

**BOROUGH OF WOODBINE
REGULAR MEETING**

**APRIL 6, 2017
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 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, and Lisa Garrison, Borough Clerk.

Mayor Pikolycky called for approval of the minutes of March 16, 2017. On motion of Councilman Johnson, seconded by Councilman Cruz to approve the minutes of March 16, 2017 as received, unanimously carried.

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 the public hearing was then closed. On motion of Councilman Benson, seconded by Councilman Cruz 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. 4-52-2017

**UNITED STATE DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT –
RESOLUTION OF MEMBERS OR STOCKHOLDERS
BOROUGH OF WOODBINE
501 WASHINGTON AVENUE
WOODBINE, NEW JERSEY 08270**

RESOLVED, that the Governing Body of this Association be and it hereby is authorized and empowered to take all action necessary or appropriate -

1. To obtain for and on behalf of the Association through the United States Department of Agriculture (USDA) or any other Governmental agency:
 - (b) A grant in a sum not to exceed \$ 37,400.00.
2. In case of a loan or grant or both –
 - (a) For the execution of such application or applications (including exhibits, amendments and/or supplements thereto) as may be required.
 - (b) For the execution and delivery to the lender or grantor of all such written instruments as may be required in regard to or as evidence of such loan or grant ; and
 - (c) In its judgment to carry out the terms of this resolution.
3. And in case of a loan –
 - (a) To obligate this Association for the repayment of the loan at such rates of interest and on such other terms and conditions as the Governing Board shall deem proper.
 - (b) To pledge, hypothecate, mortgage, convey, or assign property of this Association of any kind and in any amount now owned or hereafter acquired, as security for any or all obligations (past, present and/or future) of this Association to such lender; and
 - (c) From time to time to pay, extend, or renew any such obligations.

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

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

RESOLUTION NO. 4-53-2017

APPOINTMENT OF ANIMAL CRUELTY INVESTIGATOR

WHEREAS, the Borough of Woodbine desires to designate a Certified Animal Cruelty Investigator for the purpose of investigating alleged reports of animal cruelty within the Borough of Woodbine; and

WHEREAS, Holly Gavrilow is qualified and certified as an Animal Cruelty Investigator for the term of one (1) year; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodbine, County of Cape May, that pursuant to P.L. 1997, Chapter 247 and its amendments thereto that this governing body hereby designates Holly Gavrilow as the Borough's Animal Cruelty Investigator responsible for conducting animal cruelty investigations for the Borough of Woodbine.

RESOLUTION NO. 4-54-2017

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF DENNIS TO PROVIDE DEPUTY REGISTRAR SERVICES

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Township of Dennis has indicated a need for Deputy Registrar services pursuant to N.J.S.A. 26:8-17; and

WHEREAS, the Borough of Woodbine has indicated a desire to provide Deputy Registrar services; and

WHEREAS, the Borough of Woodbine and the Township of Dennis have agreed to enter into a Shared Services Agreement for a term of one (1) year, subject to renewal or termination as provided for in the agreement; and

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. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., Borough of Woodbine is hereby authorized and empowered to enter into a Shared Services Agreement with the Township of Dennis pertaining to the Borough of Woodbine providing Deputy Registrar services to the Township of Dennis.
2. **SERVICES TO BE PROVIDED BY CONTRACT.** The Shared Services Agreement authorized in paragraph 1 shall cover those services which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit A.
3. **AUTHORIZATION OF MUNICIPAL OFFICIALS.** The Mayor and Borough Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Borough of Woodbine pursuant to the authority conferred by this Resolution. Additionally, the Mayor is authorized to negotiate modifications in the language of the Agreement prior to his final execution of same so long as said modifications are consistent with the intent and purpose of the authority granted by this Resolution.
4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Borough of Woodbine and the Township of Dennis shall meet and satisfy the requirements of N.J.S.A. 40A:65-7, as may be amended and supplemented.
5. **CONTRACT TERM.** This Resolution authorizes a Shared Services Agreement for a duration of one (1) year, subject to renewal or termination as provided for in the agreement.
6. **SEVERABILITY.** If any action, subsection, paragraph, sentence or other part of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall be rendered and all other provisions of this Resolution shall remain in full force and effect.
7. **REPEALER.** All Resolutions or part of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

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

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

RESOLUTION NO. 4-55-2017

APPOINTMENT OF BOND COUNSEL

WHEREAS, the Borough of Woodbine has deemed it is in the best interest of the Borough to appoint a Municipal Bond Counsel; and

WHEREAS, Fleishman Daniels Law Offices, LLC has submitted a proposal, indicating professional bond counsel services will be provided for an amount not to exceed \$26,500.00; and

WHEREAS, Fleishman Daniels Law Offices, LLC has completed and submitted a Business Entity Disclosure Certificate which certifies that Fleishman Daniels Law Offices, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Woodbine in the previous one year, and that the contract will prohibit Fleishman Daniels Law Offices, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5) requires that the resolution authorizing and awarding 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 that they hereby agree as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Fleishman Daniels Law Offices, LLC, for professional bond counsel services not to exceed \$25,000.00.
2. Such contract is awarded without competitive bids as a “professional service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because the services to be rendered are professional in nature and are unspecifiable as to requirements for performance. Such services must be rendered by a person particularly trained and licensed in this area, which requires extensive specific education and long experience in both the Federal and State procedural requirements.

3. A notice of this action shall be published once in The Herald.

RESOLUTION NO. 4-56-2017
AWARD OF CONTRACT FOR
CEILOMETER (AWOS) AND REIL UNIT REPLACEMENT

WHEREAS, sealed bids were received on March 21, 2017 for the construction of the project known as the “Ceilometer (AWOS) and Reil Unit Replacement”; and

WHEREAS, Global Electrical Services, 984 Route 519, Frenchtown, New Jersey submitted the lowest bid; and

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

WHEREAS, the Chief Financial Officer certifies that funds are available for this Contract in accordance with N.J.A.C. 5:30-5.4; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that the award of said contract is hereby made to Global Electrical Services, in the amount of \$34,495.00

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

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

Unfinished Business:

Mayor Pikolycky recapped the Financial Disclosure Statement filing, JIF Safety Award and the weatherization program.

New Business: None

Engineer’s Report: None

Solicitor’s Report: None

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

Public Comment: Greg Hudgins was present with his grandson, Jalen. Mr. Hudgins indicated Jalen, as top shot blocker representing the East conference Boys Basketball Team was honored to be requested to go to Australia with Down Under Sports and represent the Borough of Woodbine and State of New Jersey. However, \$6,400 is needed for him to attend. Over \$1,000 in donations have already been collected. Mr. Hudgins presented a sponsorship letter and explained the ways to donate.

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

Respectfully submitted,

Lisa Garrison
Borough Clerk