

**BOROUGH OF WOODBINE  
REGULAR MEETING**

**SEPTEMBER 19, 2019  
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 18, 2019 and posting a copy of said notice on the Clerk’s bulletin board.”

Those present were: Mayor Pikolycky; Councilpersons Ortiz, Johnson, Bennett, Benson and Cruz. Also present were: Richard Tonetta, Borough Solicitor; Bruce Graham, Borough Engineer; Kan Liu, Airport Engineer; and Lisa Garrison, Borough Clerk. Absent: Councilwoman Perez

The Pledge of Allegiance was led by Mayor Pikolycky.

At this time Nick Reynolds, of Concord Energy Services, gave a presentation on the benefits of community energy aggregation.

Mayor Pikolycky called for approval of the minutes. On motion of Councilman Cruz, seconded by Councilman Ortiz to approve the minutes of September 5, 2019, carried with one (1) abstention by Councilman Johnson.

Mayor Pikolycky called for the Introduction of Proposed Ordinance No. 584-2019. On motion of Councilman Benson, seconded by Councilman Bennett to approve the introduction of the following proposed ordinance upon first reading, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Benson, Cruz Nays: None Abstain: None Absent: Perez

**PROPOSED ORDINANCE NO. 584-2019**

**AN ORDINANCE AMENDING BOND ORDINANCE NO. 561-2017 ADOPTED ON FEBRUARY 16, 2017, BY THE BOROUGH OF WOODBINE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, TO INCREASE THE AMOUNT APPROPRIATED THEREIN FOR THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVMENTS TO THE BOROUGH’S DRINKING WATER SYSTEM AND TO AMEND 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 in a change in the priority ranking system, the I-Bank will not provide either temporary or any portion of the permanent financing for the Original Project Costs as originally appropriated under the Original Bond Ordinance; and

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

**WHEREAS**, by letter dated July 18, 2019, USDA has increased its commitment to provide permanent financing in an amount equal to the Amended Project Costs by providing 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**”); 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 and to obtain the financing for the Water Projects consistent with the Revised USDA Commitment; 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.** The Original Bond Ordinance is hereby amended as follows:

(a) Section 2(a) of the Original Bond Ordinance is hereby deleted in its entirety and shall be replaced with the following:

“(a) To provide funds to permanently fund the costs of the Water System Improvement Projects (the “**Water Project Costs**”), the issuance by the Borough of bonds in the aggregate principal amount of up to \$3,881,530 is hereby authorized, approved, ratified and confirmed. The Water Project Costs are intended to be permanently financed through a combination of (i) loans from the United States Department of Agriculture (“**USDA**”) to the Borough in the aggregate principal amount of \$1,974,000 and (ii) grants in the aggregate amount of \$1,907,530 pursuant to 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. The issuance of general obligation bonds of the Borough to the USDA (the “**Bonds**”) in the maximum principal amount of One Million Nine Hundred Seventy-Four Thousand Dollars (\$1,974,000) under the USDA Program is hereby authorized. “

(b) Section 3 of the Original Bond Ordinance is hereby deleted in its entirety.

(c) In Section 4, the amount of THREE MILLION NINETY THOUSAND SEVEN HUNDRED DOLLARS (\$3,090,730) shall be increased to THREE MILLION EIGHT HUNDRED EIGHTY-ONE THOUSAND FIVE HUNDRED THIRTY DOLLARS (\$3,881,530).

(d) A new Section 4(b) is hereby added to the Original Bond Ordinance and shall read as follows:

“(b) The execution and delivery of any such notes and all additional documents and instruments related thereto by the Mayor, Chief Financial Officer and Borough Clerk (collectively, the “**Authorized Officials**”) is hereby authorized. The Authorized Officials are each hereby authorized to determine the following items with respect to the notes: (a) the aggregate principal amount of the notes to be issued, which amount shall not exceed \$3,881,530; (b) the maturity of the notes, which shall be no later than one year after the date of issuance thereof; (c) the date of the notes; (d) the interest rate of the notes (e) the purchase price for the notes; and (f) such other matters with respect to the 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, to be executed in connection with the execution and delivery of the 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.”

(e) In Section 6, entitled “**Maturity of Bonds**”, the reference to twenty (20) years shall be increased to forty (40) years.

**Section 2.** 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 electronically 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 this Amendment to Bond Ordinance No. 561-2017 by the additional sum of Seven Hundred Ninety Thousand Eight Hundred Dollars (\$790,800.00) from \$3,090,730 to \$3,881,530, and the Bonds authorized by Bond Ordinance No. 561-2017 as hereby amended will be within all debt limitations prescribed by the Local Bond Law.

**Section 3.** The Original Bond Ordinance is hereby reaffirmed in its entirety and shall remain in full force except as modified herein.

**Section 4.** Neither this Amendment to the Original Bond Ordinance nor any resolution of the Borough Council performing, determining, or authorizing matters or acts in connection with the issuance of the Bonds shall take effect until there is endorsed upon a certified copy hereof the consent of the Local Finance Board; in no event shall this Amendment be effective earlier than twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law of New Jersey.

At this time Mayor Pikolycky called for the following resolutions:

**RESOLUTION NO. 9-98-2019**

**AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE  
PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

**WHEREAS**, the Tax Collector of this municipality has previously issued a tax sale certificate to Carl Saduk which certificate is dated January 9, 2019 covering premises commonly known and referred to as Lot 10 Block 69 as set out on the municipal tax map then in use which certificate bears number 19-00024; and

**WHEREAS**, Gabriel Spector, of the aforesaid tax sale certificate has indicated that he has lost or otherwise misplaced the original tax sale certificate and has duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Woodbine that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

**BE IT FURTHER RESOLVED** that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

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

## **RESOLUTION NO. 9-99-2019**

### **AUTHORIZING REDEMPTION IN INSTALLMENTS**

**WHEREAS**, N.J.S.A. 54:5-65 provides authority for the governing body to authorize redemption of a municipally held lien by installment payments to include principal and interest; and

**WHEREAS**, the following owner of record is desirous of satisfying their tax lien by an installment payment plan:

<u>Owner</u>	<u>Block/Lot</u>	<u>Property Location</u>	<u>Tax Title Lien #</u>
Eleanor Paolino	112/3 C0273	273 Oak St	18-000343

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Woodbine, County of Cape May, State of New Jersey, hereby authorize the installment plans as set forth on the attached schedules and that in addition to said installments being promptly paid on the first of each month, for up to 36 months, all current year’s taxes, subsequent taxes, assessments or other municipal liens imposed shall be promptly paid when due.

**BE IF FURTHER RESOLVED**, that the final payment shall be sufficient to include all amounts due the municipality and secured by the tax sale lien, except for current year’s taxes, and shall include interest properly chargeable on the respective unpaid balances.

**BE IT FURTHER RESOLVED**, that if installment payments are regularly and promptly made in accordance with the attached schedule, then the municipality will suspend any action to cut off or foreclose the right of redemption, and will agree not to assign, transfer or otherwise alienate the tax title lien it holds.

**BE IT FURTHER RESOLVED**, if any unpaid installment remains unpaid after 30 days of due date, then the municipality may proceed to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it and shall proceed only for the unpaid balance after proper credit of such installment payments as were made.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution, along with an attached installment schedule will be forwarded to the Tax Collector and the property owners.

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

**RESOLUTION NO. 9-99-2019**

**AUTHORIZING REDEMPTION IN INSTALLMENTS**

**WHEREAS**, N.J.S.A. 54:5-65 provides authority for the governing body to authorize redemption of a municipally held lien by installment payments to include principal and interest; and

**WHEREAS**, the following owner of record is desirous of satisfying their tax lien by an installment payment plan:

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**BE IT FURTHER RESOLVED**, if any unpaid installment remains unpaid after 30 days of due date, then the municipality may proceed to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it and shall proceed only for the unpaid balance after proper credit of such installment payments as were made.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution, along with an attached installment schedule will be forwarded to the Tax Collector and the property owners.

On motion of Councilman Bennett, seconded by Councilman Johnson 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. 9-101-2019**

**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 12 Lot 5	\$220.00
713 Jackson Ave	

Block 25 Lot 6	
414 Jackson Ave	\$140.00

Block 32 Lot 2	
341 Washington Ave	\$140.00

#### **RESOLUTION NO. 9-102-2019**

### **RESOLUTION OF THE BOROUGH COUNCIL BOROUGH OF WOODBINE APPROVING THE FILING OF AN APPLICATION FOR COMMUNITY FACILITY GRANT PROGRAM FUNDING TO THE US DEPARTMENT OF AGRICULTURE-RURAL DEVELOPMENT (USDA-RD)**

**WHEREAS**, the Borough of Woodbine desires to apply to USDA-RD for Community Facility Grant Program funding in the amount of \$31,044, with a required local match of \$10,348, for a total project cost of \$41,392, for the purchase of an Incident Command Vehicle, and;

**WHEREAS**, the Borough of Woodbine has determined that this purchase will have a positive and significant impact on public safety throughout the Borough, and;

**WHEREAS**, the Borough of Woodbine, without financial assistance from the aforementioned USDA program, would be unable to purchase this critical piece of equipment on its own;

**NOW, THEREFORE, BE IT RESOLVED**, that funding for the purchase of an Incident Command Vehicle is hereby in all respects approved and be it further resolved that the Mayor or his designee and the Borough Clerk are hereby authorized to execute all documents associated with the Application for USDA Rural Development funding through the Community Facility Grant Program.

On motion of Councilman Benson, seconded by Councilman Cruz 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. 9-103-2019**

#### **AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BY AND BETWEEN THE COUNTY OF CAPE MAY AND BOROUGH OF WOODBINE FOR THE FURNISHING OF HEALTH SERVICES**

**WHEREAS**, the County of Cape May has the proper authority to provide duly licensed personnel to municipalities within its boundaries including administrative and supporting services, environmental health services, communicable disease services, maternal and child health care services and chronic illness services which the Borough of Woodbine intends upon utilizing; and

**WHEREAS**, the County of Cape May has employed a Health Officer to direct and supervise such services on behalf of the Borough; and

**WHEREAS**, the parties may enter into a Shared Services Agreement for the provision of such services in accordance with N.J.S.A. 26:3A2-1 et seq., N.J.S.A. 40:8A-1 et seq., and N.J.S.A. 36:3A2-1 et seq.; and

**WHEREAS**, in order to accomplish the goals set forth in the Shared Services Agreement as attached hereto, the Borough shall appoint the Cape May County Health Officer as its Health Officer for the enforcement agent of the Borough for its Public Health Officer who shall administer the local health program in accordance with the standards set forth in the Public Health Practice Standards of Performance for Local Boards of Health of New Jersey, N.J.A.C. 8:52; and

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

1. The Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the County of Cape May for the furnishing of health services in the form and substance as attached hereto.
2. The Cape May County Health officer is appointed as the Borough of Woodbine Health Officer for the enforcement agent of the Borough for its public health Ordinances and shall administer the local public health program for the term of the Shared Services



Agreement.

**RESOLUTION NO. 9-104-2019**

**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 \$1,173,000.00, which item is now available as a revenue from the County of Cape May.

Section 2.

**BE IT FURTHER RESOLVED** that a like sum of \$1,173,000.00 is hereby appropriated under the caption of Open Space Eco-Park Phase II & III.

**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 Cruz, seconded by Councilman Ortiz to approve the foregoing resolution, unanimously carried.

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

**RESOLUTION NO. 9-105-2019**

**A RESOLUTION OF THE BOROUGH OF WOODBINE AWARDED A CONTRACT  
TO AC SCHULTES, INC., WOODBURY HEIGHTS, NEW JERSEY FOR REPAIR TO  
HS#2 WATER PUMP MOTOR IN ACCORDANCE WITH N.J.S.A 40A:11-6.**

**WHEREAS**, the Borough of Woodbine may award emergency contracts pursuant to Local Public Contract Law, N.J.S.A. 40A:11-6 without public advertising for bids when an emergency affecting the public health, safety or welfare of the public requires the immediate performance of services; and

**WHEREAS**, on September 9, 2019 the Borough Clerk's and Purchasing Agent office was notified of the malfunction of the HS#2 Water Pump Motor at the Woodbine Utilities Department preventing water supply to the residents; and

**WHEREAS**, it is determined that failure to immediately provide necessary services to correct the emergency will be detrimental to the public health, safety and welfare to the residents of the Borough; and

**WHEREAS**, the Mayor, and the Purchasing Agent were made award of the emergency on September 9, 2019 and the need for invoking N.J.S.A. 11-6; and

**WHEREAS**, the Public Works Supervisor has certified that the necessary repairs were unforeseen and the Borough would be unable to comply with the provisions of N.J.S.A 19:44A-20.4 et. seq. and the public bidding requirements due to the emergent nature of the repair; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Woodbine, County of Cape May, State of New Jersey as follows:

1. As a result of the HS#2 Water Pump Motor on September 9, 2019 at the Woodbine Utilities Department an emergency existed, which threatened the health and safety of the residents of the Borough and immediate repairs were necessary.
2. The Borough approves an emergency quote with A.C. Schultes, Inc. to effectuate the necessary repairs and/or replacement of the HS#2 Water Pump Motor at the Woodbine Utilities Department in an amount to exceed \$12,228.00.
3. Upon completion of the emergency repairs, A.C. Schultes, Inc. shall be entitled to payment and the governing body of the Borough shall take such action as shall be required to provide for the payment of the contract price.

Unfinished Business

Water Quality Management Plan (County) Status – currently at DEP for their review and comment.

County Road Projects – 550/638 Update -

Route 550 – Anticipate bids in October and construction start in late 2019.

Roundabout Project – Bids scheduled for early fall 2019.

Route 638 – Crosswalk coating work has been completed.

Open Space Eco-Park update – an application has been submitted to DCA to supplement an all-inclusive playground.

DOT awarded \$175,000 for the extension of the bikeway system at the Eco Park.

DEP Issues – Asset Management Plan Status- plans and specification are to be submitted to USDA by end of September for water plan project. Asset Management Plan – a meeting will be held with NJWA to discuss the preparation of the plan.

USDA Projects – Status –

Food Pantry III – specifications being prepared.

Head Start Roof Project - preconstruction meeting has been held and waiting for NTP to be issued.

DOT Sumner/Heilprin Avenues Reconstruction Projects Status – extra work to start the first week of October..

DCA Planning Board Master Plan Status – the public hearing will be held on October 9, 2019 at 6:00 p.m..

DCA Small Cities Sidewalks Project Status - under DCA review.

Woodbine Manor Apartment Community Outreach – September 21, 2019 – 11:00 a.m. – 2:00 p.m.

Woodbine Chamber of Commerce Car Show – October 12, 2019

JIF 2018 State of the Fund Snapshot - Ms. Garrison review the “2018 State of the Fund Snapshot” document that had been distributed to Mayor and Council

New Business –

Cape May County League of Municipalities Meeting – October 24, 2019 – 6:00 p.m. – Bellevue Tavern, CMCH.

Committee Reports:

Public Works/Buildings & Grounds: Chairman Bennett reported the leaf vacis in the shop for repairs.

Health, Education & Human Services: Chairman Benson reported on the activities held at the school.

Public Safety & Courts: Chairman Cruz reported that the Recreation Commission will be holding Trunk or Treat this year with the date to be determined.

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 was absent.

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

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

1. Taxiway A Mill and Overlay State 2, Design - closeout documents approved.
2. 20:1 TERP Surface Obstruction Removal - final invoice submitted and closeout of project is being processed.
3. Helicopter Parking Apron Design and Construction - October 7<sup>th</sup> is the anticipated start date of project with the assumption that the asphalt will close on Thanksgiving.
4. Taxiway B Rehabilitation – Design – grant offer letter received. All awards are in place for starting the project. Design anticipated to take place in October.

Solicitor's Report – Mr. Tonetta reported he is working on getting the escrow in place for the vacation of Freidriechstadt.

Public Comment: None.

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

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

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Respectfully submitted,

Lisa Garrison  
Borough Clerk

