

**BOROUGH OF WOODBINE
REGULAR MEETING**

**FEBRUARY 2, 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, Bennett, Perez, Benson, and Cruz. Also present were: Richard Tonetta, Borough Solicitor; Lew Conley, Borough Engineer; and Lisa Garrison, Borough Clerk. Absent: Councilman Johnson.

Mayor Pikolycky called for approval of the minutes of January 26, 2017. On motion of Councilman Ortiz, seconded by Councilman Benson to approve the minutes of January 26, 2017 as received, carried with one (1) abstention by Councilman Johnson.

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 16, 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 16, 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

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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 called for the introduction of the following proposed ordinances:

PROPOSED ORDINANCE NO. 561-2017

BOND ORDINANCE APPROPRIATING THREE MILLION NINETY THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$3,090,730) AND AUTHORIZING THE ISSUANCE OF UP TO THREE MILLION NINETY THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$3,090,730) AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS OR NOTES OF THE BOROUGH OF WOODBINE, COUNTY OF CAPE MAY, NEW JERSEY FOR THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS TO THE WATER SYSTEM OF THE BOROUGH

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF WOODBINE, IN THE COUNTY OF CAPE MAY AND STATE OF NEW JERSEY, (with the affirmative concurrence of not less than twothirds of all the members thereof) AS FOLLOWS:

Section 1. Description of Projects

The Borough of Woodbine (the “**Borough**”) hereby authorizes the following projects to maintain and support compliance by the Borough with the drinking water

regulations of the State of New Jersey and thereby improve and protect the Borough's water system (collectively, the "**Water System Improvement Projects**"):

<u>AND</u>	<u>IMPROVEMENT OR</u>	<u>APPROPRIATION</u>
<u>COST</u>	<u>PURPOSE</u>	<u>ESTIMATED</u>

Improvements to the Borough's Water Treatment Plant, extension of the Fidler Hill Road Water Main, and creation of a Water Main Loop at Woodbine Airport, which includes critical upgrades to and extensions of the existing water treatment and distribution system of the Borough in accordance with the Preliminary Engineering Report of Van Note-Harvey Associates, PC, the Authority's engineer, dated April 29, 2016, Revised July 25, 2016, and entitled "Woodbine Municipal Utilities Authority Water System Improvements Preliminary Engineering Report", and including all costs of surveying, construction, planning, design, engineering, preparation of plans and specifications, permits, bid documents, construction inspection, administration, accounting, architectural, financial and legal.

\$3,090,730

Section 2. Permanent Funding of Appropriation

(a) To provide funds to permanently fund the costs of the Water System Improvement Projects (the "**Water Project Costs**"), the issuance by the Borough of bonds in the aggregate principal amount of up to \$3,090,730 is hereby authorized, approved, ratified and confirmed. The Water Project Costs are intended to be permanently financed through a combination of (i) the issuance of bonds by the Borough to the United States Department of Agriculture ("**USDA**") in return for a permanent loan under the United States Department of Agriculture Rural Development Water and Waste

Disposal Loan and Grant Program for 2016 (the “**USDA Program**”), which program is administered by the USDA, in the aggregate principal amount of One Million One Hundred Seven Thousand Seven Hundred Thirty Dollars (\$1,107,730) (the “**USDA Bonds**”), and a grant to be funded from the USDA Program in the amount of Nine Hundred Eighty-Three Thousand Dollars (\$983,000) (the “**Grant Amount**”); and (ii) the issuance of general obligation bonds of the Borough (the “**GO Bonds**”; and collectively with the USDA Bonds being hereinafter referred to as the “**Bonds**”) to be issued to the New Jersey Environmental Infrastructure Trust (the “**Trust**”) and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the “**State**”), pursuant to the New Jersey Environmental Infrastructure Financing Program (the “**Program**”) in the maximum principal amount of One Million Dollars (\$1,000,000) under the NJEIT Nano Loan Program (“**NJEIT NANO Loan Program**”). The Borough also anticipates receiving principal forgiveness from the State and Trust under the NJEIT Nano Loan Program in the amount of Five Hundred Thousand Dollars (\$500,000).

(b) In accordance with N.J.S.A. 40A:2-11(c), no down payment shall be required in connection with the issuance of the bonds for the clean water project as this bond ordinance authorizes an obligation referred to in N.J.S.A. 40A:2-7(h) for purposes that are self-liquidating as described in N.J.S.A. 40A:2-45.

Section 3. Temporary Construction Financing From NJEIT Prior to Issuance of Bonds

In anticipation of the issuance of the Bonds, the Borough hereby authorizes, if necessary or desirable, the issuance, sale and award of construction project notes (the “**Construction Project Notes**”) pursuant to the Trust’s construction financing program (the “**Trust Construction Financing Program**”). The Construction Project Notes shall be substantially in the form provided by the Trust in the Trust Construction Financing Program’s loan agreement. The execution and delivery of the Construction Project Notes and all additional documents and instruments related thereto by the Mayor, Deputy Mayor, Chief Financial Officer and Municipal Clerk (collectively, the “**Authorized Officials**”) is hereby authorized. The Authorized Officials are each hereby authorized to determine, pursuant to the terms and conditions established by the Trust and the State under the Trust Construction Financing Program’s loan agreement and the terms and conditions of this Ordinance and any subsequent resolution of the Borough Council, the following items with respect to the Construction Project Notes: (a) the aggregate principal amount of the Construction Project Notes to be issued, which amount shall not exceed \$3,090,730; (b) the maturity of the Construction Project Notes, which shall be no later than two years after the date of issuance thereof; (c) the date of the Construction Project Notes; (d) the interest rate of the Construction Project Notes, which shall not exceed 2% per annum; (e) the purchase price for the Construction Project Notes; and (f) such other matters with respect to the Construction Project Notes as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof. The Authorized Officials are hereby further authorized to manually execute and deliver and the Municipal Clerk is hereby further authorized to attest by manual signature to such

execution and to affix, imprint, engrave or reproduce the corporate seal of the Borough to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Construction Project Notes and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

Section 4. Authorization of Bond Anticipation Notes In Lieu of NJEIT Construction Financing

If the Borough shall elect to forego the Trust Construction Financing Program, then prior to the issuance of permanent bonds and to temporarily finance the Water System Improvement Projects stated in Section 1, above, negotiable notes of the Borough in a principal amount not exceeding THREE MILLION NINETY THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$3,090,730) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time 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 plus accrued interest from their dates to the date of delivery thereof as payment thereof. 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 5. Additional Matters

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

(a) The said purposes described in Section 1 of this Bond Ordinance are not current expenses and are improvements which the Borough may lawfully require or make and no part of the costs thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The average period of usefulness of said purposes authorized herein, taking into consideration the respective amounts of said obligations authorized for such purposes, computed in accordance with N.J.S.A. 40A:2-22 is **40 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been 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, and 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 a maximum amount of THREE MILLION NINETY THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$3,090,730), and the said Bonds authorized by this Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding Five Hundred Seventy-Five Thousand Dollars (\$575,000) in the aggregate for interest on said Bonds, costs of issuing said Bonds, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Borough in connection with the improvements as authorized herein, and other items of expense listed in and permitted under N.J.S.A. 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. Maturity of Bonds

The Bonds shall mature at such time or times not exceeding twenty (20) years from the date thereof as may be approved by the Local Finance Board of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey (“**Local Finance Board**”) pursuant to N.J.S.A. 58:11B-9(a) and 40A:2-26 of the Local Bond Law. All other terms of the Bonds, including, without limitation, the dates thereof, the rate or rates of interest to be paid thereon, the provisions for redemption prior to maturity thereof, and the place or places for payment thereof, shall be as determined by subsequent resolution or resolutions of the Borough Council as permitted by N.J.S.A. 40A:2-16 of the Local Bond Law.

Section 7. Execution of Bonds

The Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor or Deputy Mayor, Borough Administrator, and Chief

Financial Officer under the affixed, imprinted, engraved or reproduced seal of the Borough attested by the manual or facsimile signature of the Borough Clerk.

Section 8. Authorization to Contract

The Borough is hereby authorized and directed to enter into any and all contracts or agreements necessary, desirable or convenient to effectuate the financing program with the Trust and State authorized by this Bond Ordinance.

Section 9. Execution of Documents

The Mayor, Deputy Mayor, Chief Financial Officer, Borough Administrator and Clerk of the Borough are hereby jointly and severally authorized and directed to take all actions and execute all documents and instruments necessary or appropriate to carry out the purposes of this Bond Ordinance, including, without limitation, the furnishing of such documentation and information as may be required by the Director of the Local Finance Board. All prior actions taken by such officials in connection with the financing program authorized by this Bond Ordinance are hereby ratified and confirmed.

Section 10. Covenants

The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 11. Ratification of Prior Actions

Any action taken by any officials of the Borough in connection with the improvements described in Section 1 hereof 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 12. Application of Grants

Any grant moneys received for the purposes described in Section 1 hereof, including without limitation the Grant Amount, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this Bond Ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 13. 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 14. Official Intent to Reimburse Expenditures

The Borough reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 1 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same “control group” as the Borough, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough’s official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 1 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 15. Effective Date

Neither this Bond Ordinance nor any resolution of the Borough Council performing, determining or authorizing matters or acts in connection with the issuance of the Bonds shall take effect until there is endorsed upon a certified copy hereof the consent of the Local Finance Board; in no event shall this Bond Ordinance be effective earlier than twenty (20) days after the first publication hereof after final passage.

On motion of Councilman Ortiz, seconded by Councilman Cruz to approve the introduction of the foregoing proposed ordinance with a public hearing to be scheduled for February 16, 2017, unanimously carried upon roll call vote. Ayes: Ortiz, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: Johnson

On motion of Councilman Benson, seconded by Councilwoman Perez to approve the introduction of the following proposed ordinance with a public hearing to be scheduled for February 16, 2017, unanimously carried upon roll call vote. Ayes: Ortiz, Bennett,

Perez, Benson, Cruz Nays: None Abstain: None Absent: Johnson

PROPOSED ORDINANCE NO. 562-2017

**AN ORDINANCE AUTHORIZING THE
ACQUISITION OF CERTAIN REAL ESTATE AND
IMPROVEMENTS THEREON FROM THE
WOODBINE MUNICIPAL UTILITIES AUTHORITY
AND AUTHORIZING THE MAYOR AND CLERK
TO EXECUTE ANY AND ALL DOCUMENTS
NECESSARY THEREFOR**

WHEREAS, on March 2, 2017 the Borough Council of the Borough of Woodbine shall consider the adoption of Ordinance 558 – 2016, an Ordinance authorizing the dissolution of the Woodbine Municipal Utilities Authority; and

WHEREAS, it is the intent of Borough Council to accept the transfer of all assets of the Woodbine Municipal Utilities Authority upon its dissolution, including all land and improvements in the name of the Woodbine Municipal Utilities Authority; and

WHEREAS, the Woodbine Municipal Utilities Authority has adopted a Resolution authorizing the transfer of certain land and improvements owned by the said authority, including Block 65 Lots 2 and 3, unto the Borough of Woodbine for consideration of the benefit of the public good.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Woodbine that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to transfer Block 65 Lots 2 and 3, as well as any other real estate and improvements thereon, presently owned by the Woodbine Municipal Utilities Authority, unto the Borough of Woodbine, and that the Borough of Woodbine hereby accepts the transfer of said property for consideration of the benefit of the public good.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as provided by law.

PROPOSED ORDINANCE NO. 563-2017

**AN ORDINANCE AUTHORIZING THE
ACQUISITION OF CERTAIN REAL ESTATE AND
IMPROVEMENTS THEREON FROM THE
WOODBINE MUNICIPAL AIRPORT AUTHORITY
AND AUTHORIZING THE MAYOR AND CLERK
TO EXECUTE ANY AND ALL DOCUMENTS
NECESSARY THEREFOR**

WHEREAS, on March 2, 2017. The Borough Council of the Borough of Woodbine shall consider the adoption of Ordinance 559 – 2016, an Ordinance authorizing the dissolution of the Woodbine Municipal Airport Authority; and

WHEREAS, it is the intent of Borough Council to accept the transfer of all assets of the Woodbine Municipal Airport Authority upon its dissolution, including all land and improvements in the name of the Woodbine Municipal Airport Authority; and

WHEREAS, the Woodbine Municipal Airport Authority has adopted a Resolution authorizing the transfer of certain land and improvements owned by the said authority, including Block 125 Lots 1, 1.01, 1.02, 1.03, and 1.07, unto the Borough of Woodbine for consideration of the benefit of the public good.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Woodbine that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to transfer Block 125 Lots 1, 1.01, 1.02, 1.03, and 1.07 as well as any other real estate and improvements thereon, presently owned by the Woodbine Municipal Airport Authority, unto the Borough of Woodbine, and that the Borough of Woodbine hereby accepts the transfer of said property for consideration of the benefit of the public good.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as provided by law.

On motion of Councilman Cruz, seconded by Councilman Benson to approve the introduction of the foregoing proposed ordinance with a public hearing to be scheduled for February 16, 2017, unanimously carried upon roll call vote. Ayes: Ortiz, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: Johnson

On motion of Councilman Ortiz, seconded by Councilman Bennett to approve the introduction of the following proposed ordinance with a public hearing to be scheduled for February 16, 2017, unanimously carried upon roll call vote. Ayes: Ortiz, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: Johnson

PROPOSED ORDINANCE NO. 564-2017

**AN ORDINANCE CREATING THE MUNICIPAL
AIRPORT UTILITIES DEPARTMENT OF THE
BOROUGH OF WOODBINE**

WHEREAS, the Borough of Woodbine has determined that it is in the best interests of its residents and tenants and customers of the Woodbine Port Authority (Authority) to dissolve the Authority and merge the duties and responsibilities thereof into a newly formulated Department of the Borough of Woodbine, subject to approval of the Local Finance Board of the State of New Jersey; and

WHEREAS, Borough Council intends upon outlining aspects of the operation of the Department herein.

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

**I CREATION OF THE MUNICIPAL AIRPORT UTILITIES
DEPARTMENT**

There shall be created within the Borough of Woodbine the Municipal Airport Utilities Department which shall, subject to approval of the Local Finance Board of the State of New Jersey and State Aviation Commissioner. It is found to be in the public interest and to be the policy of the State to foster and promote the welfare of the citizens thereof by the proper establishment and development of airport facilities of the State. The Airport Utility shall be operated as a self-liquidating utility and charges for such services shall be imposed upon users thereof. The revenues derived therefrom shall be dedicated to the purpose of the service as a self-liquidating utility.

II OPERATION OF THE AIRPORT UTILITY

A. Airport Manager. The operation of the Airport shall be managed by the Airport Manager. The Airport Manager shall be an employee of the Borough from the schedule of the classified positions and applicable salary ordinances in the Civil Service of the Borough.

B. Duties of Airport Manager. The duties and responsibilities of the Airport Manager shall include but not be limited to physical maintenance of the land, buildings and other improvements of the Airport, security and safety of the tenants, passengers and the general public and to interpret regulations of the Federal Aviation Administration.

The Airport Manager shall also assist in the negotiation of any and all contracts, leases and other agreements for the proper operation of the Airport. The Airport Manager shall report directly to the Mayor and Council Member assigned to that Department.

C. Staff. There shall be assigned to the Department staff necessary to carry out the functions of the Airport.

D. Annual Report. The Airport Manager shall file an annual report with the Mayor and the Borough Clerk, which contains the following information: The status of all leases with the Airport, including date of termination, any and all accidents which may have occurred at the Airport, any other information which shall be requested by the Mayor and /or governing body

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are and the same are hereby repealed.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

On motion of Councilman Benson, seconded by Councilman Ortiz to approve the introduction of the following proposed ordinance with a public hearing to be scheduled for February 16, 2017, unanimously carried upon roll call vote. Ayes: Ortiz, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: Johnson

PROPOSED ORDINANCE NO. 565-2017

AN ORDINANCE CREATING THE MUNICIPAL UTILITIES DEPARTMENT OF THE BOROUGH OF WOODBINE

WHEREAS, the Borough of Woodbine has determined that it is in the best interests of its residents and rate payers of the Woodbine Municipal Utilities Authority (Authority) to dissolve the Authority and merge the duties and responsibilities thereof into a newly formulated Department of the Borough of Woodbine, subject to approval of the Local Finance Board of the State of New Jersey; and

WHEREAS, Borough Council intends upon outlining aspects of the operation of the Department herein.

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

I CREATION OF THE MUNICIPAL UTILITIES DEPARTMENT

There shall be created within the Borough of Woodbine the Municipal Utilities Department within which shall be the Water Utility Division and such other Divisions

that may be created by Ordinance.

II **Creation of the Water Utility Division.**

That water service of the Borough is hereby established and shall be operated as a self liquidating utility and charges for such service shall be imposed upon users thereof. The revenues derived therefrom shall be dedicated to the purpose of the service as a self liquidating utility. It is the policy of the Borough to protect the public health, safety and welfare. These regulations reflect the realization of the benefits of connecting existing properties to the municipal water system to protect the public health, safety and welfare.

A. The water utility shall be managed by the Water Plant Operator (Operator), who shall report directly to the Mayor and Council Member assigned to the Department.

B. There shall be assigned to the Division those employees necessary to carry out the duties and responsibilities of the operation of the Division.

III **Definitions.**

Senior Citizen shall be defined as any person who has attained the age of 65 years on or after the effective date of this Ordinance or the spouse of that person or surviving spouse of that person, if the surviving spouse is 60 years of age or older. Senior Citizens must register with the Operator on a yearly basis.

Disabled Person shall be defined as a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, and shall include, but not be limited to, any resident of this State who is disabled, pursuant to the Federal Social Security act (42 U.S.C. s. 416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. s. 231 et seq.), or is rated as having a 60 percent disability or higher pursuant to any Federal law administered by the United States Veterans Act. Disabled Persons or their spouse must register with the Superintendent.

IV **Requirement for Connection to the Borough Water Main**

A. Connection. Where there has been an extension of water mains, the owners of property located within 200 feet of the water main, measured from their property line shall be required to connect their premises to the municipal water system within 180 days after notification from the Borough to make the connection.

1. Exception. Unless otherwise required by State law, a residential property owner may delay connection to the municipal water system if the property owner already has an existing private well servicing the premises that is operating properly.

2. In the event the Cape May County Health Department determines that the private well which services the premises cannot operate within their parameters, the Operator shall notify the property owner that connection to the municipal water system must be made within 180 days. If the private well represents an immediate health risk as determined by the Cape May County Health Department, that connection shall be made forth with.

B. Annual Report. The Operator of the Water Utility shall file an annual report with the Mayor and the Borough Clerk, which contains the following information: the location of each property (block and lot number and street address) excepted from the connection to the municipal water system pursuant to these regulations and the name and address of the property owner.

C. Notice to Property Owners. When there has been completion of construction of water mains and no exception is applicable, the Operator shall give written notice to the adjacent property owners within 30 days after the completion of construction that the property owners must connect their homes or other buildings to the system. Said notice shall be in writing and sent by regular and certified mail, return receipt requested, to the property owner's last known address.

D. Prohibited Connection. No person, firm, corporation or other entity shall make any direct connection with the public water system, or alter or repair any connection with the public water system without having first obtained all appropriate written permits from the Borough of Woodbine.

E. Individual Water Service. Each building shall have an individual water lateral and individual customer service line when connected to the public water system unless an exception to this requirement is approved by the Borough Engineer. Existing connections found to be in violation of this subsection shall be required to connect properly to the public water system within 180 days after notice to make the correction unless an exception to this requirement is approved by the Borough Engineer for good cause. It is the general policy of the Borough that cross connections involving separate buildings owned by separate customers shall not be permitted.

F. Compliance With Existing Regulations. Each permit to connect to the public water system shall require that the applicant for the permit to agree that it or he/she shall carefully make the connection with the public water system in the manner prescribed by the rules and regulations in existence. Further, it or he/she shall indemnify and save harmless the Borough from all accidents or damages caused by any negligence in protecting the work or any imperfect or inadequate work done, and shall faithfully comply with the regulations of the Borough and shall replace and restore the sidewalk, pavement or street surface over any opening that is made. All work performed shall be subject to inspection and approval of the Borough Engineer.

G. Qualified Contractor Required. Connections with the public water system shall be made only by a plumber licensed by the State of New Jersey or by some other person duly authorized by the Borough Engineer. Connections shall be made with suitable material approved by the Borough Engineer. All work included in the construction of connections with the public water system shall be done to the satisfaction of the Borough Engineer and the person or persons performing the work shall accept as final all decisions of the Borough Engineer as to the fitness of materials furnished or work performed, and shall immediately replace all materials or work rejected.

H. Inspections. No connections shall be covered until inspected by a duly authorized representative of the Borough.

I. Size of Service. The size of the customer service line and the size of the water lateral shall be adequate for the structure connecting to the system and the intended average daily flow of water. The size of each shall be subject to the approval of the Borough Engineer. With respect to single family residential dwellings, the size of the customer service line and the size of the water lateral shall not be less than 1 inch. With respect to residential duplexes which cannot be subdivided, the size of the customer service line and the size of the water lateral shall not be less than one and one half inches, with at least a 1 inch, meter. This article applies to all new and replacement water connections.

J. Occupancy Permit. No occupancy permit shall be issued for any new or renovated structure connecting to the public water system until a water meter has been installed to accurately measure the flow of water.

V Application for Extension of Service and Allocation of Costs for Extensions.

A. Application for Extension of Service. Applications for extension of service shall be made to the office of the Borough Clerk, who shall report the same to the Operator of the Water Utility and to the Borough Engineer. The Operator of the Water Utility, together with the Borough Engineer, shall estimate the cost of the extension and shall estimate the annual revenue to be derived from the consumption of water by means of the extended service. All water mains laid within the Borough shall be at least 8 inches or more in diameter, or as may be prescribed by the Borough Engineer.

B. Allocation of Costs for Extensions. When an application for the extension of water services is filed with the Borough, the following requirements shall apply and the costs of the projected extension shall be paid in the following manner at the option of the Borough:

1. All construction shall be completed by the applicant in accordance with the design standards and approved by the Borough Engineer and in conformity with the Borough's land use and development regulations.
2. All construction shall become property of the Borough upon connection with the water system of the Borough, the approval of the construction by the Borough Engineer and the adoption of an ordinance accepting the dedication of the improvement.
3. The applicant shall be required to pay the entire cost for the installation of water mains, water laterals, and related improvements.
4. The Borough may proceed to extend and install service connections, including the construction and installation of water mains and water laterals and other appurtenances as may be necessary and assess the cost thereof as a local improvement. While the Borough reserves the right to exercise this power at its option in the discretion of the Borough Council, it will be the policy of the Borough to do so upon the written consent of two thirds of the owners of property to be benefited. This percentage will be

determined by calculating the estimated cost of such extension and the costs and benefits attributable to each owner affected thereby.

VI Water Rate Schedule.

A. Charge for Water Used (Metered Per Quarter)

Volume of Water – Gallons	Rate Per Gallons.
0 – 6000	\$35.00 (Minimum).
6001 – 20,000	\$2.25
20,001 – 100,000	\$2.50.
100,001 and over	\$3.00.

B. Service Connection Charge. A minimum service connection fee of \$250 shall be payable by each customer who wishes to connect to the public water system of the Borough. The minimum fee will generally be paid by private residential users and small businesses not needing more than 1 inch service connection. Larger users and larger service connection shall be charged actual inspection costs and administrative costs incurred by the Borough. The fee is for inspection and clerical expenses only. The charge shall include the cost of the Borough Engineer. All costs of actual connection and the costs of meter and meter pit/box shall be borne by the customer. Only approved meters and meter pits/boxes shall be permitted to the specifications of the Borough Engineer.

C. Fire Protection Rates.

1. Private Hydrants.

Water Main Connection Size	Charge.
4 inch to and including 6 inch	\$60.00 per month.
Water mains greater than 6 inch	\$120.00 per month.

D. The cost to turn on or shut off a water service shall be \$25.00. All turn on or turn off of water service shall be made during the regular business hours of the Borough.

E. The cost for meter certification and testing shall be \$25.00. All meter certifications and tests shall be carried out during the regular business hours of the Borough.

F. Sprinkler Systems and/or Readiness to Serve Charges.

Meter Size	Charges per Month.
1 inch to and including 3 inches	\$60.00.
Greater than 3 inches	\$120.00.

G. Commercial and Industrial Economic Development, Water Rate Schedule

Volume of Water – Gallons	Rate per 1000 Gallons
Metered per Quarter	
0 – 6000	\$35.00 (Minimum).
6001 – 20,000	\$2.25
2001 – 100,000	\$2.50

100,001 and over

\$1.75

H. Large Water Meter Calibration Policy. All water meters of the size greater than 1 inch are hereby declared to be solely owned by the property owners serviced by the meters. The Borough shall have no responsibility for the calibration, repair or maintenance of any water meter of the size of 1 inch or greater. The owner of the property serviced by this connection shall have the meter calibrated/tested for accuracy every 6 years with the first test of each meter to be completed and certified within 6 years of the last reported certification provided to the Woodbine Municipal Utilities Authority and every 6 years thereafter. All water meter tests/calibrations and repairs, if necessary, shall be performed by a duly trained and licensed meter testing/repair service approved by the Borough. All equipment used for testing and calibration of water meters shall be certified as accurate by either the state or county Department of Weights and Measures.

If the water meter is operating more than 3 percent slow at the time it is tested for accuracy, then the meter, at the owner's expense, must be recalibrated and/or repaired within 30 days of the accuracy test to reflect the true water usage of the customer. The repairs/re-calibration must be certified to the Borough as soon as the recalibration/repairs are made. During the testing/certification/repair time the meter must not be off-line more than 4 hours or a temporary replacement meter as approved by the Borough Operator of the Water Utility must be installed until the repairs/recalibration/testing is completed. Failure to comply with this policy shall require the Borough, at its option, to test, calibrate and repair the said water meter and charge the customer for the cost of same with an additional \$200 as an administrative service fee in addition to the actual cost incurred by the Borough and/or the Borough may impose a 15 percent water surcharge fee/penalty on the water usage bill of the customer until the customer/water meter owner comes into compliance with this policy, which fee is calculated to offset the unrecorded water usage of the customer/water meter owner because of an improperly calibrated water meter. The Borough reserves the right to have any meter tested at the Borough's expense at any time the Operator has good cause to believe that the meter may be under recording the amount of water usage. In that event, the Operator shall provide the meter owner 2 days written notice prior to any test being performed by the Borough. If the meter is found to be operating 3 percent or more slow at the time of the test, the Borough will notify the owner and provide the owner with a copy of the test results. The meter owner shall then have 30 days to recalibrate and/or repair the meter and certify the said recalibration and/or repairs to the Borough.

I. Reduced Utility Use Rates For Senior Citizens and Disabled Persons. All Senior Citizens and Disabled Persons, as defined herein, shall receive an initial rate reduction credit of \$5 per quarter commencing upon the adoption of this Ordinance unless one has been provided by the Municipal Utilities Authority. The rate reduction credit shall be reflected as a credit on each quarterly bill for water usage for Senior Citizens and Disabled Persons. In order for a Senior Citizen, their spouse, or Disabled Person to receive this benefit a registration must be submitted to the Operator on a form prepared by the Borough on a yearly basis and must reflect that the Borough is their permanent residence and that the combined household income is not more than \$10,000.00.

All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are and the same are hereby repealed.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 2-23-2017

**CONSENTING TO THE COUNTY OF CAPE MAY OPEN SPACE PROGRAM
PURCHASE OF LAND KNOWN AS BLOCK 90, LOT 6, ALSO KNOWN AS 121
FREMONT AVENUE, ON THE OFFICIAL TAX MAP OF THE BOROUGH OF
WOODBINE**

WHEREAS, the Cape May County Agriculture Development Board has granted final approval of the purchase of a Development Easement on property owned by Carol Tomlin designated as 14.3 acres, Block 90 Lot 6, also known as 121 Fremont Avenue, Woodbine, Cape May County, New Jersey, and on the Official Tax Map of the Borough of Woodbine; and

WHEREAS, the Board of Chosen Freeholders of the county of Cape May has entered into a contract to purchase said easement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodbine has reviewed the aforesaid application, pursuant to N.J.A.C. 2:76-6.10 (a)4, and had determined it is in the best interest of the Borough to approve the application and the purchase of the development easement of the property designated as Block 90, Lot 6, 14.3 acres, Borough of Woodbine, Cape May County, New Jersey.

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

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

RESOLUTION NO. 2-24-2017

**COMMEMORATING THE 30TH ANNIVERSARY OF THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Atlantic County Municipal Joint Insurance fund has been organized pursuant to N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Borough of Woodbine is a member of the Atlantic County Municipal Joint Insurance Fund; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund commenced operations on January 1, 1987 with seven charter members who, when challenged with an unfavorable market for their insurance, decided to join together to avoid the high costs and limited coverage associated with traditional insurance for fire and property, liability and workers compensation risks; and

WHEREAS, over the past 30 years the Fund has grown to 41 members and stands today as one of the greatest examples of an inter-local service agreement in the State of New Jersey's history; and

WHEREAS, municipalities participating in the ACMJIF have saved their local taxpayers millions of dollars in the form of lower premiums and the return of nearly \$31 million dollars in surplus distributions; and

WHEREAS, the elected officials and the municipal employees covered by the Atlantic County Municipal Joint Insurance Fund are the foundation of the Fund's success and without whose dedication to the Fund Safety and Risk Management programs the Fund would not have achieved the status it enjoys today; and

WHEREAS, the Borough of Woodbine wishes to recognize and commemorate the Fund on its 30th year of successful operation.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Woodbine assembled in a public session on February 2, 2017, that this body does hereby recognize and commemorate 2017 as the 30th year of the successful operation of the Atlantic County Municipal Joint Insurance Fund; and

BE IT FURTHER RESOLVED that the Borough of Woodbine wishes to acknowledge this 30th Anniversary as a milestone event in the history of the Fund and wishes the fund continued success for many years to come; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Executive Director of the Atlantic County Municipal Joint Insurance Fund for his information and distribution to the membership.

RESOLUTION NO. 2-25-2017

APPOINTMENT OF MUNICIPAL ATTORNEY

WHEREAS, every municipality is required by N.J.S.A. 40A:9-139 to appoint a Municipal Attorney,

WHEREAS, pursuant to N.J.S.A. 40A:60-5 the following nomination has been made by the Mayor for appointment to the Municipal attorney subject to the advice and consent of Borough Council, Richard P. Tonetta, Esq. to serve as Municipal Attorney/Borough Council; and

WHEREAS, said appointment is being awarded through a Fair and Open process pursuant to the New Jersey Pay to Play, New Jersey Campaign Contributions and Expenditures Reporting Act; and

WHEREAS, funds are available for the purposes set forth above; and

WHEREAS, Borough Council has duly considered the matter and wishes to express its advice and consent.

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

The allegation of the preamble are incorporated herein by this reference.

That Richard P. Tonetta, Esq. is confirmed to the position of Municipal Attorney/Borough Solicitor for a term of one (1) year or until the next annual reorganization meeting.

The aforesaid appointment shall be effective immediately and the individual shall hold said until his or her successor is duly appointed and qualified.

The Mayor and Borough Clerk are authorized to execute, on behalf of the Borough of Woodbine, a Professional Services Contract in accordance with the requirements of Local Public Contracts Law since each of the individuals appointed practices in a recognized profession, whose members are licensed and regulated by the State of New Jersey and who possess a high degree of specialized training and the performance of the service required judgment and will likely create a fiduciary relationship between the appointing authority and the individual so appointed.

The Clerk of the Borough of Woodbine is hereby authorized and directed to publish a notice of the award of this contract in the official newspaper of the Borough of Woodbine, within the time prescribed by law and in accordance with the requirements of the Local Public Contracts Law of the State of New Jersey.

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

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

**RESOLUTION NO 2-26-2017
APPOINTMENT OF MUNICIPAL ENGINEER**

WHEREAS, every municipality is required by N.J.S.A. 40A:9-140 to appoint a Municipal Engineer; and

WHEREAS, pursuant to N.J.S.A. 40A:9-140 the following nomination has been made by the Mayor for appointment to the Municipal Engineer subject to the advice and consent of Borough Council **Bruce Graham, PE of Van Note-Harvey Associates** to serve as Municipal Engineer; and

WHEREAS, said appointment is being awarded through a Fair and Open process pursuant to the New Jersey Pay to Play, New Jersey Campaign Contributions and Expenditures Reporting Act; and

WHEREAS, funds are available for the purposes set forth above; and

WHEREAS, Borough Council has duly considered the matter and wishes to express its advice and consent.

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

The allegations of the preamble are incorporated herein by this reference.

That Bruce Graham is confirmed to the position of Municipal Engineer for a term of one year or until the next annual reorganization meeting.

The aforesaid appointment shall be effective immediately and the individual so appointed shall hold said position until his successor is duly appointed and qualified.

The Mayor and Borough Clerk are authorized to execute on behalf of the Borough of Woodbine, a professional services contract with the requirements of Local Public Contracts Law since the individual appointed practices in a recognized profession, whose members are licensed and regulated by the State of New Jersey and who possess a high degree of specialized training and the performance of the service required judgment and will likely create a fiduciary relationship between the appointing authority and the individual so appointed.

The Clerk of the Borough of Woodbine is hereby authorized and directed to publish a notice of the award of this contract in the official newspaper of the Borough of Woodbine, within the time prescribed by law and in accordance with the requirements of the Local Public Contracts Law of the State of New Jersey.

RESOLUTION NO. 2-27-2017

APPOINTMENT OF REGISTERED MUNICIPAL ACCOUNTANT

WHEREAS, every municipality is required by N.J.S.A. 40A:5-4 to appoint a Registered Municipal Accountant, who must be registered.

WHEREAS, pursuant to N.J.S.A. 40A:5-4 the following nomination has been made by the Mayor for appointment of the Municipal Auditor subject to the advice and consent of Borough Council, Nancy Sbrolla of Ford-Scott Associates, LLC to serve as Municipal Accountant.; and

WHEREAS, said appointment is being awarded through a Fair and Open process pursuant to the New Jersey Pay to Play, New Jersey Campaign Contributions and Expenditures Reporting Act; and

WHEREAS, funds are available for the purpose set forth above; and

WHEREAS, the Borough Council has duly considered the matter and wishes to express its advice and consent.

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

The allegation of the preamble are incorporated herein by this reference.

That Nancy Sbrolla is confirmed to the position as Registered Municipal Accountant for a term of one (1) year or until the next annual reorganization meeting.

The aforesaid appointment shall be effective immediately and the individual so appointed shall hold said position until his or her successor is duly appointed and qualified.

The Mayor and Borough Clerk are authorized to execute on behalf of the Borough of Woodbine, a Professional Services Contract with the aforesaid individual. Said contract is to be awarded without competitive bidding as a professional services contract in accordance with the requirements of the Local Public Contracts Law and since each of the individuals appointed practices in a recognized profession which members are licensed and regulated by the State of New Jersey and which possess a high degree of specialized training and the performance of the services requires judgment and will likely create a fiduciary relationship between the appointing authority and the individual so appointed.

The Clerk of the Borough of Woodbine is hereby authorized and directed to publish a notice of the award of this contract in the official newspaper of the Borough of Woodbine, within the time prescribed by law and in accordance with the requirements of

the Local Public Contracts Law of the State of New Jersey.

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

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

RESOLUTION NO. 2-28-2017

**AUTHORIZING PROFESSIONAL SERVICES AGREEMENT
(GRANT SERVICES)**

WHEREAS, the Borough of Woodbine desires to engage Triad Associates to provide general grant services for the year 2017 to assist in carrying out the planning and execution activities; and

WHEREAS, said appointment is being awarded through a “Fair and Open” process pursuant to the New Jersey Pay to Play, New Jersey Campaign Contributions and Expenditures Reporting Act; and

WHEREAS, funds are available for the purposes set forth above; 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 , and the contract itself, must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and council of the borough of Woodbine as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Triad Associates.
2. This contract is awarded through a “Fair and Open” process pursuant to the New Jersey Pay to Play, New Jersey Campaign Contributions and Expenditures Reporting Act.
3. A notice of this action shall be printed in The Herald.

RESOLUTION NO. 2-29-2017

**A RESOLUTION AUTHORIZING THE EXECUTION OF
ASSIGNMENTS OF LEASES BY AND BETWEEN THE WOODBINE
MUNICIPAL UTILITIES AUTHORITY AND THE BOROUGH OF
WOODBINE**

WHEREAS, on March 2, 2017, the Council of the Borough of Woodbine shall consider the adoption of Ordinance 558-2016, an Ordinance authorizing the dissolution of the Woodbine Municipal Utilities Authority; and

WHEREAS, it is the intent of the Borough Council to accept the transfer of all assets of the Woodbine Municipal Utilities Authority upon its dissolution, including the assignment of all rents and leases in the name of the Woodbine Municipal Utilities Authority

WHEREAS, the Woodbine Municipal Utilities Authority has adopted a resolution authorizing the transfer of all leases in which it is a party unto the Borough of Woodbine for consideration of the benefit of the public good, including but not limited to leases with Nextel Communications of the Mid-Atlantic, as amended, Sprint Spectrum, PC, as amended, Sprint Spectrum, LP, as amended, American Cellular Network Co. LLC d/b/a Cingular Wireless, as amended, and Cricket Communications, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that the Mayor and Clerk are authorized to execute assignments of all lease agreements, and such other documents as are necessary, from the Woodbine Municipal Utilities Authority unto the Borough of Woodbine.

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

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

RESOLUTION NO. 2-30-2017

A RESOLUTION AUTHORIZING THE EXECUTION OF ASSIGNMENTS OF LEASES BY AND BETWEEN THE WOODBINE AIRPORT AUTHORITY AND THE BOROUGH OF WOODBINE

WHEREAS, on March 2, 2017, the Council of the Borough of Woodbine shall consider the adoption of Ordinance 559-2016, an Ordinance authorizing the dissolution of the Woodbine Airport Authority; and

WHEREAS, it is the intent of the Borough Council to accept the transfer of all assets of the Woodbine Airport Authority upon its dissolution, including the assignment of all rents and leases in the name of the Woodbine Airport Authority

WHEREAS, the Woodbine Airport Authority has adopted a resolution authorizing the transfer of all leases in which it is a party unto the Borough of Woodbine for consideration of the benefit of the public good, including but not limited to leases with Don Williams, 420 Landis Avenue, Sea Isle city, NJ, Ken Williams, 2173 Rt. 47, Woodbine, NJ, Med-Trans Air Medical Transport, Gary Kline, P.O. Box 208 Ocean View, NJ, Edward Gibson, 655 Henry DeCinque

Blvd., Woodbine, NJ, Aircraft Painting and Thomas M. Iwasz, Flight Line Aero, Inc. Ed Gibson, Tom Taylor, High Exposure Inc. Dave Dempsey, 217 Hemlock Lane, Springfield, Pa.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that the Mayor and Clerk are authorized to execute assignments of all lease agreements, and such other documents as are necessary, from the Woodbine Airport Authority unto the Borough of Woodbine.

RESOLUTION NO. 2-31-2017

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 IMPROVEMENTS TO THE GATEWAY COMMUNITY ACTION PARTNERSHIP HEAD START BUILDING

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on February 2, 2017 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 Improvements to the Gateway Community Action Partnership Head Start Building; 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 Councilwoman Perez, seconded by Councilman Benson to approve and adopt the foregoing resolution, unanimously carried.

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

RESOLUTION NO. 2-32-2017

A RESOLUTION OF THE BOROUGH OF WOODBINE IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF AN AIRPORT ENGINEER

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 February 17, 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. March 1, 2017.
5. Commencing 3:01 p.m. on March 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.

RESOLUTION NO. 2-33-2017

A RESOLUTION ACCEPTING THE TRANSFER OF ALL PERSONAL PROPERTY AND ASSETS OWNED BY OR IN THE NAME OF THE WOODBINE MUNICIPAL UTILITIES AUTHORITY

WHEREAS, on March 2, 2017, the Borough Council of the Borough of Woodbine shall consider the adoption of Ordinance 558 – 2016, an Ordinance authorizing the dissolution of the Woodbine Municipal Utilities Authority; and

WHEREAS, it is the intent of Borough Council to accept the transfer of all assets of the Woodbine Municipal Utilities Authority, including but not limited to equipment, tools, vehicles, books, records, bank accounts, and any other assets of any kind or description, presently owned

or in the possession of the Woodbine Municipal Utilities Authority to be used by the Borough for the benefit of the public good; and

WHEREAS, the Woodbine Municipal Utilities Authority has adopted a Resolution authorizing the transfer of all personal property and assets owned of by or in the name of the Woodbine Municipal Utilities Authority, including but not limited to equipment, tools, vehicles, books, records, bank accounts, and any other assets of any kind or description, unto the Borough of Woodbine and further authorized the execution of any documents, including bills of sale for said personalty for consideration of the benefit of the public good.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that the Borough of Woodbine shall accept the transfer from the Woodbine Municipal Utilities Authority to the Borough of Woodbine of all personal property and assets owned by or in the name of the Woodbine Municipal Utilities Authority, including but not limited to equipment, tools, vehicles, books, records, bank accounts, and any other assets of any kind or description for consideration of the benefit of the public good.

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

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

RESOLUTION NO. 2-34-2017

A RESOLUTION ACCEPTING THE TRANSFER OF ALL PERSONAL PROPERTY AND ASSETS OWNED BY OR IN THE NAME OF THE WOODBINE AIRPORT AUTHORITY

WHEREAS, on March 2, 2017, the Borough Council of the Borough of Woodbine shall consider the adoption of Ordinance 559 – 2016, an Ordinance authorizing the dissolution of the Woodbine Airport Authority; and

WHEREAS, it is the intent of Borough Council to accept the transfer of all assets of the Woodbine Airport Authority, including but not limited to equipment, tools, vehicles, books, records, bank accounts, and any other assets of any kind or description, presently owned or in the possession of the Woodbine Airport Authority to be used by the Borough for the benefit of the public good; and

WHEREAS, the Woodbine Airport Authority has adopted a Resolution authorizing the transfer of all personal property and assets owned of by or in the name of the Woodbine Airport Authority, including but not limited to equipment, tools, vehicles, books, records, bank accounts, and any other assets of any kind or description, and further authorized the execution of any documents, including bills of sale for said personalty for consideration of the benefit of the public good.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that the Borough of Woodbine shall accept the transfer from the Woodbine Airport Authority to the Borough of Woodbine of all personal property and assets owned by or in the name of the Woodbine Airport Authority, including but not limited to equipment, tools, vehicles, books, records, bank accounts, and any other assets of any kind or description for consideration of the benefit of the public good.

Unfinished Business: None

New Business: None

Engineer's Report: None

Solicitor's Report: None

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

Public Comment: None

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

Respectfully submitted,

Lisa Garrison
Borough Clerk