

**BOROUGH OF WOODBINE  
REGULAR MEETING**

**DECEMBER 3, 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 Johnson, Bennett (via telephone) , Perez (via telephone), Benson and Cruz (via telephone) . Also present were: Richard Tonetta, Borough Solicitor (via telephone) ; Bruce Graham, Borough Engineer (via telephone); James Gurdziel, PW Supervisor; and Lisa Garrison, Borough Clerk. Councilman Ortiz was absent.

Mayor Pikolycky called for approval of the minutes. On motion of Councilman Johnson, seconded by Councilman Benson to approve the minutes of November 5, 2020, unanimously carried.

Mayor Pikolycky then called for the Introduction of Proposed Ordinance No. 592-2020, “An Ordinance Amending Ordinance No. 21-2010, as Amended Chapter 11 of the Code of the Borough of Woodbine”. On motion of Councilman Benson, seconded by Councilwoman Cruz to introduce the following ordinance with a public hearing scheduled for December 17, 2020 upon roll call vote, unanimously carried. Ayes: Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: Ortiz

**PROPOSED ORDINANCE NO. 592-2020**

**AN ORDINANCE AMENDING ORDINANCE NO. 219-2010,  
AS AMENDED, CHAPTER 11 OF THE CODE OF THE  
BOROUGH OF WOODBINE ENTITLED PROPERTY  
MAINTENANCE**

**WHEREAS**, Borough Council adopted Ordinance 219-2010 designating the International Property Maintenance Code, 2018 Edition, as published by the International Code Council as the Property Maintenance Code of the Borough of Woodbine for regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for conditions within the Borough essential to ensure that structures are safe, sanitary and fit for human occupation and use and the condemnation of buildings and structures unfit for human occupancy and use, which is kept in the Clerk’s Office of the borough of Woodbine; and

**WHEREAS**, the Borough intends upon amending the International Property Maintenance Code 2018 Edition (IPMC) to clarify the public official designated therein as being

the person authorized and directed to enforce the provisions of the Code.

**WHEREAS**, the Borough Council finds the Code Enforcement/Zoning Officer or his/her designee has sufficient knowledge and experience in construction to properly assess the condition of buildings and structures within the Borough to assure their compliance with the IPMC and securing the promotion of the public health, comfort, convenience, safety, welfare and prosperity of the Borough and its inhabitants.

**WHEREAS**, Borough Council further adopted Ordinance 2014-547, as amended, Section 11-2 of the Code of the Borough of Woodbine setting forth the requirements and obligations of the owners of certain properties deemed to be vacant as defined therein and finds that the Code Enforcement/Zoning Officer or his/her designee has sufficient knowledge and experience to serve in the capacity of “Public Officer.”

**NOW, THEREFORE BE IT ORDAINED** by the Council of the Borough of Woodbine that the Code of the Borough of Woodbine shall be amended as follows:

1. Section 11-1.2 of the Code of the Borough of Woodbine entitled Additions, Insertions and Changes shall be amended as follows:

Any reference in the International Property Maintenance Code 2018 Edition to “*code official*” shall mean the Code Enforcement/Zoning Officer or his/her designee.

2. Section 11-2.1 of the Code of the Borough of Woodbine entitled Definitions shall be amended as follows:

The definition of “**PUBLIC OFFICER**” shall be deleted in its entirety and replaced as follows:

**PUBLIC OFFICER**

The Code Enforcement Officer/Zoning Officer, or his/her designee, is hereby designated as the Public Officer of the Borough and shall exercise the powers prescribed by this Section.

**BE IT FURTHER ORDAINED** that any portion of Ordinance 2019-2010 or Ordinance 2014-547, as amended, Chapter 11 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.

Mayor Pikolycky called for the following resolutions:

**RESOLUTION NO. 12-113-2020**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS**

**BE IT RESOLVED** by the Commissioners of the Borough of Woodbine that the following transfers of 2020 appropriations are hereby approved in accordance with N.J.S.A 40A:4-58:

Current Fund:

From:

Subcode Officials OE	0-01-22-196	\$2,500.00
Legal OE	0-01-20-155	\$12,000.00
School Crossing Guard SW	0-01-25-241	\$6,000.00
Financial Admin OE	0-01-20-130	\$2,000.00
Assessment OE	0-01-20-150	\$4,000.00
Planning Board OE	0-01-20-180	\$3,000.00
Assessment OE	0-01-20-150	\$4,000.00

To:

Municipal Clerk OE	0-01-20-120	\$7,500.00
Admin & Exec OE	0-01-20-100	\$5,000.00
Tipping Fees	0-01-32-465	\$15,000.00
Aid to Vol Fire OE	0-01-25-225	\$2,000.00

On motion of Councilman Johnson, seconded by Councilwoman Perez 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. 12-114-2020**

**APPROVING THIRD AMENDMENT TO LETTER OF INTENT  
WITH NEXAMP, INC.**

**WHEREAS**, the Borough of Woodbine has entered into a Letter of Intent (LOI) with Nexamp, Inc., for a long-term lease of a portion of property located at Fidler Hill Road, Woodbine, New Jersey consisting of all or part of Block 117, Lot 1 on the Tax Map of the Borough of Woodbine and as generally depicted in Exhibit B of the LOI (“Property”), for the installation and operation of a ground-mounted, solar-powered electric generation facility, and the LOI included an option period of six (6)

months, until October 19, 2019, for Landlord and Tenant to enter into a Lease Agreement; and

**WHEREAS**, Landlord and Tenant entered into an Amendment to the LOI, dated October 17, 2019, extending the LOI and the option period therein until April 19, 2020; and

**WHEREAS**, Landlord and Tenant entered into a second Amendment to the LOI, dated May 7, 2020, extending the LOI and the option period therein until October 19, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of Woodbine that the LOI dated April 19, 2019 between the Borough of Woodbine and Nexamp, Inc.. amended on October 17, 2019 is hereby further amended to extend the LOI and the option period therein until October 19, 2020 is hereby further amended to extend the option period therein until January 19, 2021.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute a second amendment to the agreement extending the term as stipulated above, which shall be retained by the Borough Clerk and included along with this Resolution.

**RESOLUTION NO. 12-115-2020**  
**APPROVAL OF CHANGE ORDER NO. 1 FINAL**  
**BIKEWAY AT ECO PARK**

**WHEREAS**, Charles Marandino, LLC of Milmay, NJ was previously awarded a contract for the construction of the Bikeway at Eco Park project in the amount of \$164,136.00 which is being funded by a NJDOT FY2020 Discretionary Aid Grant; and

**WHEREAS**, during the course of work on the project, various overages and underages in the bid quantities occurred; and

**WHEREAS**, the changes in the quantities resulted in a net decrease in the contract amount of \$7,345.00 resulting in a revised total contract amount of \$156,791.00 all as shown on Change Order No. 1 Final;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Woodbine, that Change Order No. 1 Final is hereby approved

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

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

**RESOLUTION NO. 12-116-2020**  
**REFUND OVERPAYMENT ON PROPERTY TAXES**

**WHEREAS**, the Tax Collector of the Borough of Woodbine has collected from the below listed excess on their 2020 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>
91	3	Michael & Margaret Benson 7 Sumner Ave Woodbine, NJ 08270	\$142.07	Double Payment
112	3 C0165	107 Cormarty Dr Williamstown, NJ 08094	\$193.14	Double Payment

**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. 12-117-2020**

**REFUND OVERPAYMENT ON 100 LOW LEVEL FUEL**

**WHEREAS**, the Woodbine Municipal Airport sells 100 Low Lead Fuel; and

**WHEREAS**, an overpayment has been created on the below listed due to the following;  
and

**WHEREAS**, the Airport Manager has determined that said overpayment should be refunded accordingly to the below listed:

<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
Jason Flood	\$6.60	Incorrect fuel rate

**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 Councilwoman Perez, seconded by Councilman Bennett to approve the foregoing resolution, unanimously carried.

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

**RESOLUTION NO. 12-118-2020**

**ACCEPTANCE OF PROJECT AND  
APPROVAL OF FINAL PAYMENT  
PEDESTRIAN SIDEWALK & ADA IMPROVEMENTS**

**WHEREAS**, Charles Marandino, LLC of Milmay, New Jersey has satisfactorily completed the contract for the project known as CONSTRUCTION OF PEDESTRIAN SIDEWALK & ADA IMPROVEMENTS; and

**WHEREAS**, the Contractor has now submitted the final Payment Request on the project; and

**WHEREAS**, the Borough Engineer, Bruce S. Graham of Van Note-Harvey Associates, has recommended acceptance of the project as complete.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Woodbine, that Estimate Certificate No. 4-Final be and the same is hereby approved subject to concurrence by the New Jersey Department of Community Affairs (NJDCA).

**AND BE IT FURTHER RESOLVED** that the contract for the said work be, and the same is hereby accepted, and that all payments to Charles Marandino, LLC be made thereon upon concurrence by NJDCA.

**RESOLUTION NO. 12-119-2020**

**ASSIGNMENT OF TAX SALE CERTIFICATES**

**WHEREAS**, N.J.S.A. 54:5-113 provides for the private sale of tax sale certificates held by a municipality; and

**WHEREAS**, the Tax Collector of the Borough of Woodbine desires authorization for the private sale by assignment of a certain certificate of tax sale, together with subsequent liens thereon for not less than the amount of liens charged against such real estate; and

**WHEREAS**, ZZ Equities LLC, has offered to take an assignment of certain tax sale certificates upon the payment of the total amount due on said tax sale certificate at the time of said assignment; and

**WHEREAS**, notice of the proposed Assignment has been mailed to Robert Hagaman, the owner on the last tax duplicate, by certified and regular mail, and posted in three public places within the Borough.

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

1. The Collector of Taxes for the Borough of Woodbine is hereby authorized to sell by private sale by assignment to Kevin McFadden the following certificate of tax sale, together with subsequent liens thereon for not less than the amount of liens charged against such real estate at the time of the assignment.

Block <u>Lot</u>	<u>Description</u>	Cert No.	<u>Date</u>	Amt of Sale <u>In Cert</u>	Tax Liens <u>Accrued</u>	Total Tax <u>Lien</u>
67/9	705-709 DeHirsch Ave	20-00052	01/7/20	\$ 1,338.76	\$1,607.72	\$2,946.48

The Mayor and Municipal Clerk are hereby authorized to execute the necessary assignment documents to effect assignments of the above-referenced Certificates of Sale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Tax Collector.

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

On motion of Councilman Johnson, seconded by Councilman Bennett to approve Resolution No. 12-120-2020 (which is hereby attached and made a part of these minutes), unanimously carried.

On motion of Councilman Benson, seconded by Councilman Bennett to approve Resolution No. 12-121-2020 (which is hereby attached and made a part of these minutes), unanimously carried.

Unfinished Business

None

New Business

None

Engineer's Report – None

Solicitor's Report – None

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

Public Comment - None

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

Respectfully submitted,

Lisa Garrison  
Borough Clerk

