

**REGULAR COUNCIL MEETING
BOROUGH OF WOODBURY HEIGHTS
500 ELM AVENUE, WOODBURY HEIGHTS, NJ 08097
OCTOBER 19, 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 “HAP” Pye, Councilwoman Truhan and Councilman Eshia “Jake” Jacob. Absent were Mayor Harry W. Elton, Jr. and Councilman Duane Pheasant. Also in attendance were Borough Solicitor Barry Lozuke, Borough Engineer Mark Brunermer and Borough Clerk/Administrator Janet Pizzi.

A motion to approve the minutes of the Closed Session August 17, 2011 was made by Councilman Scull and seconded by Councilman Pye. A roll call vote went as follows:

| | |
|--------|---------|
| PACKER | YES |
| SCULL | YES |
| PYE | YES |
| TRUHAN | ABSTAIN |
| JACOB | YES |

The minutes were approved.

A motion to approve the minutes of the Regular Meeting September 21, 2011 was made by Councilman Scull and seconded by Councilman Pye. A roll call vote went as follows:

| | |
|--------|---------|
| PACKER | YES |
| SCULL | YES |
| PYE | YES |
| TRUHAN | ABSTAIN |
| JACOB | YES |

The minutes were approved.

PUBLIC PORTION: Councilman Jacob opened the public portion of the meeting for questions or comments.

Ann Smith, 671 Glassboro Road, directed her question to Solicitor Lozuke: At the Joint Planning Board meeting on July 05, and again at the Council Meeting of August 17, the question was asked “who is Woodbury Heights Development, LLC?”. You gave the impression that you had no knowledge of who Woodbury Heights Development, LLC was, and that the information was not available. Why did you say that? Solicitor Lozuke responded that he did not say that at all. He continued that he has known Woodbury Heights Development, LLC as the developer of the site formerly known as Mamco on Academy Avenue. Woodbury Heights Development, LLC has been engaged in a lawsuit with the Borough for a considerable period of time and he has no knowledge of who the people are beyond their relationship with Woodbury Heights. Discussion ensued.

Public Portion (continued)

Next question by Ann Smith for Solicitor Lozuke was why he recommended to Council a no-vote concerning the petition resolution instead of recommending Council vote independently. Solicitor Lozuke replied that there were a number of reasons. The first reason was that the question did not make any sense. The law requires non-binding questions to calculate the sentiment of the voters to be clear, concise and indifferent to the advancement of the opinion, one way or another. The second reason was that it was offered as not a “non-binding” petition, but offered as something which compelled the Municipality to act on. It also cited the wrong statute, which was limited to two other forms of government of which a Borough form of government is not. Ms. Smith interrupted Solicitor Lozuke and said that when he quotes things people do not understand, it’s difficult to follow. She asked him to bring it down to where people can understand him. Solicitor Lozuke continued that he provided an explanation that he felt he should, that it was not something that this Council was authorized to act on. It was not a question or interpretive statement that made any sense.

Walt Lasauskas, Ivy Drive: Mr. Lasauskas stated that it is his understanding that the intent of the question by Ann Smith was not to know whether Solicitor Lozuke knew each individual owner or stockholder within the company, but whether he knew the companies involved. He continued that it did not sound right that the attorney representing Woodbury Heights did not know. Solicitor Lozuke replied that he is not sure he recalls the conversation from a prior meeting, however, the fact remains that the only knowledge he has of this company is that it is a property owner in Woodbury Heights, that we are involved in litigation with them, and that he was engaged as defense for the Borough involved in two instances where they have filed for tax reduction in NJ tax court. Solicitor Lozuke has no further information of this company. During extensive discussion, it was brought to light that the sale of the Mamco property was a private transaction and Borough officials had no knowledge of the people involved in that sale. Mr. Lasauskas apologized and said that he did not realize it was a private sale.

Wilma Belcher, Lake Avenue, asked why so much time was being spent on this questioning when answers were given. Councilman Jacob replied that everyone has the right to ask questions during the public portion.

ENGINEER’S REPORT: The Borough Engineer stated that he had nothing to report this evening.

SOLICITOR’S REPORT

ORDINANCES

FIRST READING/INTRODUCTION

ORDINANCE 18-2011

ORDINANCE ESTABLISHING A COMMUNITY RECREATION CENTER COMMITTEE

Solicitor Lozuke read Ordinance 18-2011 by title only. A motion to approve Ordinance 18-2011 on introduction was made by Councilman Scull and seconded by Councilman Pye. A roll call vote in favor was unanimous. Ordinance 18-2011 was approved on first reading.

RESOLUTIONS

RESOLUTION 108-2011

RESOLUTION ESTABLISHING A POLICY FOR EMPLOYEE USE OF ELECTRONIC METHODS OF COMMUNICATION

Solicitor Lozuke read Resolution 108-2011 by title only. A motion to approve Resolution 108-2011 was made by Councilwoman Truhan and seconded by Councilman Scull. A roll call vote in favor was unanimous. Resolution 108-2011 was approved.

RESOLUTION 109-2011

RESOLUTION AUTHORIZING AN INCREASE IN THE BID THRESHOLD TO \$26,000.00

Solicitor Lozuke read Resolution 109-2011 by title only. A motion to approve Resolution 109-2011 was made by Councilman Scull and seconded by Councilwoman Truhan. A roll call vote in favor was unanimous. Resolution 109-2011 was approved.

RESOLUTION 110-2011

RESOLUTION AUTHORIZING APPLICATION FOR A FLEXIBLE SPENDING ACCOUNT CONTRACT

Solicitor Lozuke read Resolution 110-2011 by title only. A motion to approve Resolution 110-2011 was made by Councilman Scull and seconded by Councilwoman Truhan. A roll call vote in favor was unanimous. Resolution 110-2011 was approved.

RESOLUTION 111-2011

RESOLUTION AUTHORIZING AGREEMENT WITH EDMUNDS & ASSOCIATES, INC.

Solicitor Lozuke read Resolution 111-2011 by title only. A motion to approve Resolution 111-2011 was made by Councilman Scull and seconded by Councilwoman Truhan. A roll call vote in favor was unanimous. Resolution 111-2011 was approved.

COMMITTEE REPORTS

Property, Environmental & Insurance: Councilman Packer stated that the Engineer is in the process of making a proposal recommendation for the municipal building roof repair project.

Finance and Administration: Councilman Scull reported that all budgets are being monitored as the year end is approaching. A transfer resolution for a department's shortfall will be required at the November meeting of Mayor and Council. All spending has ceased in that department while an estimate is being prepared for mandatory year end expenses. Budget worksheets will be distributed soon. A copy of the finance report will be on file in the Clerk's office.

Streets and Roads: The leaf season schedule is posted on the Borough website. There will be trash pick-up on Election Day. A copy of this report will be on file in the Clerk's office.

Public Safety: No report was presented. A copy of this report will be on file in the Clerk's office.

Water & Sewer: Councilwoman Truhan reported that there was a 6" water main break on Chestnut which was repaired in a short amount of time. The Borough received a \$35,000 subgrant for a licensed operator intern. Parker Smith will be attending training for state licensure. Several public works employees will be taking classes on their own time at no cost to the Borough. The Millennium Committee purchased mums which were planted by the Boy Scouts around the Borough. The tree lighting ceremony is scheduled the first Saturday in December.

Recreation and Civic: Councilman Jacob thanked Capital Bank for donation of the Borough digital sign. There will be a community center committee meeting tomorrow evening to discuss purchase of chairs, tables, etc. Gloucester County has put out its annual free flu shot clinic listing. Veterans' Day Ceremony will be held on November 12 at noon.

BILL LIST: A motion to approve the bill list as presented was made by Councilman Scull noting that voucher #11230430 and voucher #11230440 for County and Library taxes will be approved this evening and checks will be processed by the November 15 due date. This motion was seconded by Councilman Pye. A roll call vote in favor was unanimous. The bill list was approved.

PUBLIC PORTION: Councilman Jacob opened the public portion of the meeting for question or comment.

Ken Brown, Brooklawn Avenue: Mr. Brown asked what the bid threshold has increased from. He was informed that it is being increased from 17,500 to \$26,000.

Shelly Bronum, Glassboro Road: Mrs. Bronum asked if the Borough received a report from lake chemical treatment company. David Baresich will follow up.

Walt Lausaukas, Ivy Drive: Mr. Lausaukas asked if another request needs to be made for an electrician for aerator lines. David Baresich responded that Rose Yerka was to have the electrician contact him but he hasn't heard from anyone yet.

Upon hearing no additional questions or comments, Councilman Jacob closed the public portion of the meeting.

ADJOURNMENT: A motion to adjourn was made by Councilman Scull and seconded by Councilwoman Truhan. All of Council agreed. The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Janet Pizzi, Clerk/Administrator