

**BOROUGH OF WOODBINE
REGULAR MEETING**

**FEBRUARY 1, 2018
8:00 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 23, 2018 and posting a copy of said notice on the Clerk's bulletin board."

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

Mayor Pikolycky called for approval of the minutes of January 18, 2018. On motion of Councilman Johnson, seconded by Councilman Cruz to approve the minutes of January 18, 2018 (regular & workshop), unanimously carried.

Mayor Pikolycky called for the introduction of the following proposed ordinance:

PROPOSED ORDINANCE NO. 572-2018

**AN ORDINANCE AMENDING ORDINANCE NO. 543-2013,
CHAPTER XI, SECTION 11-1.1 OF THE CODE OF THE
BOROUGH OF WOODBINE, AS AMENDED ENTITLED
"PROPERTY MAINTENANCE CODE"**

WHEREAS, the Borough of Woodbine finds it necessary to regulate and govern the conditions and maintenance of all property, buildings and structures within the Borough by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and further to provide for the condemnation and demolition of buildings and structures unfit for human occupancy and use as well as providing for the issuance of permits and collection of fees therefore;

WHEREAS, the Borough has adopted Ordinance 543-2013 as amended, adopting the International Property Maintenance Code, 2012 Edition which has been updated in 2018.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodbine that Ordinance 543-2013 Chapter XI of the Code of the Borough of Woodbine be repealed in its entirety and replaced as follows:

11-1.1 Adoption of Property Maintenance Code

That a certain document, three copies of which are on file in the office of the Clerk of the Borough of Woodbine, being marked and designated as the INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 Edition, as published by the INTERNATIONAL CODE COUNCIL, be and is hereby adopted as the PROPERTY MAINTENANCE CODE of the

Borough of Woodbine in the State of New Jersey for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said PROPERTY MAINTENANCE CODE on file in the Office of the Clerk of the Borough of Woodbine are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 11-1.2.

11-1.2 Additions, Insertions and Changes

The following sections of the INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 Edition, are hereby amended and revised in the following respects:

Section 101.1 Insert: Borough of Woodbine

Section 103.5 Insert: \$50.00 (Fifty) Dollars to \$1,000.00 (One Thousand) Dollars or as outlined in all Borough Ordinances and Regulations.

Section 112.4 Insert: Less than \$250.00 (Two Hundred and Fifty) Dollars or more than \$1,000.00 (One Thousand) Dollars.

Section 302.3 Add the following: No person shall obstruct the free unlawful passage of pedestrians and vehicles on public sidewalks, and upon public rights of way in the Borough by placing thereon any structures, posts, poles, goods, wares, merchandise or other articles of trade or sale, nor shall any person obstruct such public sidewalks or rights-of-way in any other manner whatsoever. The owner, occupant or tenant of premises abutting on any street in the Borough shall at all times keep the public sidewalk and the area between the public sidewalk and curb or paved roadway that directly affronts on such premises, free from all weeds, limbs, and branches of trees or shrubs, holes, pits, loose stones, rubbish, paper, debris and other objects, and shall otherwise keep the area described in this section, free from obstructions of all sorts. All trees or shrubs planted on private property that stand along public sidewalks and public streets, the branches of which extend over any part of a public sidewalk or a public street, shall be trimmed by the owner, occupant or tenant of the premises that directly affronts upon that part of the sidewalk or street along which the trees or shrubs stand. Such owner, occupant or tenant shall keep the branches and limbs of such trees or shrubs trimmed and cut so that no limb or branch shall overhang the public sidewalk or a public street at a height less than 8 feet above ground level.

This section shall not apply to the following:

A. where such obstruction is caused by the loading or unloading of goods, wares, furniture, or merchandise to and from vehicles in such a manner as to cause a minimum of obstruction which is necessary and unavoidable.

B. to receptacles for solid waste and/or recyclables, and any other material lawfully placed for collection pursuant to the regulations regarding the collection of the same.

C. to posts, stanchions or other support upon which mailboxes are placed in accordance with United States Post Office regulations, and provided that the post, stanchions or support does not exceed 4 feet in height above ground level and 12 inches in width.

Any owner, occupant or tenant, building superintendent, rental agent, or person in charge of premises abutting or bordering upon any public street in the Borough shall remove all snow, slush and ice from the abutting sidewalks of such streets, or in the case of ice which may be so frozen as to make removal impractical, shall cause the same to be thoroughly covered with sand or salt, within twenty-four hours of daylight after the same shall fall or be formed thereon. Removal of any snow, slush or ice should be conducted along the full paved width of the sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic on such sidewalk. Removal of any slush, snow or ice shall be conducted in a manner that clears a full paved sidewalk or a minimum of 42 inches wide, including removal of snow, slush and ice from all curb cuts, intersections, crosswalks, handicap ramps and sidewalk locations.

Section 302.4 Insert: Eight inches

Section 304.14 Insert: From May 1st to October 1st

Section 602.3 Insert: From October 1st to May 1st

Section 602.4 Insert: From October 1st to May 1st

Section 11-1.3 Repealer. Ordinance No. 543-2013, Chapter XI as amended of the Borough of Woodbine entitled "PROPERTY MAINTENANCE" and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 11-1.4 Saving Clause. That if any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council of the Borough of Woodbine hereby declares that it would have passed this law, and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses and phrases be declared unconstitutional. Further, nothing in this Ordinance or in the PROPERTY MAINTENANCE CODE, hereby adopted shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or Ordinance hereby repealed as cited in Section 11-1.3 of this Ordinance nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

BE IT FURTHER ORDAINED that the Clerk of Borough of Woodbine is hereby Ordered and Directed to cause this Ordinance to be published in accordance with the laws of the State of New Jersey.

BET IT FURTHER ORDAINED that this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on and after the date of its final passage and adoption according to law.

On motion of Councilman Ortiz, seconded by Councilman Cruz to approve the introduction of the foregoing proposed ordinance on first reading, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Benson, Cruz Nays: None Abstain: None Absent: Perez

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 2-19-2018

AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION FOR THE OPEN SPACE ECO-PARK PROJECT

WHEREAS, an emergent condition has arisen with respect to the adoption of the 2018 Municipal Budget and no adequate provision has been made in the 2018 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total **\$215,960.00**; and

NOW, THEREFORE BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for:

Open Space Eco-Park Project	\$215,960.00
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2. That one certified copy of this resolution will be filed with the Director of Local Government Services.

On motion of Councilman Johnson, seconded by Councilman Ortiz to approve the foregoing resolution, unanimously carried.

On motion of Councilman Benson, seconded by Councilman Johnson to approve the following resolution, unanimously carried.

RESOLUTION NO. 2-20-2018

AWARD OF CONTRACT FOR CONSTRUCTION OF OPEN SPACE ECO-PARK, PHASE 1

WHEREAS, sealed bids were received on January 11, 2018 by the Borough for the construction of the project known as the "Open Space Eco-Park Phase 1"; and

WHEREAS, Charles Marandino, LLC submitted the lowest overall total bid of nine (9) bids received which are summarized as follows:

<u>Bidder</u>	<u>Bid</u>
Charles Marandino, LLC	\$696,000
Ricky Slade Construction, Inc.	\$698,133
Command Co., Inc.	\$727,000
Axios, Inc.	\$818,000
Fred M. Schiavone Construction, Inc.	\$906,900
MJJ Construction, LLC	\$968,000
Mathis Construction Co., Inc.	\$979,725
Arthur R. Henry, Inc.	\$997,000
Jersey Construction, Inc.	\$1,135,000

WHEREAS, the bid of Marandino, LLC has been submitted in proper form and the Contractor appears qualified to perform the work anticipated under this contract;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that the award of said contract is hereby made to Marandino, LLC in the amount of \$696,000.00, subject to the availability of funds; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby authorized and directed to return the certified checks or bid bonds for the following unsuccessful bidders:

Command Co., Inc.
Axios, Inc.
Fred M. Schiavone Construction, Inc.
MJJ Construction, LLC
Mathis Construction Co., Inc.
Arthur R. Henry, Inc.
Jersey Construction, Inc.

and that the certified checks or bid bonds of the successful bidder (Marandino, LLC) and the next lowest bidder (Ricky Slade Construction, Inc.) are to be returned upon receipt of a fully executed Contract and other required documents; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute all documents necessary to effectuate a contract with Marandino, LLC for this project.

RESOLUTION NO. 2-21-2018

AUTHORIZING THE HIRING OF TRIAD ADVISORY SERVICES, INC. t/a TRIAD ASSOCIATES TO PROVIDE GRANT SERVICES FOR THE IMPLEMENTATION OF THE NJDCA SMALL CITIES PUBLIC FACILITIES GRANT FOR THE ACQUISITION OF A FIRE TRUCK

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on January 18, 2018 with Triad Advisory Services, Inc. (trading as Triad Associates) for ongoing professional services for obtaining grant money for the Borough; and

WHEREAS, has received a NJDCA Small Cities Public Facilities grant for the Purchase of a Fire Truck; and

WHEREAS, the Borough is desirous of hiring Triad Associates to provide implementation services for the grant; and

WHEREAS, the Governing Body of the Borough of Woodbine finds the scope of services to be provided by Triad Associates to be acceptable; and

WHEREAS, the Chief Financial Officer certifies that funds are available to pay Triad Associates in connection with the applications under the existing Professional Services Agreement in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, the Governing Body of the Borough of Woodbine finds it in the interest of the citizens of the Borough of Woodbine to accept the proposals of Triad Associates as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the attached proposal for administrative agent services are hereby accepted as part of the general services contract aforementioned;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the proposals for same.

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

On motion of Councilman Cruz, seconded by Councilman Johnson to approve the following resolution, unanimously carried.

RESOLUTION NO. 2-22-2018

AUTHORIZING THE HIRING OF TRIAD ADVISORY SERVICES, INC. t/a TRIAD ASSOCIATES TO PROVIDE GRANT SERVICES FOR THE PREPARATION AND PROCESSING OF USDA RURAL DEVELOPMENT COMMUNITY FACILITIES APPLICATION FOR THE FOR THE ACQUISITION OF A FIRE TRUCK

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on January 18, 2018 with Triad Advisory Services, Inc. (trading as Triad Associates) for ongoing professional services for obtaining grant money for the Borough; and

WHEREAS, the Borough of Woodbine desires to apply for funding from United States Department of Agriculture; and

WHEREAS, the Borough is desirous of hiring Triad Associates to prepare and submit the application to the United States Department of Agriculture; and

WHEREAS, the Governing Body of the Borough of Woodbine finds the scope of services to be provided by Triad Associates to be acceptable; and

WHEREAS, the Chief Financial Officer certifies that funds, in the amount of \$4,300.00 are available to pay Triad Associates in connection with the applications under the existing Professional Services

Agreement in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, the Governing Body of the Borough of Woodbine finds it in the interest of the citizens of the Borough of Woodbine to accept the proposal of Triad Associates, in the amount of \$4,300.00 as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the attached proposal for administrative agent services are hereby accepted as part of the general services contract aforementioned;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the proposals for same.

RESOLUTION NO. 2-23-2018

APPROVAL OF CHANGE ORDER NO. 4 HEAD START BUILDING RENOVATIONS

WHEREAS, Warriner's Construction, Inc. of Egg Harbor Township, New Jersey was previously awarded a contract in the amount of \$328,001.00 for the project known as Head Start Building Renovations; and

WHEREAS, during the course of work on the project certain additions and deletions to the scope of work were incorporated into the construction; and

WHEREAS, said additions and deletions are as shown on Change Order No. 4 increasing the contract amount by \$736.20 and when combined with Change Order Nos. 1, 2 and 3 making the total amended contract amount \$327,187.20; and

WHEREAS, the necessary funds for this contract modification are available through the previously approved NJDCA Small Cities Public Facilities Grant; and

WHEREAS, John W. Pedersen, Project Architect of J.W. Pedersen Architect, P.C. recommends approval of said Change Order No.4.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that Change Order No.4 for the Head Start Building Renovations in the amount of \$736.20 is hereby approved, subject to concurrence with the said approval by the New Jersey Department of Community Affairs.

On motion of Councilman Ortiz, seconded by Councilman Bennett to approve the foregoing resolution, unanimously carried.

Mayoral Appointment

Barbara Prettyman was appointed as Alternate II to the Woodbine Planning/Zoning Board.

At this time Mayor Pikolycky congratulated Councilman Bennett on his appointment of President to the Cape May County League of Municipalities and also reminded Council on the newly passed NJ Cruelty Laws.

Unfinished Business: None

New Business: None
Engineer's Report – None

Airport Utility Engineer's Report – None

Solicitor's Report: None

Public Comment: None

Payment of Bills: On motion of Councilman Bennett, seconded by Councilman Ortiz to approve the bills for payment, unanimously carried.

Adjournment: On motion of Councilman Johnson, seconded by Councilman Cruz to adjourn, unanimously carried.

Respectfully submitted,

Lisa Garrison
Borough Clerk