

**REGULAR COUNCIL MEETING
BOROUGH OF WOODBURY HEIGHTS,
500 ELM AVENUE, WOODBURY HEIGHTS, NJ 08097
AUGUST 17, 2011 7:30 P.M.**

Council President Eshia “Jake” Jacob called the meeting to order with the following note: Adequate notice of this meeting has been provided by adopting a schedule of meetings for 2011 which was faxed and mailed to the Gloucester County Times and Courier Post on January 4, 2011 and posted on the bulletin board in the Municipal Building conforming to the directives of the “Open Public Meetings Act”.

Councilman Jacob led everyone in the Pledge of Allegiance.

The call of roll showed the following to be present: Councilman William Packer, Councilman Brett Scull, Councilman Harold Pye, Councilman Duane Pheasant, Councilwoman Debra Truhan and Councilman Eshia “Jake” Jacob. Also in attendance were Borough Solicitor Barry Lozuke and Borough Clerk/Administrator Janet Pizzi. Absent were Mayor Harry W. Elton, Jr. and Borough Engineer Mark Brunermer.

A motion to approve the minutes of the Special Meeting July 05, 2011 was made by Councilman Scull and seconded by Councilman Pye. A roll call vote went as follows:

PACKER	YES
SCULL	YES
PYE	YES
PHEASANT	YES
TRUHAN	ABSTAIN
JACOB	YES

The minutes of the Special Meeting July 05, 2011 were approved.

A motion to approve the minutes of the Regular Meeting July 20, 2011 was made by Councilman Scull and seconded by Councilman Pye. A roll call vote went as follows:

PACKER	ABSTAIN
SCULL	YES
PYE	YES
PHEASANT	YES
TRUHAN	ABSTAIN
JACOB	YES

The minutes of the Regular Meeting July 20, 2011 were approved.

CLERK’S REPORT: The Borough Clerk reported total receipts in the amount of \$1,174.20. Of this amount, \$1,088.40 was turned over to the Treasurer and \$28.00 was deposited into the Dog Fund.

ENGINEER’S REPORT: NO REPORT PRESENTED IN ENGINEER’S ABSENCE.

BEST PRACTICES INVENTORY PROGRAM CY 2011/SFY 2012

Councilman Scull presented the Best Practices Inventory Program result. The Best Practices Inventory Program CY 2011/SFY 2012 was formally reviewed and discussed by the Governing Body. The questionnaire is used to determine the final 5% of a municipality’s allocation of CMPTRA and ERT AID. Councilman Scull noted that the Borough was able to achieve a 92% on the questionnaire which will result in no loss of State Aid. Of the four questions that received negative responses, one was non-applicable; one pertained to the Borough’s consideration of the implementation of on-line property auctions; another was a joint school board/council meeting; and a final one has to do with shared services program with the school district. Councilman Scull explained that the Borough had a shared service program with the school district at one time but stopped the program because we were able to purchase products less expensive elsewhere. Also, the Borough’s budget analysis needs to increase from two to three years.

PUBLIC PORTION: Rose Yerka of Stratford Avenue addressed Council with a request to consider, this evening, a resolution to opt out of all smart growth, livable or sustainable communities including COAH projects. She further advised Council that she wished to present them with a petition signed by over 400 Woodbury Heights residents to have a referendum question appear on the upcoming General Election ballot. The following is the petition and resolution from Rose Yerka presented to Council:

REFERENDUM PETITION- Woodbury Heights

We the undersigned, registered voters of the Woodbury Heights, Gloucester County, New Jersey, under the referendum power granted by N.J.S.A. 40:69A-184, hereby propose the following question to adopt that all registered legal voters of the Borough of Woodbury Heights must approve any and all spending on Smart Growth, Livable/Sustainable Communities including COAH projects by the voters. That all projects that fall under Sustainable Jersey Mandates.

Resolution Opting Out of All Smart Growth, Livable or Sustainable Communities including COAH Projects

WHEREAS, the Mayor of Woodbury Heights and the Council recognizes that these COAH Projects constitute a destructive tax on the citizens of Woodbury Heights without the voters' approval; and

WHEREAS, the Mayor of Woodbury Heights and the Council recognize that the COAH Projects are under taken by "appointed" committees that are not accountable to the voter, and without the consent of the citizens of Woodbury Heights approval caused an undue increase in municipal tax rates; and

WHEREAS, the Mayor of Woodbury Heights and the Council recognizes that the bonding and refunded bonds on the COAH Projects will

substantially increase the taxes on the citizens of Woodbury Heights causing undue hardship; and

WHEREAS, the Mayor of Woodbury Heights and the Council recognizes that the projects of COAH, (i.e. Smart Growth projects include a bond program that is devoid of transparency, operates in a clandestine manner,

WHEREAS, the Mayor of Woodbury Heights and the Council bond program has the potential of being exploited by speculators and Wall Street investment firms, bond solicitors, Insurance Companies and all involved in such that the closing costs(also known as "section 20" costs) could be as much as 20% of principal outstanding; and

WHEREAS, the Mayor of Woodbury Heights and the Council recognize that this has been happening without the knowledge of the taxpayers since the implementation of Smart Growth which is a project of Agenda 21 that was never ratified by the United States Congress in 1992; and

WHEREAS, the Mayor of Woodbury Heights and the Council recognize that these actions constitute a threat to our residents to maintain their current economical and living standards within in their means;

WHEREAS, the Mayor of Woodbury Heights and the Council recognize that the citizens of Woodbury Heights are not responsible for these bonds to implement COAH and hence forth we will be brought forth for public referendum, or to continue this threat to our taxpayer livelihood;

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THEREFORE BE IT RESOLVED, that the Mayor of Woodbury Heights and the Council strongly supports the enactment of this resolution to OPT OUT of all Smart Growth, Sustainable/Livable Communities and COAH, aka: Agenda 21 and that have sold our citizens into servitude;

HEREBY BE IT RESOLVED that the clerk is directed to forward a copy of this resolution to the following:

Question for the Ballot

We do hereby request that the following question be presented to all registered and qualified legal voters of the Borough of Woodbury Heights be placed on the General election Ballot for November 8, 2011

Question

Should all legal voters of the Borough of Woodbury Heights be required to approve any and all spending on Smart Growth, Livable/ Sustainable Community including COAH projects and projects that fall under Sustainable New Jersey Mandates by way of a special election or upcoming election?

Yes- the people should vote on these expenditures

No- it is not necessary for the people to vote on these expenditures

Discussion ensued regarding clarification of the petition question presented to Council. After questions and comments by the public were heard, a ten minute recess was called at 9:45 p.m.

The meeting reconvened at 9:55 p.m.

Solicitor Lozuke advised Council that it is not his recommendation for Council to attempt to craft some type of a question when the appropriate subject matter cannot be identified. He explained that a question to be placed by referendum on the ballot at the General Election must be clear and concise and that the interpretive statement must be an explanatory statement only. The question is not intended to be an advocacy proposal for one position or another. It is to be a neutral question that is calculated to garner the sentiment of voters on a particular public issue. Solicitor Lozuke further states that in this case, regrettably, we do not have the means by which to comply with the statute because we cannot identify the question proposed. His advice to Council is to not consider placing a non-binding referendum question on the ballot. Solicitor Lozuke added that under the statute that governs referendum for Borough forms of government, a resolution or ordinance must be adopted at a regular meeting, not a special meeting, of this governing body. This meeting tonight is the last meeting opportunity to meet the time limitations as set in the statute for the ensuing General Election in November. Referenda can only be placed on General Election ballots as Primary Elections are partisan elections for registered republicans or democrats in the State of New Jersey.

NOTE FOR THE RECORD: ROSE YERKA ADVISED THE CLERK THAT SHE WOULD NOT BE SUBMITTING TO COUNCIL THE PETITION CONTAINING THE RESIDENT'S SIGNATURES.

SOLICITOR'S REPORT

ORDINANCES

FINAL READING/PUBLIC HEARING

ORDINANCE 17-2011

ORDINANCE SUPPLEMENTING ORDINANCE 1-2011 ENTITLED "ORDINANCE ESTABLISHING SALARIES AND COMPENSATION OF VARIOUS BOROUGH OFFICERS AND EMPLOYEES OF THE BOROUGH OF WOODBURY HEIGHTS FOR THE CALENDAR YEAR 2011"

Position:	Compensation:
Municipal Prosecutor	\$300.00 per Special Sessions of Court
Municipal Judge	\$400.00 per Special Sessions of Court

Solicitor Lozuke read Ordinance 17-2011 by title only. Councilman Jacob opened the public hearing for Ordinance 17-2011. Rose Yerka, Stratford Avenue asked how many special sessions are held. Councilman Pheasant responded that they are scheduled on an as-needed basis. Upon hearing no additional questions or comments, Councilman Jacob closed the public hearing for Ordinance 17-2011. A motion to adopt Ordinance 17-2011 was made by Councilman Pheasant and seconded by Councilman Scull. A roll call vote in favor was unanimous. Ordinance 17-2011 was approved.

RESOLUTIONS

RESOLUTION 97-2011

BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER, RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF WOODBURY HEIGHTS PURSUANT TO N.J.S. 40A:4-87

The Borough of Woodbury Heights, County of Gloucester, hereby requests that the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2011 in the sum of \$4,400.00, which item is now available as a revenue from the State of New Jersey Over the Limit Under Arrest Grant

Solicitor Lozuke read Resolution 97-2011 by title only. A motion to approve this Resolution was made by Councilman Pheasant and seconded by Councilman Scull. Councilman Pheasant explained that this is for the Over the limit under arrest grant. A roll call vote in favor was unanimous. Resolution 97-2011 was approved.

Councilman Scull asked to have Resolution 98-2011 moved to the end of the meeting.

RESOLUTION 99 - 2011

RESOLUTION ACCEPTING MAINTENANCE SURETY FOR THE COMMUNITY BUILDING PROJECT

MIBO Construction Maintenance Bond issued by International Fidelity Insurance Company on July 12, 2011 is hereby accepted in satisfaction of a condition of the Contract specifications, said Bond to remain in full force and effect for a period of one year commencing on July 20, 2011 or such later term as may be determined in accordance with the Contract specifications.

Solicitor Lozuke read Resolution 99-2011 by title only. A motion to approve this Resolution was made by Councilman Pheasant and seconded by Councilman Scull. A roll call vote in favor was unanimous. Resolution 99-2011 was approved.

RESOLUTION 100-2011
RESOLUTION APPOINTING TAX COLLECTOR

A vacancy exists in the position of Tax Collector by reason of the resignation of Sandra Kraus.

Solicitor Lozuke read Resolution 100-2011 by title only. A motion to approve Resolution 100-2011 was made by Councilman Scull and seconded by Councilwoman Truhan. Councilman Packer asked what the annual salary would be for this position. Councilman Scull responded that the annual salary for this position is \$3,000. A roll call vote in favor was unanimous. Resolution 100-2011 was approved. Christina Helder was appointed to the position of Tax Collector.

RESOLUTION 98 - 2011
RESOLUTION EXCLUDING PUBLIC PARTICIPATION WITHIN A
PORTION OF A MEETING OF MAYOR AND COUNCIL PURSUANT TO NJSA
10:4-12

The public shall and will be excluded from that portion of a meeting conducted by the Mayor and Council on August 17, 2011, pertaining to matters contemplated in N.J.S.A. 10:4-12 et seq., to specifically consider litigation entitled "WOODBURY HEIGHTS DEVELOPMENT, LLC, -v- BOROUGH OF WOODBURY HEIGHTS, ET AL."

Solicitor Lozuke read Resolution 98-2011 by title only with the explanation for holding the closed session. A motion to approve this Resolution was made by Councilman Pheasant and seconded by Councilman Scull. A roll call vote in favor was unanimous. Resolution 98-2011 was approved.

COMMITTEE REPORTS: Due to the length of the public portion this evening, a motion to forego the reading of all committee reports and to place all committee reports for July 2011 on file in the Clerk's office was made by Councilman Pye and seconded by Councilman Scull. All of Council agreed.

At 10:05 p.m., Councilman Scull left the meeting.

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

PUBLIC PORTION: Councilman Jacob opened the public portion for questions or comments and upon hearing none, closed same.

At 10:10 p.m. Councilman Scull returned to the meeting.

Pursuant to Resolution 98-2011, at 10:10 p.m., the regular meeting was closed to the public.

At 11:10 p.m. the closed session ended and Council resumed the regular meeting.

ADJOURNMENT: A motion to adjourn was made by Councilman Pheasant and seconded by Councilman Scull. All of Council agreed. The meeting adjourned at 11:12 p.m.

Respectfully submitted,

Janet Pizzi, Clerk/Administrator