

REGULAR COUNCIL MEETING  
BOROUGH OF WOODBURY HEIGHTS  
500 ELM AVENUE, WOODBURY HEIGHTS, NJ 08097  
DECEMBER 21, 2011 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 2011 which was faxed 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".

Mayor Elton led everyone in the Pledge of Allegiance.

The call of roll proved 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, Borough Engineer Mark Brunermer and Borough Clerk/Administrator Janet Pizzi.

A motion to approve the minutes of the Regular Meeting October 19, 2011; the Regular Meeting November 22, 2011; and the Closed Session November 22, 2011 was made by Councilman Scull and seconded by Councilman Jacob. A roll call vote in favor was unanimous. The minutes were approved.

CLERK'S REPORT: For the month of November 2011, the Clerk reported total receipts in the amount of \$463.89. Of this amount, \$336.09 was turned over to the Treasurer and \$73.00 was deposited into the Dog Fund. The Clerk also reported on the results of the Request for Qualifications received on December 01, 2011. A copy is attached and made part of the minutes.

PUBLIC PORTION: Mayor Elton opened the public portion of the meeting for question or comment and upon hearing none, closed same.

ENGINEER'S REPORT: Mr. Brunermer reported that construction at Giant Fitness has shut down due to wet soil conditions. One quote was received for the roof project. The Finance Director is requesting at least two quotes for this project. The paperwork is being finalized for the sound improvement project at the Community Center.

SOLICITOR'S REPORT

RESOLUTIONS

**RESOLUTION 118 - 2011**

**RESOLUTION REPEALING RESOLUTION 116 – 2011 AND AUTHORIZING RELEASE OF PERFORMANCE SURETY**

Solicitor Lozuke read resolution 118-2011 by title only. A motion to approve this resolution was made by Councilman Scull and seconded by Councilwoman Truhan. A roll call vote in favor was unanimous. Resolution 118-2011 was approved.

**RESOLUTION 119 - 2011**

**RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT**

Solicitor Lozuke read resolution 119-2011 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 119-2011 was approved.

**RESOLUTION 120 - 2011**

**RESOLUTION AUTHORIZING SERVICE CONTRACT**

Solicitor Lozuke read resolution 120-2011 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 120-2011 was approved.

**RESOLUTION 121-2011**

**A RESOLUTION PROVIDING FOR TRANSFERS OF 2011 BUDGET APPROPRIATIONS**

Solicitor Lozuke read resolution 121-2011 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 121-2011 was approved.

**RESOLUTION 122 - 2011**

**A RESOLUTION PROVIDING FOR TRANSFERS OF 2011 BUDGET APPROPRIATIONS**

Solicitor Lozuke read resolution 122-2011 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 122-2011 was approved.

**RESOLUTION 123 - 2011**

**RESOLUTION ACKNOWLEDGING RECEIPT AND ACCEPTANCE OF THE ANNUAL REPORT OF AUDIT**

Solicitor Lozuke read resolution 123-2011 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 123-2011 was approved.

**RESOLUTION 124 - 2011**

**RESOLUTION ESTABLISHING PERFORMANCE SURETY AND DEVELOPMENT ESCROW OBLIGATIONS FOR PHASE II OF THE GIANT FITNESS CENTER PROJECT**

Solicitor Lozuke read resolution 124-2011 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 124-2011 was approved.

**RESOLUTION 125 – 2011**

**RESOLUTION EXCLUDING PUBLIC PARTICIPATION WITHIN A PORTION OF A MEETING OF MAYOR AND COUNCIL PURSUANT TO NJSA 10:4-12 (to specifically consider litigation entitled "WOODBURY HEIGHTS DEVELOPMENT, LLC, -v- BOROUGH OF WOODBURY HEIGHTS, ET AL.")**

Solicitor Lozuke advised Mayor and Council that this meeting was no longer needed. A motion to NOT adopt resolution 125-2011 was made by Councilman Pheasant and seconded by Councilman Scull. A roll call vote in favor was unanimous. RESOLUTION 125-2011 WAS NOT ADOPTED.

**COMMITTEE REPORTS**

**Property & Environmental:** Councilman Packer reported that the roof project is moving along. Basketball practice has begun in the Community Center. The JIF has notified us that our EPL claims experience has improved and our deductible has been lowered from \$150,000 to \$100,000. This can be further reduced by the adoption of an EPL policy manual that the Solicitor is working on having ready by the May due date.

**Finance & Administration:** Councilman Scull reported that on December 5, the Borough received proposals for a bond anticipation note in the amount of \$228,000. The lowest bid received was 1.25% by 1<sup>st</sup> Colonial National Bank. The ban was issued under these terms on December 12, 2011. The 2010 audit was received on December 16. A corrective action plan will be prepared for the January Regular Meeting. Two budget transfers were approved this evening for water/sewer salaries and wages to water/sewer operations necessitated by high GCUA billings. Water/Sewer delinquent notices have been authorized to go out. A state audit for senior tax deductions yielded a \$46,750 discrepancy. This amount has been reduced to \$27,250. Formal billings will be mailed in early January with a June 1, 2012 due date. A copy of this report will be on file in the Clerk's office.

**Streets & Roads:** Councilman Pye reported that leaf pick up has ended. During the month of November, the Borough in house vehicle maintenance/repair has saved the Borough a total of \$4,032. The total year to date cost savings on Borough owned vehicles and equipment was \$59,654.25. The total amount year to date from shared services agreements for vehicle maintenance and repair is \$22,274.43. Total year to date combined cost avoidance and positive revenue through shared services is \$81,928.68. A copy of this report will be on file in the Clerk's office.

Public Safety: Councilman Pheasant reported on the various Police Department training, summons issued and arrests made in the month of November 2011. Residents are reminded to lock their homes and vehicles and to refrain from leaving valuable items in their vehicles. A copy of this report will be on file in the Clerk's office.

Water & Sewer: Councilwoman Truhan reported that most of the staff is in training. One employee is receiving training through a grant while other staff members are taking courses on their own time and paying the tuition out of pocket. Councilwoman Truhan thanked the employees for the work done for the tree lighting ceremony. Mayor Elton thanked the employees who are taking classes. A copy of this report will be on file in the Clerk's office.

Recreation & Civic: Councilman Jacob reported that the Borough is still on the waiting list for the Social Security/Medicare presentation for senior citizens. A Veterans fundraiser will be held in January or February 2012. A clean communities grant meeting will be held on January 23. There were 236 children in attendance at the tree lighting ceremony. Hal Spence, County Weights and Measures warned residents about purchasing gift certificates from small businesses because there is no recourse if they go out of business.

Mayor Elton reported that the new Borough digital sign dedication will be held tomorrow at 3:00 p.m.

BILL LIST: A motion to approve the bill list to include the Employee JIF Safety Luncheon and items on hold pending approval of Resolution 121-2011 and Resolution 122-2011 was made by Councilman Scull and Councilman Packer. A roll call vote in favor was unanimous.

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

Seung Han Shin, Esq. addressed Council on behalf of this client, Chang Ho Chun, 258 Glassboro Road, with a request to enter into a payment plan to satisfy taxes owed on his property. Solicitor Lozuke asked Mr. Shin if his client had any justification or extraordinary circumstances to make this request. Mr. Shin responded that according to the statute which allows a municipality to enter into such an agreement, his client does not need justification or extraordinary circumstances to make this request. Solicitor Lozuke advised Council that the statute which allows a municipality to enter into an agreement with a property owner also does not compel the municipality to do so and it is his recommendation that the Borough not enter into a payment plan agreement. Discussion ensued. A motion was made by Councilman Scull and seconded by Councilwoman Truhan to NOT accept the payment plan request from Chang Ho Chun, 258 Glassboro Road. A roll call vote in favor was unanimous. The request was denied.

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

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

Respectfully submitted,

Janet Pizzi, Clerk/Administrator