BOROUGH OF WOODBINE
REGULAR MEETING

MARCH 16, 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, Johnson, Bennett, Perez, Benson, and Cruz. Also present were: Richard Tonetta, Borough Solicitor; Bruce Graham, Borough Engineer; and Lisa Garrison, Borough Clerk.

The flag salute was led by Mayor Pikolycky.

Mayor Pikolycky called for approval of the minutes of March 2, 2017. On motion of Councilman Johnson, seconded by Councilman Bennett to approve the minutes of March 2, 2017 as received, carried with two (2) abstentions by Councilman Cruz and Councilwoman Perez.

Presentation – CMCMUA activities update – Joe Rizzuto, Executive Director

Mr. Rizzuto advised Council the CNG project has been delayed due to the low natural gas prices it was placed on South Jersey Gas' backburner at this time. Mr. Rizzuto proceed present the CMCMUA's ongoing and upcoming projects for the landfill. Currently an evaluation of the landfill gas management system is ongoing. The goal is to get the best draw of methane gas to provide the Woodbine Developmental Center with 100% gas, increase the gas production and to maximize the engines to convert methane to the PJM grid, and reduce odors. The evaluation is 95% complete. The current recommendation is to install ten (10) more vertical gas well. It is anticipated the bidding process will take approximately three (3) months with 6-8 months for the contract to drill the wells. The CMCMUA will also be going out to contract for a landfill sequencing plan. Mr. Rizzuto stated they want to be a good neighbor. Mr. Rizzuto indicated a possible working partnership with the Borough in regards to the NJEIT Microgrid feasibility study. Mr. Rizzuto updated Council on the sewer pipeline project and anticipates a target date of 2020-2021. Mr. Graham questioned if the design and permitting work could move forward prior to 2020-2021. Mr. Rizzuto responded they look to start the permitting, engineering and construction. Mayor Pikolycky indicated there is a very good rapport with the CMCMUA as Mr. Rizzuto responds very well to his questions and concerns. Mr. Betz, Chairman of the CMCMUA, indicated the Borough has an excellent advocate on the CMCMUA Board in Carol Saduk. He also indicated the CMCMUA takes the odor complaints very seriously. He also commented that the pipeline project will be an asset as well as a cost savings to the CMCMUA, the Borough and the Woodbine Developmental Center.

Mayor Pikolycky called for the Public Hearing on the following ordinance:

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 April 6, 2017.

Mayor Pikolycky called for the Introduction of Proposed Ordinance No. 567-2017, "Calendar Year 2017 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)

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

At this time Mayor Pikolycky called for the Introduction of the 2017 Municipal Budget. On motion of Councilman Benson**,** seconded by Councilwoman Perez to approve the Introduction of the 2017 Municipal Budget, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: None

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 3-49-2017

AUTHORIZING THE HIRING OFJ.W. PEDERSEN ARCHITECT, P.C.. TO PROVIDE ARCHITECTURAL SERVICES FOR THE 2017 SMALL CITIES HEAD START BUILDING RENOVATIONS

WHEREAS, the Borough of Woodbine is in need or architectural services for the 2017 Small Cities Head Start Building Renovations Project; and

WHEREAS, on March 8, 2017 two (2) Requests for Qualifications had been received from Joseph F. McKernan, Jr. Architects and Associates, LLC of Cherry Hill, New Jersey and J.W. Pedersen Architect PC of Vineland, New Jersey; and

WHEREAS, the Borough Clerk reviewed said Requests for Qualifications and has recommended the appointment of J.W. Pedersen Architect, P.C. of Vineland, New Jersey to provide architectural services for the 2017 Small Cities Head Start Building Renovations Project; 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 J.W. Pedersen, P.C. is appointed to provide architectural services for the 2017 Small Cities Head Start Renovations Project for a term not to exceed one (1) year or completion of project.

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 the individuals appointed practice 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 Ortiz, seconded by Councilman Bennett to approve and adopt the foregoing resolution, unanimously carried.

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

RESOLUTION NO. 3-50-2017

TONNAGE GRANT APPLICATION FOR 2016

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the Recycling regulation impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Woodbine to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly complete and timely filed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodbine hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates James Gurdgiel, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

RESOLUTION NO. 3-51–2017

ACCEPTANCE OF PROJECT
MUNICIPAL BUILDING EMERGENCY GENERATOR

WHEREAS, Ronald Janney Electrical Contractor, Inc. of Estell Manor, New Jersey was previously awarded a contract for the project known as Municipal Building Emergency Generator; and

WHEREAS, the Borough Engineer, Bruce S. Graham of Van Note-Harvey Associates, has determined that the work on this project has been substantially completed in accordance with the contract documents,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that the contract for the work be and same is hereby accepted as substantially complete, and

BE IT FURTHER RESOLVED that upon receipt of all closeout documents from the contractor, all remaining payments as previously authorized by contract through and including approved Change Order No. 1 be made thereon to Ronald Janney Electrical Contractor, Inc.

Unfinished Business:

COAH Status – Mr. Tonetta, Borough Solicitor, reported he will be able to update after the management conference which is to be held with Judge Johnson.

CMC League of Municpalities Meeting – March 22, 2017 – Flander's Hotel, Ocean City – 6:00 p.m.

Coast Guard Week – May 5-7, 2017
Rabies Clinic – March 4, 2017 – 10:00 a.m. – 12:00 p.m.

New Business:

Sam Azeez Museum Invitation - Celebrating Women's History Month – March 23, 2017

EOP Plan Approval – State Police/CMC OEM

Committee Reports:

Public Works/Buildings & Grounds: Chairman Bennett reported public works is continuing with leaf collection and currently are preparing for the upcoming mowing season.

Health, Education & Human Services: Chairman Benson reported effort is continuing to obtain the funding to review the local school district's short and long term needs, along with the recommendations from the study. Senator Van Drew has helpful in providing the individuals to contact.

Public Safety & Courts: Chairman Cruz reported that 5th and 6th grade girls won the Southshore Basketball Championship.

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

Property & Small Business: Chairman Johnson had nothing to report at this time.

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

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

Sewer Project - The USDA application was submitted last week. The draft response to the Department of Human Services is still being prepared. SHPO comments on cultural resources have been received and will need to be addressed as part of the USDA NEPA review.

Water Renovation Project – The Level 2 Environmental review, requested by NJIT, is being prepared after which a public hearing will be scheduled.

NJDOT Bikeway Project - There is no change in the status as this is tied with the Open Space project. The permitting will be done concurrent with the Open Space project.

NJDOT DeHirsch Avenue Project - A preconstruction meeting was held. Currently waiting on the written approval from NUDOT on the additional $102,000. The CR550 project is anticipated to begin before the end of March and the DeHirsch project is anticipated to start by mid to late April. The overall completion of both projects anticipated by mid-June. When the County project begins there will be a detour down DeHirsch Avenue. There will be periodic contractor meeting and the State Police will be advised.

Generator Project – The project is read for close out and the Council approved the final acceptance resolution earlier in the meeting.

Hat Company Site Remediation/Airport Remediation/Landfill - A meeting was held with TWT for a status update prior to the Council meeting. Two (2) more grant applications will be submitted in the future for the landfill site and the Hat Company site. A resolution authorizing will be submitted for Council's review at the April meeting.

NJDOT Municipal Aid Applications - Applications have been submitted and the Mayor has been following up with NJDOT to promote the project.

Utilities Department Chlorinator - The unit is running and automatic however, there is an issue with the controller. Waiting on parts.

Solicitor's Report - none

Mayor Pikolycky reported on the following:

Tree Seedling giveaway will be held on April 1, 2017. The Green Team will distribute a variety of trees.

SOAR Church Autism Walk will be held on April 22, 2017

Greg Hudgin's grandson was invited by Downer Sports to play basketball in Australia, New Zealand and Hawaii. A fundraiser is being held.

Councilman Bennett reported there will be a Rain Barrel Workshop hosted by the Green Team and the American Littoral Society in April.

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

Public Comment: Mayor Pikolykcky opened public comment. Carlie Schweibinz gave a presentation to the Council requesting a cold weather ordinance to prohibit dogs being left outside in extreme cold weather. Michelle Unkle and Leann Harre also issued their concerns and urged adopting an ordinance. Discussion ensued. Mayor and Council thanked Ms. Schweibinz for her excellent presentation and indicated it would be reviewed.

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

Respectfully submitted,

Lisa Garrison
Borough Clerk