

**BOROUGH OF WOODBINE
REGULAR MEETING**

**AUGUST 17, 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, Bruce Graham, Engineer; Dennis Yapp, Airport Engineer; and Lisa Garrison, Borough Clerk.

Mayor Pikolycky called for the approval of the June 15, 2017 and July 20, 2017 minutes. On motion of Councilwoman Perez, seconded by Councilman Bennett to accept the minutes as received, carried with one (1) abstention by Councilman Cruz.

Mayor Pikolycky called for the following public hearings:

ORDINANCE NO. 568-2017

**AN ORDINANCE ACCEPTING THE DONATION
OF LAND KNOWN AS BLOCK 30 LOT 10.1
FROM WELLS FARGO BANK, NA**

WHEREAS, Wells Fargo Bank, NA (Owner) is the owner of certain real estate located in the Borough of Woodbine known as 518 Adams Avenue, Block 30 Lot 10.01 on the Tax Map of the Borough of Woodbine (Property); and

WHEREAS, the Owner has offered the Property to the Borough at no cost and has further agreed to pay closing costs not to exceed \$2,500.00; and

WHEREAS, the Council of the Borough of Woodbine finds it to be in the best interest of the Borough to graciously accept the donation of land known as Block 30 Lot 10.01 from Wells Fargo, NA.

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

1. The Borough of Woodbine shall accept the offer of Wells Fargo Bank, NA for the donation of land known as 518 Adams Avenue, Block 30 Lot 10.01 at no cost and further that Wells Fargo Bank, NA shall pay closing costs in an amount not to exceed \$2,500.00
2. The acceptance of this donation is subject to and contingent upon a determination by the Borough that there are no underground storage tanks located on the property and no violations of any laws or regulations affecting the property.

3. Subject further to clear title being given to the Borough, insurable by a title company operating in the State of New Jersey insurable at regular rates.

Mayor Pikolycky opened the public hearing on the foregoing ordinance. There being no comment forthcoming the public hearing was then closed. On motion of Councilman Benson, seconded by Councilman Cruz to approve and adopt the foregoing ordinance, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 8-90-2017

APPROVING SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOOD PANTRY PHASE II

WHEREAS, the Borough of Woodbine submitted a Grant Application for United States Department of Agriculture – Rural Development (USDA-RD) funding for upgrades to the Food Pantry Phase II; and

WHEREAS, the Borough has been successful in obtaining funding from the USDA-RD in an amount not to exceed \$75,000.00 for said project; and

WHEREAS, the design and bid documents have been prepared by Triad Associates 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 subject to the approval of USDA-RD 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 Councilman Ortiz, seconded by Councilman Cruz to approve and adopt the foregoing resolution, unanimously carried.

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

RESOLUTION NO. 8-91-2017

CITIZEN PARTICIPATION PLAN

FY 2018 Small Cities Programs

Public Facilities Fund: Acquisition of a Fire Truck

WHEREAS, the Borough of Woodbine is applying for a Small Cities grant under the Public Facilities Fund and if awarded intends to enter into Grant Agreements with the New Jersey Department of Community Affairs; and

WHEREAS, these Grant Agreements will require the Borough of Woodbine to comply with all federal regulations with respect to citizen participation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Woodbine, County of Cape May and State of New Jersey, that:

The Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the Borough of Woodbine; and

The Borough of Woodbine will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above, if awarded.

RESOLUTION NO. 8-92-2017

**IDENTIFYING CDBG FAIR HOUSING OFFICER
Public Facilities Fund: Acquisition of a new Fire Truck**

WHEREAS, the Borough of Woodbine is applying for a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (hereafter NJDCA) for funds to acquire a fire truck, and;

WHEREAS, the Borough of Woodbine must make efforts to affirmatively further fair housing; and

WHEREAS, the Borough of Woodbine has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development;; and;

WHEREAS, the Borough of Woodbine has made assurances in the grant agreement that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto, and;
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it, and;
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and;
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that Monserrate Gallardo, shall be designated as the Fair Housing Officer for the Borough of Woodbine, and;

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of her appointment as Fair Housing Officer and request Fair Housing Information, and;

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the Borough of Woodbine, and;

BE IT FURTHER RESOLVED that the Borough of Woodbine will publish in the local newspaper of record and post at the municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing services.

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

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

RESOLUTION NO. 8-93-2017

GRANT MANAGEMENT PLAN

FY 2018 Small Cities Programs

Public Facilities Fund: Acquisition of a Fire Truck

WHEREAS, the Borough of Woodbine is applying for a Small Cities grant from the Public Facilities Fund and, if awarded funding, will entered into a Grant Agreement with the New Jersey Department of Community Affairs; and

WHEREAS, the Borough is required to submit a Grant Management Plan as part of each Small Cities application;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine, County of Cape May and State of New Jersey, that:

The Grant Management Plan prepared by the Borough and submitted to DCA Small Cities with the application for the Head Start Building is hereby adopted to identify Todd Noon of Triad Associates as the Project Coordinator and Mayor William Pikolycky as the Program Director and Official Contact Person.

RESOLUTION NO. 8-94-2017

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
FOR ACQUISITION OF A FIRE TRUCK**

SCHEDULE I: RESOLUTION

WHEREAS, the Borough of Woodbine desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, Small Cities Public Facilities Fund for an amount not to exceed \$400,000, for acquisition of a fire truck.

BE IT THEREFORE, RESOLVED,

- 1) that the Borough of Woodbine does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Woodbine and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(signature)

William Pikolycky

Mayor

(signature)

Lisa Garrison

Borough Clerk

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

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

RESOLUTION NO. 8-95-2017

**RESOLUTION AUTHORIZING THE DEPOSIT OF FUNDS TO
THE ESCROW ACCOUNT FOR COAH LITIGATION
IN ACCORDANCE WITH COURT ORDER**

WHEREAS, the Borough of Woodbine is presently seeking Court approval of its low/moderate income fair share housing obligation in the matter docketed in the Superior Court of New Jersey, Cape May County, Docket No. CPM-L-310-15; and

WHEREAS, the Honorable Nelson Johnson, JSC has granted the Borough immunity from builder's remedies provided the affected municipalities' deposit in escrow funds to cover the costs incurred for the Court appointed experts and Master in the amount of \$1,000.00.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that the CFO is directed to submit a payment of \$1,000.00 to the "Mt. Laurel Litigation Escrow Account", Attention William McGroarty, Esq. 401 New Road, Suite 104, Linwood, New Jersey.

RESOLUTION NO. 8-96-2017

AUTHORIZING THE HIRING OF TRIAD ADVISORY SERVICES, INC. t/a TRIAD ASSOCIATES TO PROVIDE GRANT ADMINISTRATIVE SERVICES FOR THE PROPOSED CONSTRUCTION OF THE WOODBINE SANITARY SEWER SYSTEM

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, the Borough of Woodbine has made application to the US Department of Agriculture (USDA) – Rural Development for funding to construct a sanitary sewer system in portions of the Borough; and

WHEREAS, the Borough is desirous of hiring Triad Associates to administer the grant; 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 not to exceed \$46,000.00 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, in the amount not to exceed \$46,000.00 as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the attached 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 Cruz, seconded by Councilman Ortiz to approve and adopt the foregoing resolution, unanimously carried.

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

RESOLUTION NO. 8-97-2017

**AUTHORIZING THE HIRING OF RICHARD P. TONETTA ESQ. TO PROVIDE
LEGAL SERVICES FOR THE PROPOSED CONSTRUCTION OF THE WOODBINE
SANITARY SEWER SYSTEM**

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on February 2, 2017 with Richard P. Tonetta for ongoing professional legal services for the Borough; and

WHEREAS, the Borough of Woodbine has made application to the US Department of Agriculture (USDA) – Rural Development for funding to construct a sanitary sewer system in portions of the Borough; and

WHEREAS, the Borough is desirous of hiring Richard P. Tonetta Esq. to provide legal services for the construction of the Woodbine Sanitary Sewer System; and

WHEREAS, the Governing Body of the Borough of Woodbine finds the scope of services to be provided by Richard P. Tonetta, Esq. to be acceptable; and

WHEREAS, the Chief Financial Officer certifies that funds, in the amount not to exceed \$10,000.00 are available to pay Richard P. Tonetta, Esq. 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 Richard P. Tonetta, Esq., in the amount not to exceed \$10,000.00 as submitted; and

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

RESOLUTION NO. 8-98-2017

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 for the Woodbine Sanitary Sewer Project; 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 \$38,500.00; 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 for the Woodbine Sanitary Sewer Project not to exceed \$38,500.00.
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.

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

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

RESOLUTION NO. 8-99-2017

AUTHORIZING THE HIRING OF FORD SCOTT ASSOCIATES, LLC TO PROVIDE AUDITING SERVICES FOR THE PROPOSED CONSTRUCTION OF THE

WOODBINE SANITARY SEWER SYSTEM

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on February 2, 2017 with Ford Scott Associates, LLC for ongoing professional legal services for the Borough; and

WHEREAS, the Borough of Woodbine has made application to the US Department of Agriculture (USDA) – Rural Development for funding to construct a sanitary sewer system in portions of the Borough; and

WHEREAS, the Borough is desirous of hiring Ford Scott Associates, LLC to provide auditing services for the proposed construction of the Woodbine Sanitary Sewer System; and

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

WHEREAS, the Chief Financial Officer certifies that funds, in the amount not to exceed \$2,500.00 are available to pay Ford Scott Associates, LLC 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 Ford Scott Associates, LLC, in the amount not to exceed \$2,500.00 as submitted; and

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

RESOLUTION NO. 8-100-2017

AUTHORIZING THE HIRING OF TRIAD ADVISORY SERVICES, INC. t/a TRIAD ASSOCIATES TO PROVIDE GRANT ADMINISTRATIVE AND IMPLEMENTATION SERVICES FOR THE HEAD START RENOVATIONS PROJECT

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, the Borough of Woodbine has made application to the US Department of Agriculture (USDA) – Community Facilities Program for funding for improvements to the Head Start building; and

WHEREAS, the Borough is desirous of hiring Triad Associates to administer and

implement the grant; 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 not to exceed \$6,000.00 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, in the amount not to exceed \$6,000.00 as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the attached 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 Bennett to approve and adopt the foregoing resolution, unanimously carried.

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

RESOLUTION NO. 8-101-2017

REFUND OVERPAYMENT ON WATER UTILITY FEES

WHEREAS, the Tax Collector of the Borough of Woodbine has collected from the below listed excess on their 2015 water utility fees; and

WHEREAS, an overpayment has been created on the below listed due to a billing 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>ACCOUNT NO.</u> | <u>NAME</u> | <u>AMOUNT</u> |
|--------------------|---|---------------|
| 500628-0 | Julia Hankerson PO Box 350 Woodbine, NJ 08270 | \$ 25.00 |

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.

RESOLUTION NO. 8-102-2017

REFUND OVERPAYMENT ON PROPERTY TAXES

WHEREAS, the Tax Collector of the Borough of Woodbine has collected from the below listed excess on their 2017 property taxes; and

WHEREAS, an overpayment has been created on the below listed due to the following; 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> | <u>REASON</u> |
|---------------------|-------------------|---|----------------------|----------------------|
| 130 | 2 | Holly Realty PO Box 68 Bridgeton, NJ 08302 | \$ 1,104.75 | Assessment Change |
| 130 | 4 | Holly Realty PO Box 68 Bridgeton, NJ 08302 | \$ 901.58 | Assessment Change |
| 138 | 1 | Holly Realty PO Box 68 Bridgeton, NJ 08302 | \$ 1,032.45 | Assessment Change |
| 9998 | 1 | Verizon %Duff+Phelps PO Box 2749 Addison, TX 75001 | \$ 6,056.59 | Assessment Change |

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

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

RESOLUTION NO. 8-103-2017

REFUND PAYMENT AND SECURITY DEPOSIT ON HANGAR LEASES

WHEREAS, the Borough of Woodbine has collected from the below listed security deposits and hangar lease payments; and

WHEREAS, the lease agreements have been terminated; and

WHEREAS, the tenants have overpaid on their leases; and

WHEREAS, the Borough Clerk of the Borough of Woodbine has determined that said overpayment should be refunded along with the security deposit to the below listed:

| <u>HANGAR NO.</u> | <u>ACCOUNT NO.</u> | <u>NAME</u> | <u>AMOUNT</u> |
|-------------------|--------------------|--|-----------------|
| | A-3 | 901-0 | Gordon Gainfort |
| | \$600.00 | 6004 Blackhorse Pike Egg Harbor Twp, NJ 08234 | |
| B-1 | 908-0 | Berk Clark 11 Crop St Woodbine, NJ 08270 | \$3,000.00 |

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 Borough Clerk should mark her records accordingly.

RESOLUTION NO. 8-104-2017

**AUTHORIZATION FOR REIMBURSEMENT
TO COUNTY OF CAPE MAY
UNDER SHARED SERVICES AGREEMENT**

WHEREAS, the Borough of Woodbine previously entered into a shared services agreement with the County of Cape May regarding Road Reconstruction Projects on DeHirsch Avenue and County Route (CR) 550 as authorized by Resolution 7-55-2016; and

WHEREAS, the shared services agreement included a provision for the Borough to reimburse the County for the costs associated with the Fidler Hill Road Water Main Connection where it crosses CR 550; and

WHEREAS, the contractor for the project, South State, Inc. has satisfactorily completed the water main work; and

WHEREAS, the Borough Engineer oversaw the construction work in the field and based upon the as built quantities has concurred with the total payment amount of \$20,712.75 for said work;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that the work performed by South State Inc. is accepted as complete; and

BE IT FURTHER RESOLVED that reimbursement to the County of Cape May in the amount of \$20,712.75 is authorized upon receipt of an invoice from the County certifying that South State, Inc. has been paid in full.

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

Unfinished Business:

Maintenance of Lots - Mr. Gurdgiel indicated letters have been sent to the residents and many have responded by mowing their lots. The remainder of the lots will be mowed next week.

Emergency Contact List - Mr. Gurdgiel is in the process of preparing contact lists for the various contractors utilized in emergency situations for both the water department and public works.

Generator Contract - Mr. Gurdgiel indicated we are currently in the middle of the current contract with Modern Power System.

Trash & Recycling - Mr. Gurdgiel indicated a letter has been composed to mail to Gold Medal in regards to the trash and recycling issues.

Landfill Litigation - Mr. Kizner indicated he would require an additional \$5,000.00 to complete his work in regards to the landfill litigation. On motion of Councilman Johnson, seconded by Councilman Cruz to approve and adopt the following resolution, unanimously carried.

RESOLUTION NO. 8-105-2017

A RESOLUTION OF THE BOROUGH OF WOODBINE AUTHORIZING THE EXECUTION OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER TO A PROFESSIONAL SERVICE AGREEMENT WITH MITCHELL KIZNER, ESQUIRE, AS SPECIAL COUNSEL REGARDING FOUNDATION AND STRUCTURES LANDFILL INSURANCE COVERAGE.

WHEREAS, the Borough of Woodbine has heretofore retained the services of Mitchell Kizner, Esquire, for the purpose of seeking damages to meet the costs of the closure of the Foundation & Structures Landfill in the Borough of Woodbine (hereinafter referred to as Landfill); and

WHEREAS, additional funds are necessary to complete the services provided by Mitchell Kizner, Esquire, as Special Counsel; and

WHEREAS, Mitchel Kizner, Esquire, has completed and submitted a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that the firm 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 Mitchell Kizner, Esquire from making any reportable contributions through the term of the contract or any extension to a political or candidate committee in the Borough of Woodbine.

WHEREAS, the maximum amount of the authorized services is not to exceed Five Thousand (\$5,000.00) Dollars which funds are available; 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 bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF BOROUGH OF WOODBINE, as follows:

1. An amendatory supplemental change order no. 1 is hereby authorized to a Non-Fair and Open Agreement entered pursuant to NJSA 19:44A-20.5 with Mitchell Kizner, Esquire, for Professional Services to provide the following:

A.. Research and recover all reimbursable expenses related to remediation costs of the Foundation and Structures Landfill.

B.. Review all existing Court Orders to determine if and how the Borough may access escrowed funds for soft costs associated with investigation, remediation and closure of the Foundations & Structures Landfill and provide a report of findings.

C. Advise Council and the Mayor of his findings and recommendations.

2. The legal fees shall be billed at an hourly rate of not more than \$330.00 plus expenses with a maximum amount of the authorized services of Five Thousand (\$5,000.00) Dollars.

3. A Notice of this Action shall be printed once in the Borough's official newspaper.

New Business: None

Engineer's Report: None

Solicitor's Report: Mr. Tonetta updated Council on COAH.

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

Public Comment: None

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

Respectfully submitted,

Lisa Garrison
Borough Clerk