

**REGULAR COUNCIL MEETING  
BOROUGH OF WOODBURY HEIGHTS  
500 ELM AVENUE, WOODBURY HEIGHTS, NJ 08097  
JUNE 17, 2015 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 2015 which was faxed to the South Jersey Times and Courier Post on January 5, 2015 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 call of roll showed the following to be present: Councilman William C. Packer, Councilwoman Cara Witasick, Councilman Harold "Hap" Pye, Councilman Duane Pheasant, Councilman Richard Gambale and Councilman Eshia "Jake" Jacob. Also in attendance were Borough Solicitor Barry Lozuke, Borough Engineer Mark Brunermer and Clerk/Administrator Janet Pizzi.

**Proclamations:**

Mayor Conley presented a proclamation to Patrolman Jason Neely for his participation in the Police Unity Tour, Chapter 2, South Jersey Chapter. Chief George Lindsay noted that Patrolman Neely's wife should also be commended for her participation.

Mayor Conley presented a proclamation on behalf of Fibrodysplasia Ossificans Progressiva (F.O.P.).

**Minutes:**

A motion to approve the minutes of the Regular Council Meeting May 20, 2015 was made by Councilman Pye and seconded by Councilman Packer. A roll call vote in favor went as follows:

PACKER	YES
WITASICK	ABSTAIN
PYE	YES
PHEASANT	YES
GAMBALE	YES
JACOB	YES

The minutes were approved.

A motion to approve the minutes of the Special Council Meeting June 01, 2015 was made by Councilman Pheasant and seconded by Councilman Jacob. A roll call vote in favor was unanimous. The minutes were approved.

**CLERK'S REPORT:** The Clerk reported total receipts in the amount of \$2,014.32. Of that amount, \$1,981.12 was turned over to the Treasurer and \$7.00 was deposited into the Dog Fund.

**Public Portion:** Mayor Conley opened the Public Portion of the meeting for questions or comments.

Robert Stibach, 438 Linden Avenue informed Mayor and Council that he is losing buyers for his house due to the condition of the abandoned property on his street. He asked why more isn't being done about the vacant and abandoned properties in town that are not being maintained by the owners. Mayor Conley informed him that there is a Resolution on the agenda this evening authorizing participation in a shared service with the County for abandoned property registration. Discussion ensued.

Shelly Bronum, 1056 Glassboro Road requested the holes be filled in the alley way on Fairview. Councilman Pye asked Public Works Director Rick Middleton to handle that and Mayor Conley noted that it's on their list of roads to be repaired.

Rose Yerka,, 601 Stratford Avenue stated that there is no Planning Board Meeting information on the website. Mrs. Yerka asked who is the Special Counsel appointed in Resolution 66-2015. Solicitor Lozuke replied that it is Jeffrey Surenian, the attorney who represented the Borough in rounds one and two in the affordable housing matters. Mrs. Yerka also questioned Resolution 68-2015. Solicitor Lozuke explained that it is an appointment by the Mayor of a group consisting of public officials, planning board members, staff and citizens to assist the Borough in its efforts for the round three affordable housing obligation compliance. Mrs. Yerka asked if any planning board applications have come in for affordable housing. Mayor Conley stated that he has not heard of any applications other than Wawa to fence in their trash enclosure.

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

**ENGINEER'S REPORT:** Mark Brunermer reported that authorization from the County was granted to the Borough to receive bids for the Fourth & Oak Streets intersection improvements for handicap ramps CDBG project. Results will be available at the next Regular Meeting in July. Central Avenue pump station bid specs are being worked on and should go out to bid before the next meeting.

#### **SOLICITOR'S REPORT**

Solicitor Lozuke provided the following affordable housing update: The Supreme Court has enabled municipalities to keep a judgment of repose, which is insulation of a builder's remedy suit if they meet certain criteria. To do so, the Borough must file a Declaratory Judgment Complaint between June 8, 2015 and July 8, 2015. With the assistance of Mr. Surenian, Solicitor Lozuke stated that it is almost complete and expects to have it filed before the end of June, 2015. On the Planning Board side, our Professional Planner, Tiffany CuvIELLO is working on some of the factual base that must be incorporated into the Complaint. Solicitor Lozuke stated that he feels the Borough has a 'better than average' opportunity to convince Judge MacDonald to allow us a sufficient period of time to prepare and seek approval of an affordable housing plan during a period of repose which does not permit builders/developers to sue the Borough for violations of our affordable housing obligations. As many municipalities have learned, when a builder's remedy suit is filed, if a municipality is not compliant with its obligations, the courts have severely imposed the remedy of setting aside the zoning ordinance entirely and going forward with a review of a developer's proposal as long as it includes an affordable housing component to develop a parcel of property. Solicitor Lozuke explained that although Woodbury Heights is pretty much developed with very little vacant land, this is only part of the story. As experienced with the last round, we are now vested with properties that could be converted for other uses, such as Mamco, which was converted to affordable residential housing. We have some concern that we are vested with this new burden on the municipal side with limited time to seek these remedies and protections at the same time that we do not have rules, regulations or enactments of any guidance of what our affordable housing obligation will look like. Before COAH went out of business, one of the recommendations of COAH's experts of the assignment of round three obligation to us is 150 units of affordable housing. They can be comprised of new units, rehabilitation units and can be comprised of some other bonus types of obligations that would be imposed. Our Planner is working on a vacant property study which is a tool used to reduce the obligation. One of the things you are being asked to act on tonight is to participate with a group of other municipalities to hire Dr. Burchell,

Professor at Rutgers University, who was a principal architect of the affordable housing assignment architecture with COAH in rounds one and two. Dr. Burchell and Rutgers are no longer affiliated with COAH. He is being engaged to provide defense studies against what has been the previous round three COAH assignment of obligations. Because there are upward of 60 municipalities participating in the shared service, the cost is greatly reduced. The only thing we are certain of right now is that we will have a future obligation and we will not be satisfied with this obligation. We further know that we have an obligation to start acting on our current plan which has been court approved for part of round one and most of round two. Our Planner was asked to contact Mr. Rukenstein who the Borough contracted with to provide some of the round two obligations (Woodland Avenue and elsewhere) and to see if he has any ideas of where we may go. Round one COAH was to have these three round obligations and revisit affordable housing at the end of it. Round three that we are working on now was to have commenced in 2008.

Councilman Packer noted that the order of repose was to be a part of the builder's remedy suit settlement agreement last year and now it sounds as if the Borough must re-file and incur additional legal costs for something that formed the basis for accepting that settlement. Solicitor Lozuke explained that the order we had last year was two parts, one to settle the suit and the other was to seek court approval of an affordable housing plan that was about to be submitted to COAH, and within the week prior to the builder's remedy suit, it fell. In the order of repose, the end product of that, we had a period of 6 months from the date COAH would have enacted a round three obligation. Six months to submit a compliant plan. We still have that but the Supreme Court has now said that we do not go to COAH any longer, we go to the courts and they are giving us this window of opportunity to prove that we have made a commitment to abide by our obligations. If we can meet certain criteria that demonstrates that commitment to abide, then they will give us a protection order. If not, we are potentially stuck with the consequences of a builder's remedy suit. The Supreme Court declared COAH to be a non-functioning state agency and had warned the state on many occasions that if COAH did not enact a round three obligation, then the court would act.

## **RESOLUTIONS**

### **RESOLUTION 63-2015**

#### **RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM**

Solicitor Lozuke read Resolution 63-2015 by title only. A motion to approve this resolution was made by Councilman Pye and seconded by Councilman Pheasant. A roll call vote in favor was unanimous. Resolution 63-2015 was approved.

### **RESOLUTION 64-2015**

#### **RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF GLOUCESTER FOR PARTICIPATION IN A REGISTRATION PROGRAM FOR ABANDONED PROPERTIES**

Solicitor Lozuke read Resolution 64-2015 by title only. A motion to approve this resolution was made by Councilman Jacob and seconded by Councilman Gambale. A roll call vote in favor was unanimous. Resolution 64-2015 was approved.

Resolutions (continued)

RESOLUTION 65-2015

RESOLUTION AWARDING AND CONFIRMING EMERGENCY CONTRACT AWARD FOR SERVICES TO THE BOROUGH OF WOODBURY HEIGHTS BY XYLEM PUMP AND A.C. SCHULTES AND SONS, INC.

Solicitor Lozuke read Resolution 65-2015 by title only. A motion to approve this resolution was made by Councilwoman Witasick and seconded by Councilman Pye. A roll call vote in favor was unanimous. Resolution 65-2015 was approved.

RESOLUTION 66-2015

RESOLUTION APPOINTING SPECIAL COUNSEL FOR AFFORDABLE HOUSING MATTERS

Solicitor Lozuke read Resolution 66-2015 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 66-2015 was approved.

RESOLUTION 67-2015

RESOLUTION AUTHORIZING A MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT

Solicitor Lozuke read Resolution 67-2015 by title only. A motion to approve this resolution was made by Councilman Pye and seconded by Councilman Pheasant. A roll call vote in favor was unanimous. Resolution 67-2015 was approved.

RESOLUTION 68-2015

RESOLUTION APPOINTING AN AFFORDABLE HOUSING ADVISORY COMMITTEE

Solicitor Lozuke read Resolution 68-2015 by title only. A motion to approve this resolution was made by Councilman Gambale and seconded by Councilman Packer. A roll call vote in favor was unanimous. Resolution 68-2015 was approved.

RESOLUTION 69-2015

RESOLUTION AFFIRMING THE INTENT OF THE BOROUGH OF WOODBURY HEIGHTS TO ENGAGE IN A PROCESS OF VOLUNTARY COMPLIANCE WITH ITS CONSTITUTIONAL OBLIGATIONS TO PROVIDE OPPORTUNITIES FOR AFFORDABLE HOUSING; AUTHORIZING AND DIRECTING THE SOLICITOR TO PROMPTLY FILE AN ACTION IN THE SUPERIOR COURT FOR DECLARATORY JUDGMENT, AND; TAKE ALL APPROPRIATE STEPS TO IMMUNIZE THE BOROUGH AND PLANNING BOARD FROM EXCLUSIONARY ZONING LAWSUITS

Solicitor Lozuke read Resolution 69-2015 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 69-2015 was approved.

RESOLUTION 70-2015

A RESOLUTION AUTHORIZING AN AGREEMENT WITH PHOENIX ADVISORS, LLC.

Solicitor Lozuke read Resolution 70-2015 by title only. A motion to approve this resolution was made by Councilman Packer and seconded by Councilman Pye. A roll call vote in favor was unanimous. Resolution 70-2015 was approved.

Resolutions (continued)

RESOLUTION 71 - 2015

RESOLUTION IN SUPPORT OF THE GLOUCESTER COUNTY MINORITY RECRUITMENT ADVISORY COMMITTEE TO INCREASE THE DIVERSITY OF LAW ENFORCEMENT AGENCIES IN GLOUCESTER COUNTY

Solicitor Lozuke read Resolution 71-2015 by title only. A motion to approve this resolution was made by Councilman Pheasant and seconded by Councilman Packer. A roll call vote in favor was unanimous. Resolution 71-2015 was approved.

RESOLUTION 72-2015

RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE OF GM LIQUOR, INC.

Solicitor Lozuke read Resolution 72-2015 by title only. A motion to approve this resolution was made by Councilman Pheasant and seconded by Councilman Packer. A roll call vote in favor was unanimous. Resolution 72-2015 was approved.

COMMITTEE REPORTS

Finance and Administration: Councilman Packer reported no concerns with the operating budget. Tax sale is continuing. All accounts are reconciled. \$3,900,000.00 cash on hand.

Water and Sewer: Councilwoman Witasick reported tax sale is scheduled for August 20, 2015 and notifications have been sent out to residents with delinquencies that remain from 2014. The "Annual Drinking Water Quality Report" has been sent out.

Streets & Roads: Councilman Pye reported that the new trash truck should be here in 2-4 weeks. Trash pick collection is on schedule.

Public Safety: Councilman Pheasant presented the Police Report. The Police Department assisted in both the 19<sup>th</sup> Annual crop Walk for Hunger and in the National Day of Prayer. All Police Department members passed their first firearms qualification for the year. Chief Lindsay reported that a burglary suspect entered a home through the garage and was caught. He reminded residents to keep their homes locked.

Mayor Conley reported that the siren at the fire house was turned on tonight. A recording of the alarm sounds will be put on the Borough website so residents can become familiar with the various alerts. One is for fire, one for ambulance and one for an emergency management incident.

Property, Insurance & Environmental: Councilman Gambale reported that work has begun on the athletic association building. The bathrooms are almost complete, the electric is complete and work on the roof and siding will begin soon with final completion in 2-3 weeks.

Recreation and Civic: Councilman Jacob reported that baseball is almost done and soccer sign up is starting. The Senior Citizen picnic will be held on September 9 at Red Bank Battlefield Park. The Lake Association fishing derby was a tremendous success.

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

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

Robert Stibich, Linden Avenue: Mr. Stibich asked how the shared service will help. Mayor Conley responded that this shared service is a vacant property registration. The company will search out the vacant properties and their owners. This will create a vacant property registry. Discussion ensued.

Rose Yerka, Stratford Avenue: Mrs. Yerka asked about health department concerns and she was advised by Mayor Conley to contact the Gloucester County Health Department directly. Mrs. Yerka also asked about Resolution 70-2015. Councilman Packer responded that Phoenix Advisors are the Borough's bond issuance advisors.

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

ADJOURNMENT: A motion to adjourn was made by Councilman Pheasant and seconded by Councilman Pye. All of Council agreed. The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Janet Pizzi, Clerk/Administrator