

City of Woodbury
City Council Meeting Agenda
January 24, 2024
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 Minutes

- January 3, 2024

Open to the Public for Agenda Items Only

Ordinances

ORDINANCE NO. 2402-24 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Resolutions

CONSENT AGENDA

RESOLUTION NO. 24-46 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY APPOINTING SPECIAL OPRA COUNSEL

RESOLUTION NO. 24-47 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY APPOINTING SPECIAL COUNSEL

RESOLUTION NO. 24-48 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY RESCINDING RESOLUTION 23-214, AUTHORIZING THE RENEWAL OF AN INACTIVE ALCOHOLIC BEVERAGE LICENSE NO. 0822-33-007-006

RESOLUTION NO. 24-49 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING THE SALE OF PUBLIC PROPERTY ONLINE THROUGH A NEW JERSEY STATE CONTRACT AUCTION SERVICE (GOVDEALS.COM)

RESOLUTION NO. 23-50 RESOLUTION OF THE CITY COUNCIL OF THE CITY WOODBURY AUTHORIZING THE RECREATION & OPEN SPACE INVENTORY (ROSI) CERTIFICATION FOR THE GREEN ACRES GRANT PROJECT #0822-23-002

RESOLUTION NO. 23-51 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING PUBLIC AUCTION OF MUNICIPAL PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

**RESOLUTION NO. 23-52 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING THE CITY ENGINEER'S SURVEYING PROPOSAL FOR THE FY2023 TA SET-
ASIDE PROGRAM FOR THE WOODBURY LAKES PEDESTRIAN PATH NETWORK**

END CONSENT AGENDA

Approval of the Bill and Voucher List

Unfinished Business

New Business

Open to the Public

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.

ORDINANCE NO. 2402-24

CALENDAR YEAR 2024

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and members of City Council of the City of Woodbury in the County of Gloucester finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and members of City Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$126,497.67 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and members of City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and members of City Council of the City of Woodbury, in the County of Gloucester, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the City of Woodbury shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$442,741.85, and that the CY 2024 municipal budget for the City of Woodbury be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

CITY OF WOODBURY

By:

WILLIAM H. FLEMING JR.,
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

Approved:

KYLE MILLER,
Mayor

Date introduced: _____

Date advertised: _____

Date adopted: _____

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

CERTIFICATION OF INTRODUCTION

I, Cassidy L. Swanson, hereby certify that the foregoing Ordinance was introduced by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **January 24, 2024** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson
City Clerk

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

CERTIFICATION OF ADOPTION

I, Cassidy L. Swanson, hereby certify that the foregoing Ordinance was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **February 28, 2024** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson
City Clerk

RESOLUTION NO. 24-46

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
APPOINTING SPECIAL OPRA COUNSEL**

WHEREAS, there exists a need for the appointment of Special OPRA Counsel for the City of Woodbury for the year 2024; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, this appointment and/or contract was advertised and is hereby awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4 et seq., with the award of the contract and/or the appointment being in the best interest and the most advantageous to the City of Woodbury considering all factors.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Woodbury that **GARY M. MAREK of the Law Offices of Gary M. Marek** is appointed as Special OPRA Counsel for the City of Woodbury commencing January 1, 2024, for a term of one (1) year terminating on December 31, 2024, or until his successor is appointed and qualified; and

BE IT FURTHER RESOLVED that a contract be entered into with the above appointee, in the form attached hereto, and such contract be awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the aforesaid agreement encompasses professional services recognized, licensed and regulated by law, and is of a nature where it is not possible to obtain competitive bids, and is hereby awarded under a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be published in the South Jersey Times as required by law within ten (10) days of its passage.

ADOPTED at the annual reorganization meeting of the Mayor and City Council of the City of Woodbury held January 24, 2024.

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 Johnson				
Councilwoman Miller				
Councilperson Miller				
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 **January 24, 2024** at City Hall, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 24-47

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
APPOINTING SPECIAL COUNSEL**

WHEREAS, there exists a need for the appointment of Special Counsel for the City of Woodbury for the year 2024; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, this appointment and/or contract was advertised and is hereby awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4 et seq., with the award of the contract and/or the appointment being in the best interest and the most advantageous to the City of Woodbury considering all factors.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Woodbury that **BROWN AND CONNERY, LLP** is appointed Special Counsel for the City of Woodbury commencing January 1, 2024, for a term of one (1) year terminating on December 31, 2024, or until his successor is appointed and qualified; and

BE IT FURTHER RESOLVED that a contract be entered into with the above appointee, in the form attached hereto, and such contract be awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the aforesaid agreement encompasses professional services recognized, licensed and regulated by law, and is of a nature where it is not possible to obtain competitive bids, and is hereby awarded under a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be published in the South Jersey Times as required by law within ten (10) days of its passage.

ADOPTED at the annual reorganization meeting of the Mayor and City Council of the City of Woodbury held January 24, 2024.

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 Johnson				
Councilwoman Miller				
Councilperson Miller				
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 **January 24, 2024** at City Hall, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 24-49

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING THE SALE OF PUBLIC PROPERTY ONLINE THROUGH A NEW
JERSEY STATE CONTRACT AUCTION SERVICE (GOVDEALS.COM)**

WHEREAS, the City of Woodbury has various surplus vehicles and equipment no longer needed for use by the City of Woodbury; and

WHEREAS, *N.J.S.A. 40A:11-36* permits the sale of such vehicles and equipment at public auction; and

WHEREAS, staff is of the opinion that the sale of such vehicles and equipment at public auction through GovDeals.com is likely to produce the best price; and

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

1. The vehicles and equipment listed on the attached Exhibit A may be auctioned off at public auction through New Jersey State Contract Vendor (N.J. State Contract #A-70967) GovDeals.com pursuant to *N.J.S.A. 40A:11-36* and Local Finance Notice 2008-9; and
2. Notice of the date, time and place of the public auction together with a description of the items to be sold and the conditions of sale shall be published as required by law; and
3. Sale shall be held not less than seven (7) nor more than fourteen (14) days after the latest publication of the notice thereof; and
4. The City of Woodbury reserves the right to reject all bids for any specific vehicle and/or equipment or all bids for all vehicles and/or equipment, if it determines such rejection to be in the public interest; and
5. The sale will be conducted online and the address of the auction site is GovDeals.com; and
6. The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property and subject to the conditions as Exhibit A; and
7. The terms and conditions of the agreement entered into with GovDeals, Inc. is available online at GovDeals.com and also available from the Clerk’s Office at the City of Woodbury Municipal Building.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on January 24, 2024.

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				
Councilwoman Garlic				
Councilman Ferraino				
Councilman Hagerty				
Councilwoman Harwell				
Councilman Johnson				
Councilwoman Miller				
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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 **January 24, 2024** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
City Clerk

RESOLUTION NO. 24-49

EXHIBIT A

FIRE DEPARTMENT VEHICLE 2007 DODGE DURANGO 1D8HB38P77F584163

RESOLUTION NO. 24-50

**RESOLUTION OF THE CITY COUNCIL OF THE CITY WOODBURY
AUTHORIZING THE RECREATION & OPEN SPACE INVENTORY (ROSI)
CERTIFICATION FOR THE GREEN ACRES GRANT PROJECT #0822-23-002**

WHEREAS, the City of Woodbury applied for Green Acres Grant funding under the Park Development in Urban Aid municipal category on February 16, 2023; and

WHEREAS, the City of Woodbury was awarded said grant in July 2023 for the amount of \$597,200; and

WHEREAS, as part of the grant process, the City must update its Recreation & Open Space Inventory (ROSI) as per the Green Acres format; and

WHEREAS, the City's ROSI must be signed and certified by the Mayor of the City of Woodbury and by the Chairman of the City's Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Woodbury, that the Mayor has the authority to sign the certification that the attached ROSI is a complete and accurate listing of lands held by the local government unit for recreation and conservation purposes at the time of receipt of Green Acres funding.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on January 24, 2024.

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				
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CERTIFICATION

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Cassidy L. Swanson,
City Clerk