

February 12, 2007

The Regular Meeting of the Mayor and Council of the City of Woodbury held on the above date was called to order by President C. Barry E. Sloane at 7:30 pm. The meeting was held in Council Chambers located at Woodbury City Hall, 33 Delaware Street, Woodbury, NJ. The Clerk/Administrator, Thomas B. Bowe, stated that it was a Regular Meeting of the Mayor and Woodbury City Council and due notice had been given to both the press and the public by reason of a resolution for Regular Meetings adopted January 4, 2007.

The Invocation was delivered by the Reverend Robert Moore of the Macedonia Baptist Church.

Reverend Moore then reflected on his personal childhood and spoke in relation to February being Black History Month.

ROLL CALL

Present: Riskie, Schreyer, Villari, President Sloane, Fleming, Louis, Tierney, Belko, Mayor Curtis

Absent: Brown

MINUTES

On motion of Councilwoman Tierney, seconded by Councilman Fleming, the minutes of the January 22, 2007 meeting were approved as submitted.

PUBLIC

On motion of Councilman Louis, seconded by Councilwoman Schreyer, the Regular Order of Business was suspended and the floor was opened to the Public for Agenda Items Only.

Seeing no one, on motion of Councilman Louis, seconded by Councilwoman Schreyer, the Public Portion was closed and the Regular Order of Business was resumed

FINANCE & ADMINISTRATION

RESOLUTION #07-49 – RESOLUTION TO REIMBURSE WATER OVERPAYMENT

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Schreyer, the resolution was adopted by a voice vote.

RESOLUTION #07-50 – RESOLUTION TO REIMBURSE WATER OVERPAYMENT – AMERICAN TAX FUNDING

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Schreyer, the resolution was adopted by a voice vote.

RESOLUTION #07-52 – RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION FOR MUNICIPAL ALLIANCE GRANT

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Schreyer, the resolution was adopted by a voice vote.

RESOLUTION #07-53 – RESOLUTION APPROVING AGREEMENT WITH ROWAN UNIVERSITY FOR PAYMENT IN LIEU OF TAXES FOR BLOACK 161, LOT 2

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

Councilman Louis inquired how this situation came about.

Mr. Duffield, Tax Assessor advised that when the university purchased by the property in 2001 they were not obligated to pay taxes however, they have paid taxes until now. For 2007 they have asked for this new agreement.

Councilwoman Tierney inquired how much of this agreement will go towards school taxes. Councilman Belko thought a fair percentage of the agreement should go to the school.

President Sloane stated that if Council was interested in passing a resolution for a school portion then Council should come to an agreement as to what percentage the school should receive.

Mayor Curtis advised that he wanted to make sure that the City does not suffer and would like to know the percentage going toward the school taxes.

President Sloane stated that he would instruct the Finance Committee to review this subject matter and advise Council at their next meeting as to what would be a fair percentage and put that into a resolution for Council's approval.

Prior to introducing the next several resolutions pertaining to professional services, Councilman Fleming inquired if all the contracts have been carefully reviewed to ensure that rates are consistent with the proposals .

Mr. Pierson, City Solicitor stated that he has reviewed the contracts and everything was in order and yes the numbers were consistent.

RESOLUTION #07-54 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARKER, MCCAY & CRISCUOLO, P.A. FOR SERVICES AS BOND COUNSEL FOR AN AMOUNT NOT TO EXCEED \$15,000

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

Councilman Belko inquired how the contract compared to last years' regarding the hourly rates.

Mr. Pierson stated that they were all the same as last year's contracts, with the exception of Parker, McCay, Auditor was about \$3,000. Also the Tax Appeal Attorney went from \$135.00 to \$140.00 an hour.

Councilwoman Tierney inquired what rate per hour the Solicitor was charging.

Mr. Pierson stated \$110.00 per hour, the same as last year Solicitor.

Councilman Belko inquired as to the Engineer's hourly rate.

Mr. Wilkinson, the City's Engineer, responded \$115.00 an hour.

RESOLUTION #07-56 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THEODORE WILKINSON OF THE FIRM OF FEDERICI AND AKIN, P.A. FOR SERVICES AS CITY ENGINEER NOT TO EXCEED \$80,000.00

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Schreyer, the resolution was adopted by a voice vote.

RESOLUTION #07-57 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH S.G.C. CONSULTING, INC. FOR SERVICES AS A COMPUTER CONSULTING FIRM FOR THE CITY OF WOODBURY NOT TO EXCEED \$18,000.00

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilman Louis, the resolution was adopted by a voice vote.

RESOLUTION #07-58 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH JAMES P. PIERSON, ESQUIRE FOR THE FIRM OF ANGELINI, VINIAR & FREEDMAN, LLP FOR SERVICES AS CITY SOLICITOR FOR AN AMOUNT NOT TO EXCEED \$75,000.00

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilman Riskie, the resolution was adopted by a voice vote.

RESOLUTION #07-59 – RESOLUTION AUTHORIZING CLOSED SESSION FOR CONTRACT NEGOTIATIONS

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Schreyer, the resolution was adopted by a voice vote.

President Sloane stated action may be taken when Council returns to the Regular Order of Business after the Executive Session later in the evening.

RESOLUTION #07-60 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BOWMAN & COMPANY LLP FOR SERVICES AS AUDITOR FOR THE CITY OF WOODBURY NOT TO EXCEED \$48,000.00

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Schreyer, the resolution was adopted by a voice vote.

RESOLUTION #07-61 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH HARRY HAUSHALTER, ESQUIRE FOR SERVICES AS TAX LITIGATOR FOR THE CITY OF WOODBURY NOT TO EXCEED \$8,000.00

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilman Louis, the resolution was adopted by a voice vote.

RESOLUTION #07-62 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH LOUIS ROSNER, ESQUIRE FOR SERVICES AS LABOR COUNSEL FOR THE CITY OF WOODBURY NOT TO EXCEED \$15,000.00

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Schreyer, the resolution was adopted by a voice vote.

RESOLUTION #07-63 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH TRIAD ASSOCIATES FOR SERVICES AS GRANT CONSULTANT FOR THE CITY OF WOODBURY NOT TO EXCEED \$12,000.00

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Schreyer, the resolution was adopted by a voice vote.

Councilman Fleming presented a handout, advising Mayor and Council of the 2007 Budget deadlines set by the State. The deadline for the introduction of the budget is March 12, 2007 with the Extraordinary Aid Application to be submitted on line by March 22, 2007. If the City is applying for Extraordinary Aid, the 2007 Introduced Budget must be in Trenton by March 23, 2007 along with the 2006 Annual Financial Statement and the 2005 Audit. The April 24, 2007 date is the final date for the adoption of the budget; therefore, the Public Hearing Date must be held prior along with the COLA Ordinance. Councilman Fleming stated that because there is so much to be accomplished there will be a special meeting of Mayor and Council on February 22, 2007 to review the budget with Department Heads so that we can accomplish the deadlines.

Councilman Fleming also announced that there will be another meeting for Capital Projects and the tentative date for that is Tuesday, February 27, 2006 at 9:00 am in Council Chambers.

VOUCHERS

Councilman Fleming presented the vouchers which were approved as submitted.

PUBLIC SAFETY

APPLICATION FOR MEMBERSHIP TO FRIENDSHIP FIRE COMPANY

Councilman Louis presented an application for membership for Friendship Fire Company from Robert K. Burgess, 62 Delaware Street, Woodbury.

On motion of Councilman Louis, seconded by Councilwoman Tierney, the application was approved as submitted.

PUBLIC WORKS

Councilman Belko advised that he has reported on his involvement with representatives of the Recycling Bank and has given our participation in the program much thought; he now stated that he would like to invite the Recycle Bank to come before Council to explain the program and see if it is something that the City of Woodbury wants to become involved in.

Councilman Belko gave a brief summary of what exactly the Recycling Bank is about. Councilman Belko stated that basically the residents are given three different recycling bins in which they will put different recycling materials in and will be able to earn rewards for doing so, such as coupons to Starbucks, Acme, Shop Rite, etc. The presentation will take about 20 minutes and the Councilman feels it is something that the City as well as the residents will benefit from.

President Sloane stated that he thinks it is something that the City should definitely look into and will see to it that it is put on the agenda in the very near future.

ECONOMIC DEVELOPMENT

RESOLUTION #07-55 – RESOLUTION REQUESTING THE PLANNING BOARD OF THE CITY OF WOODBURY TO REVIEW POTENTIAL ORDINANCE CHANGES REGARDING 100 FEET RETAIL RESTRICTIONS

Councilman Villari presented the above-entitled resolution.

The City Clerk read the title of the resolution.

Councilman Riskie inquired if this action was part of the Master Plan.

President Sloane stated it was not; it was designed to improve the streetscape, then gave an example of its usage.

Councilman Louis stated that he thought the Planning/Zoning Board had already decided that it was in the best interest of the City to have first floor retail and not have professional usage.

Mayor Curtis stated that he has talked to many people, realtors, businessmen, property owners and they all share the same opinion that the current restriction is too restrictive and should come to some type of compromise. There are too many empty stores; what we are doing now is not working.

Councilman Louis repeated again his previous statement saying that the Planning/Zoning Board dealt with this issue before.

President Sloane said yes it did and it is not working; we now have to reevaluate that decision and see if we can come up with another workable solution.

Councilman Fleming stated that if he remembers correctly, it was at the suggestion of Main Street that the recommendation was implemented; however, it has not worked

Councilman Belko commented that in his opinion it is unrealistic to go back to offering professional 1st floor use, people frequent a downtown area to go to restaurants and retail stores, to make this change is comparable to “throwing in the towel”.

President Sloane then again gave examples saying the City is now offering flexibility for potential use for buildings that will become vacant such as the Goodwill Store and Dollar General.

Councilwoman Tierney totally agreed with Councilman Belko’s opinion and also inquired if Mr. Leather, the Main Street Director, was aware of the proposed change.

Mr. Leather, who was in the audience, responded that he just found out about the resolution this evening.

Councilwoman Tierney also stated that once a retail store is converted into a professional office, it would seem very unlikely that it would revert back to a retail store; and isn’t it the function of Main Street to encourage retail stores to come into the City of Woodbury? If we changed this ordinance now what would be the need to even have a Main Street Office anymore.

Councilman Fleming suggested that we have the Planner as well as the Planning Board look at our options since the existing plan is not working.

Councilman Belko disagreed stating that thought retail stores is the way to go to make our downtown area more attractive, as these were the same questions that came before the Steering Committee; also the traffic and parking issues and ways to resolve those problems were discussed. Now after all the discussion on how to improve and attract people to come into Woodbury we are doing the complete opposite of what we discussed.

Mayor Curtis advised that this resolution is only the first step; let the people voice their opinions and show Council that they are in favor of the change. We have to start somewhere and this is the way to make some changes to something that is not working.

President Sloane requested a roll call vote.

Ayes	4	Schreyer, Villari, Sloane, Fleming
Nays	4	Riskie, Louis, Belko, Tierney
Absent	1	Brown

There was a tie vote, in which case the Mayor was asked to cast his vote to break the tie.

Mayor Curtis voted in favor of the adoption of the resolution.

Ayes	5	Schreyer, Villari, Sloane, Fleming, Curtis
Nays	4	Riskie, Louis, Belko, Tierney
Absent	1	Brown

The resolution passed.

Councilman Villari stated that he has met with Councilman Louis, and Councilman Fleming and Bob Leather and has come up with some ideas. He would like to meet with the SIDS Committee at 8:30 this Friday to further discuss the downtown area. Councilman Villari stated that he would like the City Solicitor to look into just how far Council can go in enforcing property owners along Broad Street to fix up their properties. Councilman Villari also inquired how much money was left in the HUD Grant and the Community Block Grant.

Councilman Fleming advised that the Personnel Committee will be meeting on the 20th and the Economic Steering Committee will be meeting in the near future.

Councilman Belko inquired as to what the CEDS project was.

Councilman Fleming advised that the County Economic Development Committee puts together a program and the City of Woodbury has been targeted as one of the towns for funding that may be available to improve their town from a marketing standpoint or for larger projects such as facade funding along with street improvements, DOT projects, streetscapes, etc.

Councilman Fleming stated that there will be a meeting regarding the CEDS program at Riverwinds at 8:30 AM on Friday, February 16. He, Councilman Villari and Mr. Law will attend.

PERSONNEL

Councilman Riskie stated that Mr. Bowe has obtained samples of job descriptions and performance appraisals for the Personnel Committee to review for their meeting on Tuesday, February 20th ; and then they will come back with their recommendations to Council.

President Sloane inquired what the time frame would be before Council would be given copies of these forms. President Riskie stated that hopefully by the next Council meeting they would have at least the job descriptions available and then would work on the performance appraisals to follow at another meeting.

COMMUNITY DEVELOPMENT

RESOLUTION #07-51 - RESOLUTION AUTHORIZING THE USE OF NEIGHBORHOOD PRESERVATION PROGRAM FUNDS FOR BLOCK 116, LOT 16 A/K/A 150 FRANKLIN STREET

Councilman Belko presented the above-entitled resolution.

The City Clerk read the title of the resolution.

Councilman Riskie inquired if this property had any previous work done in the past.

Ms. Horn stated "it had not".

On motion of Councilman Belko, seconded by Councilwoman Tierney, the resolution was adopted by a voice vote.

GREEN ACRES

Councilwoman Schreyer advised that additional information has been received by the Engineer pertaining to the Green Acres Soccer Fields Project so the report should be updated.

MAYOR CURTIS

Mayor Curtis stated that a Preliminary Meeting was held with Deptford last week pertaining to the Soccer Fields and the project is moving forward and things went very amicably; however, there were some obstacles that have to be resolved regarding policing, maintenance and road work on Tacoma Blvd.

Last Monday evening a presentation was given at Riverwinds where there was a update on County projects; one of the projects being planned is the Delaware Street bridge which would affect one lane traffic for awhile.

On Thursday, February 15th there will be a meeting being sponsored by NJDOT at the Bellmawr Ballroom from 3:00 to 8:00 pm. The subject will be Route 295, I-76, and Route 42 Connection; the snow date will be February 22, 2007.

The Mayor advised that on this Friday there will be a Crime Partnership meeting which will be held at the Prosecutor's Office.

Mayor Curtis stated that on Main Street will be representing the City of Woodbury at a meeting being held at Riverwinds on March 23rd sponsored by the County Economic Development Summit where banking institutions will be looking for properties for investment.

The Mayor advised that March is Tire Amnesty Month where the County will haul away tires at no charge at take them to the County Landfill.

Mayor Curtis stated that the Police Department is enforcing the two hour parking limit along Broad Street and will continue to do so.

In conclusion the Mayor stated that he has received correspondence regarding Community Development Block Grants and he is asking all departments to look and see if they have any projects that would qualify under this grant.

Mr. Law explained that there have been changes on the application process and although the City was not in a position to apply the last couple of years, now we are in a better position to apply for the CDBG grant.

Councilman Belko inquired if he had interpreted a newspaper article correctly concerning the City of Woodbury joining in the County's appeal process regarding the County garage.

Mayor Curtis stated that this was incorrect reporting, in addition to a quote by the Mayor stating that there was "a new sheriff in town," indicating that he was referring to himself, when in fact he was actually referring to working with the new County Sheriff, Carmel Morina.

Councilman Belko also inquired about a reference to a letter to Lisa Jackson.

Mayor Curtis explained that he personally sent a letter to Lisa Jackson supporting the original concept of the County Garage.

Councilman Belko then inquired what was the status and position of the County on the county parking garage.

Mayor Curtis advised that to relocate the garage behind the courthouse would cost the County about \$42,000,000.00.

Councilman Belko asked to receive a copy of the analysis to which the Mayor was referring.

CITY CLERK

Mr. Bowe advised that there has been a change in a voting district due to a lack of registered voters. District 4 of Ward 1 which voted at the Municipal Court will no longer exist. Those voters will now be part of Ward 1, District 1 and will vote at Walnut Street School. The County Board of Elections will be advising all voters in 1-4 advising them of this decision and advising where their new location to vote will be.

Mr. Bowe also advised that from now on bids cannot be accepted on Mondays or the day immediately following a holiday per the State directive.

The Clerk/Administrator also requested a motion from Council to have the City Engineer perform an analysis of leaps and bounds on Russell Street and the area where it curves near the church area.

On motion of Councilman Riskie, seconded by Councilwoman Tierney, the Engineer was given authorization to proceed with the Russell Street Analysis Project as requested.

PUBLIC

On motion of Councilman Louis, seconded by Councilman Belko, the Regular Order of Business was suspended and the floor was opened to the Public for Non-Agenda Items only.

Seeing no one, on motion of Councilman Riskie, seconded by Councilwoman Schreyer, the Public Portion was closed and the Regular Order of Business was resumed.

On motion of Councilman Riskie, seconded by Councilwoman Tierney, there was a five minute recess before Council went into Executive Session. (8:50 PM).

President Sloane advised that there may be action taken when Council returns from Executive Session.

E X E C U T I V E S E S S I O N

On motion of Councilman Riskie, seconded by Councilwoman Tierney, the Regular Order of Business was resumed. (10:10 PM).

President Sloane advised that there is a dangerous situation at 49 Crescent Avenue and before it gets more serious he is requesting that the City Engineer be authorized to look at the situation and give his assessment for a solution.

On motion of Councilwoman Schreyer, seconded by Councilman Riskie, the City Engineer was given authorization to proceed with the request.

There being no further business, on motion of Councilman Riskie, seconded by Councilwoman Schreyer, the meeting was adjourned at 10:12 pm.

THOMAS B. BOWE
Clerk/Administrator

OTHER OFFICIALS PRESENT

Assessor: Roy Duffield
Chief Financial Officer: Robert Law
City Engineer: Ted Wilkerson
Deputy Clerk: Gail R. Scheffler
Librarian: Jean Wipf
NPP Coordinator: Virginia Horn
Police Chief: Reed Merinuk
Public Works: Michael Walsh, Bill Lynch
Solicitor: James Pierson, Esq.