

**BOROUGH OF WOODBINE
REGULAR MEETING**

**OCTOBER 15, 2020
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 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 (via telephone), and Benson. Also present were: Richard Tonetta, Borough Solicitor (via telephone) ; Bruce Graham, Borough Engineer (via telephone); Kan Liu, Airport Engineer (via telephone); James Gurdgiel, PW Supervisor; Michael Zumpino, Triad Associates (via telephone) and Lisa Garrison, Borough Clerk.

The Pledge of Allegiance was led by Mayor Pikolycky.

Mayor Pikolycky called for approval of the minutes. On motion of Councilman Cruz, seconded by Councilman Benson to approve the minutes of October 1, 2020, unanimously carried.

Mayor Pikolycky then called for a Public Hearing for 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”. Mayor Pikolycky opened the public hearing. With no comment forthcoming from the public, on motion of Councilman Benson, seconded by Councilman Cruz to adopt the following ordinance upon roll call vote, unanimously carried. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: None

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

Water Quality Management Plan (County) Status – no change.

County Road Project

Route 550 – No change.

Open Space Eco-Park Replacement/Upgraded Items – the DOT Bikeway portion still have punch list items remaining. The Loop Path/Parking Lot portion has been completed. Currently collecting paperwork in order to close out this portion of the project. Two (2) meetings have been held regarding the playground portion of the project. The Landscape Architect is currently working on the concept.

AT&T Project – has been completed. Metro is now working at the tower.

USDA Projects – Status –

Food Pantry III – Contract # 2 is complete and currently waiting on a change order. Waiting on the contractor to review contract #1.

Water Project – waiting on DEP for comments. Received USDA comments.

Sewer Project - the agreement is currently with the DAG's office for review. Waiting on the CMCMUA agreement.

Asset Management Plan – 40% complete. Mr. Zumpino's office is working with the CFO on the drawdowns for all of the USDA projects..

Hat Factory Property – TWT working on the specifications with input from Mr. Graham. There will be three (3) contracts for this project.

Radios - no change.

Command Vehicle – has been ordered.

DOT DeHirsch Avenue Project Status – to submit to DOT next week. Once approved will be ready to bid.

DOT Streetscape Project – waiting on DCA application, which was submitted last week. This project will tie in with the Adams & Franklin Project. A mandatory pre-submission conference to be held for the applicants.

DCA Small Cities Sidewalks Project Status - punch list items remaining.

Landfill Redevelopment Zone – Solar Project Status - A conference call meeting with Pennoni to discuss status of project. Nexamp waiting on ACE regarding connection costs. Cost factors are needed prior to negotiating agreement. An extension of the Letter of Intent is needed.

Road Vacation Status – project is stalled until escrow is replenished. Mayor Pikolycky requested the professionals review the estimated additional expenses required prior to requesting additional escrow funds. Mr. Tonetta will work on obtaining the additional escrow.

Master Plan –DCA working on the zoning ordinances.

Airport Lease Agreements –

Holland to American Aerospace Technologies - a letter was provided to EDA stating there is no water available within 200' of the site.

Census 2020 - Census has ended on October 15th.

COVID19 Update - Ms. Garrison indicated there are six (6) cases and one (1) death in town.

Clean Energy Project – Mr. Gurdgiel indicated he has reported on the online system with ACE the streetlights that are dim and off color. Mr. Gurdgiel indicated he has contacted Hutchinson to return to discuss the HVAC system.

Energy Audit - Schedule Conference Call Meeting - to be held on October 23rd at 10:30 a.m.

Property Maintenance - Mr. Graham indicated work is continuing on citing property owners. Letters were sent to both PRAC and the Rutkowski property. Mr. Graham indicated the Rutkowski property had previously been taken to court. Since the condition had been abated the case was closed.

Noise Ordinance - adopted.

Energy Auction (Agreement) - the agreement will cover up to \$2000 for consulting fees. A bid process will be utilized. There will be no change except to lower the electric bill.

New Business –

AT&T Mobile/Cellular Wireless – Generator Installation - Mr. Graham contacted Dominic Villecco. An escrow will be obtained. Mr. Tonetta recommended they should be directed to utilize natural gas. A lease amendment was submitted which Mr. Villecco is reviewing.

Trick or Treat - October 31, 2020 – 5:00 p.m. – 8:00 p.m.

Trunk or Treat – October 31, 2020 – 5:00 p.m. – 6:30 p.m.

For both events social distancing and COVID19 requirements are recommended.

COVID Funding -

COVID Relieve Fund (CRF) - The Borough has been awarded up to \$31,000.00. Ms. Garrison explained it is for COVID expenses from March thru December 2020.

DCA COVID Funding - Mr. Zumpino indicated there are two (2) types of funding in this program CV1 and CV2. Between both types there is a total of \$1.5 million in funding. CV1 is for eleven (11) municipalities in Cape May County, one of which is Woodbine. The County will be the lead agency for the CV2 funding which is for businesses and non profits to assist with COVID related activities. For residences it is for rental and mortgage assistance.

FEMA DR 4488 Funding - Ms. Garrison indicated Mr. Ciabaton, Deputy OEM, is working on inputting the Borough's expenses into the online portal.

Brush Removal - Mr. Tonetta prepared a draft ordinance for Council's review and consideration based on input from the last Council meeting. A resolution will be adopted each year setting dates and times for collection. Mayor Pikolycky called for the introduction of

Ordinance 591-2020, "An Ordinance Amending Ordinance No. 494-2007, as Amended, Chapter 17 of the Code of the Borough of Woodbine Entitled Solid Waste Management".

PROPOSED ORDINANCE NO. 591-2020

**AN ORDINANCE AMENDING ORDINANCE NO. 494-2007,
AS AMENDED, CHAPTER 17 OF THE CODE OF THE
BOROUGH OF WOODBINE ENTITLED SOLID WASTE
MANAGEMENT**

WHEREAS, as a result of the changes in recycling and solid waste management Borough Council finds it necessary to assure the proper collection of recycling and solid waste so as to protect the Borough from unlawful dumping including grass and debris in the Borough roadways; and

WHEREAS, the Solid Waste and Recycling Coordinator has recommended the Borough consider amendments to the Borough Code, Chapter 17.

WHEREAS, the Borough Council finds it necessary and in the public interest, to provide for the proper collection of recyclables and solid waste 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:

1. § 17-1.2a2 of the Code of the Borough of Woodbine entitled Definitions shall be amended as follows:
 2. The following source separated materials shall not be comingled with those materials listed in subsection 17-1.2a1 and shall be collected in accordance with Section 17-1.4c
 2. Section 17-1.2a2 shall be amended by the addition of the following definition
WHITE GOODS (NON-CFC/FREON CONTAINING)
A portion of solid waste consisting of large appliances including air conditioners and dehumidifiers, clothes washing and drying machines, dishwashers, furnaces and electric heaters, hot water heaters, microwave ovens, refrigerators and freezers, stoves and ovens
3. Section 17-1.4c shall be amended as follows:
 - c. The following materials must be source separated and recycled through the municipal recycling program and only collected by the Borough on those dates and in the manner set forth by the Mayor and Borough Council

by Resolution unless otherwise set forth herein and kept on file in the Office of the Borough Clerk and Recycling Coordinator.

3. Section 17-1.4c3 shall be deleted in its entirety and changed as follows:

3. Brush, Tree Branches (up to eight inch diameter, 8 foot length; residential curbside. No stumps, brush or branches from lot clearance or tree removal. All commercial landscaping services shall provide for removal of brush and tree branches from residential users.

BE IT FURTHER ORDAINED that any portion of Ordinance 494-2007, Chapter 17 of the Code of the Borough of Woodbine not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent herewith shall be void to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, the balance of this Ordinance not so deemed unenforceable shall remain in full force and effect.

On motion of Councilman Johnson, seconded by Councilman Benson to approve the introduction of the foregoing proposed ordinance with the public hearing to be held on November 5, 2020, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: None

Committee Reports:

Public Works/Buildings & Grounds: Mr. Gurdgiel reported on the ongoing activities of the department.

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

Public Safety & Courts: Chairman Cruz requested the repair of the potholes in the Fire Department parking lot. He also reported that a siren had been donated by Goshen Fire Department and it was currently being tested..

Community Affairs & Grants: Chairman Ortiz had nothing to report at this time.

Property & Small Business: Chairman Johnson questioned how the newly adopted ordinance would work with a complaint if the property was a rental Mr. Tonetta indicated both parties would be cited.

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

Engineer's Report - Mr. Graham reported the Water diversion Permit was up for renewal next year. Mr. Graham further reported on the DOT Bikeways application. He indicated there is an option to submit with a revised scope. It was suggested a conference call meeting be held with Mr. Graham, Mr. Zumpino and Mayor Pikolycky attending to request further guidance.

Airport Engineer's Report - Mr. Liu reported on the following:

Helicopter Parking Apron Design and Construction - awaiting closeout of this project from the FAA in order to submit the final invoice for South State's retainage and Woodbine's IFE reimbursement.

Taxiway B Rehabilitation Design - continuation of the design for bid package Phase I (2021) and Phase III (2022) construction.

Taxiway B Rehabilitation Construction Phase II – Material submittals approval closure; change order approved by FAA and NOTAM for Monday start.

NJDOT Grant Application – no change.

FAA ACIP – waiting FAA to provide ACIP review date.

Solicitor's Report – Mr. Tonetta reported that a letter is to be sent to Mr. Thompson regarding his hangar delinquency. Ms. Garrison indicated while there are delinquencies at the airport the importance of both the Hartley and Thompson hangar delinquencies is the fact that they are still occupying the hangars and therefore rental monies are not coming in.

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

Public Comment - None

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

Respectfully submitted,

Lisa Garrison
Borough Clerk

