BOROUGH OF WOODBINE
REGULAR MEETING

JANUARY 26, 2017
7:30 P.M.

Mayor Pikolycky called the Regular Meeting to order and read the following statement, "Adequate notice of this meeting was provided in compliance with the Open Public Meetings Act by notifying the Press and The Herald on January 18, 2017 and posting a copy of said notice on the Clerk's bulletin board."

Those present were: Mayor Pikolycky; Councilpersons Ortiz, Perez, Benson, and Cruz. Also present were: Richard Tonetta, Borough Solicitor; Bruce Graham, Borough Engineer; and Lisa Garrison, Borough Clerk. Absent: Councilmen Bennett and Johnson.

The flag salute was led by Mayor Pikolycky.

Mayor Pikolycky called for approval of the minutes of January 7, 2017. On motion of Councilwoman Perez, seconded by Councilman Cruz to approve the minutes of January 7, 2017and January 12, 2017 as received, unanimously carried.

Mayor Pikolycky called for the Public Hearings on the following ordinances:

ORDINANCE NO. 558-2016

AN ORDINANCE DISSOLVING THE WOODBINE PORT AUTHORITY AND MOVING ITS OPERATIONS INTO THE MUNICIPAL AIRPORT UTILITY DEPARTMENT

WHEREAS, N.J.S.A. 40:68A-1 et seq., known as the "Port Authority Law of New Jersey" authorizes municipalities to create a municipal port authority and through agency of the municipal Authority, to acquire, construct, maintain, operate, or provide works for the proper establishment of port facilities to foster and promote the welfare of the citizens therein; and

WHEREAS, the Woodbine Port Authority (WPA) was created pursuant to the powers stated herein by way of Ordinance Number 192 Section 1; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-20, et seq. (Local Fiscal Control Law), the Borough has the power to dissolve the WPA by ordinance, so long as it guarantees its bond obligations, debts, and undertakes its governmental operations; and

WHEREAS, in an effort to create more efficient and economic governmental practices, all agreements, contracts, or employees deemed to be unnecessary or superfluous can be re-evaluated, and if necessary, voided by the Borough; and

WHEREAS, all assets, real property, and leases, shall be assigned and/or deeded to the Borough; and

WHEREAS, all governmental operations currently supervised by the WPA shall be transferred to the Department of Airport Utility (DAU); and

WHEREAS, all monies, rents, and/or other assets collected by the WPA shall be transferred to the Department of Finance of the Borough for inclusion in the general revenue funds.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council as follows:

SECTION I CHAPTER II, ARTICLE V, SECTION 2 – 29, ENTITLED WOODBINE PORT AUTHORITY SHALL BE DELETED IN ITS ENTIRETY

SECTION II WOODBINE PORT AUTHORITY IS HEREBY DISSOLVED PURSUANT TO THE LOCAL FISCAL CONTROL LAW

Pursuant to N.J.S.A. 40 A: 5A- 20, et seq. (Local Fiscal Control Law), the Borough is dissolving the Woodbine Port Authority by ordinance and guaranteeing its bond and debt obligations, if any. As of the date of the adoption of this Ordinance, all assets and liabilities including any debt obligations of the WPA shall be transferred to the Borough of Woodbine. Adequate provisions shall be made for the assumption of the payment of all creditors or obligees of the WPA. A copy of this Ordinance, upon passage, shall be filed immediately with the New Jersey Secretary of State and with the Local finance Board.

SECTION III DEPARTMENT OF AIRPORT UTILITY

All of the powers, functions and/or responsibilities of the WPA shall be undertaken by the Department of Airport Utility. The position of Airport Maintenance Manager of the Department of Airport Utility is hereby created and the salary of said Manager shall be set forth in the Salary Ordinance of the Borough of Woodbine. The Director is authorized to take the following actions, consistent with the conditions stated herein:

A. Inventory the assets of the WPA and undertake the necessary administrative actions for said assets to be maintained by the Department of Airport Utility.

B. Evaluate all employees of the WPA and maintenance of the assets under the control of the WPA, and determine if it is necessary for said employees to continue and, if necessary, incorporate into the DAU's operations the functions previously handled by the WPA.

SECTION IV DEPARTMENT OF LAW

The Borough Solicitor is hereby authorized to take the following actions, consistent with the conditions stated herein;

A. Draft and execute deeds and/or other necessary legal documents to transfer title of the property owned by the WPA to the Borough of Woodbine.

B. Draft and execute leases, assignments, and/or other necessary legal documents required to transfer lease obligations, if any, from the WPA to the Borough of Woodbine.

C. Evaluate all employment contracts, agreements, and any other binding documents signed by the WPA and determine whether, in an effort to create more efficient and effective government practices and consistent with the Local Fiscal Control Law, any employment contracts, agreements, and any other binding documents can be terminated.

D. Draft, execute and/or take any other necessary legal action as required to carry out the conditions set forth herein so as to dissolve the WPA and transfer its operations and assets to the Borough of Woodbine.

SECTION V SEVERABILITY

If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be

deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION VI BOROUGH CODE

The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of the Borough of Woodbine.

SECTION VII AMENDING THE CODE OF THE BOROUGH OF WOODBINE

The Borough Clerk and Borough Solicitor may change chapter numbers, article numbers and section numbers, if codification of this Ordinance creates a conflict between those numbers and the existing Code so as to avoid confusion and possible repealing of existing provisions unintentionally.

SECTION VII CLERICAL ERRORS.

The Borough Clerk and the Borough Solicitor may correct any clerical errors in the printing, publication, and codification of this Ordinance, provided both concur with the correction being made, and both certify in writing to the Mayor as to the specifics of the clerical correction no later than 7 days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next regular meeting. The said certification shall also be prominently posted no later than the date of the next regular meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the Borough Clerk.

SECTION VII LIBERAL INTERPRETATION.

The Borough Council intends that all general provisions, terms, phrases, and expressions contained in this Ordinance be liberally construed in order to assure that the true intent and meaning of the Borough Council may be fully implemented.

SECTION VIII EFFECTIVE DATE

This Ordinance shall take effect upon passage, approval, and publication, as required by law.

BE IT FURTHER ORDAINED, that the Mayor, Borough Solicitor and Borough Clerk are authorized to execute all documents necessary to dissolve the MUA and redistribute and/or reassign its assets agreements and/or leases to the Borough, subject to the above conditions and terms being a part thereof

Mayor Pikolycky opened the public hearing. There being no comment forthcoming on the foregoing ordinance, Mayor Pikolycky advised there will be a continuation on the public hearing until the next Council meeting to be held on February 2, 2017.

Mayor Pikolycky opened the public hearing. There being no comment forthcoming on the following ordinance, Mayor Pikolycky advised there will be a continuation on the public hearing until the next Council meeting to be held on February 2, 2017.

ORDINANCE NO. 559-2016

AN ORDINANCE DISSOLVING THE WOODBINE MUNICIPAL UTILITIES AUTHORITY AND MOVING ITS OPERATIONS

INTO THE MUNICIPAL UTILITIES DEPARTMENT

WHEREAS, N.J.S.A. 40:14B-1 et seq., known as the "Municipal and County Utilities Authority Law" authorizes counties or municipalities, either separately or in combination with other municipalities, by means and through agency of the municipal Authority, to acquire, construct, maintain, operate, or provide works for the supply or distribution of water, works for the collection, treatment, recycling and disposal of solid waste, works for the collection, treatment, purification, or disposal of sewage or other wastes, and works for the generation and distribution of electric power; and

WHEREAS, the Woodbine Municipal Utilities Authority (MUA) was created pursuant to the powers stated herein by way of Ordinance Numbers 153, Section 1, 161, Section 1, and 206; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-20, et seq. (Local Fiscal Control Law), the Borough has the power to dissolve the MUA by ordinance, so long as it guarantees its bond obligations, debts, and undertakes its governmental operations; and

WHEREAS, in an effort to create more efficient and economic governmental practices, all agreements, contracts, or employees deemed to be unnecessary or superfluous can be re-evaluated, and if necessary, voided by the Borough; and

WHEREAS, all assets, real property, and leases, shall be assigned and/or deeded to the Borough; and

WHEREAS, all governmental operations currently supervised by the MUA shall be transferred to the Department of Municipal Utilities (DMU); and

WHEREAS, all monies, rents, and/or other assets collected by the MUA shall be transferred to the Department of Finance of the Borough for inclusion in the general revenue funds.

NOW, THEREFORE, Be It Ordained by the Mayor and Council as follows:

SECTION I CHAPTER II, ARTICLE V, SECTION 2 – 30, ENTITLED WOODBINE UTILITIES AUTHORITY SHALL BE DELETED IN ITS ENTIRETY

SECTION II WOODBINE MUNICIPAL UTILITIES AUTHORITY IS HEREBY DISSOLVED PURSUANT TO THE LOCAL FISCAL CONTROL LAW

Pursuant to N.J.S.A. 40 A: 5A- 20, et seq. (Local Fiscal Control Law), the Borough is dissolving the Woodbine Municipal Utilities Authority by ordinance and guaranteeing its bond and debt obligations, if any. As of the date of the adoption of this Ordinance all assets and liabilities, including any debt obligations of the MUA shall be transferred to the borough of Woodbine. Adequate provisions shall be made for the assumption of the payment of all creditors or obligees of the MUA. A copy of this Ordinance, upon passage, shall be filed immediately with the New Jersey Secretary of State and with the Local finance Board.

SECTION III DEPARTMENT OF MUNICIPAL UTILITIES

All of the powers, functions and/or responsibilities of the MUA shall be undertaken by the Department of Municipal Utilities. The Public Works Manager or Director of the Department of Municipal Utilities, as to case may be, is authorized to take the following actions, consistent with the conditions stated herein:

A. Inventory the assets of the MUA and undertake the necessary administrative actions for said assets to be maintained by the Department of Municipal Utilities.

B. Evaluate all employees of the MUA and maintenance of the assets under the control of the MUA, and determine if it is necessary for said employee to continue, and if necessary, incorporate into the DMU's operations the functions previously handled by the MUA.

SECTION IV DEPARTMENT OF LAW

The Borough Solicitor is hereby authorized to take the following actions, consistent with the conditions stated herein;

A. Draft and execute deeds and/or other necessary legal documents to transfer title of the property owned by the MUA to the Borough of Woodbine.

B. Draft and execute leases, assignments, and/or other necessary legal documents required to transfer lease obligations, if any, from the MUA to the Borough of Woodbine.

C. Evaluate all employment contracts, agreements, and any other binding documents signed by the MUA and determine whether, in an effort to create more efficient and effective government practices and consistent with the Local Fiscal Control Law, any employment contracts, agreements, and any other binding documents can be terminated.

D. Draft, execute and/or take any other necessary legal action as required to carry out the conditions set forth herein so as to dissolve the MUA and transfer its operations and assets to the Borough of Woodbine.

SECTION V SEVERABILITY

If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION VI BOROUGH CODE

The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of the Borough of Woodbine.

SECTION VII AMENDING THE CODE OF THE BOROUGH OF WOODBINE

The Borough Clerk and Borough Solicitor may change chapter numbers, article numbers and section numbers, if codification of this Ordinance creates a conflict between those numbers and the existing Code so as to avoid confusion and possible repealing of existing provisions unintentionally.

SECTION VII CLERICAL ERRORS.

The Borough Clerk and the Borough Solicitor may correct any clerical errors in the printing, publication, and codification of this Ordinance, provided both concur with the correction being made, and both certify in writing to the Mayor as to the specifics of the clerical correction no later than 7 days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next regular meeting. The said certification shall also be prominently posted no later than the date of the next regular meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the Borough Clerk.

SECTION VII LIBERAL INTERPRETATION.

The Borough Council intends that all general provisions, terms, phrases, and expressions

contained in this Ordinance be liberally construed in order to assure that the true intent and meaning of the Borough Council may be fully implemented.

SECTION VIII EFFECTIVE DATE

This Ordinance shall take effect upon passage, approval, and publication, as required by law.

BE IT FURTHER ORDAINED, that the Mayor, Borough Solicitor and Borough Clerk are authorized to execute all documents necessary to dissolve the MUA and redistribute and/or reassign its assets agreements and/or leases to the Borough, subject to the above conditions and terms being a part thereof

Mayor Pikolycky opened the public hearing on the following ordinance. There being no comment forthcoming on the public hearing was then closed. On motion of Councilman Ortiz, seconded by Councilman Cruz to approve and adopt the following ordinance, unanimously carried upon roll call vote. Ayes: Ortiz, Perez, Benson, Cruz Nays: None Abstain: None Absent: Bennett, Johnson

ORDINANCE NO. 560- 2017

BOND ORDINANCE APPROPRIATING THE SUM OF $365,000 TO SATISFY THE OUTSTANDING DEBT OBLIGATIONS OF THE WOODBINE PORT AUTHORITY IN CONJUNCTION WITH THE DISSOLUTION OF THE WOODBINE PORT AUTHORITY AND AUTHORIZING THE ISSUANCE OF UP TO $365,000 AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES OF THE BOROUGH OF WOODBINE, COUNTY OF CAPE MAY, NEW JERSEY TO FINANCE THE REPAYMENT OF SUCH OBLIGATIONS

WHEREAS, pursuant to Ordinance No. 558-2016 (the "**Dissolution Ordinance**"), and consistent with the provisions of the Local Authorities Fiscal Control Law (the "Authorities Control Law"), specifically N.J.S.A. 40A:5A-20, the Borough of Woodbine, in the County of Cape May, New Jersey (the "**Borough**") has determined to dissolve the Woodbine Port Authority ("**WPA**"); and

WHEREAS, as part of the dissolution of the WPA the Borough desires, in addition to assuming responsibility for the payment of all creditors or obligees of the WPA and for all services provided by the WPA deemed necessary for the health, safety and welfare of the recipients of such services, to assume any outstanding debt obligations of the WPA as provided in the Dissolution Ordinance; and

WHEREAS, in 2012, the WPA issued refunding bonds in the original principal amount of $535,000 (the "**Debt Obligations**") for the purposes of refunding two (2) notes of the WPA dated December 21, 2000, in the original principal amount of $418,500 each, payable to Atlantic City Showboat, Inc. and Marina Associates, respectively; and

WHEREAS, the Debt Obligations have an outstanding principal balance as of December 31, 2016 in the amount of $345,000; and

WHEREAS, the Borough will establish a Department of Airport Utility as part of the Borough to undertake the powers, functions and responsibilities of the WPA; and

WHEREAS, the Borough Council of the Borough desires to appropriate such funds by this Bond

Ordinance as may be required to satisfy the outstanding principal balance of the Debt Obligations and to provide authorization to the Borough for the issuance of such bonds and/or notes as may be needed for such purpose in furtherance of the dissolution of the WPA.

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF WOODBINE, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

Section 1. Appropriation for Debt Obligations-No Down Payment Required

In accordance with the Dissolution Ordinance and N.J.S.A. 40A:5A-20, the Borough of Woodbine, in the County of Cape May, New Jersey hereby appropriates the sum of THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS ($365,000) to assume the responsibility for payment of the Debt Obligations. In accordance with N.J.S.A. 40A:5A-20, no down payment is required for this appropriation since the improvements being acquired by the Borough as a result of the dissolution of the WPA will, when operated by the Borough, be deemed a self-liquidating utility as approved by the Local Finance Board and, as provided in N.J.S.A. 40A:5A-20, the obligations authorized herein are deductible from the gross debt of the Borough as more fully described herein.

Section 2. Authorization of Bonds and Notes

If necessary to finance all or part of the Debt Obligations, the Borough is hereby authorized to issue up to a maximum principal amount of THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS ($365,000) in bonds of the Borough pursuant to the Local Bond Law of the State of New Jersey (the "Local Bond Law"), the Authorities Control Law and any other law applicable thereto. The bonds of the Borough shall be sold at public or private sale by resolution of the Borough Council setting forth the details thereof or in such manner as otherwise provided by the Local Finance Board consistent with N.J.S.A. 40A:5A-20.

Section 3. Bond Anticipation Notes

In anticipation of the issuance of said bonds, negotiable notes of the Borough in a principal amount not exceeding THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS ($365,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such times as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the Borough at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not

determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 4. Capital Budget

The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

Section 5. Additional Matters

The following additional matters are hereby determined, declared and recited and stated:

(a) The said improvements being acquired by the Borough as a result of the dissolution of the WPA are not considered current expenses and are improvements or purposes that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **6 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS ($365,000), but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding TWENTY THOUSAND DOLLARS ($20,000) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 6. Ratification of Prior Actions

Any action taken by any officials of the Borough in connection with the dissolution of the WPA and the acquisition of the improvements being acquired by the Borough as a result of the dissolution are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 7. Filing of Ordinance

In accordance with Section 40A:2-55 of the Local Bond Law, a certified copy of this Ordinance shall be filed before final passage thereof with the Director of the Division of Local Government Services

in the Department of Community Affairs of the State of New Jersey, together with a complete statement in the form prescribed by the Director as required by Section 40A:2-55 of the Local Bond Law, executed by the Chief Financial Officer of the Borough.

Section 8. Full Faith and Credit

The full faith and credit of the Borough are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 9. Effective Date

As provided in N.J.S.A. 40A:5A-20, this bond ordinance shall take effect immediately after final adoption and publication and shall not be subject to referendum.

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 1-19-2017

A RESOLUTION AUTHORIZING THE ASSUMPTION OF THE OUTSTANDING BONDED INDEBTEDNESS OF THE WOODBINE PORT AUTHORITY IN CONJUNCTION WITH THE DISSOLUTION OF THAT AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20

WHEREAS, pursuant to Ordinance No. 558-2016 (the "Dissolution Ordinance"), and consistent with the provisions of the Local Authorities Fiscal Control Law (the "Authorities Control Law"), specifically N.J.S.A. 40A:5A-20, the Borough of Woodbine, in the County of Cape May, New Jersey (the "Borough") has determined to dissolve the Woodbine Port Authority ("WPA"); and

WHEREAS, as part of the dissolution of the WPA, the Borough desires, in addition to assuming responsibility for the payment of all creditors or obligees of the WPA and for all services provided by the WPA deemed necessary for the health, safety and welfare of the recipients of such services, to assume any outstanding debt obligations of the WPA as provided in the Dissolution Ordinance; and

WHEREAS, in 2012, the WPA issued refunding bonds in the original principal amount of $535,000 (the "Debt Obligations") for the purposes of refunding two (2) notes of the WPA dated December 21, 2000, in the original principal amount of $418,500 each, payable to Atlantic City Showboat, Inc. and Marina Associates, respectively; and

WHEREAS, the Debt Obligations have an outstanding principal balance as of December 31, 2016 in the amount of $345,000; and

WHEREAS, in accordance with the provisions of the Authorities Control Law, if an authority such as the WPA has obligations outstanding at the time of the taking effect of the Dissolution Ordinance, the Borough is authorized to either issue new obligations in furtherance of the dissolution or assume the responsibility for the payment of the obligations of the authority being dissolved provided that the Borough determined by resolution that such assumption will be a cost effective means of meeting those outstanding obligations of the WPA as compared with the issuance of new obligations by the Borough; and

WHEREAS, the Borough Council of the Borough has determined that the assumption of the Debt Obligations by the Borough will be a more cost effective means of meeting those obligations as opposed to refunding such Debt Obligations and issuing new obligations by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine, in the County of Cape May, New Jersey, as follows:

Section 1. The Borough of Woodbine, in the County of Cape May, State of New Jersey finds that the assumption of the Debt Obligations by the Borough will be a more cost effective means of meeting those obligations as opposed to refunding such Debt Obligations and issuing new obligations by the Borough on the basis that: (i) the size of the refunding issue is minimal; (ii) the remaining interest rates on the Debt Obligations are very favorable under current market conditions; and (iii) the costs of issuance will be considerably reduced through use of the assumption procedure as opposed to the higher costs that would be incurred if the Borough were to refund the Debt Obligations and issue new obligations.

Section 2. The Mayor and Chief Financial Officer are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the assumption of the Debt Obligations by the Borough as determined by this resolution or by any subsequent resolution, and the signatures of either the Mayor or the Chief Financial Officer on any such document or instrument shall be conclusive as to such determinations.

Section 3. Repeal. All resolutions or parts thereof to the extent inconsistent herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption this 26th day of January, 2017.

On motion of Councilman Benson, seconded by Councilman Cruz to approve and adopt the foregoing resolution, unanimously carried.

On motion of Councilwoman Perez, seconded by Councilman Benson to approve and adopt the following resolution, unanimously carried.

RESOLUTION NO. 1-20-2017

APPOINT OF MUNICIPAL COURT JUDGE
MARIAN RAGUSA

WHEREAS, it is the desire of the governing body to appoint Marian Ragusa to fill the unexpired term of Dorothy Incarvito-Garrabrant as Municpal Court Judge of the Borough of Woodbine; and

WHEREAS, pursuant to N.J.S.A. 2B:12-4(A), the term for Municipal Court Judge shall be three (3) years, or in the case of an unexpired term, for the duration of the unexpired term; and

WHEREAS, Judge Garrabrant shall vacate the office of Municipal Judge as of January 9, 2017; and

WHEREAS, Judge Garrabrant's current term of office expires on September 30, 2018; and

WHEREAS, the annual salary is $40,000 with a stipend for the Borough of Woodbine Municipal Court service of $7,000 annually.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, County of Cape May, State of New Jersey that Marian Ragusa is hereby appointed Judge of the Municipal Court of the Borough of Woodbine and the Township of Middle for the unexpired term of office, beginning on January 9, 2017 and extending through September 30, 2018.

RESOLUTION NO. 1-21-2017

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WOODBINE, APPROVING THE FILING OF AN APPLICATION TO THE US DEPARTMENT OF AGRICULTURE-RURAL DEVELOPMENT (USDA-RD), FOR FUNDING UNDER THE FIRE AND RESCUE LOAN AND GRANT PROGRAM

WHEREAS, the Borough of Woodbine desires to apply to USDA-RD for funding under the Fire and Rescue Loan and Grant Program in an amount not to exceed $50,000.00, to purchase critically-needed equipment and turnout gear; and,

WHEREAS, the Borough of Woodbine has determined that this equipment and turnout gear is necessary to help ensure firefighter safety and the protection of property; and,

WHEREAS, the Federal Emergency Management Agency's Aid to Firefighters Grant (AFG) program does not typically provide funding for all equipment and turnout gear noted in this application; and,

WHEREAS, the Borough of Woodbine recognizes the need to seek funding outside of the AFG program as a means to obtaining the materials that are the subject of this application; and,

WHEREAS, the Borough of Woodbine desires to apply to the U.S. Department of Agriculture Rural Development for funding under the Fire and Rescue Loan and Grant Program for the purposes noted herein;

NOW, THEREFORE, BE IT RESOLVED, that funding for the purchase of equipment and turnout gear is hereby in all respects approved; and be it further resolved that the Mayor of the Borough of Woodbine or his designee and the Clerk of the Borough of Woodbine are hereby authorized to execute all documents associated with the Application for USDA Rural Development funding under the Fire and Rescue Loan and Grant Program.

On motion of Councilwoman Perez, seconded by Councilman Ortiz to approve and adopt the foregoing resolution, unanimously carried.

On motion of Councilman Cruz, seconded by Councilwoman Perez to approve and adopt the following resolution, unanimously carried.

RESOLUTION NO. 1-22-2017

A RSOLUTION OF THE BOROUGH OF WOODBINE IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF BOROUGH ENGINEER, SOLICITOR, AUDITOR AND GRANT APPLICATION AND MANAGEMENT CONSULTANT SERVICES

WHEREAS, the Borough Council of the Borough of Woodbine acknowledges the need for Professional Services to be provided to the Borough; and

WHEREAS, the Borough Council recognizes the need to implement the requirements of N.J.S.A. 19:44A-20.5 so as to have a fair and open procedure for awarding professional service agreements which would otherwise be exempt from public bidding in accordance with N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to select professionals to provide services to the Borough primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough of Woodbine; and

WHEREAS, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to establish advance general criteria and specific minimum requirements; and

WHEREAS, the Borough Council has determined that a fair and open process requires public advertisement of professional services required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining services of a professional and the criteria to be considered in determining the best professional for the position; and

WHEREAS, a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the Borough of Woodbine as follows:

1. All appointments for Professional Services contained on Schedule "A" attached to and made a part hereof shall be subject to a fair and open process as set forth below.

2. The Borough Clerk shall cause all legal notices stating that a full listing of the professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualification, will be posted on the Borough of Woodbine's internet website beginning no later than January 27, 2017.

3. The criteria for each position contained on Schedule "A" follows immediately subsequent to the Listing on Schedule "A". The criteria shall be disclosed together with the posting of the listed positions on the Borough of Woodbine's internet website as set forth above.

4. The website posting shall inform potential applicants that all submissions must be made to the Clerk of the Borough of Woodbine and received no later than 3:00 p.m. February 1, 2017.

5. Commencing 3:01 p.m. on February 1, 2017, or as soon thereafter as may be available, the Clerk of the Borough of Woodbine or her designee shall publicly open and announce all submissions in the Borough Council chambers, 501 Washington Avenue, Woodbine, New Jersey.

6. Appointments shall thereafter be made at a public meeting of the Borough Council of the Borough of Woodbine.

7. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Woodbine has determined that the terms of this Resolution constitute a fair and open process in accordance with N.J.S.A. 19:44A-20, et seq., and that the decision by the Borough of Woodbine as to what constitutes a fair and open process shall be final.

Unfinished Business:

COAH Report – Mr. Tonetta, Borough Solicitor, indicated the Supreme Court determined the gap period must be calculated in. Ms. Cuviello is preparing a proposal in which he believes will be acceptable as the numbers were calculated with the gap period being taken into consideration. When the report is received it will be sent to Fair Share Housing. The extension had been approved by Judge Johnson.

Open Space - Mr. Graham indicated a deficiency letter was issued by Pinelands with additional information requested. The most significant item deals with preparing a study on the Red Headed Woodpecker which is an endangered species. Currently options are being evaluated in regards to the Red Headed Woodpecker.

Landfill - Mr. Graham indicated the Pinelands findings have been completed and a report issued. There were levels of arsenic, nitrate and ammonia found. Mr. Graham advised the next step will be to meet with Pinelands and TWT to review the issues and studied to come up with a middle ground. Mr. Graham indicated he was unsure if the landfill will be able to be taken off the list but we should try to make it a lower priority.

DOT Applications - Mayor Pikolycky indicated the two (2) applications have been submitted for roads and one (1) for bike path upgrades and expansion. The approximate total of the applications if $1 million.

Woodbine Elementary School Audit - Councilman Benson indicated the resolution adopted at the previous council meeting was sent to Senator Van Drew. As a result a meeting had been held between the Mayor, Councilman Benson and Michael Zumpino, Triad Associates, to address the issues in the resolution. Senator Van Drew was very attentive to the issue and requested a follow-up letter. Mayor Pikolycky had attended a meeting in Trenton regarding the schools. The Woodbine Elementary School has been challenged for the past twelve (12) years. The enrollment is declining and the taxes are increasing. He issued his concerns in regards to the residents that are surviving off of fixed incomes in particular the senior population.

New Business:

Family Dollar Store Ribbon Cutting Ceremony – February 11, 2017- 8:00 a.m. and opening on February 2, 2017.

Committee Reports:

Public Works/Buildings & Grounds: There was no report as Chairman Bennett was absent.

Health, Education & Human Services: Chairman Benson had nothing to further to report beyond the update of the Woodbine Elementary School audit.

Public Safety & Courts: Chairman Cruz reported the Recreation Commission was holding a 76rs night out tomorrow and the Fireman Installation dinner is to be held on Saturday.

Community Affairs & Grants: Chairman Ortiz had nothing to report at this time.

Property & Small Business: There was no report as Councilman Johnson was absent.

Revenue & Finance: Chairwoman Perez had nothing to report at this time.

Engineer's Report: Mr. Graham reported on the following:

Sewer Project - The USDA application is still being prepared and anticipated submission will be in early February.

Water Renovation Project - The Level 2 Environmental Document is being prepared and once completed a public hearing will be held. The NJEIT is simplifying the application process.

NJDOT Bikeway Project- This project is tied with the Open Space and faces the same issues with the Red Headed Woodpecker.

NJDOT DeHirsch Avenue Project - Bids are on hold.

Generator Project - Startup was performed on January 18, 2017 but the gas service still needs to be updated by SJ Gas before the generator can be utilized under a full load.

Hat Company Site Remediation /Airport Remediation - No change in status.

Solicitor's Report: Mr. Tonetta reported he is working on the assignment of the Port Authority leases and also preparation of the deeds for the dissolution. He further indicated the CFO is in the process of updated accounts. Also he indicated he will be reaching out to Social Security in regards to questions they may have on the dissolution.

Public Comment: Mayor Pikolykcky opened public comment. At this time Mayor Pikolycky announced the passing of Rear Admiral Ciancaglini. There being none iother commentforthcoming public comment was closed.

Payment of Bills: On motion of Councilwoman Perez, seconded by Councilman Cruz to approve the bills for payment, unanimously carried.

Adjournment: On motion of Councilwoman Perez, seconded by Councilman Ortiz to adjourn, unanimously carried.

Respectfully submitted,

Lisa Garrison
Borough Clerk