

**BOROUGH OF WOODBINE
REGULAR MEETING**

**SEPTEMBER 5, 2019
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 13, 2019 and posting a copy of said notice on the Clerk's bulletin board."

Those present were: Mayor Pikolycky; Councilpersons Ortiz, Bennett, Perez, Benson, and Cruz. Also present were: Michael Zumpino, Triad Associates; Lew Conley, Borough Engineer; and Lisa Garrison, Borough Clerk.

Mayor Pikolycky called for the approval of minutes of July 18, 2019 and August 15, 2019. On motion of Councilman Cruz, seconded by Councilwoman Perez to approve the minutes of July 18, 2019, unanimously carried. On motion of Councilwoman Perez, seconded by Councilman Bennett to approve the minutes of August 15, 2019, unanimously carried.

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 9-92-2019

**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 2019 in the sum of \$186,029.00, which item is now available as a revenue from the Federal Aviation Administration.

Section 2.

BE IT FURTHER RESOLVED that a like sum of \$186,029.00 is hereby appropriated under the caption of FAA Taxiway B Rehabilitation Design.

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

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

RESOLUTION NO. 9-93-2019

**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 2019 in the sum of \$8,525.41, which item is now available as a revenue from the New Jersey Department of Environmental Protection.

Section 2.

BE IT FURTHER RESOLVED that a like sum of \$8,525.41 is hereby appropriated under the caption of New Jersey Clean Communities.

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.

RESOLUTION NO. 9-94-2019

**ACCEPTANCE OF PROJECT
FOOD PANTRY PHASE II**

WHEREAS, Capri Construction, LLC of Vineland, New Jersey was previously awarded a contract for the project known as Food Pantry Phase II; and

WHEREAS, the Borough Clerk, Lisa Garrison, has determined that the work on this project has been completed substantially in accordance with the contract documents,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine, that the contract for the work be and same is hereby accepted as complete, and

BE IT FURTHER RESOLVED that all payments including release of all retainages as authorized under the contract be made thereon to Capri Construction, LLC.

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

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

RESOLUTION NO. 9-95--2019

**RESOLUTION OF THE BOROUGH OF
WOODBINE, COUNTY OF CAPE MAY, NEW
JERSEY, AUTHORIZING THE MAKING OF AN
AMENDED APPLICATION TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A.
40A:2-26(e) FOR FINANCING UNDER THE
UNITED STATES DEPARTMENT OF
AGRICULTURE RURAL DEVELOPMENT
PROGRAM FOR VARIOUS IMPROVEMENTS
TO MUNICIPAL WATER SYSTEM**

WHEREAS, the Borough of Woodbine, in the County of Cape May, New Jersey (the "**Borough**") previously determined that the municipal water system is in need of various capital improvements to address public health, sanitation, security, and aging infrastructure concerns and reasonable growth, including Water Plant improvements, extension of the Fidler Hill Road Water Main, creation of a Water Main Loop for Fidler Hill Road, Sumner and Heliprin Avenues, and creation of a Water Main Loop at the Woodbine Airport (collectively, the "**Water Projects**"), with at an estimated total project cost of \$3,090,730 (the "**Project Costs**") and

WHEREAS, in 2017, the Borough obtained approval from the Local Finance Board (the "**Original LFB Approval**") to allow the Borough to finance the Project Costs through a combination of (i) grant and loan funding from the United States Department of Agriculture ("**USDA**") in the aggregate amount of \$2,090,730, and (ii) a loan from the New Jersey Infrastructure Bank (the "**I-Bank**") under their NANO Loan Program in the aggregate principal amount of \$1,000,000; and

WHEREAS, in addition to obtaining a portion of the permanent financing for the Water Projects from the I-Bank, the Borough also expected to receive construction financing from the I-Bank for the total amount of the Project Costs; and

WHEREAS, the Borough has been advised that the I-Bank will not provide either temporary or any portion of the permanent financing for the Project Costs as was originally contemplated at the time that the Borough received the Original LFB approval; and

WHEREAS, the Project Costs have increased from **\$3,090,730 to \$3,881,530** (the “**Amended Project Costs**”); and

WHEREAS, by letter dated July 18, 2019, the USDA increased its commitment to provide permanent funding in the amount equal to the Amended Project Costs upon completion of the construction of the Water Projects by providing loans in the aggregate principal amount of \$1,974,000 and grants in the aggregate amount of \$1,907,530; and

WHEREAS, upon completion of construction of the Water Projects and to permanently finance said Water Projects, and to refund any temporary notes issued by the Borough to finance the Amended Project Costs (the “**Project Notes**”), the Borough will then issue its permanent bonds or obligations to (i) USDA in a maximum principal amount of \$1,974,000 (the “**USDA Bonds**”), which together with the grant funding from USDA in the amount of \$1,907,530 will be sufficient to satisfy the Project Notes; and

WHEREAS, the USDA Bonds will require a level maturity schedule over the life of such USDA Bonds; and

WHEREAS, the Borough requires the issuance of the USDA Bonds in order to permanently finance the Amended Project Costs; and

WHEREAS, the Borough Council, as governing body of the Borough, has determined that the limitations as to maturities or amounts of annual installments under N.J.S.A. 40A:2-26 will adversely affect the financial position of the Borough in connection with the issuance of the USDA Bonds; and

WHEREAS, N.J.S.A. 40A:2-26 authorizes a municipality to make written application to the Local Finance Board for its review and/or approval of a proposed non-conforming debt service schedule; and

WHEREAS, the Borough Council believes it is the best interest of the Borough and the inhabitants thereof to submit such a written request to the Local Finance Board to allow the use of a nonconforming debt service schedule in connection with the issuance of the USDA Bonds.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODBINE as follows:

Section 1. The use of a non-conforming debt service schedule in connection with the issuance of the USDA Bonds pursuant to N.J.S.A. 40A:2-26(e) is hereby approved by the Borough Council. The application to the Local Finance Board setting forth the requested non-conforming debt service schedule is hereby approved

and the Borough's Bond Counsel and Auditor, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of this Resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Section 4. This Resolution shall take effect immediately upon adoption on the 5th day of September, 2019.

RESOLUTION NO. 9-96-2019

A RESOLUTION OF THE BOROUGH OF WOODBINE AUTHORIZING THE AMENDMENT TO A CONTRACT FOR THE HEAD START ROOF PROJECT AS AUTHORIZED BY RESOLUTION NO. 6-66-2019

WHEREAS, the Borough council of the Borough of Woodbine adopted Resolution No. 6-66-2019 awarding a contract for the Head Start Roof Project (Project) to DDS Services, LLC (Contractor) in an amount not to exceed \$72,000.00 which is a public works project; and

WHEREAS, for the construction, improvement, or other work considered public works project as specified in N.J.S.A. 2A:44-143 and 144 requires a performance bond and payment bond in an amount of 100% of the contract; and

WHEREAS, the contract approved by Resolution 6-66-2019 inadvertently failed to specify the type and amount of the bond to be issued by the Contractor for the Project and therefore requires an amendment to the terms of the approved contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of Borough of Woodbine that the contract awarded in accordance with Resolution No. 6-66-2019 shall be amended at Exhibit A Article A.3, Section A.3.4 in the form as attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the balance of the contract for the Head Start Roof Project shall remain

On motion of Councilwoman Perez, seconded by Councilman Ortiz 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. 9-97-2019

**RESOLUTION AUTHORIZING JOSEPH M. WEINBERG TO SUBLET HANGAR B-5
TO RICK McARTHNEY IN ACCORDANCE WITH THE LEASE AGREEMENT BY
AND BETWEEN THE BOROUGH AND JOSEPH M WEINBERG**

WHEREAS, the Borough of Woodbine is the owner of certain real estate and improvements thereon commonly referred to as the Woodbine Airport; and

WHEREAS, the Borough leases land and improvements to tenants as hangars to keep and maintain aircraft owned by tenants; and

WHEREAS, Hangar B-5 is presently leased to Joseph M. Weinberg in accordance with a lease agreement dated September 1, 2019 (Lease) which, at ¶ 6 therein allows the tenant to sublet the Hangar provided the Borough consents thereto; and

WHEREAS, Joseph M. Weinberg has requested approval to sublet Hangar B-5 to Rick McCarthy without releasing Joseph M. Weinberg from the term of the Lease; and

WHEREAS, the Utilities Administrator has no objection to the request to sublet under the same terms and conditions of the Lease with Joseph M. Weinberg being the responsible party providing all information regarding the aircraft stored in Hangar B-5 is provided to the Borough. Including an FAA Aircraft Registration Certificate evidencing Rick McCarthney as owner or part owner of the aircraft stored therein.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Woodbine that Joseph M. Weinberg may assign the Lease for Hangar B-5 to Rick McCarthy provided an FAA Aircraft Registration Certificate is presented to the Borough evidencing Rick McCarthney as owner/part owner of the aircraft stored therein.

Unfinished Business: None

New Business:

Animal Control will be issuing summonses for unlicensed dogs.

Clean Energy Program - The Borough will be utilizing the Clean Energy Program at the Airport and for the Food Pantry Phase III project.

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 Bennett, seconded by Councilman Benson to adjourn, unanimously carried.

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Respectfully submitted,

Lisa Garrison
Borough Clerk