

**BOROUGH OF WOODBINE
REGULAR MEETING**

**OCTOBER 17, 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, Perez, Benson and Cruz. Also present were: 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 Ortiz, seconded by Councilman Cruz to approve the minutes of October 5, 2019, unanimously carried.

Mayor Pikolycky called for the Public Hearing of Ordinance No. 584-2019. There being no comment forthcoming the public hearing was then closed. On motion of Councilman Benson, seconded by Councilman Cruz to adopt the following ordinance, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: None

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.

Next, Mayor Pikolycky called for the introduction of the following proposed ordinance.

PROPOSED ORDINANCE NO. 585-2019

**AN ORDINANCE OF THE BOROUGH OF WOODBINE ESTABLISHING
AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and/or natural gas market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and/or natural gas pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power and/or natural gas to residential users, thereby increasing the likelihood of lower electric rates and/or natural gas rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential ratepayers may likely receive a direct reduction in their electric and/or gas bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents of the Borough of Woodbine (the "Borough"); and

WHEREAS, the Borough hereby finds that it is in the best interests of residential ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and/or natural gas rates; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of Woodbine in the County of Cape May and the State of New Jersey, duly assembled in public session, as follows:

1. The Borough publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. The Borough will utilize approved vendor, Commercial Utility Consultants, Inc.'s, Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.
3. The Mayor and Borough Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

Mayor and Council requested further clarification on the Natural Gas Aggregation which was not included in the presentation and also requested additional clarification on the impact of the aggregation program on the community solar project. With these conditions, on motion of Councilman Cruz, seconded by Councilman Bennett to approve the introduction of the following proposed ordinance, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: None

PROPOSED ORDINANCE NO. 585-2019

AN ORDINANCE OF THE BOROUGH OF WOODBINE ESTABLISHING AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and/or natural gas market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and/or natural gas pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power and/or natural gas to residential users, thereby increasing the likelihood of lower electric rates and/or natural gas rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential ratepayers may likely receive a direct reduction in their electric and/or gas bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents of the Borough of Woodbine (the “Borough”); and

WHEREAS, the Borough hereby finds that it is in the best interests of residential ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and/or natural gas rates; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of Woodbine in the County of Cape May and the State of New Jersey, duly assembled in public session, as follows:

7. The Borough publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
8. The Borough will utilize approved vendor, Commercial Utility Consultants, Inc.’s, Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.
9. The Mayor and Borough Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
10. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
11. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
12. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

At this time Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 10-108-2019

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES

WHEREAS, the Cape May County Municipal Utilities Authority (“CMCMUA”/ “Authority”) owns and operates a solid waste system (“System”) which presently serves the

entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the CMCMUA's System is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility, as well as several recycling operations and programs; and

WHEREAS, the Borough of Woodbine has utilized and desires to continue to utilize the services of the CMCMUA's System; and

WHEREAS, there presently exists a contract between the Borough of Woodbine and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste which will expire on December 31, 2019 entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement"); and

WHEREAS, the Borough of Woodbine and the Authority desire to enter into a new Agreement and to fix the expiration date of said Agreement to occur on December 31, 2020; and

WHEREAS, the Authority has offered the "Shared Services Agreement for Solid Waste Disposal and Recycling Services" to the Borough of Woodbine in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2020 through December 31, 2020; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2020; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Woodbine, County of Cape May, and State of New Jersey, that the Borough of Woodbine shall enter into a contract with the Authority entitled, "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2020, in the form to be maintained on file in the office of the Woodbine Clerk, and that the appropriate Woodbine officials are hereby authorized and directed to execute said Agreement.

On motion of Councilman Ortiz, seconded by Councilwoman Perez 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. 10-109-2019

**AUTHORIZING AMENDMENT OF PROFESSIONAL SERVICE AGREEMENT THE
BOROUGH OF WOODBINE AND DY CONSULTANTS FOR ENGINEERING
SERVICES FOR THE HELICOPTER PARKING APRON DESIGN**

WHEREAS, on April 19, 2018 the Borough of Woodbine by Resolution No. 4-39-2018 authorized a professional service agreement with DY Consultants for the Helicopter Parking Apron Design; and

WHEREAS, there exists a need to amend the agreement to provide for a revision of the contract to allow for a cost decrease from \$109,633.83 to \$109,523.80.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council to approve the amendment of the professional services agreement for the Helicopter Parking Apron Design to reflect the cost decrease from \$109,633.83 to \$109,523.80.

RESOLUTION NO. 10-110-2019

**AUTHORIZING AMENDMENT OF LETTER OF INTENT BY AND BETWEEN THE
BOROUGH OF WOODBINE AND NEXAMP INC.**

WHEREAS, on April 18, 2019 the Borough of Mayor and Council by Resolution No. 4-51-2019 authorized the execution of a non-binding Letter of Intent outlining the proposed redevelopment project of a ground-mounted solar-powered electric generation facility benefits to the Borough and their obligation to cover any cost which may be incurred during the initial due diligence period covered in the Letter of Intent; and

WHEREAS, there exists a need to amend the Letter of Intent to extend the term by one hundred and eighty (180) days from the date on which the amendment is executed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council to approve the amendment of the Letter of Intent to extend the term by one hundred and eighty (180) days from the date on which the amendment is executed.

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

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

RESOLUTION NO. 10-111-2019

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR TRANSIENT APRON DESIGN

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of the Borough of Woodbine formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as AERO-AIP-2020-WOODBINE BOROUGH -008 to the New Jersey Department of Transportation on behalf of the Borough of Woodbine.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodbine and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

RESOLUTION NO. 10-112-2019

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR JET A FUEL FACILITY DESIGN AND CONSTRUCTION

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of the Borough of Woodbine formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as AERO-AIP-2020-WOODBINE BOROUGH-022 to the New Jersey Department of Transportation on behalf of the Borough of Woodbine.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodbine and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Unfinished Business

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

County Road Projects – 550/638 Update -

Route 550 – Anticipate receipt of bids prior to December 2019 with construction to start in 2020.

Roundabout Project – Bids have been received. The low bidder was South State Inc at \$1,369,966. Anticipate contract to be awarded to South State with Notice to Proceed to be issued in late November with project completion by May 18, 2020.

Open Space Eco-Park update – an application has been submitted to DCA to supplement an all-inclusive playground. The application is pending with announcements anticipated in November. Working on bikeway plans and specifications. Anticipate to advertise for bids by the end of this year or beginning of 2020.

DEP Issues – Asset Management Plan Status- As additional I-Bank funding might still be available. Expansion of project is being reviewed based on the possibility of additional funding. USDA is okay with amending project as long as overall project scope does not change. Need to follow up with NJDEP on similar opinion.

USDA Projects – Status –

Food Pantry III – draft proposals on HVAC have been sent to the engineer to prepare specifications and bid package.

Head Start Roof Project - preconstruction meeting has been held. Mandatory USDA signage was installed today. Construction anticipated to begin shortly. Project to last 10-14 days.

Incident Command Vehicle - application has been submitted.

Fire Truck - truck to be inspected the end of the month. Anticipate delivery after inspection.

DOT Sumner/Heilprin Avenues Reconstruction Projects Status – extra concrete work is underway. Paving work is scheduled for the week of October 21st .

DCA Small Cities Sidewalks Project Status - Plans and specifications to be submitted to NJDCA for review and authorization to bid.

Clean Energy Program - waiting on further documentation to submit application.

New Business –

Best Practices - Ms. Garrison reviewed the Best Practices which had been emailed to Mayor and Council prior to meeting.

Coalition Against Rape & Abuse (CARA) Awareness Month – October 23, 2019
– 5:30 p.m. – Pavilion (DeHirsch & Washington)

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

Trick or Treat – October 31, 2019 – 5:00 p.m. – 8:00 p.m.

Trunk or Treat – October 31, 2019 – 5:00 p.m. – 7:00 p.m.

League of Municipalities – November 19-21, 2019

Committee Reports:

Public Works/Buildings & Grounds: Mr. Gurdgiel indicated Public Works is currently busy with leaf pick up.

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

Public Safety & Courts: Chairman Cruz reported that Recreation will be hosting the Christmas parade this year the second week of December.

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 reported he was reviewing the revised DHS agreement for the sewer project. Comments have been prepared for review.

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

1. Taxiway A Mill and Overlay State 2, Design – awaiting FAA Delphi system closeout before Woodbine can submit final invoice. Ms. Garrison will follow-up with FAA.
2. 20:1 TERP Surface Obstruction Removal - final invoice submitted and closeout of project is being processed.
3. Helicopter Parking Apron Design and Construction - Construction has begun.
4. Taxiway B Rehabilitation – Design – Awaiting NJDOT matching share award.

Solicitor's Report – None

Public Comment: None.

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

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

Respectfully submitted,

Lisa Garrison
Borough Clerk

