

**BOROUGH OF WOODBINE
REGULAR MEETING**

**JUNE 18, 2020
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 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), Benson, and Cruz (via telephone). Also present were: Richard Tonetta, Esq.; Bruce Graham, Borough Engineer (via telephone) ; Michael Zumpino, Grant Consultant (via telephone); Kan Liu, Airport Engineer (via telephone); and Lisa Garrison, Borough Clerk.

Mayor Pikolycky called for the approval of minutes of May 21, 2020. On motion of Councilman Johnson, seconded by Councilman Benson to approve the minutes of May 21, 2020, unanimously carried.

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 6-68-2020

**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 2020 in the sum of \$27,000.00, which item is now available as a revenue from United States Department of Agriculture.

Section 2.

BE IT FURTHER RESOLVED that a like sum of \$27,000.00 is hereby appropriated

under the caption of USDA Dual Band Radios Project.

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

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

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

RESOLUTION NO. 6-69-2020

**AUTHORIZING THE HIRING OF TRIAD ADVISORY SERVICES, INC. t/a TRIAD ASSOCIATES TO PROVIDE GRANT SERVICES FOR THE IMPLEMENTATION OF THE USDA EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANTS (ECWAG) PROGRAM - 2020
FORMER HAT FACTORY PROPERTY REMEDIATION PROJECT**

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on January 2, 2020 with Triad Advisory Services, Inc. (trading as Triad Associates) for ongoing professional services for obtaining grant money for the Borough; and

WHEREAS, the Borough of Woodbine has made application to the USDA Emergency and Imminent Community Water Assistance Grants (ECWAG) Program for the former Hat Factory Remediation Project; and

WHEREAS, the Borough is desirous of hiring Triad Associates to provide implementation services for the grant contingent upon approval of funding from USDA ECWAG Program; and

WHEREAS, the Governing Body of the Borough of Woodbine finds the scope of services to be provided by Triad Associates to be acceptable; and

WHEREAS, the Chief Financial Officer certifies that funds in an amount not to exceed \$48,500.00 are available to pay Triad Associates in connection with the applications under the existing Professional Services Agreement in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, the Governing Body of the Borough of Woodbine finds it in the interest of the citizens of the Borough of Woodbine to accept the proposal of Triad Associates as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the proposal for administrative agent services are hereby accepted as part of the general services contract aforementioned contingent upon funding from the USDA ECWAG Program;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the proposals for same.

RESOLUTION NO. 6-70-2020

**AUTHORIZING THE HIRING OF RICHARD P. TONETTA ESQ. TO PROVIDE
LEGAL SERVICES FOR THE FORMER HAT FACTORY REMEDIATION PROJECT**

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on January 2, 2020 with Richard P. Tonetta for ongoing professional legal services for the Borough; and

WHEREAS, the Borough of Woodbine has made application to the USDA Emergency and imminent Community Water Assistance Grants (ECWAG) Program for funding for the former Hat Remediation Project; and

WHEREAS, the Borough is desirous of hiring Richard P. Tonetta Esq. to provide legal services for the former Hat Factory Remediation Project; and

WHEREAS, the Governing Body of the Borough of Woodbine finds the scope of services to be provided by Richard P. Tonetta, Esq. to be acceptable; and

WHEREAS, the Chief Financial Officer certifies that funds, in the amount not to exceed \$5,000.00 are available to pay Richard P. Tonetta, Esq. in connection with the applications under the existing Professional Services Agreement in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, the Governing Body of the Borough of Woodbine finds it in the interest of the citizens of the Borough of Woodbine to accept the proposal of Richard P. Tonetta, Esq., in the amount not to exceed \$5,000.00 as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the attached proposal for administrative agent services are hereby accepted as part of the general services contract aforementioned contingent upon funding from the USDA ECWAG Program;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the proposals for same.

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

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

RESOLUTION NO. 6-71-2020

**AUTHORIZING THE HIRING OF FORD SCOTT ASSOCIATES, LLC TO PROVIDE
AUDITING SERVICES FOR THE FORMER HAT FACTORY REMEDIATION
PROJECT**

WHEAREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on January 2, 2020 with Ford Scott Associates, LLC for ongoing professional legal services for the Borough; and

WHEREAS, the Borough of Woodbine has made application to the USDA Emergency and Imminent Community Water Assistance Grants (ECWAG) Program for the former Hat Factory Remediation Project; and

WHEREAS, the Borough is desirous of hiring Ford Scott Associates, LLC to provide auditing services for the proposed construction of the Woodbine Sanitary Sewer System; and

WHEREAS, the Governing Body of the Borough of Woodbine finds the scope of services to be provided by Ford Scott Associates, LLC to be acceptable; and

WHEREAS, the Chief Financial Officer certifies that funds, in the amount not to exceed \$2,500.00 are available to pay Ford Scott Associates, LLC in connection with the applications under the existing Professional Services Agreement in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, the Governing Body of the Borough of Woodbine finds it in the interest of the citizens of the Borough of Woodbine to accept the proposal of Ford Scott Associates, LLC, in the amount not to exceed \$2,500.00 as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the attached proposal for administrative agent services are hereby accepted as part of the general services contract aforementioned;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the proposals for same.

RESOLUTION NO. 6-72-2020

APPOINTMENT OF BOND COUNSEL FORMER HAT FACTORY REMEDIATION PROJECT

WHEREAS, the Borough of Woodbine has made application to the USDA Emergency and Imminent Community Water Assistance Grants (ECWAG) Program for the former Hat Factory Remediation Project; and

WHEREAS, the Borough of Woodbine has deemed it is in the best interest of the Borough to appoint a Municipal Bond Counsel for the former Hat Factory Remediation Project; and

WHEREAS, Fleishman Daniels Law Offices, LLC has submitted a proposal, indicating professional bond counsel services will be provided for an amount not to exceed \$20,000.00 ; and

WHEREAS, Fleishman Daniels Law Offices, LLC has completed and submitted a Business Entity Disclosure Certificate which certifies that Fleishman Daniels Law Offices, LLC

has not made any reportable contributions to a political or candidate committee in the Borough of Woodbine in the previous one year, and that the contract will prohibit Fleishman Daniels Law Offices, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5) requires that the resolution authorizing and awarding of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine that they hereby agree as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Fleishman Daniels Law Offices, LLC, for professional bond counsel services for the former Hat Factory Remediation Project not to exceed \$20,000.00 contingent upon funding from USDA ECWAG Program.
2. Such contract is awarded without competitive bids as a “professional service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because the services to be rendered are professional in nature and are unspecifiable as to requirements for performance. Such services must be rendered by a person particularly trained and licensed in this area, which requires extensive specific education and long experience in both the Federal and State procedural requirements.
3. A notice of this action shall be published once in The Herald.

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

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

RESOLUTION NO. 6-73-2020

AUTHORIZING THE HIRING OF TAYLOR WISEMAN TAYLOR TO PROVIDE ENGINEERING SERVICES FOR THE FORMER HAT FACTORY REMEDIATION PROJECT

WHEREAS, the Borough of Woodbine has made application to the USDA Emergency and Imminent Community Water Assistance Grants (ECWAG) Program for the former Hat Factory Remediation Project; and

WHEREAS, the Borough of Woodbine has deemed it is in the best interest of the Borough to hire an Engineer for the former Hat Factory Remediation Project; and

WHEREAS, Taylor Wiseman Taylor has submitted a proposal, indicating engineering services will be provided for an amount not to exceed \$347,796.10 ; and

WHEREAS, Taylor Wiseman Taylor has completed and submitted a Business Entity Disclosure Certificate which certifies that Taylor Wiseman Taylor has not made any reportable contributions to a political or candidate committee in the Borough of Woodbine in the previous one year, and that the contract will prohibit Taylor Wiseman Taylor from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5) requires that the resolution authorizing and awarding of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine that they hereby agree as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Taylor Wiseman Taylor for engineering services for the former Hat Factory Remediation Project not to exceed \$347,796.10 contingent upon funding from USDA ECWAG Program.
2. Such contract is awarded without competitive bids as a “professional service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because the services to be rendered are professional in nature and are unspecifiable as to requirements for performance. Such services must be rendered by a person particularly trained and licensed in this area, which requires extensive specific education and long experience in both the Federal and State procedural requirements.
3. A notice of this action shall be published once in The Herald.

RESOLUTION NO. 6-74-2020

AUTHORIZING THE HIRING OF VAN NOTE-HARVEY ASSOCIATES, LLC TO PROVIDE ENGINEERING SERVICES FOR THE FORMER HAT FACTORY REMEDIATION PROJECT

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Professional Services Agreement - General Services Contract on January 2, 2020 with Bruce Graham, Van Note-Harvey Associates, LLC for ongoing engineering services for the Borough;

and

WHEREAS, the Borough of Woodbine has made application to the USDA Emergency and imminent Community Water Assistance Grants (ECWAG) Program for funding for the former Hat Remediation Project; and

WHEREAS, the Borough is desirous of hiring Van Note-Harvey Associates, LLC to provide legal services for the former Hat Factory Remediation Project; and

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

WHEREAS, the Chief Financial Officer certifies that funds, in the amount not to exceed \$29,750.00 are available to pay Bruce Graham, Van Note-Harvey Associates, LLC in connection with the applications under the existing Professional Services Agreement in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, the Governing Body of the Borough of Woodbine finds it in the interest of the citizens of the Borough of Woodbine to accept the proposal of Van Note-Harvey Associates, LLC, in the amount not to exceed \$29,750.00 as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the attached proposal for administrative agent services are hereby accepted as part of the general services contract aforementioned contingent upon funding from the USDA ECWAG Program;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the proposals for same.

On motion of Councilman Benson, seconded by Councilman Ortiz 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. 6-75-2020

AWARD OF CONTRACT FOR TAXIWAY B REHABILITATION – PHASE I

WHEREAS, sealed bids were received on June 12, 2020 by the Borough for the Taxiway B Rehabilitation Phase I project; and

WHEREAS, South State Inc. submitted the lowest overall total bid of two (2) bids received which are summarized as follows:

Bidder	Bid
South State Inc..	\$393,745.75

Road Con

\$730,127.50

WHEREAS, the bid of South State Inc. has been submitted in proper form and the Contractor appears qualified to perform the work anticipated under this contract;

WHEREAS, the Chief Financial Officer has certified that funds are available for this Contract in accordance with N.J.A.C. 5:30-5.4;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that the award of said contract is hereby made to South State Inc. in the amount of \$393,745.75 pending Federal Aviation Administration (FAA) approval.

RESOLUTION NO. 6-76-2020

**RENEWAL OF PLENARY RETAIL CONSUMPTION AND DISTRIBUTION LICENSES
AND CLUB LICENSES FOR THE TERM FROM JULY 1, 2020 TO JUNE 30, 2020 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, 2020 and ending June 30, 2021; 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, 2020 and ending on June 30, 2021.

	Name of Licensees and Licensed Premises License Numbers
Maxs Woodbine House LLC 1563 DeHirsch Ave Woodbine, New Jersey 08270	0516-32-003-007 PRC
DF Diesel LLC 2101 Dennisville Petersburg Rd Woodbine, New Jersey 08270	0516-33-002-007

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

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

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

RESOLUTION NO. 6-77-2020

AUTHORIZING THE BOROUGH TAX COLLECTOR TO PROVIDE FOR INTERNET BASED SALES OF DELINQUENT PROPERTY TAXES AND MUNICIPAL CHARGES IN ACCORDANANCE WITH N.J.A.C. 5:33-1.1

WHEREAS, in the adoption of N.J.S.A. 54:5-19.1, the Legislature of the State of New Jersey has recognized that the internet sales of municipal tax liens will have a positive effect of reaching a vastly greater audience of potential purchasers of tax liens, which would be in the best interest of the municipality and State, and therefore has directed the Department of Community Affairs to promulgate rules and regulations governing electronic municipal tax lien sales: and

WHEREAS, the Division of Local Government Services within the Department of

Community Affairs has promulgated rules and regulations for the implementation of electronic municipal tax lien sales which are codified in N.J.A.C. 5:33-1.1; and

WHEREAS, N.J.A.C. 5:33-1.1 establishes the requirements for publication of notice, issuance of notice to the property owner, among others, bidder registration, conducting the on line tax lien sale, procurement of a vendor and vendor fees among other rules; and

WHEREAS, N.J.A.C. further establishes the minimal duties and responsibilities of a vendor including fees to be paid, minimum technological, cybersecurity and internet control standards for a vendor conducting an on line tax sale; and

WHEREAS, the Council of the Borough of Woodbine finds it to be in the best interest of the Borough to authorize electronic municipal tax lien sales and adopt the rules promulgated in accordance with N.J.A.C. 5:33-1.1 to govern the electronic municipal tax lien sales.

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

1. The Tax Collector of the Borough of Woodbine shall be permitted to conduct internet-based sales of delinquent property taxes and municipal charges effective upon the adoption of the Resolution.

2. The Borough of Woodbine adopts, by reference, the rules promulgated by the Division of Local Government Services within the Department of Community Affairs; N.J.A.C. 5:33-1.1, as amended, for the regulatory framework for the on line tax sales.

3. The fees chargeable for mailings authorized by N.J.A.C. 5:33-1.1(f) shall be not more than \$25.00 for each notice for a particular property and said costs shall be added to the cost of sale pursuant to N.J.S.A. 54:5-26.

BE IT FURTHER RESOLVED that any Resolution or part thereof inconsistent with this Resolution shall be void to the extent of such inconsistency.

RESOLUTION NO. 6-78-2020

AUTHORIZING PROFESSIONAL SERVICE AGREEMENT BY AND BETWEEN THE BOROUGH OF WOODBINE AND DY CONSULTANTS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE TAXIWAY B REHABILITATION PHASE I, PROJECT

WHEREAS, the Governing Body of the Borough of Woodbine entered into a Fair and Open Professional Services Agreement on January 2, 2020 with DY Consultants for ongoing professional services for engineering services at the Woodbine Municipal Airport for the Borough; and

WHEREAS, Taxiway B has not been rehabilitated since the 1982 and the pavement has exceeded its life expectancy; and

WHEREAS, the Borough of Woodbine is looking to rehabilitate Taxiway B; and

WHEREAS, funding will be provided through FAA Entitlement Funds; and

WHEREAS, the Borough is desirous of hiring DY Associates to provide construction management services for the project; and

WHEREAS, the Governing Body of the Borough of Woodbine finds the scope of services to be provided by DY Consultants to be acceptable; and

WHEREAS, the Chief Financial Officer certifies that funds in the amount of \$77,983.00 are available to pay DY Consultants in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, the Governing Body of the Borough of Woodbine finds it in the interest of the citizens of the Borough of Woodbine to accept the proposal of DY Consultants as submitted contingent upon receipt of FAA Entitlement Funds; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbine that the Mayor and Clerk are hereby authorized and directed to execute the proposal for same

Unfinished Business:

COVID 19 Report - Ms. Garrison updated Council on the case status since the last meeting held on May 21, 2020.

School Tax - Ms. Garrison updated Council on the impact of the school tax increase. The overall school tax increase is \$45,680. The effect to the tax payers is as follows:

Assessment - \$100,000	increase \$8.22 per quarter
\$121,610	increase \$10.00 per quarter
\$200,000	increase \$16.44 per quarter

New Business:

Electronic Tax Sale – Ms. Garrison reviewed the next step in the process to conduct an electronic tax sale.

Engineer's Report – None

Airport Engineer's Report-

Helicopter Apron Project – On May 22nd a final inspection was performed.. All items were resolved as per the Semi-Final inspection punchlist. The closeout documents are anticipated to be completed by June 26th.

Taxiway B Construction Phase I – On June 12th the bid opening took place with the following results:

South State - \$393,745.75

Road-Con - \$730,127.50

Work will continue with the other phases of the design package.

Solicitor's Report: None

Payment of Bills: On motion of Councilman Johnson, seconded by Councilman Bennett 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

