BOROUGH OF WOODBINE
REGULAR MEETING

MARCH 19, 2020
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 3, 2020 and posting a copy of said Notice on the Clerk's bulletin board."

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

The Pledge of Allegiance was led by Mayor Pikolycky.

Mayor Pikolycky called for approval of the minutes. On motion of Councilman Johnson, seconded by Councilman Bennett to approve the minutes of February 20, 2020, carried with one (1) abstention by Councilman Cruz. On motion of Councilman Ortiz, seconded by Councilman Benson to approve the minutes of March 5, 2020, unanimously carried.

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

PROPOSED ORDINANCE NO. 587-2020

CALENDAR YEAR 2020
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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

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

WHEREAS, the Council of the Borough of Woodbine in the County of Cape May finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Council hereby determines that a 1 % increase in the budget for said year, amounting to $14,903 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Woodbine, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Woodbine shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to $52,161, and that the CY 2020 municipal budget for the Borough of Woodbine be approved and adopted in accordance with this ordinance; and,

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

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

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

On motion of Councilman Cruz, seconded by Councilman Johnson to approve the introduction of the foregoing proposed ordinance with a public hearing to be held on April 2, 2020, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Benson, Cruz Nays: None Abstain: None Absent: Perez

At this time Mayor Pikolycky called for the Introduction of the 2020 Municipal Budget. On motion of Councilman Cruz**,** seconded by Councilman Benson to approve the Introduction of the 2020 Municipal Budget, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Benson, Cruz Nays: None Abstain: None Absent: Perez

At this time Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 3-35-2020

GOVERNING BODY APPROVAL OF LOCAL BUDGET SELF- EXAMINATION

WHEREAS, N.J.S.A. 40A-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual

budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Borough of Woodbine has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2020 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Woodbine that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

    a. Payment of interest and debt redemption charges.
    b. Deferred charges and statutory expenditures.
    c. Cash deficit of preceding year
    d. Reserve of uncollected taxes
    e. Other reserves and non-disbursement items
    f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the CAP law)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to Local Budget Law:

    a. All estimates of revenue are reasonable, accurate and correctly stated
    b. Items of appropriation are properly set forth
    c. In itemization, form, arrangement and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

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

RESOLUTION NO. 3-36-2020

APPOINTMENT OF SPECIAL LEGAL COUNSEL FOR COUNTY AND STATE TAX APPEALS

WHEREAS, the Borough deems it necessary and appropriate to utilize the service of special legal counsel to represent its interests in connection with any County Tax Board and State Tax Court appeals; and

WHEREAS, the following nomination has been made by the Mayor for appointment of Special Legal Counsel subject to the advice and consent of Borough Council, **THOMAS G. SMITH** to serve as Special Legal Counsel; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will not exceed $17,500.00; and

WHEREAS, funds are available for the purposes 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:

1. The statements of the preamble are incorporated herein by this reference.

2. That THOMAS G. SMITH is confirmed to the position of Special Legal Counsel for the term of one (1) year.

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

4. The Mayor and Borough Clerk are hereby 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 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.

5. 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.

Unfinished Business

Water Quality Management Plan (County) Status – no update.

County Road Projects –

Roundabout Project - Still waiting on Atlantic City Electric utility relocation which has delayed start of work. Project may be extended out beyond May 31st.

Route 550 - no change in status.

Open Space Eco-Park Replacement/Upgraded Items – RFP's for Grant Consultant and Engineering on project have been issued and are due on April 1,2 020. Waiting on scope and pricing from Landscape Architect in order to submit proposal. Continuing with pathway plans which are to be submitted with the Bikeway project. An application is pending with the Open Space Board . More detail has been requested.

AT&T Project - waiting on additional escrow funds.

USDA Projects – Status –

Food Pantry III – Engineer is working on the specifications. Mayor recommended we place in specifications requirement for energy saving items.

Head Start Roof Project - working on closeout.

Water Project - Revised plans and specifications have been submitted to USDA and NJEIT for review. A conference call was held with NJDEP on February 4th. An updated bond ordinance is being prepared by Joel Fleischman. SED plan has been submitted and approval is expected any day. Pinelands has been contacted regarding the updated garage plan and is requiring a new application. It is anticipated it will take 203 months for the water mains to be completed and a year for the plant.

Sewer Project - A revised agreement was forward to DHS for their review.

Asset Management Plan – Mr. Graham indicated all of the documents have been uploaded .

ECWAG Application – Rubber/Hat Factory Property – Mr. Graham indicated the application was for up to 1 million and would be used to up rest of site.

DOT Sumner/Heilprin Avenues Reconstruction Projects Status – test cores have been completed but waiting on test results. Continuing work with the contractor on signs and striping.

DCA Small Cities Sidewalks Project Status - Work has started on March 16, 2020.

Landfill Redevelopment Zone – Solar Project Status - Mr. Tonetta to research the PILOT agreement and speak with Mr. Kizner regarding the redevelopment agreement.

Freidriechstadt Road Vacation Status - Mr. Tonetta indicated the applicant is requesting another title company be utilized.

Master Plan – waiting on DCA for the kickoff meeting.

Clean Energy Program - both applications have been submitted.

Medevac Lease Status - agreement has been executed.

Airport lease Assignment – no change.

Census 2020 - meeting was cancelled.

New Business –

CMC League of Municipalities Meeting –March 26, 2020- 6:00 p.m. – Yacht Club – Stone Harbor – cancelled.

2020 JIF Elected Officials Seminar - March 24, 2020 – 5:30 p.m. – Merighi's Savoy Inn, Vineland – cancelled.

Committee Reports:

Public Works/Buildings & Grounds: Chairman Bennett had nothing to report at this time.

Health, Education & Human Services: Chairman Benson reported the school has been holding meetings to develop their COVID-19 plans.

Public Safety & Courts: Chairman Cruz had nothing to report at this time.

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

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

Revenue & Finance: Chairwoman Perez was absent.

Engineer's Report - Mr. Graham had nothing further to report.

Solicitor's Report – Mr. Tonetta reported he was working on an ordinance pursuant to the MEL regarding limiting public access and the 1st amendment.

Public Comment: None.

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

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

Respectfully submitted,

Lisa Garrison
Borough Clerk