

**BOROUGH OF WOODBINE
REGULAR MEETING**

**SEPTEMBER 20, 2018
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 23, 2018 and posting a copy of said notice on the Clerk's bulletin board."

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

The Pledge of Allegiance was led by Mayor Pikolycky.

Mayor Pikolycky called for approval of the minutes. On motion of Councilman Ortiz, seconded by Councilwoman Perez to approve the minutes of September 6, 2018, carried with two (2) abstentions by Councilmen Johnson and Cruz.

At this time Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 9-87-2018

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE
DISPOSAL AND RECYCLING SERVICES**

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/ "Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the CMCMUA's System is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility, as well as several recycling operations and programs; and

WHEREAS, the Borough of Woodbine has utilized and desires to continue to utilize the services of the CMCMUA's System; and

WHEREAS, there presently exists a contract between the Borough of Woodbine and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste which will expire on December 31, 2018 entitled "Shared Services Agreement for Solid Waste Disposal" (the "Existing Agreement"); and

WHEREAS, there also presently exists, as an integral component of the Existing Agreement, a supplemental contract between the Borough of Woodbine and the Authority

entitled “Shared Services Agreement for Source Separation and Recycling (the “Recycling Agreement”) which also expires on December 31, 2018; and

WHEREAS, the Borough of Woodbine and the Authority desire to enter into a new agreement which has combined the Existing Agreement and the Recycling Agreement into one agreement entitled “Shared Services Agreement for Solid Waste and Recycling Services” and to fix the expiration date of said Agreement to occur on December 31, 2019; and

WHEREAS, the Authority has offered the “Shared Services Agreement for Solid Waste Disposal and Recycling Services” to the Borough of Woodbine in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CCMUA’s Solid Waste System from January 1, 2019 through December 31, 2019; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all Cape May County municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2019; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Woodbine, County of Cape May, and State of New Jersey, that the Borough of Woodbine shall enter into a contract with the Authority entitled “Shared Services Agreement for Solid Waste and Recycling Services”, effective January 1, 2019, in the form to be maintained on file in the office of the Woodbine Borough Clerk, and that the appropriate Borough of Woodbine officials are hereby authorized and directed to execute said Agreement.

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

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

RESOLUTION NO. 9-88-2018

APPOINTMENT OF MUNICIPAL COURT JUDGE

WHEREAS, N.J.S.A. 2A:8-5 provides that each Judge of the Municipal Court shall serve for a term of three (3) years from the date of his/her appointment and until his/her successor is appointed and qualified; and

WHEREAS, in accordance with N.J.S.A. 2A:8-5 and N.J.S.A. 40:87-16, the Mayor of the Borough of Woodbine has nominated **MARIAN RAGUSA** for the appointment to the position of Judge of the Municipal Court for a three (3) year term; and

WHEREAS, Borough Council wishes to confirm such nomination as required by N.J.S.A. 40:87-16.

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

The allegation of the preamble are incorporated herein by this reference.

The Borough Council does hereby confirm the Mayor's nomination of Marian Ragusa as Judge of the Municipal Court of the Borough of Woodbine for a three (3) year term effective October 1, 2018 until her successor is appointed and qualified.

A certified copy of this resolution shall be filed with the Clerk of the Municipal Court as conclusive evidence of such nomination and confirmation and a copy shall be provided to said nominee.

RESOLUTION NO. 9-89-2018

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER TO A PROFESSIONAL SERVICES AGREEMENT WITH TIFFANY A. CUVIELLO N/K/A/ MORRISSEY FOR SPECIALIZED SERVICES IN CONNECTION WITH COAH LITIGATION

WHEREAS, on June 18, 2015 the Borough Council adopted Resolution 6-65-2015 authorizing the execution of a professional services contract (PSA) with Tiffany A. CuvIELLO (now known as Tiffany A. Morrissey) for professional planning services in connection with the Council on Affordable Housing (COAH) litigation in an amount not to exceed \$5,000.00: and

WHEREAS, the litigation became more complex, extensive and time consuming which was unanticipated at the time of the entry of the PSA,; and

WHEREAS, it is anticipated that the additional cost for the PSA with Tiffany A. Morrissey to conclude the COAH litigation will be an amount not to exceed \$3,000.00 which is a necessary expense.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Woodbine that the Mayor and Clerk are authorized to execute an amendatory and supplemental change order to the Professional Services Agreement between Tiffany A. Morrissey and the Borough of Woodbine in an amount not to exceed \$3,000.00.

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

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

RESOLUTION NO. 9-90-2018

RESOLUTION ADOPTING REQUIRED PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of the Borough of Woodbine to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guidelines, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Woodbine has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

WHEREAS, the Borough currently has an employment manual establishing practices and procedures for Borough employees; and

WHEREAS, the Borough passed Ordinance No. 496-2008, authorizing Council to revise the Borough employment manual from time to time, via resolution, as may be required by law, the Joint Insurance Fund (JIF), or otherwise deemed appropriate; and

WHEREAS, the Borough recognizes that effective implementation and guidance to municipal employees is essential to government function and efficiency; and

WHEREAS, it is in the interest of the health, safety and general welfare of the public to have a system that provides the Borough Council, as the governing body, a flexible mechanism to adjust and revise employment practices and procedures set forth in the Borough employment manual; and

WHEREAS, the Borough deems it desirable to address inconsistencies between the Borough of Woodbine Personnel Policies and Procedures Manual and the Borough of Woodbine Employee Handbook, as may occur from time to time as a result of updates to the Personnel Policies and Procedures Manual.

WHEREAS, the laws of the State of New Jersey and the JIF require changes in the employment manual, from time to time; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund requires changes to the Borough employment manual via a resolution by Borough Council.

NOW, THEREFORE, BE IT RESOLVED that changes to the Borough of Woodbine Personnel Policies and Procedures Manual attached hereto in full, are hereby adopted along with changes to the Borough Employee Handbook (made for the purpose of consistency with personnel policies and procedures noted in the Handbook), attached hereto in full.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, professional services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that the attached manual, and any subsequent revision thereto, is intended to provide guidelines covering public service by Borough officials, appointees, employees, volunteers and independent contractors and is not a contract. The provisions of this manual may be amended and supplemented from time to time, as provided by law, at the sole discretion of the Borough Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as “employment at will”.

BE IT FURTHER RESOLVED that the Borough Clerk and all managerial/supervisory personnel are responsible for these employment practices.

RESOLUTION NO. 9-91-2018

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT OF SALE FOR A 1995 PIERCE SABER PUMPER FIRE TRUCK FROM THE BOROUGH OF WOODBINE TO YANCY VOLUNTEER FIRE DEPARTMENT, W. OZAN, ARKANSAS PURSUANT TO N.J.S.A. 40A:11-36(2)

WHEREAS, the Borough Council authorized the sale of a 1995 Pierce Saber Pumper Fire Truck (Fire Truck), VIN No. 4P1CTO2U4SA000365 no longer needed for Borough use: and

WHEREAS, the Yancy Volunteer Fire Department, W. Ozon Arkansas has expressed an interest in the acquisition of the Fire Truck and has proposed a purchase price in the amount of \$27,000.00 which is determined to be a fair value for said Fire Truck; and

WHEREAS, in accordance with N.J.S.A. 40A:11-36(2) the Borough is permitted to sell personal property no longer needed for public purposes to another governmental entity or charitable organization without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodbine that the Mayor and Clerk are authorized to execute a contract of sale, title and such other documents necessary to sell and otherwise transfer a 1995 Pierce Saber Pumper Fire Truck no longer needed for public purposes, VIN No. 4P1CTO2U4SA000365 to Yancy Volunteer Fire Company, W. Ozon, Arkansas upon the payment of \$27,000.00.

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

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

RESOLUTION NO. 9-92-2019

A RESOLUTION TO AFFIRM THE BOROUGH'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Woodbine to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Woodbine has determined that certain procedures need to be established to accomplish this policy

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

Section 1: No official, employee, appointee or volunteer of the Borough of Woodbine by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person

making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Mayor shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

RESOLUTION NO. 9-93-2018

RESOLUTION CERTIFYING THE HIRING PRACTICES OF THE BOROUGH OF WOODBINE ARE IN COMPLIANCES WITH THE UNITES STATES EQUAL EMPLOYMENT OPPORTUNY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

WHEREAS, N.J.S.A 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decision Under Title VII of the Civil Rights Act of 1964" as amended, 42 U.S.C. 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring

practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodbine, hereby states that is has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit 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 Ortiz, seconded by Councilman Johnson to approve the following resolution, unanimously carried.

RESOLUTION NO. 9-94 -2018

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A NEW BIKEWAY

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of the Borough of Woodbine formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKEWAYS-2019-Woodbine Borough-00044 to the New Jersey Department of Transportation on behalf of the Borough of Woodbine.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodbine and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Unfinished Business:

Water Quality Management Plan (County) Status - expecting draft report by end of year at which time comments may be made..

County Road Projects – 550/638 Update - Mr. Graham indicated once the concrete work is completed the asphalt will be completed. Currently the asphalt base course is down. The passing zones have been changed to no passing zones. He further indicated that Route 550 is currently in the Pinelands permitting phase.

Comcast Local Access Channel Status - Ms. Garrison work was continuing on the issue.

Open Space Eco-Park update – Mr. Graham reported that the electrical work has been completed and is waiting inspection. The landscaper is working on cleaning the area for seeding.

DEP Issues – Asset Management Plan Status – Mr. Graham indicated he was continuing work and is sending Mr. Gurdgiel “homework”.

USDA Projects – Status - Ms. Garrison indicated the bid documents are currently being reviewed by USDA. A contract needs to be prepared for the Food Bank Phase II project. A USDA grant for the purchase of the fire truck was awarded in the amount of \$44,800.

Sumner Avenue Reconstruction Project Status - Mr. Graham indicated he is continuing work on the plans. Mayor Pikolycky indicated the Borough may receive discretionary aid soon.

DCA Planning Board Master Plan Status – Mr. Graham indicated the next meeting will be held on September 26, 2019 and the WQMP information will be helpful to the planners.

Trash Contract - Mr. Tonetta indicated he is working on the bid specifications.

DOT Municipal Aid Application - Applications are due October 8, 2018. If we are successful with the discretionary aid a new application will need to be considered.

New Business:

USDA Grant Award - \$44,800

Greater Woodbine Chamber of Commerce Car Show – October 13, 2018

CMC League of Municipalities – October 25, 2018 – 6:00 p.m. - Woodbine

Committee Reports:

Public Works/Buildings & Grounds: None as Chairman Bennett was absent.

Health, Education & Human Services: Chairman Benson reported the Woodbine Elementary School was excited about the Eco-Park and cannot wait to start utilizing the facility.

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.

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

Engineer's Report –

Hat Company Site Remediation – Changes were made and submitted for review prior to sending to Mr. Romano.

Route 610 Island - Councilman Johnson questioned who was responsible for the maintenance of the island as weeds are beginning to grow. Mr. Graham indicated it would be the County's responsibility. Councilman Benson indicated the Borough could assist.

Airport Utility Engineer's Report –

Taxiway A Mill and Overlay Stage 2, Design – Complete and reviewing payment schedule with Mr. Miller.

20:1 TERP Surface Obstruction Removal - The Mayor will reach out to the property owner for authorization to trim trees on their property.

Taxiway A Rehabilitation Stage II – Construction – DY Consultants will begin the closeout submittal.

Helicopter Parking and Apron Design and Construction – Once Notice to Proceed is received a preconstruction meeting will be scheduled. Construction is to be completed this year.

NJDOT Grants - A meeting was held with NJDOT to discuss grant opportunities.

Solicitor's Report: Mr. Tonetta reviewed Policy & Procedure Manual changes in regards to social media/internet and facebook due to recent litigation. He cautioned Council on their use of personal devices.

Public Comment: None

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

Adjournment: On motion of Councilman Ortiz, seconded by Councilman Benson to adjourn, unanimously carried.

Respectfully submitted,

Lisa Garrison
Borough Clerk