

**BOROUGH OF WOODBINE
REGULAR MEETING**

**NOVEMBER 7, 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, Johnson, Bennett, Perez, Benson, and Cruz. Also present were: Richard Tonetta, Esq.; Bruce Graham, Borough Engineer; and Lisa Garrison, Borough Clerk.

Mayor Pikolycky called for the approval of minutes of October 17, 2019 . On motion of Councilman Ortiz, seconded by Councilman Bennett to approve the minutes of October 17, 2019, unanimously carried.

Mayor Pikolycky called for a Public Hearing for the following ordinance.

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 Pikolycky opened the public hearing. With no comment forthcoming the public hearing was then closed. On motion of Councilman Benson, seconded by Councilman Cruz to adopt the foregoing ordinance, unanimously carried upon roll call vote. Ayes: Ortiz, Johnson, Bennett, Perez, Benson, Cruz Nays: None Abstain: None Absent: None

Mayor Pikolycky called for the following resolutions:

RESOLUTION NO. 11-113-2019

A RESOLUTION OF THE BOROUGH OF WOODBINE IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF BOROUGH ENGINEER, SOLICITOR, AUDITOR, GRANT APPLICATION AND MANAGEMENT CONSULTANT SERVICES, AIRPORT ENGINEER AND SPECIAL ENVIRONMENTAL LEGAL COUNSEL

WHEREAS, the Borough Council of the Borough of Woodbine acknowledges the need for Professional Services to be provided to the Borough; and

WHEREAS, the Borough Council recognizes the need to implement the requirements of N.J.S.A. 19:44A-20.5 so as to have a fair and open procedure for awarding professional service

agreements which would otherwise be exempt from public bidding in accordance with N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to select professionals to provide services to the Borough primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough of Woodbine; and

WHEREAS, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to establish advance general criteria and specific minimum requirements; and

WHEREAS, the Borough Council has determined that a fair and open process requires public advertisement of professional services required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining services of a professional and the criteria to be considered in determining the best professional for the position; and

WHEREAS, a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the Borough of Woodbine as follows:

1. All appointments for Professional Services contained on Schedule "A" attached to and made a part hereof shall be subject to a fair and open process as set forth below.
2. The Borough Clerk shall cause all legal notices stating that a full listing of the professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualification, will be posted on the Borough of Woodbine's internet website beginning no later than November 14, 2019.
3. The criteria for each position contained on Schedule "A" follows immediately subsequent to the Listing on Schedule "A". The criteria shall be disclosed together with the posting of the listed positions on the Borough of Woodbine's internet website as set forth above.
4. The website posting shall inform potential applicants that all submissions must be made to the Clerk of the Borough of Woodbine and received no later than 3:00 p.m. December 12, 2019.
5. Commencing 3:01 p.m. on December 12, 2019, or as soon thereafter as may be available, the Clerk of the Borough of Woodbine or her designee shall publicly open and announce all submissions in the Borough Council chambers, 501 Washington Avenue, Woodbine, New Jersey.

6. Appointments shall thereafter be made at a public meeting of the Borough Council of the Borough of Woodbine.
7. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Woodbine has determined that the terms of this Resolution constitute a fair and open process in accordance with N.J.S.A. 19:44A-20, et seq., and that the decision by the Borough of Woodbine as to what constitutes a fair and open process shall be final.

On motion of Councilwoman Perez, 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. 11-114-2019

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 \$10,125.35, which item is now available as a revenue from the New Jersey Department of Transportation.

Section 2.

BE IT FURTHER RESOLVED that a like sum of \$10,125.35 is hereby appropriated under the caption of NJ DOT 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.

RESOLUTION NO. 11-115-2019

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 an amount not to exceed \$45,000, for the purchase of up to six dual-band radios, 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 these critical communication pieces on its own;

NOW, THEREFORE, BE IT RESOLVED, that funding for the purchase of up to six dual-band radios 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 Ortiz, seconded by Councilman Bennett 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. 11-116-2019

AUTHORIZING THE HIRING OF VAN NOTE-HARVEY ASSOCIATES, FOR PROFESSIONAL SERVICES FOR ENGINEERING SERVICES FOR THE USDA COMMUNITY FACILITIES PROGRAM – IMPROVEMENTS TO THE FOOD BANK/DISTRIBUTION CENTER-PHASE III

WHEREAS, the Governing Body of the Borough of Woodbine, entered into a Professional Services Agreement on January 17, 2019 with, Van Note-Harvey Associates, for ongoing professional Services for engineering for the Borough; and

WHEREAS, Van Note-Harvey Associates, has submitted a proposal for engineering services in the amount of \$2,000.00 for the USDA Community Facilities Program – Improvements to the Food Bank/Distribution Center – Phase III; 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 Chief Financial Officers certifies that funds are available to pay Bruce Graham, P.E., Van Note-Harvey Associates in connection with the project 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 as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodbine that the attached proposal for administrative agent services are hereby accepted as part of the ongoing engineering 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. 11-117-2019

ENDORSEMENT OF LOCAL BICYCLE & PEDESTRIAN PLANNING ASSISTANCE APPLICATION

WHEREAS, the New Jersey Department of Transportation (NJDOT) has created a Local Bicycle/Pedestrian Planning Assistance Program (LBPPAP) to provide no cost planning assistance to counties and municipalities to identify capital improvement that benefit non-motorized transportation modes in their respective areas; and

WHEREAS, in 2008, the Borough was involved with the LBPPAP which resulted in the development of a Local Bicycle and Pedestrian Planning Assistance Study prepared by the Baker Group who was under contract with NJDOT; and

WHEREAS, many of the recommendations that were identified in the 2008 report have since been implemented by the Borough through various capital improvement projects; and

WHEREAS, many of the ideas and techniques for developing safe Bicycle and Pedestrian facilities have changed and improved since the 2008 report; and

WHEREAS, the Borough is desirous of updating the 2008 report to identify new initiatives that can be implemented for non-motorized transportation modes;

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

- The Borough formally endorses and approves submission of an application under the NJDOT LBPPAP for preparation of a new Local Bicycle and Pedestrian Planning Assistance Study.
- The Borough hereby commits to making a good faith effort to implement the recommendations of said planning study.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the application and any other required documents in connection with this application.

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

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

RESOLUTION NO. 11-118-2019

A RESOLUTION AUTHORIZING THE EXECUTION A CHANGE ORDER NO. ONE TO A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN TRIAD ADVISORY SERVICES, INC. T/A/ TRIAD ASSOCIATES FOR THE PROVISION OF GRANT SERVICES FOR THE IMPLEMENTATION OF THE USDA WATER AND WASTE DISPOSAL PROGRAM-WOODBINE WATER SYSTEM IMPROVEMENTS

WHEREAS, the Borough Council of the Borough of Woodbine adopted Resolution 4-33-2018, a Resolution retaining the Professional Services of Triad Advisory Services, Inc., T/A Triad Associates (Triad) to provide technical and administrative professional services to the Borough to meet the requirements of a USDA Water and Waste Water Grant Agreement in the amount of approximately \$2,000,000.00 and to seek project funding to complete the project at a cost not to exceed \$32,500.00 in accordance with a Professional Services Agreement awarded as a non-fair and open contract as provided by N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, the scope of services has materially changed based upon unforeseen circumstances whereby the project has increased from a \$2,000,000.00 project to an approximately \$4,000,000.00 project, doubling in size and scope which could not have been foreseen at the time of the adoption of Resolution 4-33-2018; and

WHEREAS, Triad has submitted an amended scope of services to complete the necessary professional services and complete the process for the USDA Water and Waste Disposal Program funding and acquisition of such other funding necessary to complete the project and has further submitted an amended cost for the amended scope of services as attached hereto and made a part hereof marked Exhibit A; and **WHEREAS**, the Owner subsequently transferred the Property to Housing Program Development Corporation for its resale in

accordance with the terms of the NSP and Grant Agreement; and

WHEREAS, the Borough Council of the Borough of Woodbine finds it to be in the best interest of the Borough and its residents to complete the project and to authorize the execution of an amended Professional Services Agreement with Triad in an amount not to exceed an additional \$62,000.00 for a total cost of \$94,500.00; and

WHEREAS, the Chief financial Officer of the Borough of Woodbine has certified the availability of funds in said amount.

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

1. That the Mayor and Clerk are authorized to execute a First Amendment to a Professional Services Agreement with Triad Advisory Services, Inc... T/A Triad Associates for the provision of grant services for the implementation of the USDA Water and Waste Disposal Program- Woodbine Water System Improvements in an amount not to exceed \$62,000.00 in the form and substance as attached hereto and made a part hereof marked Exhibit A.

2. That this Amendment to the Professional Services Agreement is entered into as a result of unforeseen circumstances causing the scope of work to substantially increase.

3. That a notice of this action shall be printed once in the official newspaper of the Borough of Woodbine.

Unfinished Business: None

New Business: None

Engineer's Report – None

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: Mayor Pikolycky extended his congratulations to both Councilman Ortiz and Councilwoman Perez on their election wins.

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

Respectfully submitted,

Lisa Garrison
Borough Clerk

