

**BOROUGH OF WOODBINE
REGULAR MEETING**

**JULY 16, 2015
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 Herald on January 20, 2015 and posting a copy of said notice on the Clerk's bulletin board."

Those present were: Mayor Pikolycky; Councilmen Ortiz, Murray, Bennett, Perez, Benson 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 May 21, 2015 (workshop & regular) on motion of Councilman Cruz, seconded by Councilman Bennett to approve and adopt said minutes. Motion carried with three (3) abstentions by Councilmen Ortiz and Murray and Councilwoman Perez. Mayor Pikolycky next called for approval of the minutes of June 18, 2015 (workshop & regular). On motion of Councilman Ortiz, seconded by Councilman Cruz to approve and adopt said minutes, carried with two (2) abstentions by Councilmen Murray and Benson.

Mayor Pikolycky called for the introduction of Proposed Ordinance No. 554-2015, "An Ordinance Authorizing the Sale of Land of the Borough of Woodbine Not Needed for Public Purposes in Accordance with N.J.S.A. 40A:12-13(b)(5)". On motion of Councilman Benson, seconded by Councilman Bennett to approve the introduction of proposed Ordinance No. 554-2015, unanimously carried upon roll call vote. Ayes: Ortiz, Murray, Bennett, Perez, Benson, Cruz

PROPOSED ORDINANCE NO. 554-2015

**AN ORDINANCE AUTHORIZING SALE OF BLOCK 56 LOT 11 TO CONTIGUOUS
PROPERTY OWNER**

WHEREAS, the Borough of Woodbine is the owner of real property at Block 56 Lot 11 which is not needed for public use; and

WHEREAS, Block 56 Lot 11 is an undersized lot, without capital improvements; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(5), the subject property may be sold privately to the contiguous property owners with such sale to be not less than the fair market value of the subject real property; and

WHEREAS, Borough Council has heretofore fixed fair market value for the subject property at \$5,887.50 same to constitute a minimum price for bidding purposes; and

WHEREAS, it has been determined that it is in the best interests of the Borough of Woodbine to submit the subject property for sale to the aforesaid contiguous property owners, with the condition that the sale be for fair market value, and the subject property shall be consolidated with the existing property of the contiguous property owner.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Woodbine, in the

County of Cape May and State of New Jersey, as follows:

SECTION 1.

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

SECTION 2.

The Mayor and Municipal Clerk of the Borough of Woodbine be and they are hereby authorized to offer the subject property, Block 56Lot 11 for sale to the aforesaid contiguous property owners, conditioned on the sale being for not less than fair market value, heretofore fixed by Council at a minimum price of \$5,887.50 and further conditioned on the property to be consolidated with the Buyer's existing property, an subject to such other conditions as are conventionally required by the Borough in connection with the sale of real property no longer needed for public use and they are further authorized to execute, acknowledge and deliver such documents, instruments and papers and perform such acts as may be legally, properly and reasonably required or necessary for the purpose of conveying title to the subject property.

SECTION 3. REPEALER

All ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect immediately upon final adoption and publication as required by law.

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 7-68-2015

**PROVIDING FOR THE INSERTION OF A SPECIAL ITEM
OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount:

Section 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodbine, County of Cape May, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$10,000.00, which item is now available as a revenue from the Woodbine Municipal Utilities Authority.

Section 2.

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 is hereby appropriated under the caption of WMUA PPG Grant Cash Match.

BE IT FURTHER RESOLVED that two copies of the required certification, together with supporting documentation, be filed in the office of the Director of Government Services for his certification.

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

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

RESOLUTION NO. 7-69-2015

**PROVIDING FOR THE INSERTION OF A SPECIAL ITEM
OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount:

Section 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodbine, County of Cape May, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$240,000.00, which item is now available as a revenue from the Department of the Transportation.

Section 2.

BE IT FURTHER RESOLVED that a like sum of \$240,000.00 is hereby appropriated under the caption of DOT Pedestrian Safety & Bikeway Improvements.

BE IT FURTHER RESOLVED that two copies of the required certification, together with supporting documentation, be filed in the office of the Director of Government Services for his certification.

RESOLUTION NO. 7-70-2015

**RENEWAL OF PLENARY RETAIL CONSUMPTION AND DISTRIBUTION LICENSES AND
CLUB LICENSES FOR THE TERM FROM JULY 1, 2015 TO JUNE 30, 2016 FOR THE
LICENSES HEREIN SPECIFIED**

WHEREAS, the holders of Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses hereinafter indicated have made application to the Mayor and Council of the Borough of Woodbine, the issuing authority of the Borough of Woodbine, for the renewal of said licenses for the term commencing July 1, 2015 and ending June 30, 2016; and

WHEREAS, no written objections to the renewal of any of said licenses have been filed with the Borough Clerk necessitating a hearing thereon; and

WHEREAS, the Mayor and Council are satisfied that the licenses hereinafter specified should be renewed for the term indicated.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The applications for renewal hereinafter designated have paid all required fees to the Borough Clerk.
3. The submitted application forms as to each of the hereinafter designated licensees are complete in all respects.
4. The hereinafter designated applicants for renewal are qualified to be licensees according to all standards established by Title 33 of the New Jersey Statutes, regulations and promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.
5. The applicants for renewal have heretofore disclosed the source of all funds used in the purchase of the license and licensed business and this issuing authority is satisfied with the disclosure and adequacy of that information.
6. The following licenses are hereby renewed for the license term commencing July 1, 2015 and ending on June 30, 2016.

Name of Licensees and Licensed Premises	License Numbers
Harsukh, LLC 1557 DeHirsch Ave Woodbine, New Jersey 08270	0516-44-007-003 PRD
Mouse Trap Lanes Bowling Alley, LLC 2051 Route 610 Woodbine, New Jersey 08270	0516-33-001-008 PRC
Maxs Woodbine House LLC 1563 DeHirsch Ave Woodbine, New Jersey 08270	0516-32-003-007 PRC

7. A certified copy of this Resolution shall be forthwith filed with the Director of Alcoholic Beverage Control of the State of New Jersey.

RESOLUTION NO. 7-71-2015

CANCEL OUTSTANDING CHECKS

WHEREAS, the Chief Financial Officer, John H. Miller, has noted that the following checks are outstanding:

Clerk's Account #549037490

<u>Check No.</u>	<u>Dated:</u>	<u>Amount</u>
126	04/01/15	\$ 25.00

Current Account #549037516

<u>Check No.</u>	<u>Dated:</u>	<u>Amount</u>
30563	04/06/15	\$6,500.00

and;

WHEREAS, the Chief Financial Officer wishes to cancel said outstanding checks:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine, County of Cape May and State of New Jersey, that the Treasurer is hereby authorized and directed to cancel the above noted outstanding check.

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

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

RESOLUTION NO. 7-72-2015

AUTHORIZING EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen with respect to pay the court judgement in the case of Kiejdan Family, LLC v Borough of Woodbine, and no adequate provision was made in the 2015 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$62,912.46 and three percent of the total operating appropriations in the budget for 2015 is \$71,078.79 and

WHEREAS, the foregoing appropriation, together with prior appropriations, does not exceed three percent of the total current operating appropriations (including utility operating appropriations) in the budget for 2015;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine in the County of Cape May (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation be and the same is hereby made for a Court Judgement Re: Trash Collection in the amount of \$62,912.46.
2. That said emergency appropriation shall be provided for in full in the 2016 budget and is requested to be excluded from CAPS pursuant to N.J.S. 40A:4-45.3.c(1).
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

RESOLUTION NO. 7-73-2015

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 66 Lot 4 917 Franklin St	\$ 60.00
Block 25 Lot 6 414 Jackson Ave	\$ 60.00
Block 74 Lot 11 522 Heilprin Ave	\$ 60.00
Block 56 Lot 3 625 Jefferson Ave	\$ 60.00
Block 57 Lot 9 716 Monroe Ave	\$ 60.00
Block 9 Lot 13	

742 Jackson Ave	\$ 60.00
Block 61 Lot 8 917 Franklin St	\$ 60.00
Block 86 Lot 1.02 1016 Bryant St	\$ 140.00
Block 12 Lot 5 713 Jackson Ave	\$ 140.00
Block 25 Lot 4 402 Jackson Ave	\$ 60.00

On motion of Councilman Ortiz, 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. 7-74-2015

A RESOLUTION OF THE BOROUGH OF WOODBINE AUTHORIZING THE PAYMENT OF A JUDGMENT IN THE MATTER OF KIEJDAN FAMILY, LLC, VS. BOROUGH OF WOODBINE, DOCKET NO: CMP-L-312-10.

WHEREAS, litigation was commenced in the above matter and after a trial, an award was adjudged on behalf of the Plaintiff, Kiejdan Family, LLC, in the amount of \$55,709.70 on January 29, 2013, with interest accumulating on the unpaid amount at a rate of 2.25% per annum; and

WHEREAS, the Borough Council finds it to be necessary to satisfy said Judgment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF BOROUGH OF WOODBINE, that the Clerk is directed to submit payment to Kiejdan Family, LLC, in the amount of \$55,709.70 together with interest at a rate of 2.25% per annum to be held by Plaintiff's counsel until a Warrant to Satisfy Judgment is received to be filed.

Mayoral Appointment - Diana Marra – Alternate III – Planning Board

Unfinished Business –

Councilwoman Perez indicated the Kids Carnival will be held on August 8, 2015 starting at 1:00 p.m – 5:00 p.m.. Everyone is welcomed and encouraged to attend. Station Commander Pearson indicated the bike patrols have started and the garage has been installed at the barracks. He thanked Mayor Pikolycky for his assistance with the garage. Mayor Pikolycky also extended his thanks for the Station Commander's presence at Admiral's Day.

Councilman Ortiz questioned if the generator could be utilized to charge residents cell phones.

New Business – None

Engineer’s Report - None

Solicitor’s Report - None

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

Public Comment: None

Adjournment - On motion of Councilman Murray, seconded by Councilman Cruz to adjourn, unanimously carried.

Respectfully submitted,

Lisa Garrison
Borough Clerk