

Note: Complete Meeting Appears
on 23-16 on file in
Borough Clerk's Office

October 19, 2016
Wildwood Crest, NJ

Prior to the opening of the meeting, Mr. Groon led those present in the Pledge of Allegiance to the Flag.

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held in the Municipal Court Room at 5:30 p.m. On roll call the following answered to their names:

Gould – Cabrera – Groon – Yes

Mr. Groon read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting notice on the bulletin board in the Borough Hall and by mailing and same to the Gazette-Leader, Herald of Cape May County and The Press on November 4, 2015.

Mr. Groon next announced the one-way in and the one-way out method of ingress and egress in case of emergency.

The Clerk indicated there were no ordinances.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 779-16

EXTRACT from the minutes of a regular meeting of the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, held at the Municipal Building, 6101 Pacific Avenue, Wildwood Crest, New Jersey, on October 19, 2016, at 5:30 o'clock P.M.

PRESENT: GOULD- CABRERA - GROON

ABSENT: NONE

* * *

GOULD introduced and moved the adoption of the following resolution and CABRERA seconded the motion:

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,780,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Borough of Wildwood Crest, in the County of Cape May (the "local unit"), entitled: "Bond ordinance appropriating \$995,000, and authorizing the issuance of \$947,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Wildwood Crest, in the County of Cape May, New Jersey", finally adopted on October 22, 2014 (#1198), bond anticipation notes of the local unit in a principal amount not exceeding \$947,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$2,975,000 and authorizing the issuance of \$2,833,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Wildwood Crest, in the County of Cape May, New Jersey", finally adopted on October 5, 2016 (#1244), bond anticipation notes of the Borough in a principal amount not exceeding \$2,833,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Section 3. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 4. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 6. All action heretofore taken by officials and professionals of the local unit with regard to the sale and award of said notes in hereby ratified, confirmed, adopted and approved.

Section 7. This resolution shall take effect immediately.
Upon motion of GOULD, seconded by CABRERA, the foregoing resolution was adopted by the following vote:

AYES: GOULD- CABRERA - GROON

NOES: NONE

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.
Vote: Gould - Cabrera – Groon – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 780-16
Awarding a Contract to Trinity Code Inspections, L.L.C. for
Building, Electric, Plumbing and Fire Subcode On-Site Inspection
And Plan Review

WHEREAS, the City of North Wildwood, as lead municipality for the City of North Wildwood and the Borough of Wildwood Crest, advertised a request for qualifications and proposals for authorized on-site inspection and plan review agencies for the building, electric, plumbing and fire subcodes; and

WHEREAS, the governing body of the City of North Wildwood, upon the recommendation of their professional staff, by Resolution dated October 18, 2016, awarded the contract for authorized on-site inspection and plan review for building, electric, plumbing and fire subcodes to Trinity Code Inspection, L.L.C.; and

WHEREAS, the Borough of Wildwood Crest is additionally required to individually appoint an authorized on-site inspection and plan review agency in conjunction with the Shared Services

amended to reflect both change in the scope of services to be provided by Gary Nissenbaum of Nissenbaum Law Group, LLC, with the legal fees at the not to exceed amount of \$17,000.00.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.
Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 785-16
**AMENDING RESOLUTION NO. 968-13 AUTHORIZING COMPENSATION FROM THE
BOROUGH OF WILDWOOD CREST
TO VAN NOTE HARVEY**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest authorized compensation to Van Note Harvey for Base Contract work associated with the project known as New Jersey Avenue Phase I, via Resolution No. 968-13, adopted February 27, 2013, to provide engineering services in conjunction with Sanitary Sewer and Storm Water Improvements (detailed in Resolution 968-13), at the not to exceed sum of \$1,675,000.00; and

WHEREAS, Van Note Harvey was resident engineer of the Borough of Wildwood Crest during the Project duration through to July 31, 2016;

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to increase the amount of compensation authorized for such work, considering the Project as a whole;

WHEREAS the Board of Commissioners of the Borough of Wildwood Crest acknowledges that additional work performed and invoiced by Van Note Harvey outside the scope of the Base Contract for New Jersey Ave Phase I, has been authorized over the course of the ongoing project, and is separately and individually authorized and detailed as follows:

DPW Fence and Staging Yard Engineering/Insp/Construction Stakeout	\$ 9,746.92
Washington Ave Outfall Permitting/Design/Inspection etc.	\$31,681.38
West Topeka Ave Emergency Sewer Repair	\$ 9,027.38
Sunset lake Seating Areas	\$12,838.80
NJ/Bayview Traffic Islands	\$18,675.86
Atlanta Ave Sanitary Services and Concrete Work	\$27,438.52

And Whereas, Van Note Harvey has requested the Board of Commissioners increase the amount of compensation provided under Resolution No. 968-13 to enable payment to be made for the authorized base contract and out of scope services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, as follows:

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That the Board of Commissioners hereby authorize that the amount for Base contract work on the New Jersey Ave Phase I Project performed and invoiced by Van Note Harvey shall be increased by \$107,500.29 to a not to exceed amount of \$1,782,500.29 and that all outstanding invoices associated with such be paid, all of which is contingent upon certification below from the Chief Financial Officer as to the availability of funds.
3. That the Board of Commissioners hereby authorize that all outstanding invoices due Van Note Harvey, invoiced prior to July 31, 2016, totaling \$29,851.82, associated with the additional work performed by Van Note Harvey on the Project known as New Jersey Ave Phase I, detailed in the preamble above, be paid at this time, contingent upon certification below from the Chief Financial Officer as to the availability of funds.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.
Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 786-16

WHEREAS, the **WILDWOOD CREST RESCUE CAREER EMPLOYEES**, hereinafter known as UNION, has been certified as the representative of the “emergency medical technicians” of the Borough of Wildwood Crest, so designated and specifically included in the appropriate certificate of representation, under Docket No. RO-2005-088; and

WHEREAS, the bargaining team of said UNION and the management team of the Borough of Wildwood Crest have held multiple negotiation sessions and have reached agreement on all of the

WHEREAS, this law allows local law enforcement agencies to obtain, at little or no cost, surplus federal property and equipment that the agencies might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism and natural disasters such as hurricanes and severe floods.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Wildwood Crest, in the County of Cape May and State of New Jersey, that the Wildwood Crest Police Department, and/or its representative, is hereby authorized to make application for enrollment into such program as established by the United States Department of Defense, pursuant to U.S.C. s.2576a.

BE IT FURTHER RESOLVED that the Borough of Wildwood Crest, the Wildwood Crest Police Department and its representative in connection herewith do hereby certify compliance with Section 2(a) of said program.

BE IT FURTHER RESOLVED that the Wildwood Crest Police Department and/or its representative is hereby authorized to acquire surplus property from said program as deemed necessary for CY2016.

BE IT FURTHER RESOLVED that said authorization shall be reviewed and renewed annually by the Mayor and Commissioners of the Borough of Wildwood Crest.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.
Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 789-16
EXERCISING OPTION TO EXTEND FOR ONE-YEAR SHARED SERVICES
AGREEMENT WITH THE BOROUGH OF WILDWOOD CREST FOR MUNICIPAL
CONSTRUCTION OFFICIAL**

WHEREAS, by Resolution #468-15, adopted August 5, 2015, the Board of Commissioners of the Borough of Wildwood Crest authorized the Mayor and Borough Clerk to enter into a Shared Services Agreement with the City of North Wildwood for a Municipal Construction Official; and

WHEREAS, the aforementioned Agreement will expire on December 31, 2016; and

WHEREAS, the aforementioned Agreement provides for extensions from year-to-year by mutual agreement and resolution of both municipalities, with the last renewal to expire no later than December 31, 2021; and

WHEREAS, the Board of Commissioners now deems it to be in the best interests of the Borough of Wildwood Crest to exercise a one-year extension to expire on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May and State of New Jersey, as follows:

- 1) All of the statements of the preamble are repeated and incorporated herein by this reference thereto as though the same were set forth at length.
- 2) By this Resolution, the Borough of Wildwood Crest hereby does exercise a one-year extension in the aforementioned Agreement.
- 4) The Mayor and Borough Clerk be and they are hereby authorized to execute any and all documents pertaining to said extension for a Municipal Construction Official for a term beginning on January 1, 2017 and terminating December 31, 2017.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.
Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 790-16
EXERCISING OPTION TO EXTEND FOR ONE-YEAR SHARED SERVICES
AGREEMENT WITH THE CITY OF NORTH WILDWOOD FOR MUNICIPAL COURT
ADMINISTRATOR**

WHEREAS, by Resolution #565-15, adopted December 28, 2015, the Board of Commissioners of the Borough of Wildwood Crest authorized the Mayor and Borough Clerk to enter into a Shared Services Agreement with the City of North Wildwood for a Municipal Court Administrator; and

WHEREAS, the aforementioned Agreement will expire on December 31, 2016; and

WHEREAS, the aforementioned Agreement provides for extensions from year-to-year by mutual agreement and resolution of both municipalities, with the last renewal to expire no later than December 31, 2018; and

WHEREAS, Council now deems it to be in the best interests of the Borough of Wildwood Crest to exercise a one-year extension to expire on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May and State of New Jersey, as follows:

1) All of the statements of the preamble are repeated and incorporated herein by this reference thereto as though the same were set forth at length.

2) By this Resolution, the Borough of Wildwood Crest hereby does exercise a one-year extension in the aforementioned Agreement.

4) The Mayor and Borough Clerk be and they are hereby authorized to execute any and all documents pertaining to said extension for a Municipal Court Administrator for a term beginning on January 1, 2017 and terminating December 31, 2017.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 791-16

WHEREAS, Edward J. Masterson, 111 E. Palm Road, Wildwood Crest, NJ 08260, made a payment for EMS Services in the amount of \$92.97 via check # 1898; and

WHEREAS, Genworth Life, also made duplicative payment to the Borough of Wildwood Crest in the amount of \$92.97 on behalf of the services for Mr. Edward J. Masterson; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Chief Financial Officer of the Borough of Wildwood Crest be and she is hereby authorized and directed to cause a refund in the amount of \$92.97 to be made to **Edward J. Masterson, 111 E. Palm Road, Wildwood Crest, NJ 08260** for the reasons more fully set forth above.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 792-16

WHEREAS, South Austin Condo Association, paid the lease agreement fee on September 4, 2016, for the use of the Meeting Room at Crest Pier Community Center on October 8, 2016 from 10:30 am to 1:30 pm via check #869 in the amount of \$125.00; and

WHEREAS, the President & Treasurer of **South Austin Condo Association** requested a refund of the lease fee paid in the amount of \$125.00 due to lack of attendance of the homeowners; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Chief Financial Officer of the Borough of Wildwood Crest be and she is hereby authorized and directed to cause a refund in the amount of \$125.00 to be made to **South Austin Condo Association, 134 Austin Avenue, Wildwood Crest, NJ 08260** for the reasons more fully set forth above.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 793-16

WHEREAS, the Tax Collector of the Borough of Wildwood Crest collected from the property owner or it's designee an excess amount on 2015 property taxes and/or utility payments; and

WHEREAS, an overpayment was created for the reason listed below, and

WHEREAS, the Tax Collector of the Borough of Wildwood Crest has determined the said overpayment should be refunded accordingly as indicated below.

4-42 2015 Tax	Police & Firemen's Retirement Bd. 318 W. Cresse Ave. Property is tax exempt and mortgage Company made overpayment. Refund overpayment to NJHMFA	Amount \$2,068.50
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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, the Chief Financial Officer is hereby authorized to execute said refund as soon as practicable and the Tax Collector should mark the records accordingly to reflect said refund as per the meeting on October 19, 2016.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.
Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all bills properly authorized, as submitted, be paid.
Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all reports received from the CFO, Court Administrator, Tax Collector and the Chief of Police for the month ending September 30, 2016 be approved as presented.
Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that the minutes from regularly scheduled Commission Meetings of September 21st and October 5th, 2016 be approved as presented.
Vote: Gould - Cabrera – Groom – Yes

There were no correspondences to address.

The Mayor opened the floor for Public Commentary. Gene Mulligan, 6511 New Jersey Avenue, asked about several resolutions that did not have dollar amounts associated with them. The Mayor went through and indicated that Trinity Code, Municipal Court Administrator and Municipal Construction Officials are all shared services agreements; one was a contract and another was money owed to engineer.

The Mayor then opened the Discussion and there was no new business to address. With regard to Old Business, the Mayor indicated that the modified CAFRA application for beach permit was scheduled to be mailed out in the next day or two. Also, a new street excavation ordinance would be forthcoming as well. There were no other changes to report.

The Mayor once again opened the floor for commentary on new and old business. Gene Mulligan, 6511 New Jersey Avenue, indicated that the Gas Company has patched holes all over and wanted to know if it would be repaved. Commissioner Cabrera indicated that it will be done.

Dennis Travascio, 112 E. Louisville Avenue, noted that along the newly paved portion of Pacific Avenue, there is a seam that that needs to be inspected.

After hearing nothing further, Mrs. Gould motioned, seconded by Mr. Cabrera that the meeting be adjourned. All were in favor. The time was 5:46 p.m.

Dated: November 30, 2016

Patricia A. Feketics, Borough Clerk

