

**BOROUGH OF WOODBINE
REGULAR MEETING**

**FEBRUARY 20, 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 and Benson. Also present were: Richard Tonetta, Borough Solicitor; Bruce Graham, Borough Engineer; Kan Liu, Airport Engineer; 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 Johnson, seconded by Councilman Benson to approve the minutes of February 6, 2020, carried with two (1) abstention by Councilwoman Perez.

At this time Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 2-26-2020

**AUTHORIZATION TO RETAIN PLANNING SERVICES
FROM THE DEPARTMENT OF COMMUNITY AFFAIRS
LOCAL PLANNING SERVICES
ZONING ORDINANCES PREPARATION**

WHEREAS, Borough of Woodbine is in need of professional planning services to prepare Zoning Ordinances to compliment the 2019 Master Plan’s Land Use Element for the Borough of Woodbine (“the project”); and

WHEREAS, the New Jersey Department of Community Affairs, Office of Local Planning Services (“LPS”) provides a variety of planning services at no direct cost to eligible municipalities; and

WHEREAS, the Borough of Woodbine is an eligible municipality and an application for services was submitted by the Mayor or municipal designee to Local Planning Services on October 4, 2019; and

WHEREAS, the Borough of Woodbine has received the Scope of Services for the project prepared by Local Planning Services (LPS) (attached); and

WHEREAS, the Borough of Woodbine desires to accept the aforementioned Scope of Services and names Monserrate Gallardo, Planning/Zoning Board Secretary as the contact person for the project; and

WHEREAS, there is no budgetary impact on Borough of Woodbine for the services being provided by LPS; and

WHEREAS, the Borough of Woodbine does not have in-house planning capabilities to perform the services being provided by LPS nor is Borough of Woodbine under contract with a professional planner to complete the project; and

WHEREAS, the Council deems the interests of Borough of Woodbine will be best served by accepting the services being provided by LPS; and

WHEREAS, as a condition of receiving LPS's services, Borough of Woodbine is required to form a Coordination Committee to guide, provide and exchange information to and from LPS, Council and the Land Use Board; and

WHEREAS, the Borough of Woodbine is committed to the completion of this project and will assist LPS as needed.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Woodbine hereby authorizes Monserrate Gallardo, Land Use Board Secretary to perform all acts necessary to accomplish the intent of this resolution; and

BE IT FURTHER RESOLVED by the Borough of Woodbine as follows:

1. Borough of Woodbine will retain professional planning services provided by LPS and approves the attached Scope of Services for the planning project.
2. Borough of Woodbine has or will form a Coordination Committee to work with LPS.
3. Borough of Woodbine authorizes the Mayor or municipal designee to appoint the members of the Coordination Committee and/or any replacement members necessary to retain functionality of the Committee in the event of vacancies; and
4. Borough of Woodbine will provide access to appropriate municipal staff, consultants and officials; meeting space; and other non-monetary resources that may be necessary to complete the identified planning project.

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

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

RESOLUTION NO. 2-27-2020

**AUTHORIZING THE HIRING OF VAN NOTE-HARVEY ASSOCIATES FOR
PROFESSIONAL SERVICES FOR PREPARATION OF AN ASSET
MANAGEMENT PLAN**

WHEREAS, as part of the requirements under the State of New Jersey Water Quality Accountability Act, public water systems are required to have an Asset Management Plan (AMP) on file to be used as a tool for future capital improvement planning; and

WHEREAS, the Borough does not currently have an AMP on file for their water system and would need to spend significant funds that are not available in the budget in order to complete one; and

WHEREAS, funds are available through the NJ Environmental Infrastructure Trust (a/k/a I-Bank) which include principal forgiveness up to \$100,000 to be used for preparation of an AMP and thereafter implement at least one of the capital project recommendations in said AMP; and

WHEREAS, Bruce S. Graham, P.E., of Van Note-Harvey Associates, Borough Engineer has submitted a proposal and suggested contract for the professional services required to prepare an AMP; and

WHEREAS, the Governing Body of the Borough of Woodbine finds the scope of services to be provided by Van Note-Harvey Associates to be acceptable; and

WHEREAS, the Governing Body also finds it in the interest of the citizens of the Borough of Woodbine to accept the proposal of Van Note-Harvey Associates as submitted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that a contract for preparation of an AMP to be prepared in accordance with NJEIT's Guidance and Best Management Practices for an AMP be awarded to Van Note-Harvey Associates; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute all documents necessary to effectuate a contract with Van Note-Harvey Associates for this project as well as to pursue funding of this work through the I-Bank.

RESOLUTION NO. 2-28-2020

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
WOODBINE AUTHORIZING AND SUPPORTING APPLICATION TO
THE UNITED STATES COAST GUARD FOR OFFICIAL DESIGNATION
OF CAPE MAY COUNTY AS "A COAST GUARD COMMUNITY"**

WHEREAS, the United States Congress, through federal legislation, has

enabled the United States Coast Guard to designate a community having a special relationship with the Coast Guard as a “Coast Guard Community”; and

WHEREAS, local Coast Guard command is empowered to recommend that the “Coast Guard Community” designation be awarded to a surrounding city, county or other juridical entity that meets rigorous application standards, with only 14 communities across the nation having received such designation; and

WHEREAS, the residents of Cape May City, the Borough of Woodbine and Cape May County have enjoyed a unique relationship with Coast Guard personnel and their families for nearly a century, by virtue of, among other things, the Coast Guard’s ownership and maintenance of properties in municipalities throughout the County; and

WHEREAS, most notably, since as early as 1917 the Coast Guard has had a presence at what has grown into the 352-acre site in Cape May City, County of Cape May, now known as Training Center Cape May, or “TRACEN”; and Woodbine has served as host to the US Coast Guard Uniform Distribution Center and

WHEREAS, Coast Guard personnel and their families reside both in on-base housing in Cape May City and in private housing located in municipalities throughout the County, which, by virtue of its unique geographic configuration as a peninsula surrounded by water, is comprised of 16 contiguous municipalities whose economic, social and civic structures are closely interdependent; and

WHEREAS, Coast Guard families and non-Coast Guard families interact with and support one another on a daily basis in all aspects of community living; and

WHEREAS, the Coast Guard presence at TRACEN today includes over 1,160 total military and civilian personnel working at the base, providing recruit training for all entry-level recruits entering Coast Guard service and graduating an average of more than 2,300 recruits yearly, in addition to providing officer training and education, vessel support, air/sea rescue, investigative services, communication facilities, and homeland security services, all in furtherance of the continuous coastal patrol and defense of our nation; and the Uniform Distribution Center provides employment for 20 civilians and has the support of local volunteers and

WHEREAS, Coast Guard personnel and their families also welcome over 41,000 additional guests and visitors annually into Cape May County; and

WHEREAS, Cape May County residents and businesses have a longstanding history of recognizing and supporting their Coast Guard neighbors, and wish to formalize their continuing commitment to these men, women and

children and make known to the public their commitment by attaining the designation of “Coast Guard Community”; and

WHEREAS, the County of Cape May joins with the City of Cape May and the Borough of Woodbine in this collaborative initiative;

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

1. The above recitals are incorporated herein by reference;
2. Upon adoption of this Resolution, the Mayor is hereby authorized and directed to execute, individually or jointly, any and all documents necessary and appropriate to join efforts with Cape May County, Cape May City and the Borough of Woodbine to complete an application for regional designation by the United States Coast Guard as an official “Coast Guard Community”; and
3. The Borough of Woodbine affirms its lengthy and honored relationship with the United States Coast Guard, and pledges to continue its long history of full and unwavering support for Coast Guard personnel and their families.

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

Mayor Pikolycky called for the Introduction of Proposed Ordinance No. 586-2020.

PROPOSED ORDINANCE NO. 586-2020

BOND ORDINANCE OF THE BOROUGH OF WOODBINE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AMENDING AND RESTATING IN ITS ENTIRETY BOND ORDINANCE NO. 561-2017, FINALLY ADOPTED ON FEBRUARY 16, 2017, AS AMENDED BY BOND ORDINANCE 584-2019, FINALLY ADOPTED ON OCTOBER 17, 2019, APPROPRIATING FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000) AND AUTHORIZING THE ISSUANCE OF UP TO FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000) AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS OR NOTES OF THE BOROUGH OF WOODBINE, COUNTY OF CAPE MAY, NEW JERSEY FOR THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVMENTS TO THE BOROUGH’S DRINKING WATER SYSTEM AND TO SPECIFY THE SOURCES OF FUNDING FOR SUCH IMPROVEMENTS

WHEREAS, the Borough Council of the Borough of Woodbine, in the County of Cape May, New Jersey (the “**Borough**”), heretofore adopted Bond Ordinance No. 561-2017,

entitled:

“BOND ORDINANCE APPROPRIATING THREE MILLION NINETY THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$3,090,730) AND AUTHORIZING THE ISSUANCE OF UP TO THREE MILLION NINETY THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$3,090,730) AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS OR NOTES OF THE BOROUGH OF WOODBINE, COUNTY OF CAPE MAY, NEW JERSEY FOR THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS TO THE WATER SYSTEM OF THE BOROUGH”

(the “**Original Bond Ordinance**”), pursuant to which the Borough authorized the issuance of bonds and notes up to the aggregate principal amount of \$3,090,730 (the “**Original Project Costs**”) for the purpose of financing the costs of construction of various capital improvements to the Borough’s Water Treatment Plant, extension of the Fidler Hill Road Water Main, and creation of a Water Main Loop at Woodbine Airport (collectively, the “**Water Projects**”), through the combination of financing programs involving loans and grants offered by the New Jersey Infrastructure Bank (formerly the “New Jersey Environmental Infrastructure Trust”) (the “**I-Bank**”) and the United States Department of Agricultural Rural Development (“**USDA**”); and

WHEREAS, the Borough intended to finance the Original Project Costs through a combination of (i) grant and loan funding from the USDA in the amount of \$2,090,730 and (ii) a loan from the I-Bank in the amount of \$1,000,000; and

WHEREAS, as a result of a change in the priority ranking system of the I-Bank, the Borough was notified that the I-Bank was not going to provide either temporary construction financing or any portion of the permanent financing for the Original Project Costs as originally appropriated and authorized under the Original Bond Ordinance; and

WHEREAS, due to the permitting process and various required additional project components, the Original Project Costs increased from \$3,090,730 to \$3,881,530 (the “**First Amended Project Costs**”); and

WHEREAS, by letter dated July 18, 2019, USDA increased its commitment to provide permanent loans in the aggregate principal amount of \$1,974,000 and grants in the aggregate amount of \$1,907,530, for a total amount of \$3,881,530 (the “**Revised USDA Commitment**”) to fund the payment of the First Amended Project Costs; and

WHEREAS, on October 17, 2019, the Borough Council adopted Bond Ordinance No. 584-2019, which amended the Original Bond Ordinance (“**2019 Amendment**”; and together with the Original Bond Ordinance being collectively referred to as the “**First Amended Bond Ordinance**”), to increase the appropriation for the Water Projects to the First Amended Project Costs and eliminate the I-Bank financing component for the Water Projects; and

WHEREAS, the First Amended Project Costs have now increased to Four Million Eight Hundred Eighty-One Thousand Five Hundred Thirty Dollars (\$4,881,530) (the “**Second Amended Project Costs**”); and

WHEREAS, the I-Bank recently notified the Borough that the I-Bank will provide both temporary construction financing to pay all of the Second Amended Project Costs and permanent financing in the principal amount of One Million Dollars (\$1,000,000) under the I-Bank’s Nano Loan Program, inclusive of principal forgiveness in the amount of Five Hundred Thousand Dollars (\$500,000), which together with the loans and grants from the USDA under the Revised USDA Commitment will be sufficient to pay the Second Amended Project Costs; and

WHEREAS, the Borough Council believes it to be in the best interests of the residents of the Borough to increase the appropriation for the Water Projects to cover the Second Amended Project Costs plus the amount required to pay all related fees and costs associated with the financing to be provided by the I-Bank for the Water Projects; and

WHEREAS, the Borough Council believes it to be in the best interests of the residents of the Borough to increase the appropriation under the Original Bond Ordinance for the Water Projects as hereinafter set forth.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodbine, in the County of Cape May, New Jersey (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), as follows:

Section 1. Description of Projects:

The Borough of Woodbine (the “**Borough**”) hereby authorizes the following projects to maintain and support compliance by the Borough with the drinking water regulations of the State of New Jersey and thereby improve and protect the Borough’s water system (collectively, the “**Water System Improvement Projects**”):

IMPROVEMENT OR
PURPOSE

APPROPRIATION
ESTIMATED COST

Improvements to the Borough’s Water Treatment Plant, extension of the Fidler Hill Road Water Main, and creation of a Water Main Loop at Woodbine Airport, which includes critical upgrades to and extensions of the existing water treatment and distribution system of the Borough in accordance with the Preliminary Engineering Report of Van Note-Harvey Associates, PC, the Authority’s engineer, dated April 29, 2016, Revised July 25, 2016, and entitled “Woodbine Municipal Utilities Authority Water System Improvements Preliminary Engineering Report”, and including all costs

of surveying, construction, planning, design, engineering, preparation of plans and specifications, permits, bid documents, construction inspection, administration, accounting, architectural, financial and legal.

\$5,100,000

Section 2. Permanent Funding of Appropriation

(a) To provide funds to permanently fund the costs of the Second Amended Project Costs and related fees and costs associated with the Water Projects (the **"Total Water Project Costs"**), the issuance by the Borough of bonds in the aggregate principal amount of up to \$5,100,000 is hereby authorized, approved, ratified and confirmed. The Total Water Project Costs are intended to be permanently financed through a combination of (i) the issuance of bonds by the Borough to the United States Department of Agriculture (**"USDA"**) in return for a permanent loans under the United States Department of Agriculture Rural Development Water and Waste Disposal Loan and Grant Program (the **"USDA Program"**), which program is administered by the USDA, in the aggregate principal amount of One Million Nine Hundred Seventy-Four Thousand Dollars (\$1,974,000) (the **"USDA Bonds"**), and grants to be funded from the USDA Program in the aggregate amount of One Million Nine Hundred Seven Thousand Five Hundred Thirty Dollars (\$1,907,530) (the **"Grant Amount"**); and (ii) the issuance of general obligation bonds of the Borough (the **"GO Bonds"**; and collectively with the USDA Bonds being hereinafter referred to as the **"Bonds"**) to be issued to the New Jersey I-Bank (the **"I-Bank"**) and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the **"State"**), pursuant to the New Jersey I-Bank Nano Loan Financing Program (the **"NANO Loan Program"**) in the maximum principal amount of One Million Dollars (\$1,000,000). The Borough also anticipates receiving principal forgiveness from the State and I-Bank under the Nano Loan Program in the amount of Five Hundred Thousand Dollars (\$500,000).

(b) In accordance with N.J.S.A. 40A:2-11(c), no down payment shall be required in connection with the issuance of the bonds for the clean water project as this Bond Ordinance authorizes an obligation referred to in N.J.S.A. 40A:2-7(h) for purposes that are self-liquidating as described in N.J.S.A. 40A:2-45.

Section 3. Temporary Construction Financing From I-Bank Prior to Issuance of Bonds

In anticipation of the issuance of the Bonds, the Borough hereby authorizes, if necessary or desirable, the issuance, sale and award of construction project notes (the "**Construction Project Notes**") pursuant to the I-Bank's construction financing program (the "**I-Bank Construction Financing Program**"). The Construction Project Notes shall be substantially in the form provided by the I-Bank in the I-Bank Construction Financing Program's loan agreement. The execution and delivery of the Project Notes and all additional documents and instruments related thereto by the Mayor, Deputy Mayor, Chief Financial Officer and Municipal Clerk (collectively, the "**Authorized Officials**") is hereby authorized. The Authorized Officials are each hereby authorized to determine, pursuant to the terms and conditions established by the I-Bank and the State under the I-Bank Construction Financing Program's loan agreement and the terms and conditions of this Ordinance and any subsequent resolution of the Borough Council, the following items with respect to the Construction Project Notes: (a) the aggregate principal amount of the Construction Project Notes to be issued, which amount shall not exceed \$5,100,000; (b) the maturity of the Construction Project Notes, which shall be no later than two years after the date of issuance thereof; (c) the date of the Construction Project Notes; (d) the interest rate of the Construction Project Notes, which shall not exceed 2% per annum; (e) the purchase price for the Construction Project Notes; and (f) such other matters with respect to the Construction Project Notes as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof. The Authorized Officials are hereby further authorized to manually execute and deliver and the Municipal Clerk is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Borough to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Construction Project Notes and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

Section 4. Authorization of Bond Anticipation Notes In Lieu of I-Bank Construction Financing

If the Borough shall elect to forego the I-Bank Construction Financing Program, then prior to the issuance of permanent bonds and to temporarily finance the Water System Improvement Projects stated in Section 1, above, negotiable notes of the Borough in a principal amount not exceeding FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date.

Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Bond Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the Borough at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Bond Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Bond Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Additional Matters

The following additional matters are hereby determined, declared and recited and stated:

(a) The said purposes described in Section 1 of this Bond Ordinance are not current expenses and are improvements which the Borough may lawfully require or make and no part of the costs thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The average period of usefulness of said purposes authorized herein, taking into consideration the respective amounts of said obligations authorized for such purposes, computed in accordance with N.J.S.A. 40A:2-22 is **40 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Bond Ordinance by a maximum amount of FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000), and the said Bonds authorized by this Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding ONE MILLION DOLLARS (\$1,000,000) in the aggregate for interest on said Bonds, costs of issuing said Bonds, engineering and

inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Borough in connection with the improvements as authorized herein, and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 6. Maturity of Bonds

The Bonds shall mature at such time or times not exceeding forty (40) years from the date thereof as may be approved by the Local Finance Board of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey ("**Local Finance Board**") pursuant to N.J.S.A. 58:11B-9(a) and 40A:2-26 of the Local Bond Law. All other terms of the Bonds, including, without limitation, the dates thereof, the rate or rates of interest to be paid thereon, the provisions for redemption prior to maturity thereof, and the place or places for payment thereof, shall be as determined by subsequent resolution or resolutions of the Borough Council as permitted by N.J.S.A. 40A:2-16 of the Local Bond Law.

Section 7. Execution of Bonds

The Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor or Deputy Mayor, Borough Administrator, and Chief Financial Officer under the affixed, imprinted, engraved or reproduced seal of the Borough attested by the manual or facsimile signature of the Borough Clerk.

Section 8. Authorization to Contract

The Borough is hereby authorized and directed to enter into any and all contracts or agreements necessary, desirable or convenient to effectuate the financing program with the Trust and State authorized by this Bond Ordinance.

Section 9. Execution of Documents

The Mayor, Deputy Mayor, Chief Financial Officer, Borough Administrator and Clerk of the Borough are hereby jointly and severally authorized and directed to take all actions and execute all documents and instruments necessary or appropriate to carry out the purposes of this Bond Ordinance, including, without limitation, the furnishing of such documentation and information as may be required by the Director of the Local Finance Board. All prior actions taken by such officials in connection with the financing program authorized by this Bond Ordinance are hereby ratified and confirmed.

Section 10. Covenants

The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the

Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 11. Ratification of Prior Actions

Any action taken by any officials of the Borough in connection with the improvements described in Section 1 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this Bond Ordinance and shall be deemed to have been taken pursuant to this Bond Ordinance.

Section 12. Application of Grants

Any grant moneys received for the purposes described in Section 1 hereof, including without limitation the Grant Amount, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this Bond Ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 13. Full Faith and Credit

The full faith and credit of the Borough are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 14. Official Intent to Reimburse Expenditures

The Borough reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 1 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 1 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 15. Effective Date

This Bond Ordinance shall take effect twenty (20) days after the first publication

hereof after final passage, as provided by the Local Bond Law.

Section 16. Capital Budget

The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary budget has been filed with the Division of Local Government Services.

Section 17. Replace and Supercede Prior Bond Ordinances

This Bond Ordinance shall amend, replace and supercede in their entirety Bond Ordinance No. 561-2017, finally adopted on February 16, 2017, as amended by Bond Ordinance No. 584-2019, finally adopted on October 17, 2019.

On motion of Councilwoman Perez, seconded by Councilman Ortiz to approve the foregoing proposed ordinance on first reading and scheduling public hearing on March 5, 2020, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson Nays: None Abstain: None Absent: Cruz

Unfinished Business

Water Quality Management Plan (County) Status – review is pending.

County Road Projects – 550/638 Update - Receipt of bids has been delayed and is now anticipated this summer with construction in the fall.

Roundabout Project - notice to proceed has been issued and a preconstruction meeting was held on February 11th. Contractor is setting up at site and will start shortly. Projected completion date is May31, 2020 but may slip due to delay in Atlantic City Electric utility relocation. Traffic flow will be maintained throughout project except for one night of paving work which is expected to occur in late April

Route 550 - there have been speeding issue reported . Striping and traffic calming effects are needed. Maybe this spring.

Open Space Eco-Park Replacement/Upgraded Items – A project kickoff meeting was held on February 11th with Open Space Board representatives, an equipment vendor and Borough representatives. Updated concepts will be forthcoming shortly. Plans and specifications for the pathways under phases 2 & 3 are in process and bids will be advertised soon. A kickoff meeting will be held with the County Open Space Board regarding the all Inclusive Playground. It is necessary for the playground to fit in with the surroundings. A Creative Placemaking application has been submitted for \$183,000 to upgrade the amenities. A 10-15 minute presentation is to be given next Tuesday to justify the Borough's application. An answer is anticipated shortly thereafter.

AT&T Project - upgrade of antennae are being requested. Mr. Villeco is reviewing the escrow received to determine if it is compatible with the lease. BlackDot is requesting to renegotiate the lease or offering a buyout.

USDA Projects – Status –

Food Pantry III – Engineer is working on the specifications.

Head Start Roof Project - punch list items remaining.

Water Project - Revised plans and specifications have been submitted to USDA and NJEIT for review. A conference call was held with NJDEP on February 4th. An updated bond ordinance is being prepared by Joel Fleischman. SED plan has been submitted and approval is expected any day. Pinelands has been contacted regarding the updated garage plan and is requiring a new application. It is anticipated it will take 203 months for the water mains to be completed and a year for the plant.

Sewer Project - A revised agreement is being work on and will be forwarded to DHS shortly. Mr. Tonetta distributed an email for review.

Asset Management Plan – Mr. Graham indicated it is a \$100,000 loan which will be forgiven if only one of the recommendation is done, which will be the water renovation project. A resolution was passed to prepare the plan.

ECWAG Application – Rubber/Hat Factory Property – TWT is preparing the narrative.

DOT Sumner/Heilprin Avenues Reconstruction Projects Status – the waiver was denied therefore the test cores will be required. Remaining funds of \$4,000 - \$5,000 that could be for striping and signage. Contractor needs to agree to additional work.

DCA Small Cities Sidewalks Project Status - Bids received on February 4th and project was awarded to Marandino on February 6th. Contracts are in process an a preconstruction meeting will be scheduled in early March. Work to start in mid to late March.

Landfill Redevelopment Zone – Solar Project Status - Developer is currently going through his due diligence period and starting the Pinelands review process.

Freidriechstadt Road Vacation Status - Mr. Tonetta indicated the title company is requesting additional information.

Master Plan – scope of services was approved. The project will take approximately nine (9) months to complete. Anticipating to receive within the next month or two.

Clean Energy Program - Mr. Gurdgiel is working on gathering information to submit the applications.

Medevac Lease Status - Mr. Tonetta indicated the agreement has been finalized and being reviewed by AirMethods attorney.

Airport lease Assignment – Holland to American Aerospace Technologies - The purchase price has been renegotiated with AATI being responsible for the well/septic. An escrow of \$3,500 is needed. There still has been no response from Dr. Holland. The options may be to have AATI responsible for the cost.

Accident Claims - Mr. Tonetta is resending the information as there is a new individual working on the case.

Clean Communities – 2017 and 2018 reports have been filed.

SOP Airport - A plan is being worked on with Mr. Dempsey.

FAA Airbase Plane Report - still working on.

Fuel Tank - Jet A Fuel is being requested and locations are being explored.

New Business –

CMC League of Municipalities Meeting – January 29, 2020, 6:00 p.m. – The Flanders Hotel, Ocean City - Mayor Pikolycky congratulated Councilman Johnson on being elected Vice President of the CMC League of Municipalities

2020 JIF Elected Officials Seminar - January 29, 2020 – 5:30 p.m. – Merighi’s Savoy Inn, Vineland or March 24, 2020 – 5:30 p.m. – Merighi’s Savoy Inn, Vineland

Committee Reports:

Public Works/Buildings & Grounds: Chairman Bennett had nothing to report at this time.

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

Public Safety & Courts: Chairman Cruz was absent.

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

Property & Small Business: Chairman Johnson had nothing to report.

Revenue & Finance: Chairwoman Perez had nothing to report..

Engineer's Report - Mr. Graham had nothing further to report.

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

1. Helicopter Parking Apron Design and Construction, (FAA) # 3-34-0046-024-2018, DY 620.00

- Project substantially complete. Semi-final inspection performed 1/28. Awaiting warmer weather to take care of the punch list items from the inspection:
 1. Re-paint the parking apron numbers from "34" to "43" at both positions.
 2. Re-stripping of peeling paint.
 3. Repair of pavement depression at the corner adjacent to the fuel farm and re-stripping of it.
 4. Possible re-seeding of the turf area.

Action:

2. Taxiway B Rehabilitation - Design (FAA) #3-34-0046-025-2019

- Progressing with the design to meeting May 18th application deadline for the construction phase of the project.

Action:

1. Expedite the design to meet deadlines.

NJDOT FY2020 GRANT SUBMISSION PROPOSAL

Submission deadline 10/18:

1. Jet A Fuel Facility - \$253,907
2. Transient Apron, Design - \$142,500

Solicitor's Report – Mr. Tonetta had nothing further to report.

Public Comment: None.

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

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

Respectfully submitted,

Lisa Garrison
Borough Clerk

