

**BOROUGH OF WOODBINE
REGULAR MEETING**

**DECEMBER 1, 2016
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 27, 2016 and posting a copy of said notice on the Clerk’s bulletin board.”

Those present were: Mayor Pikolycky; Councilpersons Ortiz, Johnson, Bennett, Benson, Perez and Cruz. Also present were: Richard Tonetta, Borough Solicitor; Lew Conley, Borough Engineer; and Lisa Garrison, Borough Clerk.

Mayor Pikolycky called for approval of the minutes of November 3, 2016 (workshop and regular). On motion of Councilwoman Perez, seconded by Councilman Cruz to approve the minutes of November 3, 2016 as presented, unanimously carried.

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 12-79-2016

**A RESOLUTION AUTHORIZING THE BOROUGH SOLICITOR TO
SUBMIT AN APPLICATION TO THE LOCAL GOVERNMENT
SERVICES OF THE DEPARTMENT OF COMMUNITY AFFAIRS
DISSOLVING THE BOROUGH OF WOODBINE MUNICIPAL
UTILITIES AUTHORITY AND PORT AUTHORITY PURSUANT TO
NJSA 40A:5A-20, ET SEQ.**

WHEREAS, the Borough of Woodbine (Borough) desires to make application to the Local Finance Board, Department of Community Affairs of the State of New Jersey (Local Finance Board) with respect to two Ordinances being considered for adoption by the Council of the borough of Woodbine to wit; “Ordinance 558 An Ordinance Dissolving the Woodbine Port Authority and Moving Its Operations Into the Municipal Airport Utility Department” and “Ordinance 559 An Ordinance Dissolving the Woodbine Municipal Utilities Authority and Moving its Operations Into the Municipal Utilities Department” (collectively, Dissolution Ordinances); and

WHEREAS, the said application is to be made pursuant to N.J.S.A. 40A:5A – 20, et seq. (Local Fiscal Control Law) regarding the ordering of dissolution of government authorities; and

WHEREAS, under the Local Fiscal Control Law, approval by the Local Finance Board is required before adoption of the Dissolution Ordinances and that this Resolution is required to be adopted concurrently with the First Reading of the Dissolution Ordinances; and

WHEREAS, in compliance with the Local Fiscal Control Law, the Borough must file a Resolution of Approval, an application, and a copy of the Dissolution Ordinances with the Local Finance Board; and

WHEREAS, the dissolution of the Municipal Utilities Authority, and Port Authority will be in the best interest of the residents of the Borough and will best serve the health, welfare, and or convenience of the residents of the Borough, and the dissolution will achieve a more efficient means of providing and financing local public facilities and represents best practices.

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

1. The application to the Local Finance Board is hereby approved, and the Borough Solicitor is hereby authorized to prepare such an application and represent the Borough in matters pertaining thereto.

2. The Solicitor of the Borough of Woodbine is authorized to complete, execute and submit all of the documents stated herein by December 15, 2016, to be listed for consideration before the Local Finance Board on their January 11, 2017 agenda and an anticipated dissolution date of approval of February 1, 2017.

3. The Solicitor and/or administration representatives shall appear at the January 11, 2017 meeting of the Local Finance Board and any subsequent meetings thereof on behalf of the Borough to dissolve the Borough of Woodbine Municipal Utilities Authority and Port Authority.

BE IT FURTHER RESOLVED that the Solicitor and/or Mayor are authorized to execute any documents as required to effectuate the purpose of the Resolution as set forth herein.

On motion of Councilman Benson, seconded by Councilman Bennett 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. 12-80--2016

A RESOLUTION OF THE BOROUGH OF WOODBINE RESCINDING RESOLUTION NO. 11-78-2016 IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF BOROUGH ENGINEER, SOLICITOR, AUDITOR AND GRANT APPLICATION AND MANAGEMENT CONSULTANT SERVICES.

WHEREAS, the Borough Council of the Borough of Woodbine adopted resolution number 11 – 78 – 2016, implementing a fair and open process for the selection of Borough engineer, solicitor, auditor and Grant application and Management consultant Services wherein the Clerk is instructed to advertise for the professional service appointments subject to a fair and open process beginning no later than December 2, 2016, and further where in the criteria for each position is contained on a schedule therein;

WHEREAS, the Borough Council is presently considering the dissolution of the Borough of Woodbine Municipal Utilities Authority and Port Authority and merging the professional responsibilities associated with the operation of said Authorities with the professional services provided by the Borough engineer, solicitor, auditor and Grant application and Management consultant which will change the description of the professional services contained on schedule A of Resolution Number 11 – 78 – 2016, and further, should Borough Council favorably consider the dissolution of the said Authorities, the time within which the Borough Clerk shall cause the legal notices to be posted will change.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that Resolution Number 11 – 78 – 2016 is hereby rescinded and of no further force and effect.

RESOLUTION NO. 12-81-2016

REFUND OVERPAYMENT ON PROPERTY TAXES

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

WHEREAS, an overpayment has been created on the below listed due to a Veteran's Exemption; 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>
53	13	Corelogic (Enrique Rodriguez) 1 CoreLogic Way West Lake, TX 76262	\$1,015.73

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

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

RESOLUTION NO. 12-82-2016

OPENING SPECIFIC BANK ACCOUNT

WHEREAS, it has now become necessary for certain bank accounts for the Borough of Woodbine to be established; and

WHEREAS, it is in the best interest of the Borough of Woodbine to open these bank accounts;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The official bank account to be opened in the Borough of Woodbine shall be:

<u>Bank</u>	<u>Title of Account</u>
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Crest Savings Bank	Affordable Housing Trust Fund
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3. All appropriate officers and employees of the Borough of Woodbine are empowered to take any action necessary to give effect to this Resolution.
4. The official signatories on the following bank accounts shall be any two (2) of the following:

Account

Affordable Housing Trust Fund

Signatories

William Pikolycky, Mayor John H. Miller, CFO Lisa Garrison, Clerk

RESOLUTION NO. 12-83-2016

**APPROVAL TO SUBMIT THE GRANT APPLICATION AND EXECUTION OF THE
SUBCONTRACT WITH THE COUNTY OF CAPE MAY FOR THE MUNICIPAL
ALLIANCE PROGRAM FOR THE FISCAL GRANT CYCLE JULY 1, 2017-JUNE 30,
2018**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit

organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough Council of the Borough of Woodbine, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Cape May.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Woodbine, County of Cape May, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Woodbine Municipal Alliance grant for fiscal year 2017-2018 in the amount of :

DEDR	\$5,500.00
Cash Match	\$1,375.00
In-Kind	\$4,125.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

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

RESOLUTION NO. 12-84-2016

APPROVAL OF CHANGE ORDER NO. 1 MUNICIPAL BUILDING EMERGENCY GENERATOR

WHEREAS, Ronald Janney Electric Contractor, Inc. of Estell Manor, New Jersey was previously awarded a contract in the amount of \$80,462.50 for the project known as Municipal Building Emergency Generator; and

WHEREAS, during the course of the work, an additional fused disconnect switch was required to be installed by the NJDCA Electrical Sub Code Official, which work was over and above what was included in the original bid; and

WHEREAS, as a result of this change, there is a net increase in the contract amount of \$2,382.86 which is outlined on the attached Change Order No. 1; and

WHEREAS, Bruce S. Graham, P.E., Borough Engineer, of Van Note-Harvey Associates, recommends approval of Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine that Change Order No. 1 in the amount of \$2,382.86 is hereby approved making the new contract amount \$82,845.36.

At this time Mayor Pikolycky introduced the following proposed ordinances for Council's review.

PROPOSED ORDINANCE NO. 558-2016

AN ORDINANCE DISSOLVING THE WOODBINE PORT AUTHORITY AND MOVING ITS OPERATIONS INTO THE MUNICIPAL AIRPORT UTILITY DEPARTMENT

WHEREAS, N.J.S.A. 40:68A-1 et seq., known as the "Port Authority Law of New Jersey" authorizes municipalities to create a municipal port authority and through agency of the municipal Authority, to acquire, construct, maintain, operate, or provide works for the proper establishment of port facilities to foster and promote the welfare of the citizens therein; and

WHEREAS, the Woodbine Port Authority (WPA) was created pursuant to the powers stated herein by way of Ordinance Number 192 Section 1; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-20, et seq. (Local Fiscal Control Law), the Borough has the power to dissolve the WPA by ordinance, so long as it guarantees its bond obligations, debts, and undertakes its governmental operations; and

WHEREAS, in an effort to create more efficient and economic governmental practices, all agreements, contracts, or employees deemed to be unnecessary or superfluous can be re-evaluated, and if necessary, voided by the Borough; and

WHEREAS, all assets, real property, and leases, shall be assigned and/or deeded to the Borough; and

WHEREAS, all governmental operations currently supervised by the WPA shall be transferred to the Department of Airport Utility (DAU); and

WHEREAS, all monies, rents, and/or other assets collected by the WPA shall be

transferred to the Department of Finance of the Borough for inclusion in the general revenue funds.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council as follows:

SECTION I CHAPTER II, ARTICLE V, SECTION 2 – 29, ENTITLED WOODBINE
PORT AUTHORITY SHALL BE DELETED IN ITS ENTIRETY

SECTION II WOODBINE PORT AUTHORITY IS HEREBY
DISSOLVED PURSUANT TO THE LOCAL FISCAL
CONTROL LAW

Pursuant to N.J.S.A. 40 A: 5A- 20, et seq. (Local Fiscal Control Law), the Borough is dissolving the Woodbine Port Authority by ordinance and guaranteeing its bond and debt obligations, if any. As of the date of the adoption of this Ordinance, all assets and liabilities including any debt obligations of the WPA shall be transferred to the Borough of Woodbine. Adequate provisions shall be made for the assumption of the payment of all creditors or obligees of the WPA. A copy of this Ordinance, upon passage, shall be filed immediately with the New Jersey Secretary of State and with the Local finance Board.

SECTION III DEPARTMENT OF AIRPORT UTILITY

All of the powers, functions and/or responsibilities of the WPA shall be undertaken by the Department of Airport Utility. The position of Director of the Department of Airport Utility is hereby created and the salary of said Director shall be set forth in the Salary Ordinance of the Borough of Woodbine. The Director is authorized to take the following actions, consistent with the conditions stated herein:

A. Inventory the assets of the WPA and undertake the necessary administrative actions for said assets to be maintained by the Department of Airport Utility.

B. Evaluate all employees of the WPA and maintenance of the assets under the control of the WPA, and determine if it is necessary for said employees to continue and, if necessary, incorporate into the DAU's operations the functions previously handled by the WPA.

SECTION IV DEPARTMENT OF LAW

The Borough Solicitor is hereby authorized to take the following actions, consistent with the conditions stated herein;

A. Draft and execute deeds and/or other necessary legal documents to transfer title of the property owned by the WPA to the Borough of Woodbine.

B. Draft and execute leases, assignments, and/or other necessary legal documents required to transfer lease obligations, if any, from the WPA to the Borough of Woodbine.

C. Evaluate all employment contracts, agreements, and any other binding documents signed by the WPA and determine whether, in an effort to create more efficient and effective government practices and consistent with the Local Fiscal Control Law, any employment contracts, agreements, and any other binding documents can be terminated.

D. Draft, execute and/or take any other necessary legal action as required to carry out the

conditions set forth herein so as to dissolve the WPA and transfer its operations and assets to the Borough of Woodbine.

SECTION V SEVERABILITY

If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION VI BOROUGH CODE

The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of the Borough of Woodbine.

SECTION VII AMENDING THE CODE OF THE BOROUGH OF WOODBINE

The Borough Clerk and Borough Solicitor may change chapter numbers, article numbers and section numbers, if codification of this Ordinance creates a conflict between those numbers and the existing Code so as to avoid confusion and possible repealing of existing provisions unintentionally.

SECTION VII CLERICAL ERRORS.

The Borough Clerk and the Borough Solicitor may correct any clerical errors in the printing, publication, and codification of this Ordinance, provided both concur with the correction being made, and both certify in writing to the Mayor as to the specifics of the clerical correction no later than 7 days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next regular meeting. The said certification shall also be prominently posted no later than the date of the next regular meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the Borough Clerk.

SECTION VII LIBERAL INTERPRETATION.

The Borough Council intends that all general provisions, terms, phrases, and expressions contained in this Ordinance be liberally construed in order to assure that the true intent and meaning of the Borough Council may be fully implemented.

SECTION VIII EFFECTIVE DATE

This Ordinance shall take effect upon passage, approval, and publication, as required by law.

BE IT FURTHER ORDAINED, that the Mayor, Borough Solicitor and Borough Clerk are authorized to execute all documents necessary to dissolve the MUA and redistribute and/or reassign its assets agreements and/or leases to the Borough, subject to the above conditions and terms being a part thereof

On motion of Councilman Ortiz, seconded by Councilman Johnson to approve the introduction of the foregoing proposed ordinance with a public hearing scheduled for December 15, 2016, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: None

On motion of Councilman Johnson, seconded by Councilman Ortiz to approve the introduction of the following proposed ordinance with a public hearing scheduled for December 15, 2016, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: None

PROPOSED ORDINANCE NO. 559-2016

**AN ORDINANCE DISSOLVING THE WOODBINE
MUNICIPAL UTILITIES AUTHORITY AND MOVING ITS
OPERATIONS INTO THE MUNICIPAL UTILITIES
DEPARTMENT**

WHEREAS, N.J.S.A. 40:14B-1 et seq., known as the “Municipal and County Utilities Authority Law” authorizes counties or municipalities, either separately or in combination with other municipalities, by means and through agency of the municipal Authority, to acquire, construct, maintain, operate, or provide works for the supply or distribution of water, works for the collection, treatment, recycling and disposal of solid waste, works for the collection, treatment, purification, or disposal of sewage or other wastes, and works for the generation and distribution of electric power; and

WHEREAS, the Woodbine Municipal Utilities Authority (MUA) was created pursuant to the powers stated herein by way of Ordinance Numbers 153, Section 1, 161, Section 1, and 206; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-20, et seq. (Local Fiscal Control Law), the Borough has the power to dissolve the MUA by ordinance, so long as it guarantees its bond obligations, debts, and undertakes its governmental operations; and

WHEREAS, in an effort to create more efficient and economic governmental practices, all agreements, contracts, or employees deemed to be unnecessary or superfluous can be re-evaluated, and if necessary, voided by the Borough; and

WHEREAS, all assets, real property, and leases, shall be assigned and/or deeded to the Borough; and

WHEREAS, all governmental operations currently supervised by the MUA shall be transferred to the Department of Municipal Utilities (DMU); and

WHEREAS, all monies, rents, and/or other assets collected by the MUA shall be transferred to the Department of Finance of the Borough for inclusion in the general revenue funds.

NOW, THEREFORE, Be It Ordained by the Mayor and Council as follows:

SECTION I CHAPTER II, ARTICLE V, SECTION 2 – 30, ENTITLED WOODBINE UTILITIES AUTHORITY SHALL BE DELETED IN ITS ENTIRETY

SECTION II WOODBINE MUNICIPAL UTILITIES AUTHORITY IS HEREBY
CONTROL LAW DISSOLVED PURSUANT TO THE LOCAL FISCAL

Pursuant to N.J.S.A. 40 A: 5A- 20, et seq. (Local Fiscal Control Law), the Borough is dissolving the Woodbine Municipal Utilities Authority by ordinance and guaranteeing its bond and debt obligations, if any. As of the date of the adoption of this Ordinance all assets and liabilities, including any debt obligations of the MUA shall be transferred to the borough of Woodbine. Adequate provisions shall be made for the assumption of the payment of all creditors or obligees of the MUA. A copy of this Ordinance, upon passage, shall be filed immediately with the New Jersey Secretary of State and with the Local finance Board.

SECTION III DEPARTMENT OF MUNICIPAL UTILITIES

All of the powers, functions and/or responsibilities of the MUA shall be undertaken by the Department of Municipal Utilities. The Public Works Manager or Director of the Department of Municipal Utilities, as to case may be, is authorized to take the following actions, consistent with the conditions stated herein:

A. Inventory the assets of the MUA and undertake the necessary administrative actions for said assets to be maintained by the Department of Municipal Utilities.

B. Evaluate all employees of the MUA and maintenance of the assets under the control of the MUA, and determine if it is necessary for said employee to continue, and if necessary, incorporate into the DMU's operations the functions previously handled by the MUA.

SECTION IV DEPARTMENT OF LAW

The Borough Solicitor is hereby authorized to take the following actions, consistent with the conditions stated herein;

A. Draft and execute deeds and/or other necessary legal documents to transfer title of the property owned by the MUA to the Borough of Woodbine.

B. Draft and execute leases, assignments, and/or other necessary legal documents required to transfer lease obligations, if any, from the MUA to the Borough of Woodbine.

C. Evaluate all employment contracts, agreements, and any other binding documents signed by the MUA and determine whether, in an effort to create more efficient and effective government practices and consistent with the Local Fiscal Control Law, any employment contracts, agreements, and any other binding documents can be terminated.

D. Draft, execute and/or take any other necessary legal action as required to carry out the conditions set forth herein so as to dissolve the MUA and transfer its operations and assets to the Borough of Woodbine.

SECTION V SEVERABILITY

If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

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The Borough Council intends that all general provisions, terms, phrases, and expressions contained in this Ordinance be liberally construed in order to assure that the true intent and meaning of the Borough Council may be fully implemented.

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This Ordinance shall take effect upon passage, approval, and publication, as required by law.

BE IT FURTHER ORDAINED, that the Mayor, Borough Solicitor and Borough Clerk are authorized to execute all documents necessary to dissolve the MUA and redistribute and/or reassign its assets agreements and/or leases to the Borough, subject to the above conditions and terms being a part thereof

Unfinished Business: None

New Business: Mayor Pikolycky indicated the annual swearing-in is to be scheduled. Also advised the State Police have issued warning residents to beware of any scams during this holiday season.

Engineer's Report - None

Solicitor's Report - None

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

Public Comment: None

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

Respectfully submitted,

Lisa Garrison
Borough Clerk