

**REGULAR COUNCIL MEETING
BOROUGH OF WOODBURY HEIGHTS
500 ELM AVENUE, WOODBURY HEIGHTS, NJ 08097
APRIL 18, 2012 7:30 P.M.**

Mayor Harry W. Elton, Jr. called the meeting to order with the following note: Adequate notice of this meeting has been provided by adopting a schedule of meetings for 2012 which was faxed and mailed to the Gloucester County Times and Courier Post on January 9, 2012 and posted on the bulletin board in the Municipal Building conforming to the directives of the "Open Public Meetings Act".

Mayor Elton led everyone in the Pledge of Allegiance.

A call of roll showed the following to be present: Councilman William Packer, Councilman Brett Scull, Councilman Harold "Hap" Pye, Councilman Duane Pheasant, Councilwoman Debra Truhan and Councilman Eshia "Jake" Jacob. Also in attendance were Borough Solicitor Barry Lozuke, Bill Mesogianes, Sickels & Associates, Michael Welding, Bowman & Company, Vikki Holmstrom, CFO and Janet Pizzi, Clerk/Admin.

CLERK'S REPORT: The Clerk reported for the month of March 2012 total receipts in the amount of \$1,743.50. Of this amount, \$1,635.30 was turned over to the CFO and \$89.00 was deposited into the Dog Fund.

PUBLIC PORTION: Mayor Elton opened the public portion of the meeting and stated for the record that Ordinance 4-2012 through and inclusive of Ordinance 8-2012 will have a separate public hearing session. The Mayor further stated that he is opening this public portion for questions or comments on any other general issues.

Joseph Brasberger, Chestnut Avenue: Mr. Brasberger asked if the development referenced in Ordinance 6-2012 will be condo, and will they be sold or rented? Solicitor Lozuke stated that the ordinance permits multi-family residential units and advised that in New Jersey it is not permissible by law to dictate occupancy in terms of ownership. Solicitor Lozuke stated that the indication at this stage is that the units will be on a rental basis as opposed to ownership. Mr. Brasberger asked how the units will be controlled. Mayor Elton stated that someone will be put into place to monitor the situation. Solicitor Lozuke added that it falls within the jurisdiction of the State. Discussion ensued. Mayor Elton introduced the Borough Planner, Tiffany CuvIELLO, who stated that adopting this ordinance as part of a settlement agreement essentially protects the Borough from future lawsuits to open up the possibility for this type of housing on other properties. The Planning Board adopted a housing element and fair share plan to identify how this ordinance, in this development, would help satisfy the affordable housing obligation as it exists today. Ms. CuvIELLO also stated that the developer would have to go back to the Planning Board for an amended site plan approval and further stated that since it is a major site plan, public notice will be required. Tiffany CuvIELLO noted that the affordable housing units themselves are monitored on a yearly basis. The Borough, through the developer, will have to appoint an administrative housing official on a yearly basis. That official will make sure that the unit is still occupied and not sublet out; that other people are not living in the units, and that the tenants meet the income requirements. The affordable units that are a part of the development have an extra level of control.

Sean Gleason, Central Avenue: Mr. Gleason stated that the problems at the property located at 448 Central Avenue still exist. Mr. Gleason continued that he understands that the ordinance created to help with these types of issues is unenforceable. Solicitor Lozuke stated that he is unaware of any part of that ordinance being unenforceable. The ordinance doesn't give the Borough universal, all-encompassing power to manage the occupancy of that property. The ordinance requires registration, permits inspections and licenses the properties. The process is not one that moves quickly enough for anyone who is directly impacted by it. The ordinance is at the limits of the Borough's jurisdiction. Mr. Gleason asked if there is a liaison to contact with problems. Mayor Elton replied that right now the contact is the Zoning Officer. Mayor Elton continued that the Borough has budgeted for a Compliance Officer and the Borough is in the process of putting someone in place. Discussion ensued.

PUBLIC PORTION (CONTINUED)

Shelly Bronum, Glassboro Road: Mrs. Bronum asked Councilman Jacob if a clean communities clean up at the Lake can be conducted on May 19. Councilman Jacob approved. Mrs. Bronum advised Council that the Lake Association webpage cannot be accessed through the Borough website. The Clerk was asked to contact Ron Tomasetti. Mrs. Bronum stated that the Lake Association would like to hold a kids camp at the Community Center the week of June 25. Mrs. Bronum asked about the Lake treatment report to ascertain the effectiveness of the program. Mayor Elton stated that there is no official report. He also added that the program is continuing and the lake will be treated again this year. Fishing Derby will be June 9 at the Lake.

Amy Collins, Central Avenue: Mrs. Collins asked if the new Compliance Officer will check occupancy, etc. Mayor Elton replied yes. Discussion ensued.

Walt Lasauskas, Ivy Drive: Mr. Lasauskas asked when the Fire Department investigation results will be made public and when will it be rebuilt. Councilman Pheasant responded that the investigation is currently on-going. The Fire Department will be temporarily housed at the former Bell Telephone building on Glassboro Road. Discussion ensued.

Ann Smith, Glassboro Road: Mrs. Smith asked where the fire house siren will be located. Mayor Elton replied that they are not moving the siren.

Jim Norcross, Fairview asked if Ordinance 7-2012 will allow the Borough to spend more money than it has. CFO Vikki Holmstrom responded that this is an annual ordinance that allows the Borough to bank money.

Greg Jones, Fairview Avenue: Mr. Jones asked if Ordinance 6-2012 is a requirement of federal or state law. Solicitor Lozuke responded that this is one of the ingredients of a potential settlement of a builders remedy suit by the property owner. A builder's remedy suit is based upon an allegation that this municipality has not abided by its constitutional obligations to provide reasonable opportunities for low and moderate income families to obtain housing. It's a violation of the Fair Housing Act in New Jersey and there are references to the federal fair housing act. The final word in this process is the Superior Court's jurisdiction. Mr. Jones asked if there would be an open bid process or if there is a contractor for this project? Mayor Elton replied that there is no approved project. Mr. Jones asked if the Borough will hold an open bid once the project is approved. Mr. Jones was advised that this is private property, and not Borough owned property. Discussion ensued.

Beth Lukas, Glassboro Road: Mrs. Lukas stated that parking regulations are vague in Ordinance 6-2012. Tiffany CuvIELLO advised that parking will be consistent with the Residential Site Improvement Standards. Mrs. Lukas asked if owner provided security could be included in the ordinance. Solicitor Lozuke replied that this is a municipal land use ordinance which governs the types of uses permitted, the types of improvements associated with those uses. Mrs. Lukas asked if there would be a speed line hub in Woodbury Heights. Mayor Elton replied that he has no information on that. Discussion ensued.

Bob Peter, 115 Academy Avenue: Mr. Peter asked if there has been any consideration given to provide another access road. Mayor Elton responded not at this time and Councilman Scull said that he will bring this idea up at a future Planning Board meeting.

PUBLIC PORTION (CONTINUED)

Hugh McIntyre, 600 Fairview Avenue: Mr. McIntyre stated he came in late and missed the beginning of the public portion and asked for an update regarding the types of units and occupancy. Discussion ensued.

Rose Yerka, 601 Stratford Avenue: Mrs. Yerka asked if the total cost for the lake treatment will be paid completely by the Borough and Councilman Packer replied that the full cost is in the budget. Mrs. Yerka asked if Ordinance 6-2012 covers all housing in Woodbury Heights. Mayor Elton replied that this Ordinance is specifically for this site. Mrs. Yerka asked for an explanation of Option 4 in Ordinance 6-2012. Explanation was provided by Tiffany Cuviallo. Mrs. Yerka asked for an explanation of the appeal process for this ordinance. Discussion ensued.

Walt Lauskasus, Ivy Drive: Mr. Lauskasus asked if the 34 affordable units could not be used for HUD, could any of the remaining units be used for that purpose if the contractor chooses to do so. Solicitor Lozuke said that the chances of this happening would be miniscule if it goes to a rental type of property. Discussion ensued.

Upon hearing no additional questions or comments, Mayor Elton closed the public portion of the meeting.

ENGINEER'S REPORT: A motion to approve the Engineer's proposal for the Reconstruction of Lake Avenue Project was made by Councilman Pye and seconded by Councilman Scull. A roll call vote in favor was unanimous. Motion carried.

SOLICITOR'S REPORT

ORDINANCES

FINAL READING/PUBLIC HEARING

ORDINANCE 4-2012

AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER, NEW JERSEY, APPROPRIATING \$50,000 FOR THE FAIRVIEW AVENUE DRAINAGE SYSTEM AND PAVING RESTORATION

Solicitor Lozuke read Ordinance 4-2012 by title only. Mayor Elton opened this ordinance to the public for question or comment. Jim Norcross, Fairview Avenue asked if the entire street from Grandview to Fairview would be done. Mayor Elton replied "yes, to Glassboro Road". Upon hearing no additional questions or comments, Mayor Elton closed the public hearing for Ordinance 4-2012. A motion to adopt this ordinance was made by Councilman Packer and seconded by Councilman Packer. A roll call vote in favor was unanimous. Ordinance 4-2012 was approved.

ORDINANCE 5-2012

ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER, NEW JERSEY CANCELING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR CAPITAL IMPROVEMENTS AND REAPPROPRIATING SUCH FUNDED APPROPRIATION BALANCES FOR OTHER CAPITAL PROJECTS

Solicitor Lozuke read Ordinance 5-2012 by title only. Mayor Elton opened this ordinance to the public for questions or comments and upon hearing none, closed same. A motion to adopt Ordinance 5-2012 was made by Councilman Pheasant and seconded by Councilman Scull. A roll call vote in favor was unanimous. Ordinance 5-2012 was approved.

ORDINANCES (CONTINUED)

ORDINANCE 6 - 2012

ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCES AND THE WOODBURY HEIGHTS CODE TO CODIFY AND IMPLEMENT THE PROVISIONS OF THE HOUSING ELEMENT AND FAIR SHARE PLAN AMENDMENT OF THE MASTER PLAN

Solicitor Lozuke read Ordinance 6-2012 by title only. Mayor Elton opened this ordinance to the public for question or comment. Rose Yerka, Stratford Avenue asked if there is an effective date of this Ordinance. She was informed that it would be effective as of the compliance date. Discussion ensued. Upon hearing no additional questions or comments, Mayor Elton closed the public hearing for Ordinance 6-2012. A motion to adopt this Ordinance 6-2012 was made by Councilman Scull and seconded by Councilman Packer. A roll call vote in favor was unanimous. Ordinance 6 -2012 was approved.

ORDINANCE 7-2012

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 7-2012 by title only. Mayor Elton opened this ordinance to the public for questions or comments and upon hearing none, closed same. A motion to adopt Ordinance 7-2012 was made by Councilman Scull and seconded by Councilman Packer. A roll call vote in favor was unanimous. Ordinance 7-2012 was approved.

ORDINANCE 8-2012

(NOT ADOPTED)

ORDINANCE ADOPTING PERSONNEL POLICIES AND PROCEDURES MANUAL FOR THE BOROUGH OF WOODBURY HEIGHTS, GLOUCESTER COUNTY

Solicitor Lozuke advised Council that the JIF did not approve this Ordinance. Solicitor Lozuke made a recommendation to “not adopt” Ordinance 8-2012. It is being replaced by Ordinance 11-2012. Mayor Elton opened Ordinance 8-2012 to the public for questions or comments. Rose Yerka asked what the Personnel Manual includes. She was informed that it is a rules and regulations manual which, once implemented, will substantially reduce the Borough’s insurance assessments, deductibles and co-pays. Upon hearing no additional questions or comments, Mayor Elton closed the public hearing for Ordinance 8-2012. **A motion to reject Ordinance 8-2012** was made by Councilman Packer and seconded by Councilman Scull. A roll call vote in favor was unanimous. **Ordinance 8-2012 was not approved.**

FIRST READING/INTRODUCTION

ORDINANCE 9 -2012

ORDINANCE AMENDING ORDINANCE 1-2012 ENTITLED “ORDINANCE ESTABLISHING SALARIES AND COMPENSATION OF VARIOUS BOROUGH OFFICERS AND EMPLOYEES OF THE BOROUGH OF WOODBURY HEIGHTS FOR THE CALENDAR YEAR 2012”

Solicitor Lozuke read Ordinance 9-2012 by title only. A motion to approve this Ordinance on first reading was made by Councilman Pheasant and seconded by Councilman Scull. A roll call vote in favor was unanimous. Ordinance 9-2012 was approved on first reading.

ORDINANCE 10 – 2012

ORDINANCE ESTABLISHING THE POSITION OF COMMUNITY CENTER FACILITY COORDINATOR

Solicitor Lozuke read Ordinance 10-2012 by title only. A motion to approve this Ordinance on first reading was made by Councilman Jacob and seconded by Councilman Scull. A roll call vote in favor was unanimous. Ordinance 10-2012 was approved on first reading.

ORDINANCES (CONTINUED)

ORDINANCE 11 – 2012

AN ORDINANCE ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES AND AUTHORIZING THE ADMINISTRATOR TO IMPLEMENT SAID PRACTICES WITH ALL LOCAL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS AND INDEPENDENT CONTRACTORS OF THE BOROUGH OF WOODBURY HEIGHTS

Solicitor Lozuke read Ordinance 11-2012 by title only. A motion to approve this Ordinance on first reading was made by Councilman Pheasant and seconded by Councilman Scull. A roll call vote in favor was unanimous. Ordinance 11-2012 was approved on first reading.

RESOLUTIONS

RESOLUTION 55-2012

RESOLUTION AUTHORIZING ADDENDUM TO AGREEMENT WITH NEW JERSEY AMERICAN WATER COMPANY, INC.

Solicitor Lozuke read Resolution 55-2012 by title only. A motion to approve this resolution was made by Councilwoman Truhan and seconded by Councilman Scull. A roll call vote in favor was unanimous. Resolution 55-2012 was approved.

RESOLUTION 56-2012

RESOLUTION AUTHORIZING PURCHASE OF WATER TREATMENT SUPPLIES AND SERVICES

Solicitor Lozuke read Resolution 56-2012 by title only. A motion to approve this resolution was made by Councilman Scull and seconded by Councilman Pye. A roll call vote in favor was unanimous. Resolution 56-2012 was approved.

RESOLUTION 57-2012

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$123,000 OF SPECIAL EMERGENCY NOTES OF THE BOROUGH OF WOODBURY HEIGHTS; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES.

Solicitor Lozuke read Resolution 57-2012 by title only. A motion to approve this resolution was made by Councilman Scull and seconded by Councilman Packer. A roll call vote in favor was unanimous. Resolution 57-2012 was approved.

RESOLUTION 58-2012

A RESOLUTION TO AFFIRM THE BOROUGH OF WOODBURY HEIGHTS CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

Solicitor Lozuke read Resolution 58-2012 by title only. A motion to approve this resolution was made by Councilman Scull and seconded by Councilman Packer. A roll call vote in favor was unanimous. Resolution 58-2012 was approved.

RESOLUTIONS (CONTINUED)

RESOLUTION 59-2012

RESOLUTION ADOPTING AN EMPLOYEE HANDBOOK

Solicitor Lozuke read Resolution 59-2012 by title only. A motion to approve this resolution was made by Councilman Pye and seconded by Councilman Scull. A roll call vote in favor was unanimous. Resolution 59-2012 was approved.

RESOLUTION 60-2012

BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER, SELF EXAMINATION OF BUDGET RESOLUTION

Solicitor Lozuke read Resolution 60-2012 by title only. A motion to approve this resolution was made by Councilman Scull and seconded by Councilman Packer. A roll call vote in favor was unanimous. Resolution 60-2012 was approved.

RESOLUTION 61-2012

RESOLUTION AUTHORIZING THE 2012 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY AT THE PUBLIC HEARING

Solicitor Lozuke read Resolution 61-2012 by title only. A motion to approve this resolution was made by Councilman Scull and seconded by Councilman Pye. A roll call vote in favor was unanimous. Resolution 61-2012 was approved.

PUBLIC HEARING OF THE 2012 MUNICIPAL BUDGET: Mayor Elton opened the public hearing for questions or comments.

Beth Lukas, Glassboro Road asked how the budget could pass when the Borough has just introduced a salary ordinance. Mayor Elton, Councilman Scull and Councilman Pye explained that this is the process by which the Borough must follow to approve the budget and authorize salaries. Mrs. Lukas asked what the dollar amount will be per average house in Woodbury Heights. Vikki Holmstrom, CFO, stated that this year it is a little difficult to give an exact rate due to the revaluation; however, the average residential assessment this year is \$178,472.61. The impact to that home is (25.24). discussion ensued.

Rose Yerka, 601 Stratford Avenue: Mrs. Yerka asked for an explanation of the budget self-examination. Mrs. Holmstrom explained that this is a three year cycle which allows the Borough, along with the Auditor, to examine its numbers for two out of those three years. The state will examine our numbers the third year.

Upon hearing no additional questions or comments, Mayor Elton closed the public hearing of the 2012 Municipal Budget.

RESOLUTION 62-2012

ADOPTION OF THE 2012 MUNICIPAL BUDGET

Solicitor Lozuke read Resolution 62-2012 by title only. A motion to approve this resolution was made by Councilman Scull and seconded by Councilman Pheasant. A roll call vote in favor was unanimous. Resolution 62-2012 was approved.

RESOLUTION 63-2012

RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES FOR THE BOROUGH OF WOODBURY HEIGHTS

Solicitor Lozuke read Resolution 63-2012 by title only. A motion to approve this resolution was made by Councilman Packer and seconded by Councilman Scull. A roll call vote in favor was unanimous. Resolution 63-2012 was approved.

RESOLUTIONS (CONTINUED)

RESOLUTION 64-2012

RESOLUTION OPPOSING SENATE BILLS 1451 (OPMA) AND 1452 (OPRA)

Solicitor Lozuke read Resolution 54-2012 by title only. A motion to approve this resolution was made by Councilman Pheasant and seconded by Councilman Pye. A roll call vote in favor was unanimous. Resolution 64-2012 was approved.

COMMITTEE REPORTS

PROPERTY & ENVIRONMENTAL: Councilman Packer reported that the roof project is almost complete. The sound attenuation project is complete and the repairs to the heating system are in progress. Councilman Packer thanked the Solicitor and the Clerk/Administrator for the work involved in getting the EPL Plan prepared.

FINANCE & ADMINISTRATION: Councilman Scull reported that the 2012 Municipal Budget was adopted this evening. A copy of his report will be on file in the Clerk's office.

STREETS & ROADS: Councilman Pye stated that a copy of his report will be on file in the Clerk's office.

PUBLIC SAFETY: Councilman Pheasant stated that the Fire Department and Police Department are working hard to keep the residents safe. A copy of this report will be on file in the Clerk's office.

WATER & SEWER: Councilwoman Truhan stated that a copy of her report will be on file in the Clerk's office.

RECREATION & CIVIC: Councilman Jacob reported that the National Day of Prayer service will be held on May 3 at Noon. On May 19 at 7:00 p.m., Officer Josh Moline will be installed as the first Iraqi Freedom Commander of the Anthony T. Calista VFW Post #5579. Opening Day will be on April 21 at 10 a.m.

Mayor Elton announced that the newsletter articles are due May 4. Mayor Elton thanked the public for all of its help with the fire house and announced that the fire house will be rebuilt and will be back in business next door.

BILL LIST: A motion to approve the bill list as presented this evening was made by Councilman Scull and seconded by Councilman Pheasant. A roll call vote in favor was unanimous. The bill list was approved.

PUBLIC PORTION: Mayor Elton opened the public portion of the meeting:

Rose Yerka, Stratford Avenue: Mrs. Yerka noted that there is foreclosure legislation pending and encouraged interested residents to contact Senator Norcross. Mrs. Yerka reminded everyone that there is a committee for public safety being formed.

Shelly Bronum asked if the Borough would have lost the Fire Department had we consolidated with the County. Mayor Elton replied that we would probably have a vacant building next door because there are five firehouses within a mile. Discussion ensued.

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PUBLIC PORTION (CONTINUED)

Beth Lukas, Glassboro Road: Mrs. Lukas asked if the State could make the Borough charge for ambulance calls. Councilman Pye and Mayor Elton explained that the Borough does not charge for ambulance calls and for County ambulance calls, the County bills a person's insurance.

Upon hearing no additional questions or comments, Mayor Elton closed the public portion of the meeting.

ADJOURNMENT: A motion to adjourn was made by Councilman Scull and seconded by Councilman Pye. All of Council agreed. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Janet Pizzi, Clerk/Administrator