

City of Woodbury
City Council Meeting Agenda
January 18, 2023
33 Delaware Street, Woodbury, NJ 08096
6:30 p.m.

Pledge of Allegiance

Moment of Silent Reflection

Reading of the Open Public Meeting Statement

Roll Call

Approval of the Minutes

- January 23, 2023

Open to the Public for Agenda Items Only

Resolutions

END CONSENT AGENDA

RESOLUTION NO. 23-66 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING CITY ENGINEER TO ISSUE NOTICE TO BIDDERS REGARDING THE REDEVELOPMENT OF WELL #8

RESOLUTION NO. 23-67 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE AND ACCEPTING THE MAINTENANCE BOND OF PAVING PLUS, LLC FOR THE FY2019 CDBG SOUTH MAPLE AVENUE RESURFACING PROJECT

RESOLUTION NO. 23-68 RESOLUTION OF THE CITY COUNCIL OF THE CITY WOODBURY AWARDING A CONTRACT TO K CONCRETE, LLC FOR THE FY 2022 CDBG PROJECT – CONSTRUCTION OF 12 ADA-COMPLIANT RAMPS AT VARIOUS LOCATIONS CITY-WIDE

RESOLUTION NO. 23-69 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY FOR THE FY2023 SAFE AND SECURE COMMUNITIES PROGRAM (P-23-0822)

RESOLUTION NO. 23-70 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING AN AGREEMENT WITH EMPOWER RETIREMENT LLC TO BE AN ADDITIONAL PROVIDER OF A NEW JERSEY GOVERNMENTAL §457 DEFERRED COMPENSATION PLAN TO THE CITY OF WOODBURY EMPLOYEES

RESOLUTION NO. 23-71 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING EXTENSION OF A SHARED SERVICE AGREEMENT BY AND BETWEEN THE CITY OF WOODBURY AND THE BOROUGH OF WOODBURY HEIGHTS REGARDING POLICE DEPARTMENT SERVICES

RESOLUTION NO. 23-72 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY RATIFYING AND CONFIRMING RULES AND REGULATIONS FOR THE YEAR 2023

END CONSENT AGENDA

Approval of the Bill and Voucher List

Unfinished Business

New Business

Open to the Public

RESOLUTION NO. 23-73 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING A CLOSED SESSION TO DISCUSS MATTERS REALTING TO LITIGATION, NEGOTIATIONS AND ATTORNEY-CLIENT PRIVILEGE; BERGER, DAVID V. THE CITY OF WOODBURY

Adjournment

NOTICE PURSUANT TO N.J.S.A 10:4-8(d)

The items listed on this tentative agenda of the Mayor and Council President of the City of Woodbury constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

RESOLUTION NO. 23-66

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING CITY ENGINEER TO ISSUE NOTICE TO BIDDERS
REGARDING THE REDEVELOPMENT OF WELL #8**

WHEREAS, Bryson & Yates, LLC, Engineers for the City of Woodbury are completing the Plans, Specifications and accompanying bid documents for the Redevelopment of Well #8 (the “Project”); and

WHEREAS, the City Engineer recommends advertising the Notice to Bidders on or about February 8, 2023 and proceeding with a bid opening date of February 28, 2023; and

WHEREAS, the City of Woodbury wishes to proceed in accordance with the recommendation of the City Engineer for said Project.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Woodbury that the City Engineer is hereby authorized to issue Notice to Bidders, advertise same and take any and all actions to provide the bid packages necessary in furtherance of receiving bids for the Redevelopment of Well #8.

ADOPTED at the regular meeting of the Mayor and City Council of the City of Woodbury held February 6, 2023

CITY OF WOODBURY

By: _____
WILLIAM H. FLEMING, JR.
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Ferraino				
Councilman Garlic				
Councilman Hagerty				
Councilwoman Harwell				
Councilman Merinuk				
Councilwoman Miller				
Councilman Pisarcik				
Council President Fleming				
Mayor Miller				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **February 6, 2023** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 23-67

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE AND
ACCEPTING THE MAINTENANCE BOND OF PAVING PLUS, LLC FOR THE
FY2019 CDBG SOUTH MAPLE AVENUE RESURFACING PROJECT**

WHEREAS, Paving Plus, LLC posted a Performance Guaranty, being Hudson Insurance Company Bond No. ASA 1791-25-1175 dated July 13, 2022, for the project known as the FY2019 CDBG South Maple Avenue Resurfacing Project; and

WHEREAS, Bryson & Yates, City Engineer on the Project, by correspondence dated January 31, 2023, recommends release of the Performance Guaranty contingent upon the posting of a Maintenance Guaranty in a form acceptable to the City Solicitor to be held for a period of two (2) years; and

WHEREAS, Paving Plus, LLC has posted Hudson Insurance Company Maintenance Bond No. ASA 1791-25-1175M in the amount of \$12,484.97 for a period of two (2) years, commencing on December 21, 2022; and

WHEREAS, Bryson & Yates, City Engineer on the Project, and Timothy D. Scaffidi, City Solicitor, recommend acceptance of the Maintenance Bond for the project; and

WHEREAS, Bryson & Yates, City Engineer on the Project, recommends release of the retainer held by the City of Woodbury in the amount of \$1,664.66 to Paving Plus, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Woodbury, County of Gloucester and State of New Jersey on this 6th day of February, 2023, that:

1. The Performance Guaranty being Hudson Insurance Company Bond No. ASA 1791-25-1175 posted by Paving Plus, LLC for the project known as the FY2019 CDBG South Maple Avenue Resurfacing Project is hereby released; and
2. The Maintenance Bond being Hudson Insurance Company Bond No. ASA 1791-25-1175M posted by Paving Plus, LLC for the project known as the FY2019

CDBG South Maple Avenue Resurfacing Project in the amount of \$12,484.97 is hereby accepted; and

3. The Retainer held by the City of Woodbury in the amount of \$1,664.66, is hereby released to Paving Plus, LLC.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on February 6, 2023.

CITY OF WOODBURY

By: _____
WILLIAM H. FLEMING, JR.
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Ferraino				
Councilwoman Garlic				
Councilman Hagerty				
Councilman Harwell				
Councilman Merinuk				
Councilwoman Miller				
Councilman Pisarcik				
Council President Fleming				
Mayor Miller				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **February 6, 2023** at City Hall, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 23-68

**RESOLUTION OF THE CITY COUNCIL OF THE CITY WOODBURY
AWARDING A CONTRACT TO K CONCRETE, LLC FOR THE
FY 2022 CDBG PROJECT –
CONSTRUCTION OF 12 ADA-COMPLIANT RAMPS AT VARIOUS
LOCATIONS CITY-WIDE**

WHEREAS, the City Clerk and Engineer received bids on February 1, 2023 for the FY 2022 CDBG Project – Construction of 12 ADA-compliant Ramps at Various Locations, as set forth below:

<u>Contractor</u>	<u>Total Amount</u>
K Concrete, LLC	\$92,690.00
Think Pavers Hardscaping	\$92,697.00
Landberg Construction LLC	\$98,582.05
Lexa Concrete, LLC	\$113,745.00
Charles Marandino, LLC	\$123,276.00

WHEREAS, the City Engineer has reviewed the bids received and by correspondence dated February 2, 2023, has recommended award of the Contract to K Concrete LLC for the total bid amount of \$92,690.00; and

WHEREAS, the low bid is compliant in all material non-waivable respects and the amount is consistent with the Engineer’s Estimate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Woodbury that:

1. The contract is hereby awarded to K Concrete LLC for the FY2022 CDBG Project – Construction of 12 ADA-compliant Ramps in the total bid amount of \$92,690.00.
2. That the Mayor and/or Administrator is hereby authorized to execute a contract in accordance with the project specifications, the afore-described bid, and the within Resolution.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on February 6, 2023.

CITY OF WOODBURY

By: _____
WILLIAM H. FLEMING, JR.
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Ferraino				
Councilwoman Garlic				
Councilman Hagerty				
Councilwoman Harwell				
Councilman Merinuk				
Councilwoman Miller				
Councilman Pisarcik				
Council President Fleming				
Mayor Miller				

CERTIFICATION

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Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 23-69

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE STATE OF NEW
JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY FOR THE FY2023 SAFE
AND SECURE COMMUNITIES PROGRAM (P-23-0822)**

WHEREAS, the City of Woodbury is authorized to accept a subgrant award from the State of New Jersey Department of Public Safety, Office of the Attorney General, in the amount of \$29,700.00, with a match of \$264,212.00, for total project total cost of \$293,912.00, under the FY2023 Safe and Secure Communities Program (Grant #P-23-0822) for the grant period January 8, 2023 to January 7, 2024; and

WHEREAS, the New Jersey Department of Law and Public Safety, Office of the Attorney General has provided guidance that the city would receive a subgrant award of \$16,200 when the city has 27 police officers, and receive the full funding of \$32,400 when the city has the required complement of 28 officers for two grant funded officers; and

WHEREAS, the City of Woodbury plans to hire the 28th officer on February 21, 2023, and thereby has increased their application request to include a ten (10) month prorated amount at the full funding level, at the total amount of \$29,700.00; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the City of Woodbury for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Woodbury that:

- 1) As a matter of public policy the City of Woodbury wishes to participate to the fullest extent possible with the Department of Law and Public Safety, and does accept the Subaward amount of \$29,700.00.
- 2) The Attorney General will receive funds on behalf of the applicant.
- 3) The Department of Law and Public Safety shall be responsible for the receipt and review of the applications for said funds.
- 4) The Department of Law and Public Safety shall initiate allocations to each applicant as authorized.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury held on February 6, 2023.

CITY OF WOODBURY

By: _____
WILLIAM H. FLEMING, JR.
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Ferraino				
Councilwoman Garlic				
Councilman Hagerty				
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Councilman Merinuk				
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Council President Fleming				
Mayor Miller				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at the meeting held on **February 6, 2023** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 23-70

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING AN AGREEMENT WITH EMPOWER RETIREMENT LLC TO BE AN
ADDITIONAL PROVIDER OF A NEW JERSEY GOVERNMENTAL §457 DEFERRED
COMPENSATION PLAN TO THE CITY OF WOODBURY EMPLOYEES**

WHEREAS, the City of Woodbury currently has two (2) 457 Deferred Compensation Plan providers, and would like to provide additional opportunities to our employees; and

WHEREAS, the City of Woodbury desires to attract and retain qualified employees and the implementation of a Deferred Compensation Plan will serve the interests of the local governmental unit by enabling it to provide enhanced retirement security to its eligible employees; and

WHEREAS, Empower Retirement LLC has provided Plan Document Identifier 21-PD-EMPOWER-110121 and the city is interested in offering this optional service to our employees, and there is no cost to the city to adopt and implement an additional Deferred Compensation Plan; and

WHEREAS, there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of the contractor in the selection of a contractor for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7.

NOW, THEREFORE BE IT RESOLVED that the governing body of the City of Woodbury hereby adopts a deferred compensation plan provided by EMPOWER RETIREMENT LLC that has been assigned the plan identifier 21-SA-EMPOWER-110121 by the Division of Local Government Services.

BE IT FURTHER RESOLVED, that KYLE MILLER, MAYOR, and JOHN LEECH, ADMINISTRATOR and the successors to their office, are hereby authorized to execute an Administrative Service Agreement with Empower Retirement LLC and to submit all necessary documents to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval; and

BE IT FURTHER RESOLVED, that the City of Woodbury is adopting a Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-188) and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16) and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED, that the City of Woodbury Chief Financial Officer is hereby designated as the Local Plan Administrator for the administration of the Plan; and

ADOPTED at the regular meeting of the Mayor and City Council of the City of Woodbury held on February 6, 2023.

CITY OF WOODBURY

By: _____
WILLIAM H. FLEMING, JR.
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Ferraino				
Councilwoman Garlic				
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Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 23-71

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING EXTENSION OF A SHARED SERVICE AGREEMENT BY AND
BETWEEN THE CITY OF WOODBURY AND THE BOROUGH OF WOODBURY
HEIGHTS REGARDING POLICE DEPARTMENT SERVICES**

WHEREAS, N.J.S.A. 40a:65-1 et seq. (“Shared Services Law”) specifically authorizes local government units, including counties and municipalities, to enter into Shared Services Agreements; and

WHEREAS, the City of Woodbury authorized a Shared Services Agreement between the City of Woodbury and the Borough of Woodbury Heights regarding Police Department services by Resolution 22-100 adopted on May 11, 2022; and

WHEREAS, the City of Woodbury extended this Shared Services Agreement between the City of Woodbury and the Borough of Woodbury Heights regarding Police Department services by Resolution 22-151 adopted on August 10, 2022; and

WHEREAS, the City of Woodbury extended this Shared Services Agreement between the City of Woodbury and the Borough of Woodbury Heights regarding Police Department services by Resolution 22-191 adopted on November 9, 2022; and

WHEREAS, the City of Woodbury and the Borough of Woodbury Heights desire to extend the duration of the Shared Services Agreement regarding Police Department services for an additional ninety (90) days.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Woodbury, County of Gloucester, and State of New Jersey that the City Council does hereby approve and

authorize the extension of the Shared Service Agreement between the City of Woodbury and the Borough of Woodbury Heights regarding Police Department services authorized by Resolution 22-100 on May 11, 2022 and extended by Resolution 22-151 on August 10, 2022 for an additional ninety (90) days and extended further by Resolution 22-191 on November 9, 2022 for an additional ninety (90) days.

ADOPTED at the regular meeting of the Mayor and City Council of the City of Woodbury held on February 6, 2023.

CITY OF WOODBURY

By: _____
WILLIAM H. FLEMING, JR.
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Ferraino				
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Mayor Miller				

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Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 23-72

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
RATIFYING AND CONFIRMING RULES AND REGULATIONS FOR THE YEAR 2023**

BE IT RESOLVED by the City Council of the City of Woodbury, the Mayor concurring, as follows:

1. That until further order by the City Council within the provisions of its own by-laws, the business of the Council will be conducted under Robert's Rule of Order.

2. That the committees of the City Council are hereby established as follows:

- Cannabis Ad Hoc
- Community Events & Development
- Diversity, Equity, Inclusion
- Economic Development
- Finance
- Green Team
- Parks & Recreation
- Public Safety
- Public Works
- School Board Liaison

3. No by-laws, rules of order of Council shall be suspended, altered or amended unless such suspensions, alterations or amendments shall have been presented at a regular or special meeting and adopted at the next meeting by a majority of Council provided, however, that any rule of order of Council may be suspended whenever two-thirds of the members consent thereto, provided further that by unanimous consent of the City Council, any rule may be suspended temporarily at any time except matters controlled by statute.

This resolution shall take effect immediately.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury held on February 6, 2023.

CITY OF WOODBURY

By: _____

WILLIAM H. FLEMING, JR.
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Ferraino				
Councilwoman Garlic				
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Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 23-73

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING A CLOSED SESSION TO DISCUSS MATTERS REALTING TO
LITIGATION, NEGOTIATIONS AND ATTORNEY-CLIENT PRIVILEGE;
BERGER, DAVID V. THE CITY OF WOODBURY**

WHEREAS, the Open Public Meetings Act authorizes the exclusion of the public from that portion of a meeting involving matters related to attorney-client privilege to *N.J.S.A. 10:4-12b*; and

- (1) *Matters required by law to be confidential*: Any matter which, by express provision of Federal law, State statute, or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) *Matters involving individual privacy*: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by an institution or program, including but not limited to, information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress, or condition of any individual, unless the individual concerned.
- (4) *Matters pertaining to a collective bargaining agreement*: Any matter involving a collective bargaining agreement or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds*: Any matter involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates, or investment of public funds, if it could adversely affect the public interest if discussion of the matters were disclosed.
- (6) *Matters of public protection*: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair that protection.
- (7) *Matters relating to litigation, negotiations and attorney-client privilege*: Any matter of pending or anticipated litigation or contract negotiation other than in subsection b. (4) above in which the City is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise ethical duties as a lawyer.
- (8) *Matters relating to the employment relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public.

(9) *Deliberations after public hearing.* Deliberations by the Authority occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the City of Woodbury, County of Gloucester, and State of New Jersey will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

1. Matters relating to litigation, negotiations and attorney-client privilege; Berger, David V. The City of Woodbury – Pursuant to N.J.S.A. 10:4-12b(7)

BE IT FURTHER RESOLVED that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury held on February 6, 2023.

CITY OF WOODBURY

By: _____

WILLIAM H. FLEMING, JR.
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
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Cassidy L. Swanson,
City Clerk