BOROUGH OF WOODBINE
REGULAR MEETING

OCTOBER 1, 2020
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 3, 2020 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, Esq.(via telephone); Bruce Graham, Borough Engineer (via telephone) ; Michael Zumpino, Grant Consultant (via telephone); and Lisa Garrison, Borough Clerk.

Mayor Pikolycky called for the approval of minutes of September 17, 2020. On motion of Councilman Benson, seconded by Councilman Ortiz to approve the minutes of September 17, 2020, carried with one (1) abstention by Councilman Cruz.

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 10-103-2020

RESOLUTION AUTHORIZING PURCHASE OF ONE NEW 2021 CHEVROLET SILVERADO 1550 (CK10743) 4WD CREW CAB 157" WORK TRUCK FROM MALL CHEVROLET, CHERRY HILL, NEW JERSEY IN THE AMOUNT NOT TO EXCEED $39,545.00 PURSUANT TO A COOPERATIVE CONTRACT AGREEMENT THRU THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY "ESCNJ" COOPERATIVE PRICING AGREEMENT

WHEREAS, there is a need to purchase one (1) 2021 Chevrolet Silverado 1550 (CK10743) 4WD Crew Cab 157: Work Truck for use as a Emergency Incident Command Vehicle; and

WHEREAS, through the Educational Services Commission of New Jersey Cooperative Pricing System, this item is available; and

WHEREAS, the total amount of the purchase is $39,545.00, and funds are available as evidenced by the Chief Financial Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodbine, County of Cape May and State of New Jersey, that the Chief Financial Officer is authorized to prepare a purchase order to procure a 2021 Chevrolet Silverado 1550 (CK10743) 4WD Crew Cab Work Truck in accordance with the specifications on file in the Clerk's Office submitted by Mall Chevrolet, Cherry Hill, New Jersey for a price not to exceed $39,545.00.

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

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

RESOLUTION NO. 10-104-2020

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 13 208 Webster Street	$1,322.76

RESOLUTION NO. 10-105-2020

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 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 ("CMCMUA") for the use of the CMCMUA's System for the disposal, transfer and recycling of solid waste entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement") which will expire on December 31, 2020; and

WHEREAS, the Borough of Woodbine and the Authority desire to enter into a new Agreement and to fix the expiration date of said Agreement to occur on December 31, 2021; 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 CMCMUA's Solid Waste System from January 1, 2021 through December 31, 2021; 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, 2021; and

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 Disposal and Recycling Services", effective January 1, 2021, in the form to be maintained on file in the office of the Borough of Woodbine 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 Bennett to approve the foregoing resolution, unanimously carried.

At this time Mayor Pikolycky called for the Introduction of Proposed Ordinance No. 590-2020. On motion of Councilman Ortiz, seconded by Councilman Johnson to approve the introduction of the following proposed ordinance with a public hearing scheduled for October 15, 2020, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: none Abstain: none Absent: none

PROPOSED ORDINANCE NO. 590-2020

AN ORDINANCE AMENDING ORDINANCE NO. 483-2006, AS AMENDED, CHAPTER 3-19 OF THE CODE OF THE BOROUGH OF WOODBINE ENTITLED LOUD, DISTURBING, AND UNNECESSARY NOISE.

WHEREAS, making and creation of excessive of unusually loud noises within the limits of the Borough is a condition which has existed for some time and the extent and volume of such noises are increasing; and

WHEREAS, the making, creation or maintenance of such excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual, and unnatural in their time, place and use, affect, and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Borough; and

WHEREAS, the Borough Council finds it necessary and in the public interest, to provide for the provisions and prohibition herein after contained and are in pursuance of and for the purpose of securing the promotion of the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Borough and its inhabitants.

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

§ 3-19 of the Code of the Borough of Woodbine entitled Loud, Disturbing and Unnecessary Noise is hereby deleted in its entirety and replaced as follows:

§ 3-19 Loud, Excessive Noise Disturbing Peace and Good Order; Nuisance

§ 3-19.1 Definitions

Commercial Area

Commercial area shall mean a group of commercial facilities and the abutting public rights-of-way and public spaces.

Commercial Facility

Commercial facility shall mean any premises, property, or facility involving traffic in goods or furnishing of services for sale or manufacturing.

a. Banking and other financial institutions;

b. Dining establishments;

c. Establishments for providing retail services;

d. Establishments for providing wholesale services;

e. Establishments for recreation and entertainment;

f. Office buildings;

g. Transportation; warehouses; and

h. Rental properties.

Construction

Construction shall mean any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

Demolition

Demolition shall mean any dismantling, intentional destruction, or removal of buildings or structures.

Emergency Work

Emergency work shall mean any work or action necessary to deliver essential services including, but not O limited to, repairing water, gas, electricity, telephone, sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions.

Industrial Facility

Industrial facility shall mean any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

Motor Vehicle

Motor vehicle shall mean any vehicle that is propelled or drawn on land by an engine or motor.

Muffler

Muffler shall mean a sound dissipating device or system for abating the sound of escaping gasses of an internal combustion engine.

Multi-Dwelling Unit Building

Multi-dwelling unit building shall mean any building where there are two or more dwelling units.

Noise Disturbance

Noise Disturbance shall mean any sound that:

a. Endangers the safety or health of any person, or

b. Disturbs a reasonable person of normal sensitivities, or

c. Endangers personal or real property.

d. Is defined in Section 3-19.2 herein below.

e. Occurs at such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the Borough. In addition, it shall be defined as any sound that can be detected by a person using unaided hearing faculties at a distance of 50 feet from the sound source. For example, if the sound source under investigation is a portable or personal vehicular sound-amplification or -reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. A law enforcement officer need not determine the title, specific words or artist performing the song.

Person

Person shall mean any individual, corporation, company, association, society, firm, partnership, joint stock company, the state or any political subdivision, agency or instrumentality of the State.

Public Right-Of-Way

Public right-of-way shall mean any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned or controlled by a governmental entity.

Public Space

Public space shall mean any real property or structures thereon that are owned, leased, or controlled by a governmental entity including public parks.

Residential Property

Residential property shall mean property used for human habitation, including, but not limited to private property used for human habitation; commercial living accommodations and commercial property used for human habitation; recreational and entertainment property used for human habitation; and

community service property used for human habitation.

§ 3-19.2 Prohibited Acts

a. General Prohibition It shall be unlawful for any person to cause a Noise Disturbance as defined herein. It shall further be unlawful for any person to make, continue to make, permit, or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others or any noise which any Police Officer or Code Enforcement Officer in the exercise of good judgment and discretion, reasonably determines to be unreasonable due to the nature of the noise, the circumstances under which the noise is made or maintained and the time of day, within the Borough of Woodbine. Any such noise as defined herein above occurring between the hours of 10:00 pm and 6:00 am shall be presumed to be an unreasonable time.

Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue, or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, or any noise which any Police Officer or Code Enforcement Officer in the exercise of good judgment and discretion, reasonably determines to be unreasonable due to the nature of the noise, the circumstances under which the noise is made or maintained and the time of day, within the Borough of Woodbine.

b. Horns; Signaling Devices. It shall be unlawful for any person to cause the sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle which is unreasonably loud or harsh; sounds for an unnecessary and/or unreasonable period of time; is not operated by hand or electricity; is operated by engine exhaust; or is used when traffic is stopped or slowed for any reason, on any street or public place of the Borough, or upon private property if such sounding is likely to disturb the public at large, except as a danger warning.

c. Radios; Sound Reproduction Equipment. It shall be unlawful for any person to cause the use or operation or permit to be played, used or operated any device or musical instrument or any other device that emits any music or voice sounds which is capable of receiving, transmitting, producing or reproducing sound, in such manner which is likely disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or person who are in control of the device or instrument and/or the voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

d. Loudspeakers; Amplifiers for Advertising. It shall be unlawful for any person to cause the use, operation, or permit to be played, used, or operated any

radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

e. Yelling; Shouting. It shall be unlawful for any person to yell, shout, hoot, whistle, or sing on the public streets at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling or other type of Residential Property or any person in the vicinity.

f. Animals; Birds. It shall be unlawful for any person to keep any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.

g. Exhaust. It shall be unlawful for any person to discharge into the open air of the exhaust of any internal combustion engine or motor vehicle except through a muffler or other device which shall effectively prevent loud or excessive noises therefrom.

h. Defect in Vehicle. It shall be unlawful for any person to use any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

i. It shall be unlawful for any person to cause, suffer, allow or permit to be made, verbally or mechanically, any noise disturbance as defined herein.

§ 3-19.3 Exceptions

The provisions of this section shall not apply to:

a. The emission of sound for the purpose of alerting persons to the existence of an emergency;

b. The emission of sound in the performance of emergency work; or

c. The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.

d. Noise from municipality sponsored or approved celebrations or events shall be exempt from the provisions of this section.

e. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way for the purpose of exercising the First Amendment Rights.

f. The use of bells, chimes, or sound amplifiers emanating from Houses of Worship engaged in religious activities.

g. Borough activities conducted upon public parks, playgrounds,

streets or in public buildings under the permission or authority of Borough officials, as well as other Borough duties carried out in the normal course of business.

h. Construction or Demolition carried out during normal working hours but in no event between the hours of 10:00 pm and 6:00 am.

i. Noise emanating from a Commercial Area or Commercial Facility during its regular business hours.

j. Landscaping of existing and established lawns and gardens at Residential Property and/or Commercial Facilities but in no event between the hours of 10:00 pm and 6:00 am.

§ 3-19.4 Penalties

a. Any person who violates any provision of this section shall be subject to a penalty for each offense as set forth under § 1-5 of the Borough Code.

b. If the violation is of a continuing nature, each hour during which it occurs shall constitute an additional, separate, and distinct offense.

BE IT FURTHER ORDAINED by the Council of the Borough of Woodbine any Ordinance or portion thereof that is inconsistent with this Ordinance shall be void to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that should a court of competent jurisdiction determine that any portion of this Ordinance is unenforceable, that portion of this Ordinance deemed to be unenforceable shall be void and the balance thereof shall remain in full force and effect.

Unfinished Business: None

New Business: Ms. Garrison reviewed the status of the delinquencies at the airport.

Engineer's Report – None

Solicitor's Report: None

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

Public Comment: None

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

Respectfully submitted,

Lisa Garrison
Borough Clerk