenue stated that he heard of towns buying the foreclosed houses, repairing them and selling them. Mayor Conley said that it is called "receivership". The Borough does not have funding to do this. Harry W. Elton, Jr.

PUBLIC PORTION CONTINUED

added that the Borough has looked in to doing this in the past and it is too expensive. He also noted that the Borough is not set up to handle it.

Joseph Getsinger, Elm Avenue asked about the status of Starbucks coming to town. Mayor Conley replied that the developer just got ownership of the building and the Public Works Director added that he just sent out a letter authorizing demolition so that the developer could obtain the permit.

Bruce Farrell, Spruce Court asked if Council has considered his request regarding the retention basin on his property. Councilman Packer stated that he cannot make a decision until he has the full cost impact to the Borough. The Public Works Director estimated an annual maintenance cost of over \$10,000 and the five year maintenance could be upwards of six figures. Solicitor Lozuke added that when the subdivision was approved by the Planning Board, there was discussion by the Board of a possible HOA. For whatever reason, it was decided that the basin would be attached to the individual lot. When this major subdivision was approved, it was perfectly permissible under the stormwater regulations. In 2004-2005, the administrative regulations changed which would not permit an individual homeowner to be responsible for the ownership and maintenance of a basin alone. That obligation must be spread among the HOA or the municipality can agree to take on individual ownership. Discussion ensued. The Engineer and Director of Public Works will work on providing Council with a cost associated with accepting ownership of the basin.

Councilwoman Witasick requested that the Property Maintenance Official look at the property at Spruce Court and Fourth Street. The bamboo is in the road and blocking traffic.

Harry W. Elton, Jr., Vanderbilt Avenue: Mr. Elton stated that regarding Spruce Court, he sat on the Planning Board at that time and he is requesting Council to review the minutes from those meetings regarding the basin staying with that property. Mr. Elton noted that there was a reason for it--and it was for the development of the court, instead of the whole street going through. He said that personally he feels that the basin needs to remain with that property because at that time, in order for the developer to do what they did there, the developer needed the basin to stay with the property. Mr. Elton added "now they don't want it and want the Borough to assume responsibility for it, and that is not fair".

Tim Jennings, Linden Avenue: Mr. Jennings noted that SJG will be installing new gas mains on Central, Beech, Oak, Linden, Third and part of West Jersey Avenue and asked how much involvement the Borough has in the road reconstruction. Mr. Brunermer noted that a lot of the work will be done outside the paving in the grass shoulder area. Discussion continued and included parking in the shoulder area and poor lighting on Elm Avenue.

Upon hearing no additional questions or comments, a motion to close the public portion was made by Councilman Jacob and seconded by Councilman Witasick. All of Council agreed. Motion carried.

At 9:15 p.m., Mayor Conley announced that after a short break, the meeting will be closed to the public but will return to open session once the close session is ended.

The meeting was closed to the public at 9:30 p.m. until 9:33 p.m., at which time Mayor and Council resumed the open meeting.

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At 9:33 p.m., back in open session, a motion to authorize the Borough Solicitor to negotiate an agreement with Deptford MUA was made by Councilman Packer and seconded by Councilwoman Witasick. A roll call vote in favor was unanimous. Motion carried.

ADJOURNMENT: A motion to adjourn was made by Councilman Packer and seconded by Councilwoman Witasick. All of Council agreed. Motion carried. The meeting ended at 9:34 p.m.

Respectfully submitted,

Janet Pizzi, Clerk/Administrator