

## **MINUTES OF COUNCIL MEETING OF MARCH 24, 2015**

The Meeting was called to order by President Trovato at 7:30 PM with the Pledge of Allegiance in Council Chambers at Woodbury City Hall, 33 Delaware St.

### **Invocation**

The Invocation was delivered by the Rev. Wendell McGinnis, Jr., of North Baptist Church.

### **Open Public Meeting Statement**

The City Clerk stated that due notice had been given to both the public and the press by posting and publication of Resolution #15-05 adopted at the 2015 Reorganizational Meeting of Mayor and Council on January 3, 2015.

### **Roll Call:**

**Present:** Tierney, Swanson, Floyd, Johnson, Fleming, Parker, Carter, Reddin, President Trovato; and Mayor Volk

**Absent:** No One

### **Approval of Minutes**

On motion of Councilwoman Parker, seconded by Councilman Johnson the minutes of the regular Council Meeting of March 10, 2015 and the Closed Sessions Minutes of January 13, 2015, January 27, 2015 and February 24, 2015 were approved as submitted. Councilman Reddin abstained from voting on the March 10, 2015 minutes. All others voted in favor.

### **Presentations and Discussions**

#### **Proclamations**

Roy A. Duffield, City Clerk read Proclamations Honoring the 100<sup>th</sup> Anniversary of North Baptist Church and the 10<sup>th</sup> Anniversary of Woodbury Community Gardens.

#### **Resolution #15-84 - Resolution Authorizing the Promotion of Kelli Marro from Senior Detective to Sergeant in the Woodbury Police Department**

Councilman Fleming presented the above titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilwoman Parker the

resolution was unanimously adopted by voice vote.

**Swearing-In of Sergeant Kelli Marro**

Mayor Volk administered the Oath of Office to Sgt. Kelli Marro.

Sergeant Marro thanked the Chief, her husband, Mayor and Council for their support and the opportunity to fill the position. It was noted that Ms. Marro is the first female Sergeant in our Police Department.

**Open to the Public for Agenda Items**

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

Jacqualynn Knight, 232 Hunter Street, came forward referring to the Zoning Ordinance Amendment discussion on tonight's agenda. She spoke in support of a zoning change that would allow chickens to be kept on residential properties.

Hearing no one else, on motion of Swanson, seconded by Parker and unanimously approved the public session for Agenda Items was closed.

**Resolutions, Ordinances and Committee Reports:**

**Administration Committee:**

**#15-76 - Resolution Authorizing City Engineer to Issue Notice to Bidders Regarding FY2014 CDBG Project for the Resurfacing of Franklin Street**

Councilman Fleming presented the above-titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilman Johnson the resolution was unanimously adopted by voice vote.

**#15-77- Resolution Authorizing City Engineer to Issue Notice to Bidders Regarding the 2014 NJDOT Municipal Aid Project for the Resurfacing of East Red Bank Avenue North Broad Street to North Evergreen Avenue**

Councilman Fleming presented the above-titled resolution.

The City Clerk read the title of the resolution.

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

**#15-78 - Resolution Authorizing the Termination of a lease for 55 Delaware Street**

Councilman Fleming presented the above-titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Fleming, seconded by Councilman Swanson the

resolution was unanimously adopted by voice vote.

**#15-79 - Resolution Authorizing Issuance of Request for Proposals For Engineering/Independent Financial Advisor Services to Evaluate the Woodbury Water and Sewer Infrastructure and Operation**

Councilman Fleming presented the above-titled resolution.

The City Clerk read the title of the resolution.

Councilman Fleming explained the intent of the resolution and stated that a study of this matter could take six months or more to complete.

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

**Finance Committee:**

**#15-85 - Resolution to Average Tax Collection Rate for use in the 2015 Municipal Budget**

Councilman Swanson presented the above-titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Swanson, seconded by Councilwoman Parker the resolution was unanimously adopted by voice vote.

**#15-80 - Resolution Introducing Budget**

Councilman Swanson presented the above-titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Swanson, seconded by Councilwoman Parker the resolution was unanimously adopted by roll call vote.

**#15-81 - Resolution to Adopt Emergency Temporary Appropriations for the Year 2015**

Councilman Swanson presented the above-titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Swanson, seconded by Councilwoman Parker the resolution was unanimously adopted by voice vote.

**#15-82 - Resolution Authorizing the Transfer of \$8,700 from 2014 Budget Appropriation Reserves to the Snow Removal Reserve Trust Fund**

Councilman Swanson presented the above-titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Swanson, seconded by Councilwoman Parker the resolution was unanimously adopted by voice vote.

**#15-83 - Resolution of the City of Woodbury Authorizing Foreclosure Under the In Rem Tax Foreclosure Act of 1948 as Amended, and Establishing the Tax**

### **Foreclosure List of Liens to be Foreclosed**

Councilman Swanson presented the above-titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Swanson, seconded by Councilman Johnson the resolution was unanimously adopted by voice vote.

### **Vouchers**

On motion of Councilman Swanson, seconded by Councilwoman Parker and unanimously approved, the vouchers as presented and certified were authorized to be paid.

Councilman Swanson also thanked everyone who worked so hard on the budget and for the first time in years there will be no increase in the municipal tax rate. This is owing in part to employees contributing more towards their health benefits; collective bargaining agreements with our unions; retirements in the Police and Public Works Departments; reduction in debt service payments; and changes in the Code Enforcement Office to part time hours.

President Trovato said that as a taxpayer he applauds all who worked to accomplish this especially considering the loss of nearly \$6 million in assessed values since last year, and thanked the Finance Committee, Mayor Volk and Mr. Theokas.

### **Property Maintenance/City Beautification Committee:**

#### **#2225-15 - An Ordinance of the City of Woodbury Amending Chapter 167: Streets and Sidewalks Section 167-3 Obstructing Public Streets of the Code of the City of Woodbury** (Second Reading)

Councilman Reddin presented the above-titled ordinance.

The City Clerk read the title of the ordinance.

On motion of Councilman Reddin, seconded by Councilman Swanson and unanimously approved, the Public Hearing on this ordinance was opened.

John Holston, 20 N. Horace Street spoke in opposition to this ordinance as introduced. He also made suggestions to revise the ordinance for clarification.

President Trovato acknowledged Mr.Holston's recommendations and suggested that the ordinance be tabled for further review .

Hearing no one else, on motion of Councilman Johnson, seconded by Councilman Reddin, the Public Hearing on this ordinance was closed.

On motion of Councilman Johnson, seconded by Councilman Reddin and unanimously approved, **the ordinance was tabled.**

#### **#2226-15 - An Ordinance of the City of Woodbury Amending the Code of the City of Woodbury Adopting the International Property Maintenance Code** (First Reading – Title Only)

Councilman Swanson presented the above-titled ordinance.

The City Clerk read the title of the ordinance.

Mr. Theokas explained that this ordinance is brought at the request of our Code Enforcement Department. The International Property Maintenance Code would be used in addition to our current Code.

On motion of Councilman Reddin, seconded by Councilman Johnson and unanimously approved, the ordinance was introduced on first reading, ordered to be advertised according to law, to come up for second reading, public hearing and final adoption at the regularly scheduled Council Meeting to be held on April 14, 2015.

### **Old Business**

Councilman Johnson announced “Movies in the Park” at Stewart Park on July 15, 2015 with a rain date the following day. He gave a special thank you to the Gloucester County Freeholders and Gloucester County Parks and Recreation Department for hosting this event for our community.

### **New Business** Discussion regarding Zoning Ordinance Amendment

Mr. Theokas, City Administrator, explained that a resident appeared before the Planning/Zoning Board requesting permission to keep chickens on their property. The P/Z Board advised them that our Zoning Ordinance does not permit livestock within any residential zone. City; therefore their recourse is to ask Council to change the zoning ordinance. Mr. Theokas gave Council members examples of code requirements in several municipalities; many of them prohibited livestock in residential areas, and those that allowed it have minimum lot size and setback requirements.

Mr. Pierson, City Solicitor, concurred that our zoning ordinance does not allow chickens in residential zones. One of the first steps to change it is for the P/Z Board to review it and make a statement as to whether the keeping of chickens is inconsistent with our Master Plan, and whether they recommend a change to the ordinance. He explained that changing the zoning ordinance can be a tedious and costly process, and that zoning changes are simpler to make during the periodic Master Plan review.

Jessica Ferguson, 124 S. American Street, the resident directly involved in this issue, came forward to clarify that she is not seeking a zoning change, but a change in the definition of ‘chicken’. She does not agree that chickens are livestock. Therefore, she does not think she is violating the ordinance. Mr. Pierson reiterated that virtually any change to the zoning, including uses and definitions, requires the same process.

President Trovato suggested that we discuss the matter further, and hopes that our zoning official will refrain from citing the Fergusons until we come to a decision. Mr. Pierson cautioned that this does not mean anyone can now go out and acquire & keep chickens without fear of being cited.

On motion of Councilman Swanson, seconded by Councilwoman Parker and unanimously approved, the matter was referred back to the Planning/Zoning Board to request them to consider if the “keeping of chickens within a residential zone “ is consistent with our Master Plan and to make their recommendation to Council.

## **Council Committee Reports:**

### **Green Team:**

Councilwoman Tierney advised of Arbor Day events on April 24th-25th including a poster contest for students.

### **Mayor Volk's report:**

Mayor Volk thanked Councilman Swanson and Finance Committee for their work and the hard decisions that were made to keep the budget within their spending.

Mayor Volk commended Sergeant Kelli Marro on her promotion and also for being the first female Sergeant in the history of the Woodbury Police Department.

The Mayor also advised he attended a Welcome Home Celebration last Friday for Charles Wolfling who recently returned home from Marine training in Parris Island.

### **City Clerk's report:**

Mr. Duffield reminded everyone that March 30th is the last day for candidates to file nominating petitions for the June 2 Primary Election.

Saturday April 11<sup>th</sup> is our Annual Shredding Event. We will shred your confidential documents, and also collect used clothing and plastic shopping bags.

All Local Government Officers are required to file their annual Financial Disclosure Statements before April 1<sup>st</sup>.

## **Department Announcements:**

Jean Wipf, Library Director spoke about the Library's upcoming calendar of events, including a Senior Luncheon at the Woodbury Mews on April 22<sup>nd</sup>.

Police Chief Reed Merinuk thanked Council for approving Sgt. Marro's promotion. He also stated they received over 90 applications for the Patrolman position.

Mary Carter, from Main Street Woodbury spoke about the upcoming Art on the Spot Event this weekend and a White Table Event in May. Also there will be a winery coming out and encourages all to attend.

## **Open to the Public**

On motion of Councilwoman Parker, seconded by Councilman Johnson and unanimously approved, the Regular Order of Business was suspended and the floor was open to the public for any items.

Erica Moon, 404 Harding Avenue, expressed some concerns on the work that PSE&G is doing at Woodbury Creek. Mr. Theokas and Mr. Breier assured her that PSE&G has the required permits for the work they are doing in their right of way.

Ms. Moon then spoke in favor of allowing chickens in residential zones.

Jim McCue, 122 Watkins Avenue spoke in favor of allowing chickens in residential zones. He also announced of McArt a la Carte will be opening on March 27th at 1 S. Broad Street and is very excited to invite everyone out.

Carmen Mirochna, 50 N. Horace Street spoke in favor of allowing chickens in residential zones.

Jean Samoyan, 324 Columbia Street, spoke in favor of allowing chickens in residential zones. She had chickens in the past and it was a positive experience for her family.

Nevin Fahs, 410 Myrtle Avenue, a neighbor of the Fergusons stated they have not had any problems with the Ferguson's chickens.

Patty Zucca, 448 Harding Street, spoke in favor of allowing chickens in residential zones.

Councilwoman Tierney announced a Project Graduation event at McArt a la Cart.

Jacquelynn Knight, 232 Hunter Street, referenced a court ruling in Wayne, NJ in 2012 regarding chickens being defined as "livestock".

Mayor Volk cautioned that while several people spoke in favor of the Ferguson's chickens, there was an instance a few years ago on Wick Blvd. where a resident had chickens and the City received numerous complaints from neighbors because of the odor and improper care of the property.

As no one else approached the floor, on motion of Councilman Johnson, seconded by Councilwoman Parker and unanimously approved, the Public Portion was closed and the Regular Order of Business was resumed.

### **Adjournment**

There being no other business before Council, on motion of Councilman Swanson, seconded by Councilwoman Parker, and unanimously approved the meeting was adjourned at 9:25 pm.

Respectfully Submitted,

ROY A. DUFFIELD  
City Clerk

### **City Officials in Attendance**

Administrator: Michael Theokas  
Chief Financial Officer: Robert Law  
City Clerk: Roy A. Duffield  
City Engineer: Paul Breier  
Librarian: Jean Wipf  
Main Street: Mary Carter  
Police Chief Reed Merinuk and Captain Thomas Ryan  
Public Works: Rich Leidy  
Solicitor: James Pierson. Esq