

**MINUTES OF
COUNCIL MEETING OF JANUARY 23, 2012**

Pledge of Allegiance

President of Council, Heather Tierney, opened the meeting at 7:30 pm with the Pledge of Allegiance.

Invocation: Minister Linda Palmer, Faith Revival Church delivered the Invocation.

Reading of the Open Public Meeting Statement

Roy A Duffield, City Clerk read the open public meeting statement.

Roll Call:

Present: Carter, Connor, Lockman, Brown, Fleming, Trout, Louis, Council President Tierney and Mayor Riskie

Absent: Sloane

Approval of Minutes

On motion of Councilman Fleming, seconded by Councilman Trout, the minutes of the January 9, 2012 Council Meeting were approved as submitted.

Changes to the Agenda

President Tierney stated that Resolution #12-52 will be removed from the agenda. Added to the agenda will be Resolution #12-56 due to a resignation from the Woodbury Board of Health.

Councilwoman Brown read an essay entitled "He Shared His Dream With All In This Land" written by R. L. Viden of Glassboro, New Jersey. The essay was written to commemorate the late Martin Luther King's birthday.

Open to the Public for Agenda Items

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

George Gallenthin, 26 S. Bayard Avenue, came forward to discuss Ordinance #2154-12 and expressed his opposition to this plan.

Cindy Gallenthin, 26 S. Bayard Avenue, addressed the same ordinance. Her opinion is that since the ordinance is based on Smart Growth and COAH, and both of these are no longer in effect in Trenton, the plan is not valid.

Jim Gradwell, 611 Cooper Street, stated that he thinks Council is putting the cart before the horse and is not considering the impact the Bottom Dollar is going to create in that area. Another factor not being considered is the competition to the existing Acme that is in the same general area.

President Tierney thanked everyone who expressed their views.

Ed Bond, Manager of the Acme, came forward to also express his concerns and how the Acme has supported the City whenever they can. Acme already has competition from the existing Shop Rite and Walmarts in the area.

Matt Miller, 203 S. Jackson Street, and also a former Planner for the Planning/Zoning Board in Woodbury stated he saw several issues with the proposed plan. In Mr. Miller's opinion the variances and set-back issues should have gone before the Planning/Zoning Board before any Memorandum of Understanding was signed between the City and the Developer. Mr. Miller stated that he was the Planner when Walgreen's came into town. Initially they did not want to comply with the Planning Boards requirements. However after several months they agreed to most of his suggestions.

John Pafumi, 34 N. Drexel Street, a member of the Planning/Zoning Board, agreed with Mr. Miller's statements, In addition, Mr. Pafumi was astonished that the Historic Preservation Board unanimously recommended the proposed plan.

Tom Haas, 54 Lake Drive, and a member of the Historic Preservation Board stated that what the Board approved was the concept that there will be a building in place with site plan modifications. Mr. Haas then read the HPC Boards recommendations at President Tierney's request.

"The Commission strongly supports this project, but it is of the opinion that the modern rendering of the building detracts from the City's architectural heritage. Therefore, it is the recommendation of the HPC that the applicant consider a building style similar to that of other Bottom Dollar grocery stores that is more in characteristic of the City's historic district".

As no one else approached Council, on motion of Councilman Louis, seconded by Councilman Trout, the Public Portion was closed and the Regular Order of Business was resumed.

PUBLIC SESSION ON ORDINANCES AND RESOLUTIONS

Ordinances

#2152-12 - Ordinance No.2152 -12, of the City of Woodbury Authorizing the Purchase of Property Located at 104 S. Broad Street in the City of Woodbury and Further Designated as Block 113, Lot 1 on the Current Official Tax Map of the City of Woodbury and the Acquisition of Certain Tax Sale Certificates Currently Outstanding in Connection with the Property, All with Respect to the Redevelopment of Said Property Pursuant to a Redevelopment Plan Previously Adopted (Second Reading)

Councilman Louis presented the above-entitled ordinance.

The City Clerk read the title of the ordinance.

On motion of Councilman Louis, seconded by Councilman Lockman, the ordinance was ordered open for Public Hearing.

Hearing no one, on motion of Councilman Louis, seconded by Councilman Fleming, the Public Hearing was ordered closed.

On motion of Councilman Louis, seconded by Councilman Trout, the ordinance was placed on second and final reading.

Councilman Louis stated that this ordinance pertains to the G.G. Green Building and it will allow the City to purchase the building for \$1.00 and then the City will be able to negotiate a price with the lien holder.

President Tierney added that this building is a center piece in our City and the developer has stated that he intends to keep the façade not only with this building but extend it to the adjoining building on that block.

Also, President Tierney stated that she would like to advise that going forward this Council will try to involve the Planning and Zoning Board and rely on their expertise for future developments in our downtown area.

On motion of Councilman Louis, seconded by councilman Trout, the ordinance was adopted by a roll call vote.

Ayes	8	Carter, Connor, Lockman, Brown, Fleming, Trout, Louis, Tierney
Nays	0	
Absent	1	Sloane

#2153-12 - An Ordinance to Fix and Establish Salaries and Rate of Compensation on the Various Officers and Employees of the City of Woodbury in the County of Gloucester, and to Provide the Manner of Payment Thereof and Repealing All Ordinances or Parts of Ordinances Inconsistent Herewith (First Reading)

Councilman Louis presented the above-entitled ordinance.

The City Clerk read the title of the ordinance.

On motion of Councilman Louis, seconded by Councilman Fleming, the ordinance was placed on first reading, ordered to be advertised according to law, and come up for second and final reading at the next regularly scheduled meeting of Council held on February 13, 2012.

Councilman Trout advised he will be abstaining from participation of this ordinance due to the employment of a family member.

President Tierney advised that there will be a savings of \$230,000.00 in salaries due to recent retirements. President Tierney thanked all those who have shared in spreading these duties amongst other workers.

#2154-12 - Ordinance No. 2154-12 of the City of Woodbury Amending the Woodbury Downtown Business District Redevelopment Plan Dated March 4, 2010, Adopted May 24, 2010 Pursuant to Ordinance 2118-10 with Regard to Block 74, Lots 22, 23, 24, 24.01, 25, 25.01, 26, 26.01 and 27 on the Current Official Tax Map of the City of Woodbury (First Reading)

Councilman Trout presented the above-entitled ordinance.

The City Clerk read the title of the ordinance.

On motion of Councilman Trout, seconded by Councilman Fleming, the ordinance was placed on first reading, ordered to be advertised according to law, and come up for second and final reading at the next regularly scheduled meeting of Council held on February 13, 2012.

Councilman Louis stated that this Council would never make a decision to approve a façade without the City's best interest in mind. It was this body's intent to take a look at a property that has been vacant for a number of years. This is not a decision Council is taking lightly; he was very pleased to hear the remarks made by the HPC.

Councilman Fleming stated he wanted to expand on Councilman Louis' remarks by adding that at no time was it apparent that this developer was going to follow a form-based code in compliance within the Redevelopment Plan. There were several meetings between the Economic Development Committee and the Developer to reach a compromise; it was then that the Memorandum of Understanding was signed, fully advising that the Developer still had to present a Site-Plan to the Planning/Zoning Board for approval.

It was quite apparent that our downtown area was and is in trouble and we all have to come together and consider all our options to see progress occur. He personally is not in favor of the building design, but is open to further negotiations and recommendations from the Planning/Zoning Board.

President Tierney stated that this Council entered into a Memorandum of Understanding last year; it is now her responsibility as Council President to legally move on this agreement. It is now time to move forward on this Memorandum of Understanding, which will include an opinion by the Planning/Zoning Board.

A roll call vote was called to approve the ordinance on first reading:

Ayes	8	Carter, Connor, Lockman, Brown, Fleming, Trout, Louis, Tierney
Nays	0	
Absent	1	Sloane

Resolutions

Finance & Administration

#12- 50 - Resolution Ratifying Actions of the Chief Financial Officer, Business Administrator and Supervisor of Water & Sewer Department Declaring an Emergency Condition on North Maple Street

Councilman Louis presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

#12- 51 - Resolution Authorizing the Execution of a Contract with Louis Rosner, Esq. for Services as Labor Counsel for an Amount Not to Exceed \$10,000.00

Councilman Louis presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

#12- 52 - Resolution Authorizing the Execution of a Contract with United Computer for Services as Computer Consultant for the City of Woodbury Police Department

Councilman Louis presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

#12- 53 - Resolution Correcting Auditor Designation for the City of Woodbury

Councilman Louis presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

#12- 54 - Resolution Authorizing the Execution of a Contract with Parker McCay P.A. for Services as Bond Counsel for an Amount Not to Exceed \$10,000.00

Councilman Louis presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

#12- 55 - Resolution Authorizing the Execution of a Contract with Harry Haushalter for Services as Tax Counsel for an Amount Not to Exceed \$10,000.00

Councilman Louis presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

Vouchers

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

Public Safety

Applications for Membership to Friendship Fire Company

On motion of Councilman Connor, seconded by Councilman Connor, the two applications for membership to the Friendship Fire Company were approved as submitted for:

Lester E. Theodore, 400 Braun Court, Woodbury, NJ; and
Steven C. Harker, 231 N. Evergreen Ave., Apt. 35D, Woodbury, NJ

Public Works/Utilities

Councilman Fleming advised that the Public Works Committee has met and is in the process of prioritizing what streets are in need of repaving for 2012.

Also, we are happy to report that we have received the new recycling containers and will be distributing them shortly.

Councilman Fleming advised that we have been receiving many complaints regarding flooding in the area along Deptford Avenue. This has been going on for some time and he is asking Council to authorize our engineer to conduct a feasibility study to see what our options are. On motion of Councilman Fleming, seconded by Councilman Louis, approval was granted to proceed with the above subject matter regarding Deptford Avenue.

Councilman Fleming also advised of another situation involving Wood Street and the need for sewer improvements, due to drainage issues. On motion of Councilman Fleming, seconded by Councilman Trout, the City Engineer was authorized to look into that problem. President Tierney suggested that the Board of Education and our Public Works Department be involved with the engineer as they are both knowledgeable with the problems in that area.

Economic Development

Councilman Trout reminded everyone that there will be a public Neighborhood Conservation Committee Meeting at the High School at 7:00 pm tomorrow evening. The topic discussed will be areas which borders the redevelopment zone. President Tierney urged the public to attend and participate in the meeting.

Personnel

Councilman Connor had nothing to report in Councilman Sloane's absence.

Property Maintenance

Councilman Lockman had nothing to report.

Community Development

Councilwoman Brown advised that she will be not be in attendance for the Neighborhood Conservation Committee Meeting because she will be watching the President's State of the Union address.

Councilwoman Brown thanked Councilman Fleming for advising of the new recycling containers.

Councilwoman Brown stated she has been receiving complaints regarding potholes at Railroad and Aberdeen Place and inquired if they can be looked into.

Parks and Recreation/Environmental

Councilwoman Carter had nothing to report.

Reports:

Mayor

Mayor Riskie encouraged everyone to support our local eateries especially the new one which will be located at the old Homesteader Restaurant site scheduled to be open by Valentines weekend.

Mayor Riskie thanked Councilwoman Brown for her readings in honor of Martin Luther King.

Mayor Riskie thanked everyone involved who helped bring the new food retail store into Woodbury. There is still more to be done; but everyone including the Planning/Zoning Board will work together to be certain this will be for the betterment of Woodbury.

The Mayor announced the passing of Walt Spicer, who was extremely involved in all Woodbury sporting events.

Mayor Riskie thanked all who worked at the Rabies Clinic, especially under the adverse weather conditions.

A special "thank-you" to our Streets Department for being on top of things during the weekend snowfall, as well as our Police Department, especially Lt. Cope, Emergency Management Coordinator.

Mayor Riskie reminded Planning Board members to keep up with their education credits.

Clerk

Mr. Duffield received a notice from the State advising that a change in the deadline for the Introduction of the Budget was made from February 10th until March 9th.

Mr. Duffield advised of a recently enacted law which permits school board elections to be combined with the local General Election in November, if so desired. Mayor Riskie stated he was not in favor of this change, as it was always a concern that the School Board Elections are non-partisan and to combine them with our general election may politicize the process.

Mr. Duffield received a notice from the Frank H. Stewart Trust, which provides millions of dollars to the preservation of parks and open space, and will be seeking applications.

Mr. Duffield stated that the results of the most recent census indicate was that Ward 1 and Ward 2 are not evenly populated, so the County Board of Elections has recommended a change. The Ward boundary will be moved 1 block to the north, from Curtis Ave to Cooper St. The change affects about 150-170 voters.

Public

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

Mr. Gallenthin, 26 S. Bayard Street, returned to expand on his opinion of the decisions Council is making which he feels will destabilize the City. Mr. Gallenthin stated that it appears that the Economic Development Committee, Historic Preservation Commission and Planning/Zoning Board are in competition with each other. Councilman Fleming advised Mr. Gallenthin that under our current zoning ordinances, the use is permitted.

John Pafumi, inquired about President Tierney's earlier comment that Council is legally obligated to move this project. President Tierney stated that she meant when this Memorandum of Understanding was signed she was not part of the process; however now, as Council President, she must legally act on City Council's earlier actions. He understands that Council is now obligated to grant the applicants the variances they have requested.

Mr. Aimino, City Solicitor, explained to Mr. Pafumi that Council is taking all the comments under consideration and there are more issues that need to be hammered out before he will be able to give his legal opinion.

Mr. Pafumi continued to define why he was not in agreement with the way Bottom Dollar has been given special treatment and making demands that other businesses have not.

He hopes the City will not grant Bottom Dollar all the amendments they are requesting.

Councilman Louis inquired if Mr. Pafumi has ever been into a Bottom Dollar Store? Mr. Pafumi indicated he has not. Councilman Louis advised that he has, and Acme need not worry about being put out of business. If Council took that same position, then Walgreen's would not have been able to open because a Rite Aid is there and that would be competition, which is not being practical.

Councilman Fleming added that the downtown area is in drastic need of a change. We cannot continue to operate on the same level as it has, because it is not working. We have to start somewhere in doing things differently; and this in his opinion isn't the business of choice; but it does fill an unoccupied property.

Mr. Pafumi stated he totally agreed with certain comments made tonight; all he is asking is to have everyone on the same playing field.

Matt Miller reiterated his opinion that there had to be a "site plan" in order for Council to have made recommendations for changes. It is going to be extremely difficult to now make more changes to recommendations that have already been given to the applicant. We should stop this now before it goes before the Planning Board. Mr. Miller stated that if the public was more informed, they would see things differently.

Mr. Aimino stated that the MOU states it must go through the Planning Board.

Ed Bond, Manager of the Acme, thanked all for their support. He is only asking that Bottom Dollar not be given any breaks. Mr. Bond asked Council to check the tax records and see what Acme has paid in the 60 years they have been here. Although, Council may be looking at it as filling an empty building, maybe Council should look at what might happen in 2-3 years if Bottom Dollar doesn't work out, Council will be faced with yet another vacant building.

Mr. Gradwell, a Cooper Str. resident, stated that in his opinion, Bottom Dollar is a second rate grocery store and opens the door for others to follow.

There being no further business, on motion of Councilman Fleming, seconded by Councilman Trout, the Public Portion was closed and the Regular Order of Business was resumed.

There being no further business, on motion of Councilman Fleming, seconded by Councilman Trout, the meeting was adjourned at 9:26 pm.

ROY A. DUFFIELD
City Clerk

OTHER OFFICIALS PRESENT

Administrator: Karl Kinkler

Clerk & Tax Assessor: Roy A Duffield

Economic Development Director: Ronda Abbruzzese

Librarian: Jean Wipf

Main Street Woodbury Director: Larry Geiger

Police: Chief Reed Merinuk

Public Works Director: Richard Leidy

Solicitor: Michael Aimino, Esq.

DPW Foreman: William Lynch

Engineer: James Clancy, PE