

December 8, 2008

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 2, 2008.

The Reverend Alvin Collins, Jr. – Pastor of Spoken Word Evangelistic Church delivered the Invocation following the Pledge of Allegiance.

ROLL CALL

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

Absent: Schreyer

MINUTES

On motion of Councilman Louis, seconded by Councilwoman Tierney, the minutes of the November 24, 2008 meeting were approved as submitted.

PUBLIC

On motion of Councilman Fleming, seconded by Councilwoman Tierney, 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 Riskie, seconded by Councilwoman Tierney, the Public Portion was closed and the Regular Order of Business was resumed.

ORDINANCES

FINANCE & ADMINISTRATION

ORDINANCE #2091-08 – AN ORDINANCE OF THE CITY OF WOODBURY AMENDING CHAPTER 114 LANDLORD/TENANT LICENSING SECTION 11 FEES OF THE CODE OF THE CITY OF WOODBURY

Councilman Fleming presented the above-entitled ordinance for final adoption.

The City Clerk read the title of the ordinance.

On motion of Councilman Fleming, seconded by Councilman Belko, the ordinance was ordered opened for public hearing.

Herbert A. Budd, Jr., owner of 26 apartments at 143 Delaware Street, came forward stating that he was not here to oppose the ordinance but to comment on it. Mr. Budd stated that although he does not like the fact that he pays so much for his water & sewer bills and would like to see the quality of life improve for those individuals who live in Woodbury, he is not sure that this is the way to go about doing it.

Mr. Budd continued by saying that just as there are bad tenants, there are also bad landlords and they should be held responsible for their problem tenants. Mr. Budd said that not only should the City address landlords and tenants, but also private property owners to ensure that they are maintaining their properties as well as doing all the necessary things that contribute to the “quality of life” in their neighborhoods.

Bonnie Rakes, owner of 172 Delaware Street, advised that she was forced to sell off rental properties and now only has one left because of the cost of upkeep. She would like to know how much money has been generated by the fines they have issued violations for and why this money could not be used to pay for the position of the officer being hired.

Matthew Cappe, owner of a rental property at 331 S. Jackson Street, came forward to express his views on Council’s idea of increasing the fees. Mr. Cappe advised that he is one of those landlords who does maintain his property and follows the rules accordingly. Address those landlords who don’t follow rules should not be a burden on those who do. Mr. Cappe continued by saying that the water and sewer charges in Woodbury are outrageous compared to other properties he owns elsewhere. The focus should be on trying to generate money in other ways like Collingswood did with restaurants, not by pushing your good landlords away to go elsewhere.

Dave Scaffidi, who lives in Sewell, but has properties in Woodbury agrees with the good landlords who are present tonight. Mr. Scaffidi stated that Council is suggesting a 300% increase in fees, and in today’s economy that is ridiculous. He has been in Woodbury for 18 years and is one of the good landlords which is obvious by looking at any of his properties. He is not in agreement with the ordinance and the hiring of the police officer to enforce the

ordinance. The City makes enough money on their taxes and water and sewer charges and CO fees. Where is that money going?

Dave Partridge, 120 S. Davis Street, has lived in the City of Woodbury for forty (40 years) next door to a rental property. This property has been an eyesore; we have to address these problem landlords and Mr. Partridge is in favor of the ordinance.

Lester Foster, 139 High Street, lives next door to a HUD rental and agreed with the gentleman before him. He has had a problem with this property and tenants for years; they are also running a business from this property without a permit.

Corey Baldwin, owner of 49 Hopkins Street, who has worked with the Police Department because of problems with the tenants, has also been fined as a landlord, which he feels is unfair and too harsh. Mr. Baldwin stated he does not feel he should be responsible for his tenants behavior whereby he could face up to 30 days in jail or a fine up to \$1,000 on the first offense.

President Sloane stated that that is not the way the ordinance is designed. The clearer definition is that after repeated warnings and violations the landlord could possibly be given that type of fine which would be under a totally different ordinance. We are only addressing the landlord/tenant licensing fee increase ordinance right now.

George Saridakis, 179 Delaware Street, stated that he would like Council to keep in mind that being a landlord is not easy and being a good landlord is even harder and for that reason he believes that good landlords should not be penalized. One of the things that occurs is that his apartment could remain vacant for months until he gets a tenant he feels comfortable with.

Councilman Louis advised that keeping in mind that eventually these good landlords will receive an incentive by attending the classes that will be offered and in doing so will get a deduction on the registration fee.

Paul Bunn, 18 E. Packer Street, agreed with the passing of this ordinance and believes it is a step in the right direction. Mr. Bunn stated he has lived in Woodbury and sees a lot of the City in his daily routine and can say that this ordinance is needed. Mr. Bunn is also suggesting that the landlords who do attend these classes just to get the deduction and not maintain their properties be prepared to lose that deduction if they continue to not keep up their properties.

Bonnie Rakes returned to add that if Council does adopt this ordinance that it be fair and include everyone and not exclude homeowners, and she does not believe a Police Officer is necessary.

Councilman Fleming agreed that homeowners should maintain their properties; however, President Sloane advised that the ordinance before us involves rentals. Our inspectors do go out and inspect rental properties, but this does not have the same effect as having a Police Officer go out and do the same thing.

President Sloane continued by saying that many different options were considered before Council came to this ordinance; our intention is not to drive out the good landlords.

Councilman Fleming added that something has to be done to get us out of the cycle we are currently in.

Mayor Curtis responded to Mrs. Rakes comments about not having to hire a police officer to address these issues. Mayor Curtis stated that it comes down to someone having to do it and the officer we are currently using to address these code issues is being paid overtime. It would be in the City's best interest financially to create a position to have him do this rather than continue to pay him overtime.

Mr. Wilkinson, City Engineer, suggested that just like insurance companies the City could offer incentives for credits or some other type of deduction based on a absence of violations.

Mayor Curtis stated that this is exactly where the City is attempting to go, but we have to start somewhere.

Tom Donahue, 10 Cooper Drive in Northfield, has been a landlord in Woodbury for some 42 years. His lease is seven (7) pages long when he signs a tenant and also does a criminal background, credit and sexual offender check on all his applicants. Mr. Donahue stated that in his experience most renters are poor, black or Hispanic and they will be the ones picking up the costs of this increase.

Dave Jenkins, 345 Glover Street, stated that prior to being a homeowner he was a renter and never had a time when the police had to come to his residence. Mr. Jenkins stated that as he looks around the room he sees the same responsible people that attend school events; these are

not the people that are the violators. It is the people who are not at tonight's meeting or not at "back to school" nights; they are the violators. In his opinion this ordinance is needed.

Steve Gregory , who is hearing impaired and from 515 Lakeview Avenue in Pitman, is a landlord and first thanked Mr. Bowe for making the arrangements in having a translator available tonight so he could participate in the dialogue. Mr. Gregory continued saying that he bought his first property when he was 22 years old and he is now 62 years of age.

Mr. Gregory continued by saying that this is not the first time this problem has been discussed; this is the second time and no one is referring to the first time when it was corrected. The last time the problem came up, it was decided that another housing inspector would improve the situation. The way Mr. Gregory handles his rentals is to have the property vacant until a decent applicant is chosen. How is raising the fee going to change anything? Maybe what the City should consider is not to increase the fees in Woodbury but increase the fees in the other towns that we inspect like Wenonah, Westville and Woodbury Heights.

Mr. Gregory stated that the problem has reached this proportion because we do not have the (2) full time inspectors and service like we did before because we are sharing them with the other towns.

Phil Hagerty, 46 West Street, who is a landlord in Collingswood, stated that he picked Woodbury over Collingswood in which to live. However, he is requesting that Council review this situation one year after passing this ordinance and see exactly if this increase solved the problems. In his opinion, the increase of these exorbitant fees will only promote the lack of maintenance.

Bob Layton, 724 Main Street, Barnsboro, New Jersey has been a landlord in Woodbury for the past 35 years and wanted to know for what and where the increase in fees would be used.

Councilman Louis advised that the increase will pay for the officer that is being hired.

Mr. Layton stated that he thinks having a Police Officer drive around and look for violations will only create more vacant properties.

President Sloane explained that this is being done as a "Quality of Life" improvement.

Mr. Layton continued by saying that the people here tonight are not the problem. There are people not present tonight who he knows that don't even have their apartments registered and

therefore these apartments are not even inspected. The violations at these locations are probably too numerous to mention.

President Sloane advised Mr. Layton to let the proper officials know the addresses of these properties and we will make sure that these property owners are made aware of this ordinance.

Virginia Horn, Neighborhood Preservation Program Director, stated that part of her job is to conduct meetings once a month over the last ten years to discuss “Quality of Life” issues directed at bad tenants in our neighborhoods. Ms. Horn stated that over the course of those ten years she has relied heavily on the opinion and cooperation of the Chief of the Woodbury Police Department and he recommends this ordinance.

Luke Ivey, 25 Nelson Avenue, stated he was born and raised in Woodbury and had served as a member of the Police Department for eleven years. Mr. Ivey stated he started as a landlord in 1976 by buying his first boarded up home and made it a ratable. He has continued to the present time and now owns several properties. Mr. Ivey stated that he considers himself a hands-on landlord but this ordinance is “sticking it” to the good landlords. In today’s economy we are going through a recession, people are losing their jobs; this is not the time to raise the fees by 300%.

Mr. Partridge returned to the microphone to say he was not against poor people who rented properties in Woodbury; he himself was just as poor, but he is against people not maintaining their properties and supports the ordinance.

Mr. Gregory also came back to close the conversation by saying that we need landlord involvement by utilizing our code enforcement services to get the landlord’s attention. We have other options that have worked before.

Seeing no one else, on motion of Councilman Louis, seconded by Councilwoman Tierney, the public hearing was closed and the ordinance was placed on second reading for final adoption.

There were some comments by Councilpersons regarding the ordinance. Councilman Fleming was a little more explicit with his comments as they pertained to water and sewer rates.

Mayor Curtis concluded the discussion saying that although many of the current Council members were on Council back when the first ordinance regulating landlord/tenant problems was passed, that was just the first step. This is just another step.

On motion of Councilman Louis, seconded by Councilwoman Tierney, the ordinance was passed on second and final reading by a roll call vote.

Ayes	8	Riskie, Villari, Brown, Fleming, Louis, Tierney, Belko, Sloane
Nays	0	
Absent	1	Schreyer

President Sloane requested a five-minute recess stating that the Regular Order of Business would resume at 9:05 pm.

ORDINANCE #2093-08 – AN ORDINANCE OF THE CITY OF WOODBURY ESTABLISHING STANDARDS FOR THE COLLECTION, MAINTENANCE AND EXPENDITURE OF DEVELOPER FEES

Councilman Fleming presented the above-entitled ordinance.

The City Clerk read the title of the ordinance.

On motion of Councilman Fleming, seconded by Councilman Louis, the ordinance was passed on first reading, to be advertised according to law, come up for second reading, public hearing and final passage at the next regular meeting of Council on December 22, 2008.

ORDINANCE #2094-08 – AN ORDINANCE OF THE CITY OF WOODBURY ADOPTING SCHEDULE OF EQUIVALENT DOMESTIC CONSUMER UNITS

Councilman Fleming presented the above-entitled ordinance.

The City Clerk read the title of the ordinance.

The City Solicitor, James Pierson, advised that the purpose of this ordinance is to amend the current fees and have the bill be based on the size of the sewer connection just as we plan to do for water.

On motion of Councilman Fleming, seconded by Councilman Louis, the ordinance was passed on first reading, to be advertised according to law, come up for second reading, public hearing and final passage at the next regular meeting of Council on December 22, 2008.

**ORDINANCE #2095-08 – AN ORDINANCE OF THE CITY OF WOODBURY
AMENDING FEE SCHEDULES**

Councilman Fleming presented the above-entitled ordinance.

The City Clerk read the title of the ordinance.

On motion of Councilman Fleming, seconded by Councilwoman Tierney, the ordinance was passed on first reading, to be advertised according to law, come up for second reading, public hearing and final passage at the next regular meeting of Council on December 22, 2008.

RESOLUTIONS

**RESOLUTION #08-192 - RESOLUTION ESTABLISHING DATE FOR
REORGANIZATION MEETING FOR 2009 OF THE MAYOR AND COUNCIL OF THE
CITY OF WOODBURY**

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 #08-193 – RESOLUTION OF THE CITY OF WOODBURY
AUTHORIZING CHANGE ORDER NO. 2 FOR RECONSTRUCTION OF WEST
CENTRE STREET**

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 #08-194 – RESOLUTION OF THE CITY OF WOODBURY IMPOSING
LIEN(S) FOR PROPERTY MAINTENANCE PURSUANT TO MUNICIPAL CODE §162-**

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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 #08-195 – RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE CITY OF WOODBURY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, p.l. 1948)

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 #08-196 - RESOLUTION OF THE CITY OF WOODBURY AUTHORIZING CHANGE ORDER NO. 1 FOR HARRISON STREET PARKING LOT IMPROVEMENTS

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

VOUCHERS

On motion of Councilman Fleming, seconded by Councilwoman Tierney, the vouchers as presented were authorized paid.

Councilman Fleming announced two meetings: the first on Monday, December 15th at 7:30 pm in Council Chambers to discuss the Redevelopment Plan (the Mayor reminded Councilman Fleming that on the same night there would be a meeting at the Woodbury Heights Municipal Building to discuss the Reservoir at 6:30 pm); and second, on Wednesday, December 17th at 7:30 pm to discuss the COAH Report Draft. Both meetings will be advertised.

President Sloane advised that due to the lateness of tonight's meeting Resolution #08-191 for "Executive Session" will be removed from tonight's agenda and put on the December 22nd meeting's agenda.

Councilman Louis thanked all those involved in bringing the landlord/licensing ordinance forward.

Councilwoman Brown stated that while sitting on a bench on S. Broad Street, she observed how dangerous it is to use the crosswalk at S. Broad Street near Curtis Avenue. She inquired what more can be done to ensure one's safety.

Chief Merinuk stated that the Police Department has been and will continue to issue tickets to those vehicles that are not slowing down.

Councilman Belko stated that the camera system that is used to film sewers has finally arrived at our Public Works Department.

PERSONNEL

ORDINANCE #2090-08 – AN ORDINANCE CREATING THE POSITION OF A PATROLMAN FOR THE CITY OF WOODBURY

Councilman Riskie presented the above-entitled ordinance for final adoption.

The City Clerk read the title of the ordinance.

On motion of Councilman Riskie, seconded by Councilman Louis, the ordinance was ordered opened for public hearing.

Seeing no one, on motion of Councilman Riskie, seconded by Councilman Louis, the public hearing was ordered closed, and the ordinance was placed on second reading for final adoption.

On motion of Councilman Riskie, seconded by Councilman Louis, the ordinance was passed on second and final reading by a roll call vote.

Ayes	8	Riskie, Villari, Brown, Fleming, Louis, Tierney, Belko, Sloane
Nays	0	
Absent	1	Schreyer,

COMMUNITY DEVELOPMENT

ORDINANCE #2092-08 – AN ORDINANCE AUTHORIZING THE CITY OF WOODBURY TO IMPLEMENT P.L. 1991, C. 441, N.J.S.A.40A:21-1, ET SEQ. GRANTING TAX EXEMPTIONS FOR CERTAIN COMMERCIAL AND INDUSTRIAL IMPROVEMENTS AND PROJECTS, AND RESIDENTIAL DWELLINGS

Councilwoman Brown presented the above-entitled ordinance for final adoption.

The City Clerk read the title of the ordinance.

On motion of Councilwoman Brown, seconded by Councilman Louis, the ordinance was ordered opened for public hearing.

Seeing no one, on motion of Councilwoman Brown, seconded by Councilwoman Brown, the public hearing was ordered closed and the ordinance was placed on second reading for final adoption.

On motion of Councilwoman Brown, seconded by Councilman Louis, the ordinance was passed on second and final reading by a roll call vote.

Ayes	8	Riskie, Villari, Brown, Fleming, Louis, Tierney, Belko, Sloane
Nays	0	
Absent	1	Schreyer,

Councilwoman Brown advised that she attended the Annual Pearl Harbor Day Remembrance Ceremonies today.

GREEN ACRES

Councilman Louis stated that he had nothing to report.

MAYOR CURTIS

The Mayor thanked Council for adopting the Landlord/Tenant Ordinance and the Ordinance that was adopted hiring the new officer to enforce the ordinance.

Mayor Curtis advised that Santa arrived in Woodbury Friday evening December 5, 2008 and thanked Lee Weatherby and the Merchants Association for putting the parade together. Also, Candlelight Shopping started the same night and will continue every Friday evening until Christmas.

The Mayor referenced a letter he received from the State of New Jersey, Department of Community Affairs advising the City that we will be receiving \$25,000 for the NPP Program and also stating that we received the money for doing Delaware Street.

Mayor Curtis thanked Public Works for the fine job they did regarding the early dropping of leaves.

The Mayor advised that on NJN, Channel 23 News tonight at 11:00 pm he and Mr. Weatherby will be interviewed regarding the Broad Street Business District.

CLERK/ADMINISTRATOR

Mr. Bowe read an e-mail the City received from Mark Gartner in Iraq thanking the City for sending his company the biggest State flag they ever saw; they will proudly display it.

Also, Mr. Bowe advised that the County EMS Emergency Response Contract will go into effect on December 26, 2008.

Mr. Bowe advised that the Underwood Hospital has agreed to consider putting the bus stop back to its original location sometime in the spring.

Councilman Fleming inquired about the Green Acres Program and the Wing Dickerson Park.

Mr. Law, Chief Financial Officer, explained that the total of the Grant/Loan is \$500,000 and will go towards two projects: one for the Soccer Fields, and the other for Wing Dickerson Park. How much will be spent on Wing Dickerson Park will be determined after all the obligations are met at the Soccer Fields.

PUBLIC

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

Paul Bunn, 18 E. Packard Avenue, came forward to ask what has been done with the copper removed from the City Hall Building Project.

President Sloane advised that all materials have been salvaged and taken into consideration with the contractor. There was a brief discussion regarding materials used on the gutters.

Mayor Curtis inquired how the lighting situation is going behind City Hall.

Mr. Bunn replied that they have look at the lighting behind City Hall and it appears to be sufficient; however, Frances Avenue Fields haven't been so fortunate. There continues to be vandalism there and maybe increased lighting could be considered there as well.

Mr. Bunn advised that he did go to the West Deptford Police Department to advise them of the vandalism and suggested that maybe their Council could consider a curfew and prohibit skateboarding since the fields are located in West Deptford. It seems that when there is a police presence in these areas the kids do not congregate.

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

Mayor Curtis reminded everyone that there is still time to attend the Elected Officials JIF Meeting to save the City some money. So far there has been a very small turn-out; the next one is scheduled for Hammonton, New Jersey.

There being no further business, on motion of Councilman Louis, seconded by Councilwoman Tierney, the meeting was adjourned at 9:45 pm.

THOMAS B. BOWE
Clerk/Administrator

OTHER OFFICIALS PRESENT:

Assessor: Roy Duffield
Chief Financial Officer: Robert Law
Deputy City Clerk: Gail R. Scheffler
Emergency Mgmt Officer: Lieutenant S. Cope
Engineer: Ted Wilkinson, PE
Police: Chief Reed Merinuk
Solicitor: James Pierson, Esq.
Streets: Rich Leidy, Supervisor