

December 14, 2009

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 5, 2009.

Following the Pledge of Allegiance, the Invocation was delivered by the Reverend Robert L. Moore, Sr. from the Macedonia Baptist Church.

### **ROLL CALL**

Present: Villari, Pottillo, Brown, Fleming, Louis, Tierney, Trout, Carter, President Sloane and Mayor Curtis

Absent: No One

### **MINUTES**

On motion of Councilman Louis, seconded by Councilwoman Tierney, the minutes of November 23, 2009 were approved as submitted. President Sloane abstained from the vote.

### **MAYOR CURTIS SWORE IN FIRE OFFICIALS**

Mayor Curtis administered the Oaths of Office to the following individuals:

Fire Chief – William Volk

Deputy Chief – Randall Gartner

Assistant Chief – Derek Lynch, Sr.

Chief William Volk thanked the Mayor and Council for their continued support of the Fire Department. Things are now moving in the right direction.

President Sloane stated that the bond ordinance scheduled on the agenda last meeting included several projects, i.e.: the Delaware Street, Water and Sewer Projects, the Bicycle Path; and plans for the Redevelopment Area. As a result of the bond ordinance failing, we will not be able to move forward with the Delaware Street Project. However, it is his decision to put a resolution transferring certain funds to be used toward the other projects on the agenda this evening with the hope that politics do not again play a part in Council's voting. It should be each

Council person's duty not "to play politics" when making decisions for the betterment of the City; we can't afford to lose a quarter of a million dollars of grant money.

## **PUBLIC**

On motion of Councilman Fleming, seconded by Councilman Villari, 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 Councilman Trout, the Public Portion was closed and the Regular Order of Business was resumed.

## **RESOLUTIONS**

### **FINANCE & ADMINISTRATION**

#### **RESOLUTION #09-212 – RESOLUTION AUTHORIZING CLOSED SESSION REGARDING CONTRACT NEGOTIATIONS REGARDING REDEVELOPMENT AGREEMENT**

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 motion.

#### **RESOLUTION #09-230 – RESOLUTION TO REIMBURSE TAX PAYMENT**

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 motion.

#### **RESOLUTION #09-231 – RESOLUTION TO REIMBURSE TAX PAYMENT**

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 motion.

#### **RESOLUTION #09-232 – REVIEW OF 2009 AUDIT AND CORRECTIVE ACTION PLAN**

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

Councilman Fleming stated that he was happy to report that this audit was much better than previous audits.

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

**RESOLUTION #09-233 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH SUMMIT ACTUARIAL SERVICES, LLC FOR GASB 45 SERVICES FOR AN AMOUNT NO TO EXCEED \$9,000**

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

**RESOLUTION #09-234 – RESOLUTION AUTHORIZING THE CANCELLATION OF MISCELLANEOUS ACCOUNTS RECEIVABLE BALANCES**

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 motion.

**RESOLUTION #09-235 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY, COUNTY OF GLOUCESTER, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO OF \$3,075,000 OF BONDS OF THE CITY OF WOODBURY CONSISTING OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2010A, AND THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2010B; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE CITY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM; AND DETERMING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

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 motion.

**RESOLUTION #09-239 – RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE LOCAL BUDGET OF THE CITY OF WOODBURY FOR THE YEAR 2009**

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

President Sloane explained that for the public's knowledge he wanted to explain that engineering costs for two of our remaining three projects for 2009 could be paid for with this resolution; hopefully the City could complete the Delaware Street Project with additional funding from next year.

Councilman Louis inquired if this was the total amount Mr. Law was looking for when we had this discussion at the last meeting. Mr. Law stated that the original amount was for \$35,000. When he reviewed the engineering costs again, he discovered that we were in a better situation than originally thought. Currently, we have \$2,500 left in the operating budget and this will carry us through to the end of the year with this transfer.

Councilman Louis inquired if engineering costs were factored into the original amount of the first project. Mr. Law responded that the three (3) grants received during the year did not allow for engineering costs to be charged to them.

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

Ayes 9 Villari, Brown, Fleming, Louis, Tierney, Pottillo, Trout, Carter, President Sloane

Nays 0

**VOUCHERS**

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

Councilman Fleming advised that previously the Finance Committee had reviewed the RFP's received for Professional Services. However, this year it seems that there is some concerns regarding the Municipal Prosecutor position and the Finance Committee cannot come

to an agreement; so they are requesting that all applicants be denied and the position be re-advertised.

On motion of Councilman Fleming, seconded by Councilwoman Tierney, the request to advertise again for the Municipal Prosecutor was approved.

### **PUBLIC SAFETY**

Councilman Louis stated that at the last meeting he admittedly made some remarks that had a political overtone; however, when he voted against the ordinance for the bonding, he did so for other reasons, politics had nothing whatsoever to do with his decision. Councilman Louis stated that since President Sloane was not at that meeting and did not hear all of the remarks that were expressed by both himself and other individuals present, he would like that clarified and on record.

### **PUBLIC WORKS**

#### **RESOLUTION #09-236 – RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH FLEMINGTON BUICK CHEVROLET PONTIAC GMC, LLC FOR ONE 2010 CHEVROLET SILVERADO 2500HD PICKUP TRUCK**

Councilman Pottillo presented the above-entitled resolution.

The City Clerk read the title of the resolution.

Councilwoman Tierney inquired if Mr. Law could explain where the money was coming from to purchase this truck.

Mr. Law stated he was not aware as he was not contacted regarding this matter.

Rich Leidy, Water & Sewer Supervisor, stated that he had funding in his budget to support the purchase.

Councilman Pottillo stated that he felt comfortable with the purchase based on a conversation he had with Rich last week and how they do keep a tight spending to their budget.

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

#### **RESOLUTION #09-237 – RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH FLEMINGTON BUICK CHEVROLET PONTIAC GMC LLC FOR ONE 2010 CHEVROLET SILVERADO 2500HD EXTENDED CAB PICKUP TRUCK**

Councilman Pottillo presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

## **ECONOMIC DEVELOPMENT**

Councilman Villari advised everyone that there will be an open forum in the County's Ceremonial Courtroom concerning the GG Green Building on January 13<sup>th</sup>, 2010 conducted by Tricon and Brian Wolfson. If anyone has any questions regarding that project they may benefit from going to that forum and listening to what the plans are for the improvement of the building.

## **PERSONNEL**

### **ORDINANCE #2113-09 – ORDINANCE OF THE CITY OF WOODBURY ADOPTING USE OF CITY-OWNED VEHICLES POLICY**

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

The City Clerk read the title of the ordinance.

Mr. James Pierson, City Solicitor, explained that an amendment will be added to the existing ordinance.

Councilwoman Tierney then stated that the amended language came as a suggestion from the City's Labor Counsel, Lou Rosner. The ordinance would be re-advertised including these suggested changes.

On motion of Councilwoman Tierney, seconded by Councilman Louis, the ordinance was placed on first reading as amended, 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 28, 2009.

Councilwoman Tierney stated she also would like to state for the record that whenever she expresses an opinion, it is strictly based on her philosophic reasoning. She makes her choices based on what she believes is the right thing to do, not because there is any political agenda she is following.

## **ENVIRONMENTAL**

Councilwoman Carter had nothing to report.

## **COMMUNITY DEVELOPMENT**

**ORDINANCE #2110-09 – ORDINANCE OF THE CITY OF WOODBURY ADOPTING ZONING CODE AMENDMENTS AND ZONING MAP PURSUANT TO THE CITY OF WOODBURY’S PERIODIC REVIEW OF ITS MASTER PLAN**

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 Fleming, the ordinance was ordered opened for Public Hearing.

On motion of Councilwoman Brown, seconded by Councilman Pottillo, the Public Hearing was ordered closed.

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

Ayes 9 Villari, Brown, Fleming, Louis, Tierney, Pottillo, Trout, Carter, President Sloane

Nays 0

**GREEN ACRES**

Councilman Trout thanked again the City Engineer, Ted Wilkinson, for how well the projects are coming along at the Soccer Fields and Wing-Dickerson Park.

**ORDINANCE #2114-09 – ORDINANCE AMENDING THE CODE OF THE CITY OF WOODBURY TO PROVIDE PAINTED CROSS WALKS ON SOUTH BARBER AND EAST BARBER AVENUES**

The City Solicitor advised that this ordinance did not originally appear on the agenda, but had to be added so that the City could amend where certain crosswalks would be added. He then asked the City Engineer to explain where the locations would be.

Ted Wilkinson advised and explained in further detail.

Councilman Fleming then presented the ordinance for first reading.

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 28, 2009.

**MAYOR CURTIS**

Mayor Curtis reminded everyone that the Festive Friday nights are still happening in Woodbury and would like to invite everyone to come out.

The Mayor also welcomed a new business owner for the Nut Shop, he is the same owner of Woodbury Cold Cuts in North Woodbury and we wish him well.

### **CLERK/ADMINISTRATOR**

Mr. Bowe referenced a letter he distributed from the Board of Education regarding Evergreen Avenue School expressing their concerns with the parking and crossing situation occurring at that school. The Board hopes to rectify the problem next summer.

Also Mr. Bowe referenced a letter from the County regarding Solid Waste, and the upcoming Solid Waste contract with Wheelabrator.

Mr. Bowe also advised that New Jersey Transit is interested in putting in ticket machines for the convenience of their travelers. They are asking for the City's help in finding the right place to put them.

Mr. Bowe stated that another JIF event for elected officials will be held in Hammonton in January if anyone is interested in attending.

President Sloane instructed Mr. Bowe to look into that same course being offered in Collingswood also in January.

Finally, there is a course being offered through the League of Municipalities for Council Members which help them better understand local government procedures.

### **PUBLIC**

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

Anthony Chiesa, 36 Rugby Place, came forward to inquire how the City makes their selection regarding properties that may be effected by the coming Redevelopment Plan.

Councilman Fleming responded by referring to the Redevelopment Plan and Public Process. He referenced the three "public hearings", the research of the City Planner and the desires of possible future developers as just some of the elements involved in how the City would move forward.

Ronda Abbruzzese, Main Street Director, came forward to share the figures she put together for various functions with which Main Street is involved.

Ms. Abbruzzese advised of the following: the imminent opening of a new Japanese Restaurant, the re-opening of the Nut Shop under new ownership and also the establishing of a new restaurant at the Woodbury Crossings. On the negative side, we will be losing a business along Broad Street at the end of January.

Mayor Curtis advised that he has received an OPRA request for his e-mails and he has requested that Mr. Law look into consolidating any future requests so that we may have this information available on a city-based network rather than having each individual furnish this information.

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.

On motion of Councilman Trout, seconded by Councilwoman Tierney, there was a five-minute recess before Council went into Executive Session. (Approximately 8:35 pm).

President Sloane stated no action will be taken when Council returns into Regular Session.

## **EXECUTIVE SESSION**

On motion of Councilman Trout, seconded by Councilwoman Tierney, the Regular Order of Business was resumed at 9:10 pm.

Mayor Curtis stated that he has become informed that the G. G. Green Building was not properly secured on the East Centre Street side. The Zoning Officer has been notified and the owner must secure the building within a given time frame. This violation was discovered during a recent emergency management drill.

There being no further business, on motion of Councilwoman Tierney, seconded by Councilman Trout, the meeting was adjourned at 9:10 PM.

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THOMAS B. BOWE  
Clerk/Administrator

**OTHER OFFICIALS PRESENT**

Assessor: Roy Duffield

Chief Financial Officer: Robert Law

City Engineer: Ted Wilkinson

Deputy Clerk: Gail R. Scheffler

Fire Chief: William Volk

Librarian: Jean Wipf

Public Works: Rich Leidy, Bill Lynch

Main Street Director: Ronda Abbruzzese

Police: Captain Timothy Sheehan

Solicitor: James Pierson, Esq.