

**BOROUGH OF WOODBINE
REGULAR MEETING**

**MAY 18, 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; Kan Liu, Airport Engineer; and Lisa Garrison, Borough Clerk.

The flag salute was led by Mayor Pikolycky.

Mayor Pikolycky called for approval of the minutes of May 4, 2017. On motion of Councilman Johnson, seconded by Councilman Ortiz to approve the minutes of March 2, 2017 as received, unanimously carried.

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 5-65-2017

A RESOLUTION ADOPTING THE ANNUAL AUDIT REPORT FOR THE YEAR 2016

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves

with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Woodbine, hereby states that it has complied with N.J.A.C. 5-30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

RESOLUTION NO. 5-66-2017

A RESOLUTION ADOPTING THE WOODBINE MUNICIPAL UTILITY AUTHORITY ANNUAL AUDIT REPORT FOR THE YEAR 2016

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves

with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Woodbine, hereby states that it has complied with N.J.A.C. 5-30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 5-67-2017

REFUND OVERPAYMENT ON PROPERTY TAXES

WHEREAS, the Tax Collector of the Borough of Woodbine has collected from the below listed excess on their 2016 property taxes; and

WHEREAS, an overpayment has been created on the below listed due to a bank error; and

WHEREAS, the Tax Collector of the Borough of Woodbine has determined that said overpayment should be refunded accordingly to the below listed:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
112	3 C-106	Corelogic Attn: Refund Department 3001 Hackberry Rd Irving, TX West Lake, TX 75063	\$ 610.58

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, County of Cape May, State of New Jersey that the Chief Financial Officer is hereby authorized to execute said refund and that the Tax Collector should mark her records accordingly.

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

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

RESOLUTION NO. 5-68-2017

**AUTHORIZING THE TAX COLLECTOR TO PLACE A SPECIAL ASSESSMENT
AGAINST CERTAIN PROPERTIES**

WHEREAS, Ordinance No. 151 of the Borough of Woodbine requires that property owners maintain their property in accordance with said ordinance; and

WHEREAS, a Notice of Violation was served on the property owner of the property listed below, and they failed to correct the condition set forth in the Notice of Violation within the time specified; and

WHEREAS, the Code Enforcement Official authorized services to be performed to correct the condition at a cost to the Borough of Woodbine as hereinafter provided.

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

1. That the Tax Collector of the Borough of Woodbine is hereby authorized to record the following sums of money on the property listed below as a special assessment and municipal lien to be collected as required by law.

Block 6 Lot 3 208 Webster Street	\$ 140.00
Block 10 Lot 10 626 Jackson Ave	\$ 140.00
Block 12 Lot 5 713 Jackson Ave	\$ 220.00
Block 17 Lot 15 634 Adams Ave	\$ 140.00
Block 25 Lot 6 414 Jackson Ave	\$ 140.00
Block 45 Lot 1 60 Washington Ave	\$ 220.00
Block 52 Lot 15 709 Clay St	\$ 60.00
Block 56 Lot 1 700 Clay St	\$ 140.00
Block 57 Lot 9 716 Monroe Ave	\$ 140.00
Block 61 Lot 4 617 Monroe Ave	\$ 140.00

Block 115 Lot 2.01
1121 Sumner Ave

\$ 220.00

RESOLUTION NO. 5-69-2017

**APPROVING SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS
HEAD START BUILDING RENOVATIONS**

WHEREAS, the Borough of Woodbine submitted a Grant Application for NJDCA Small Cities funding for the Head Start Building Renovations; and

WHEREAS, the Borough has been successful in obtaining funding from the NJDCA Small Cities in the total amount of \$386,488.00 for said project; and

WHEREAS, the design and bid documents have been prepared by J.W. Pedersen P.C. for this Project to be competitively bid;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that the design specifications and bid documents are hereby approved and the Borough Clerk is hereby authorized to place the appropriate advertisement for bids for said work in the Official Newspaper of the Borough and to receive said bids in accordance with the New Jersey Public Bidding Laws.

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

The two (2) following resolutions were presented to Council for their review and approval.

RESOLUTION NO. 5-70-2017

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE PROPOSED
AMENDMENT TO THE FLOOD DAMAGE PREVENTION ORDINANCE TO
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION FOR
REVIEW AND APPROVAL**

WHEREAS, as a result of revised flood maps prepared and adopted by the Federal Emergency Management Administration (FEMA) which will become effective October 5, 2017, certain amendments to the Borough of Woodbine Flood Damage Prevention Ordinance, Code of the Borough of Woodbine, Chapter XXII, will be required to meet the standards set forth in the proposed flood maps; and

WHEREAS, a draft amendment to the Flood Damage Prevention Ordinance was prepared and is required to be reviewed and approved by the New Jersey Department of Environmental Protection, Bureau of Flood Control and the FEMA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that the Borough Engineer is authorized and directed to submit the draft amendment to the Borough of Woodbine Flood Damage Prevention Ordinance to the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Federal Emergency Management Administration for review and comment.

BE IT FURTHER RESOLVED that any recommended changes required be finally considered for introduction for adoption by the Council of the Borough of Woodbine.

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

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

RESOLUTION NO. 5-71-2017

A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL APPRAISAL SERVICES WITH J. RAVITZ ASSOCIATES, LOCATED AT 608 TURNBERRY COURT, CAPE MAY COURT HOUSE, NEW JERSEY, FOR SPECIALIZED SERVICES IN CONNECTION WITH ASSESSMENT APPEALS

WHEREAS, there exists a need for Professional Legal Services in connection with Assessment Appeals; and

WHEREAS, the Borough of Woodbine has a need to acquire such professional legal services as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the J. Ravitz Associates, located at 608 Turnberry Court, Cape May Court House, New Jersey, has submitted a proposal indicating they will provide professional services on an as needed basis in an amount to exceed \$1,500.00; and

WHEREAS, the availability of funds for said Professional Services Contract to be awarded herein have been certified by the Borough CFO; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq) requires that the Resolution authorizing the award of contract for Professional Services without competitive bidding and the contract itself must be available for public inspection.

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

That the Mayor and Clerk are hereby authorized and directed to execute a Non-Fair and Open Professional Services Agreement pursuant to N.J.S.A. 19:44A-20.5 with J. Ravitz Associates, located at 608 Turnberry Court, Cape May Court House, New Jersey, to provide Professional Legal Services in connection with tax appeals.

J. Ravitz Associates shall be available on an as needed basis in an amount not to exceed \$1,500.00 in accordance with a formal contract and proposal attached hereto and made a part hereof.

That this Agreement is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5 (1) (a) of the Local Public Contracts Law because said services to be rendered or performed require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction distinguished from general academic instruction or

apprenticeship and training.

That the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution.

That a Notice of this action shall be printed once in the local paper.

Unfinished Business:

COAH Status – Mr. Tonetta, Borough Solicitor, indicated there was no change at this time.

FEMA Maps - Mr. Graham indicated a draft ordinance must be submitted no later than May 26, 2017.

WES Postponement Agreement - Mr. Tonetta reviewed the status of the agreement.

Land Sale (Block 24 Lot 14) - Mr. Tonetta indicated closing was held today.

New Business:

Summer Youth - Ms. Garrison indicated she has been in contact with Ms. Spinelli from Cumberland County. She will reach out again.

Committee Reports:

Public Works/Buildings & Grounds: Mr. Gurdgiel, Public Works Supervisor, updated Council on Verizon lines, fire hydrant at Joffe and Route 550 and hydrant flushing. He further indicated installation of the Coast Guard signs will be completed and he has been able to borrow a boom mower; and is working on the completion of a list of vendors with rates. Mayor Pikolycky instructed Mr. Gurdgiel to review the street signs in town to make sure they are not leaning and are legible.

Health, Education & Human Services: Chairman Benson had nothing to report at this time.

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 at this time but questioned the status of property maintenance. Ms. Garrison advised that the Borough is currently working on a list of properties that are requiring mowing at this time. The resolution adopted by Council was for the properties that have already been mowed. She further indicated many of these properties are habitual problems.

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

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

Sewer Project - Responses to the latest questions raised by DHS have been discussed but no formal response has been made at this time. USDA is continuing to review the funding application.

Water Renovation Project – Design work is ongoing and the public hearing will be held on May 19, 2017.

Open Space Project - The Red Headed Woodpecker Study has started on May 8, 2017 and is ongoing. The study will be for two (2) days in May and two (2) days in June at sunrise.

NJDOT Bikeway Project - There is no change in the status as this is tied with the Open Space project.

NJDOT DeHirsch Avenue Project - Construction on Route 550 has been ongoing with final surface paving anticipated to occur next week. De Hirsch work is expected to start shortly thereafter.

Generator Project – The Chief Financial Officer has initiated the FEMA reimbursement process.

Hat Company Site Remediation - Waiting on final version of the HDSRF grant application from TWT.

Airport Remediation Stauts - No change.

F&S Landfill Remediation – HDSRF application to be signed by the Borough and submitted to NJDEP by TWT.

NJDOT Municipal Aid Applications - No change in status.

Solicitor's Report - none

Airport Engineer Report – Mr. Liu, DY Consultants, updated Council on the following projects:

FAA Obstruction Removal & Taxiway A Crack Repair - Awaiting FAA's review and final approval of the closeout documents.

DOT Taxiway A Rehabilitation – Construction completed on May 11, 2017. Final inspection will be held during the week of May 28, 2017. Contractor to complete punch list. Inspection needs to be completed by SCD. Once approved closeout will proceed.

FAA Taxiway A Mill and Overlay – Stage 2, Design - 60% drawings forwarded to FAA for review. No comments received at this time and working on design for 100% by May 31, 2017. Anticipating bidding by June 19, 2017.

FAA Helicopter Feasibility Study Project - Final copy of report sent to FAA for their records. Proceeding with closeout.

Ceilometer and REIL Unit Replacement - Contract awarded and currently waiting on arrive of the ceilometer.

20:1 Obstructions - For FAA funding the following steps need to be performed to remove the trees:

1. Environmental Assessment of the affected areas
2. Procurement of an Easement/Lease Agreement
3. Design of the removal of the obstructions
4. Remove of the obstructions

NJDOT has indicated the project is eligible for funding. NJDOT does not have the same requirements as FAA. Trees can just be trimmed without the three (3) preceding steps that FAA requires.

Taxiway A Rehabilitation: Stage II – Construction – The State has awarded a grant of \$398,721.00 which requires a 15% match of \$59,808.15. Grant must be accepted within 45 days.

Mayor Pikolycky requested the status on the following:

Planning Assistance Grant - Mr. Graham informed Council a grant was available to provide professional services in regards to the update of the master plan. The Borough staff is working on the documents. Ms. Garrison indicated they will be given to Mr. Conley by next Tuesday.

Airport Leases - Mr. Tonetta is currently updating the leases to provide a 30 day notice when intending to break the lease.

5010 - Ms. Garrison indicated she had contacted the FAA and NJDOT as it is their responsibility. The FAA has completed their part and we are now waiting on the NJDOT.

Medevac - The Medevac will be holding a picnic at their facility on May 21, 2017.

Customer Advocate Energy Expo - Will be held at the Community Center on May 19, 2017. Councilwoman Perez indicated energy assistance programs will be available to those that qualify based on their income.

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

Public Comment: Mayor Pikolycky opened public comment. Greg Hudgins questioned if leaves were allowed to be placed in the road. Mr. Gurdgiel indicated due to the abundance of leaves many are being placed in the road. Mr. Hudgins questioned the timeline on when the road would be repaired on Webster Street and also if the shoulder on his side of the road would be placed back as it was prior to the reconfiguration. Mr. Graham indicated it is a County project and it appears to be approximately in the spring of 2018 that work would be scheduled. He indicated that Mr. Hudgins requested to reconfigure the shoulder back was forwarded to the County. Mr. Hudgins issued his complaint in regards to property maintenance issues. Ms. Garrison indicated she knew which properties Mr. Hudgins was discussing and they have already been forwarded to the Code Enforcement Officer.

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

Respectfully submitted,

Lisa Garrison
Borough Clerk