

MINUTES OF COUNCIL MEETING OF October 22, 2012

Pledge of Allegiance

The Meeting was opened by President Tierney at 7:30 PM with the Pledge of Allegiance in Council Chambers at Woodbury City Hall, 33 Delaware Street, Woodbury, NJ.

Invocation

Councilman Louis delivered the Invocation.

Open Public Meeting Statement

The City Clerk stated that due notice had been given to both the public and the press by publication of Resolution #12-05 adopted at the Reorganizational Meeting of Mayor and Council on January 3, 2012 and Resolution #12-157 adopted on September 24, 2012.

Roll Call

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

Absent: Sloane and Brown

Minutes

On motion of Councilman Trout, seconded by Councilman Connor, the minutes of the meeting of the Council Meeting of October 9, 2012, were approved as submitted.

Public for Agenda Items

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

Paul Bunn, 18 E. Packard Avenue inquired about the Conflict Prosecutor appointment (Res. #12-170). City Solicitor Michael Aimino explained & answered his question.

Mr. Bunn inquired about the Municipal Housing Liaison position which is mentioned in Ord. #2168-12. President Tierney explained & answered his question.

Mr. Bunn inquired about the salary for the new Economic Development Director compared to that of the former Director. President Tierney and Councilmen Fleming and Trout explained how the salary was negotiated.

Mr. Chiesa, 36 Rugby Place inquired about the Bikeway Project. President Tierney and Mr. Kinkler, City Administrator, explained the status of that project. Only Phase I of the Bikeway will be constructed at this time.

As no one else came forward to address 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

#2168-12 - An Ordinance Amending Ordinance #2153-12 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 *(Second Reading)*

Councilman Louis presented the above-titled ordinance for final adoption.

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

Hearing no-one, on motion of Councilman Louis, seconded by Councilman Trout, the public hearing on this ordinance was closed.

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

Ayes	7	Carter, Connor, Lockman, Fleming, Trout, Louis, President Tierney
Nays	0	
Absent	2	Sloane and Brown

#2169-12 - Ordinance Amending Ordinance #2146-12 of the City of Woodbury, County of Gloucester, New Jersey *(Second Reading)*

Councilman Louis presented the above-titled ordinance for final adoption.

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

Hearing no-one, on motion of Councilman Louis, seconded by Councilman Trout, the public hearing on this ordinance was closed.

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

Ayes	7	Carter, Connor, Lockman, Fleming, Trout, Louis, President Tierney
Nays	0	
Absent	2	Sloane and Brown

Resolutions

Finance & Administration

#12-168 - Resolution Authorizing Executive Session – (Pending or Anticipated Contract Negotiations)

Councilman Louis presented the above-titled resolution.

The City Clerk read the title of the resolution.

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

#12-169 - Resolution Awarding Contract for the Woodbury Bikeway Project – Phase 1

Councilman Louis presented the above-titled resolution.

The City Clerk read the title of the resolution.

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

#12-170 - Resolution Appointing a Conflict Prosecutor for the City of Woodbury

Councilman Louis presented the above-titled resolution.

The City Clerk read the title of the resolution.

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

#12-172 - Resolution of the City of Woodbury, Certification of the Annual Audit

Councilman Louis presented the above-titled resolution.

The City Clerk read the title of the resolution.

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

#12-173 - Resolution Approving Submission of a Corrective Action Plan for the 2011 Audit:

Councilman Louis presented the above-titled resolution.

The City Clerk read the title of the resolution.

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

#12-174 - Resolution Authorizing Release of Maintenance Bond of Vericon Construction Company for Site Improvements to the Wachovia Bank, 583 Mantua Avenue, Block 53, Lot 1

Councilman Louis presented the above-titled resolution.

The City Clerk read the title of the resolution.

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

Vouchers

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

Councilman Louis wished everyone running in the General Election the best of luck.

Public Safety

Councilman Connor had nothing to report for his Committee.

Councilman Connor stated he was pleased to see the bike path project underway and is sure many people will make use of it when completed.

He also extended his good wishes for all candidates running in the General Election.

Public Works/Utilities

#12-175 - Resolution Authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website

Councilman Fleming presented the above-entitled resolution.

The City Clerk read the title of the resolution.

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

Councilman Fleming advised everyone that the NJ Department of Transportation is handling the project along Broad Street, not the City of Woodbury.

Councilman Fleming also advised that the storm drain project on Cooper Street is having some minor problems, but hopefully we will be able to complete the repaving according to schedule.

Economic Development

#12-171 - Resolution Appointing Economic Development Director and Housing Liaison for the City of Woodbury (Randi Woerner)

Councilman Trout presented the above-entitled resolution.

The City Clerk read the title of the resolution.

On motion of Councilman Trout, seconded by Councilman Lockman, the resolution was unanimously adopted by a voice vote.

Mayor Riskie thanked the Economic Development Committee for their time and effort in making this selection; we look forward to working with Ms. Woerner.

President Tierney echoed the Mayor's comments.

Personnel

In the absence of Councilman Sloane, Councilman Connor had nothing to report.

Property Maintenance

Councilman Lockman had nothing to report.

Community Development

In the absence of Councilwoman Brown, Councilman Trout had nothing to report.

Parks and Recreation/Environmental

Councilwoman Carter had nothing to report.

Holy Angels Parish – Appeal of Planning/Zoning Board Denial of Certificate of Appropriateness

Public Hearing

On motion of Councilman Connor, seconded by Councilman Trout, the Regular Order of Business was suspended and the Public Hearing for this matter was opened to the Public:

City Solicitor Aimino, Councilman Fleming and Mayor Riskie stated they would step aside for the hearing due to conflicts. Mark Shoemaker, Esq. stood in for Mr. Aimino.

Mark Shoemaker, Solicitor for the Planning/Zoning Board gave background information advising that the applicant, Holy Angels Parish, first applied to the HPC for a Certificate of Approval, which was not approved. The applicant then presented an application for a Certificate of Appropriateness, which was denied by the Planning/Zoning Board. The next step in the process is for the applicant to request a Public Hearing before City Council, appealing such denial, for a final decision.

Mr. Francis J. Monari, Attorney for Holy Angels Parish, presented the various reasons why Holy Angels is requesting that they be permitted to demolish the building. The original intent to purchase the property was to be used for office space as it was in an unsightly condition near the Church and school. Some concerns expressed were; the building is too costly to bring up to code, estimates to renovate would be exorbitant; they do not qualify for any grants to help with the finances, because they could not come up with matching funds to qualify, there was no private funding available; and the Church just does not have the financing. After the merging of the three churches, the Holy Angels Organization has determined the property would better serve them if the building were to be torn down and used as a parking lot. It was also noted that the Redevelopment Plan prepared by the City shows no building in that location, to accommodate for the proposed rail station.

President Tierney pointed out that the redevelopment plan is just a starting point for the proposed area, just a proposal, nothing definite. It clearly states that on the front of the redevelopment plan.

Mr. Monari concurred; however the Redevelopment Plan was adopted by City Council, so it is not outside the realm of possibility even if only as a consideration. Mr. Monari continued by reiterating Holy Angels' position that there is no way the building will be refurbished. No developer would invest the amount of money which will be needed to make the building come up to code.

Mr. Shoemaker asked Mr. Monari whether he would have the same argument if he were representing a commercial developer rather than a non-profit.

Mr. Monari responded it probably not be; realistically there are many factors to be considered in his defense of said applicant. However, his argument remains the same, rehabbing this building is not financially viable.

Some Council members had questions for Holy Angels including whether they were aware of the building's condition prior to the purchase and why after knowing all the details did they not try to resell the property.

Mr. Monari stated that the Parish had been cited for not making necessary minimal maintenance. The maintenance costs approach \$50,000.00 per year, to a property they will never use, and will never be able to sell.

On motion of Councilman Connor, seconded by Councilman Trout, the Public Hearing for the Appeal of Denial to Holy Angels Parish was opened for Public comment. Mr. Shoemaker advised that everyone who came before Council to speak during the Public Hearing for this Appeal would be required to be sworn in.

Paul Bunn, 18 E. Packard Avenue referenced Mr. Monari's remarks of his representing a non-profit organization, then stating they would not reap any "rate of return" if they were to put over \$500,000.00 into the building. Instead of using the money to make a parking lot out of it, the City should require the Church to renovate it. In his opinion, the Parish bought the building "sight unseen", and now wants to get out of a bad deal. He suggested the parish accept pledges to renovate.

Mr. Monari responded that as a business venture, no bank would approve a loan where their investment exceeds the value of the property.

Nora Leary, 219 Holroyd Place, advised she is speaking not as a member of the HPC Board; but as a resident, who lives in the neighborhood where the building is located. She would like to see the building remain part of the history of Woodbury. This would be a landmark stop if the rail line did come through the City. A parking lot is not something we should consider.

Mr. Tony Brasburger, who owns a business on Green Street, stated that he sees no reason to preserve the building and would like to see Council give permission to have it torn down because the building is beyond restoration.

Diane Pascu, 76 N. Maple Street, informed Council that she attended the Planning/Zoning Board Meeting where this matter was discussed. She stated that the parish knew the condition of the building when it was purchased.

Mr. Shoemaker advised Council to refer to their transcripts of the P/Z meeting for accuracy. Ms. Pascu's comments are her interpretation of the statements, nothing more.

Jacqueline Knight, 232 Hunter Street, stated that she purchased a home in great disrepair in the same area; and took a chance by putting her own money into refurbishing it. In her opinion, the Parish should not be given any special consideration because they now feel it is too costly to repair their building.

Chuck Pray, 34A Woodlake Apartments, inquired why the church doesn't sell the property if they are not interested in developing it.

Cindy Norton, 16 N. American Street inquired where the Church obtained the funding to build the new parish center in 2000. Mr. Monari responded the Parish did so with "pledges".

Judy Principay, 16 N. Maple Street and a member of the Parish, feels that the Church does need additional parking. She also feels the City needs to differentiate the historical buildings we should preserve from those that are crumbling and deteriorating.

A motion was made by Councilman Trout to affirm the Planning/Zoning Board's decision. Mr. Shoemaker reminded Council members that an "aye" vote would indicate that they agree with the Planning/Zoning Boards decision to deny permission to demolish the Green Hotel Building owned by Holy Angels Parish. A "nay" vote would indicate that they did not agree and the Building could be demolished.

On motion of Councilman Trout, seconded by Councilman Lockman, a roll call vote was taken:

Aye	6	Carter, Connor, Lockman, Trout, Louis, Tierney
Nay	0	
Abstain	1	Fleming
Absent	2	Sloane, Brown

The Planning/Zoning Board's Denial of Certificate of Appropriateness was upheld by City Council; and the building will not be demolished.

On motion of Councilman Trout, seconded by Councilman Louis, the Public Hearing was closed and after a five-minute recess the Regular Order of Business was resumed.

Mr. Aimino, City Solicitor returned to the meeting.

Reports

Mayor

Mayor Riskie advised that he attended the Eagle Scout Ceremony for John Weatherby. John took on a project to improve the Little League Baseball fields and he was recognized for his achievements not only by Woodbury but West Deptford and the County of Gloucester. We extend our sincere congratulations to him, and his family, especially his father, Lee Weatherby, President of the Merchants Association in Woodbury, who has always been involved in helping for the betterment of Woodbury.

The Mayor announced that Mr. Kinkler attended the ribbon cutting ceremony for the start of a project at the Walnut Street School entitled "Keep Love Present".

Clerk

Mr. Duffield announced that the State of NJ will release a \$12,456 recycling tonnage grants to the City of Woodbury.

Mr. Duffield reminded everyone to vote on Tuesday, November 6th.

Public

Mr. Paul Bunn, 18 E. Packer St., inquired if a decision was made regarding the Library's request to erect a new sign in front of City Hall. He hopes Council will approve it.

Councilman Lockman stated he has spoken with Library Director Jean Wipf. He will discuss the matter with the Property Committee and have a decision at our next Meeting.

George Gallenthin, 26 S. Bayard Avenue stated that City officials have previously stated that a comprehensive redevelopment plan was being finalized. Mr. Gallenthin attended a Planning and Zoning Board Meeting and was told that they were not in fact doing such a plan.

President Tierney responded advising that Council needs to re-evaluate the property in question and do what is best for the area because of the condition of the Country Club property and the length of time it has been vacant. Currently, we have met with the Planner and Economic Development Committee to discuss changes to the plan for this property. It is not the intention of Council to finalize any plans without giving the Public the opportunity to know what is happening in their neighborhoods. The City will not take anyone's property away from them by eminent domain as Mr. Gallenthin suggested.

Mr. Aimino, City Solicitor, stated "eminent domain" can only be used if a property is in a redevelopment zone; in fact this is an 'area in need of rehabilitation'. City Planner Kernan has been instructed not to pursue a redevelopment designation for this area in the final plan.

Councilman Fleming advised Mr. Gallenthin that currently the property is zoned for "high density" development, the intent of Council is to put a plan in place so that whoever does develop that property will do so in a manner that compliments the neighborhood and will have to go before the Planning/Zoning Board for compliance.

Councilman Connor stated that without a plan we cannot have a discussion, the Council must take the first step and move forward with a plan.

On another topic, Mr. Gallenthin was concerned with a property on Evergreen Avenue that had fire damage a year ago is still boarded up.

Tom Haase, 54 Lake Drive, asked whether Councilman Sloane will sit on the Property Committee to determine the approval of the Library sign, even though his wife is a member of the Library Board of Trustees.

President Tierney stated that she did not believe that would be an issue. Mr. Aimino advised that if Councilman Sloane excuses himself, he will be replaced by another Councilmember; however that would be up to him.

Mr. Lee Weatherby addressed Councilman Louis stating that a flyer was distributed with the term "redevelopment plan" used in the wording. Maybe changing that terminology to the term "best use plan" wording would be a better term.

Mr. Weatherby thanked the Mayor for attending his son's Eagle Scout Ceremony.

Mr. Weatherby also announced that the Santa Parade will be held on Saturday, December 8th along with a night of activities, instead of the usual Friday Night arrival.

As no one else desired to address Council, on motion of Councilman Trout, seconded by Councilman Connor, the Public Portion was closed, and the meeting was recessed for five minutes prior to the Executive Session. President Tierney stated that official action may be taken upon return to the Regular Order of Business after the Executive Session.

EXECUTIVE SESSION

On motion of Councilman Trout, seconded by Councilman Connor, the Regular Order of Business was resumed (approximately 9:50 pm).

A motion was made Councilman Trout, seconded by Councilman Connor not to modify the financial agreement with RPM Developers for the Green Building as discussed in Executive Session. The motion was unanimously approved by voice vote.

Mr. Kevin Kavanaugh of RPM Developers gave Council an overview of the status of the renovations at the G.G. Green Building site.

Adjourn

There being no further business, on motion of Councilman Fleming, seconded by Councilman Connor, the meeting was adjourned at 10:08 pm.

ROY A. DUFFIELD
City Clerk

OTHER OFFICIALS PRESENT

Karl Kinkler, Administrator

Robert Law, CFO

Roy A Duffield, Clerk

Randi Woerner, Economic Development Director

Jean Wipf, Librarian

Michael Aimino, Esq, City Solicitor

William Lynch, Public Works Superintendant

James Clancy, PE, City Engineer

Mark Shoemaker, Esq., Solicitor for Holy Angels matter