

**BOROUGH OF WOODBINE
REGULAR MEETING**

**APRIL 5, 2018
8:00 P.M.**

Mayor Pikolycky called the Regular Meeting to order and read the following statement, "Adequate notice of this meeting was provided in compliance with the Open Public Meetings Act by notifying the Press and The Herald on January 23, 2018 and posting a copy of said notice on the Clerk's bulletin board."

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

Mayor Pikolycky called for a public hearing for the following ordinance:

ORDINANCE NO. 573-2018

**CALENDAR YEAR 2018
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 2018 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 1 % increase in the budget for said year, amounting to \$13,898 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS 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 2018 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 \$48,641, and that the CY 2018 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.

Mayor Pikolycky opened the public hearing. There being no comment forthcoming the public hearing was then closed. On motion of Councilman Benson, seconded by Councilman Johnson to adopt the foregoing ordinance, 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. 4-33-2018

AUTHORIZING THE HIRING OF TRIAD ADVISORY SERVICES, INC. t/a TRIAD ASSOCIATES TO PROVIDE GRANT SERVICES FOR THE IMPLEMENTATION OF THE USDA WATER AND WASTE DISPOSAL PROGRAM - WOODBINE WATER SYSTEM IMPROVEMENTS

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, funding has been approved by USDA /Rural Development for Woodbine water system improvements; and

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

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

WHEREAS, the Chief Financial Officer certifies that funds in the amount of \$32,500.00 are available to pay Triad Associates in connection with the applications under the existing Professional Services Agreement in accordance with N.J.A.C. 5:30-5.4; and

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

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

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

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

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

RESOLUTION NO. 4-34-2018

AUTHORIZING THE FILING OF AN APPLICATION FOR THE CAPE MAY COUNTY OPEN SPACE PROGRAM FUNDING FOR COMBINED PHASES 2 AND 3 TO THE WOODBINE ECO-PARK PROJECT

WHEREAS, in November of 1989, the voters of Cape May County approved by a two-to-one margin a ballot question endorsing the establishment of a trust fund to preserve open space and agricultural land; and,

WHEREAS, the trust is funded by a County property tax of one cent per \$100 assessed valuation, is known as the Open Space Preservation Tax, and currently generates approximately \$5 million annually; and

WHEREAS, pursuant to the approval of this ballot initiative the County established the Division of Open Space and Farmland Preservation (OSFP) to administer the program; and,

WHEREAS, since that time the State of New Jersey passed laws which expanded the potential function of the OSFP Trust Fund to include recreation and historic preservation; and,

WHEREAS, the Borough of Woodbine was awarded \$484,000, with an additional \$215,960 being recommended to the Cape May County Board of Chosen Freeholders to carry out Phase 1 of this important project; and

WHEREAS, the Borough of Woodbine desires to complete this multi-phase project by combining Phases 2 and 3 into one final phase and by obtaining funding in an amount not to exceed \$1,500,000.00 from the Cape May County Open Space Program for the purposes outlined in the Borough's Open Space application; and

WHEREAS, the Borough of Woodbine is committed to the long-term maintenance associated with the improvements noted herein and outlined in the Borough's referenced application to the Cape May County Open Space Program;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such funding,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent for the above-named applicant.

BE IT FURTHER RESOLVED

- (a) That the Mayor of the above-named body is hereby authorized to execute and agreement and any amendment thereto with the County for the project known as the Woodbine Eco-Park Project;
- (b) That, in the event the County's funds are less than the total project, the Borough has the balance of funding necessary to complete the project;
- (c) That the applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and,
- (d) That this resolution shall take effect immediately.

Unfinished Business: None

New Business: None

Engineer's Report – None

Solicitor's Report: None

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

Public Comment: Mayor Pikolycky welcomed a former resident, Kurt Hewlitt, to the meeting. Mr. Hewlitt indicated he was passing through attending various community governing body meetings to better educate himself.

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

RESOLUTION NO. 4-35-2108

A RESOLUTION OF THE BOROUGH OF WOODBINE, COUNTY OF CAPE MAY, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH CLERK, BOROUGH SOLICITOR, TIFFANY CUVIELLO-MORRISSEY, BOROUGH ENGINEER PENDING OR ANTICIPATED LITIGATION IN REGARDS TO FAIR SHARE HOUSING CENTER WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation in which the public body is or may become a party; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk, Borough Solicitor, Tiffany CuvIELLO-Morrissey, Borough Engineer concerning pending or anticipated litigation regarding Borough of Woodbine vs. FSHC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that:

1. The public shall be excluded from a meeting of the Council of the Borough of Woodbine, on April 5, 2018 in the Council Chambers immediately following or during the Regular Session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation which the public body is or may become a party involving Woodbine vs. FSHC.
3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk, Borough Solicitor, Tiffany CuvIELLO-Morrissey, Borough Engineer shall be made following final negotiations and determination of said matter excepting information which must remain private.
4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 30 days, however, any personal confidential information may not be released.

Upon return to open session, Mr. Tonetta, stated for the record the Mayor and Council were in closed session for approximately fifteen (15) minutes to discuss litigation with the Fair

Share Housing Center Docket No. CPM-L-310-15.

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

RESOLUTION NO. 4-36-2018

**A RESOLUTION APPROVING A SETTLEMENT AGREEMENT BY AND BETWEEN
THE BOROUGH OF WOODBINE AND FAIR SHARE HOUSING CENTER IN THE
MATTER OF THE APPLICATION OF THE BOROUGH OF WOODBINE, DOCKET
NO. CPM-L-310-15**

WHEREAS, on July 8, 2015, the Borough of Woodbine filed a complaint in the Superior Court of New Jersey, Cape May county seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Fair Share Housing Center (FSHC) was designated by the Supreme Court of New Jersey as an interested party and has been negotiating with the Borough regarding the filed litigation; and

WHEREAS, the parties have reached a resolution regarding the obligations of the Borough under the Mount Laurel Doctrine and Fair Housing Act of 1985 to address the Prior Round and Third Round obligations for present and prospective needs, inclusive of the Gap Period Present Need, which is a measure of households formed from 1999-2015, so as to avoid protracted and costly litigation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that the proposed settlement agreement is approved in form and substance substantially similar to the terms contained in the proposal from FSHC dated April 5, 2018 attached hereto and made a part hereof, subject to and conditioned upon a determination to be made regarding the inclusion of all or a portion of the Woodbine Developmental Center being utilized as credits towards the Borough's obligation and final determination upon the Borough's potential exemption from any COAH obligation based upon a designation as an Urban Aide Community or similar designation to be considered by FSHC.

BE IT FURTHER RESOLVED that the settlement agreement is further conditioned upon and subject to final approval by the Superior Court of New Jersey Cape May County following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J.Super 359, 367-69

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

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Respectfully submitted,

Lisa Garrison
Borough Clerk