

Note: Complete Meeting Appears
on 24-16 on file in
Borough Clerk's Office

November 9, 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 9:30 a.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 READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1245

AN ORDINANCE REPEALING CHAPTER 67 – STREET EXCAVATIONS – OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, ADOPTED DECEMBER 20, 1974 AS ORDINANCE NO. 473, AMENDED APRIL 23, 1975 BY ORDINANCE NO. 480, AMENDED OCTOBER 17, 1978 BY ORDINANCE NO. 530, AMENDED DECEMBER 5, 1988 BY ORDINANCE NO. 683, AMENDED JUNE 25, 2003 BY ORDINANCE NO. 935; AMENDED IN ITS ENTIRETY MARCH 9, 2005 BY ORDINANCE NO. 973; AMENDED IN ITS ENTIRETY OCTOBER 26, 2005 BY ORDINANCE NO. 984; AMENDED NOVEMBER 5, 2015 BY ORDINANCE NO. 1197, AND ORDINANCE NO. 1243 ADOPTED AUGUST 10, 2016, AND ADOPTING NEW CHAPTER 67 – STREET EXCAVATIONS AND OPENINGS – OF THE CODE OF THE BOROUGH OF WILDWOOD CREST.

Mrs. Gould motions, Mr. Groon seconds that Ordinance No. 1245 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on November 30, 2016 at 5:30 p.m.

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1246

AN ORDINANCE REPEALING CHAPTER 63 – SIDEWALKS, CURBS AND ALLEYWAYS, ORDINANCE NO. 305 ADOPTED MAY 22, 1963 - OF THE CODE OF THE BOROUGH OF WILDWOOD CREST IN ITS ENTIRETY AND REPEALING ORDINANCE NO. 928 ADOPTED FEBRUARY 26, 2003, AND ADOPTING NEW CHAPTER 63 – SIDEWALKS, CURBS AND ALLEYWAYS

Mrs. Gould motions, Mr. Groon seconds that Ordinance No. 1246 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on November 30, 2016 at 5:30 p.m.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 794-16

WHEREAS, Chapter 67, Street Excavations, Subsection 67-6, Recently Paved Streets, of the Code of the Borough of Wildwood Crest prohibits excavation of any street for a period of five (5) years after reconstruction, resurfacing, repaving or overlayment; and

WHEREAS, Atlanta Avenue is currently within the five year moratorium period; and

WHEREAS, the owner of the property located at 7609 New Jersey Avenue has requested a waiver of the five year moratorium due to unforeseen circumstances resulting in the need for installation of a 2” water tap for a Fireline; and

WHEREAS, the owner at 7609 New Jersey Avenue has demonstrated a bona fide need for the installation of a 2” water tap for a Fireline; and

WHEREAS, in order to complete the installation of the Fireline, Atlanta Avenue requires excavation; and

WHEREAS, the owner at 7609 New Jersey Avenue has been issued all necessary Planning Approvals to construct an addition to his existing commercial property, as well as expending significant money on construction permits inclusive of building, electrical, plumbing and fire protection to perform said addition; and

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

1. The preamble hereto is repeated herein as if set forth in full.
2. Due to the circumstances set forth hereinabove and the demonstrated bona fide need, permission is hereby granted for the excavation of Atlanta Avenue for the sole purpose of installation of a 2” Fireline, notwithstanding the current existence of the moratorium, provided the roadway will in no way be further disturbed or extended by the new installation.
3. Reconstruction and restoration of the roadway and all necessary permit fees and guarantees pursuant to Chapter 67 of the Code of the Borough of Wildwood Crest shall be enforced.

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. 795-16

WHEREAS, N.J.S.A. 40A:4-58 permits transfers between budget appropriations during the final two (2) months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that transfers between 2016 budget appropriations be and the same are hereby authorized as follows:

<u>Appropriation Title</u>	<u>To</u>	-	<u>From</u>
Fleet Maintenance- Other Expenses	12,000.00		
Fleet Maintenance- Salaries & Wages			12,000.00
Borough Administration - Other Expenses	12,000.00		
Collection of Taxes - Salaries and Wages			12,000.00
	<u>\$ 24,000.00</u>		<u>\$ 24,000.00</u>

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. 796-16

**Authorizing Retention Via Professional Services Agreement
Of An Engineer Specializing In Site Evaluation and Materials Review for
Emergency Management Shelter Location**

WHEREAS, the Borough of Wildwood Crest requires the professional services of an Engineering firm specializing in Site Evaluation and Materials Review for Emergency Management Shelter Location; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.*, authorizes local government units, including municipalities and counties, to enter into agreements for the exchange of services pursuant to the provisions of the statute; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby approves and adopts the attached Shared Services Agreement with the County of Cape May Library Commission and authorizes and directs the Mayor and Borough Clerk to execute same; and

BE IT FURTHER RESOLVED that a copy of this resolution be attached to the original Shared Services Agreement and shall remain on file in the Clerk's Office and available for public inspection.

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. 798-16
CHANGE ORDER #1 – GAUDELLI BROS., INC.
HVAC UPGRADE OF CREST PIER
RECREATION CENTER PROJECT**

WHEREAS, Gaudelli Bros., Inc., 202 South Wade Blvd., Millville, NJ 08332 was awarded an emergency contract pursuant to N.J.S.A. 40A:11-6 on April 20, 2016 in the amount of \$224,200.00 via Resolution No. 675-16 for HVAC Upgrade at Crest Pier Recreation Center in the Borough of Wildwood Crest; and

WHEREAS, Gaudelli Bros., Inc. has submitted a bid for the upgrade of the HVAC, and

WHEREAS, the Robert N. Roop, Expert Witness of Lockatong Engineering, has reviewed the Master Tech report which included “significantly elevated airborne mold spore levels in most rooms/areas along North, Northwestern sides of the building” and he recommended the use of those rooms should be suspended until mold remediation and HVAC improvements could be made; and

WHEREAS, Joe Bond, Public Works Superintendant recommended via memo dated March 28, 2016 that the Borough rectify the mold issues quickly due to the upcoming activities scheduled at Crest Pier for the summer 2016 season, and

WHEREAS, in the course of upgrading the HVAC, there were additional repairs to RTUs and troubleshooting associated with the project totaling \$2,827.85

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, that said Change Order #1, increasing the original \$224,200.00 contract amount with Gaudelli Bros., Inc. for troubleshooting and repairs to RTU's in the amount of \$2,827.85, bringing the total revised contract amount to Two Hundred Twenty Seven Thousand and Twenty Seven Dollars and 85 Cents (\$227,027.85) be and the same is hereby approved.

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. 799-16
CHANGE ORDER #2 – GAUDELLI BROS., INC.
HVAC UPGRADE OF CREST PIER
RECREATION CENTER PROJECT**

WHEREAS, Gaudelli Bros., Inc., 202 South Wade Blvd., Millville, NJ 08332 was awarded an emergency contract pursuant to N.J.S.A. 40A:11-6 on April 20, 2016 in the amount of \$224,200.00 via Resolution No. 675-16 for HVAC Upgrade at Crest Pier Recreation Center in the Borough of Wildwood Crest; and

WHEREAS, Gaudelli Bros., Inc. has submitted a bid for the upgrade of the HVAC, and

WHEREAS, the Robert N. Roop, Expert Witness of Lockatong Engineering, has reviewed the Master Tech report which included “significantly elevated airborne mold spore levels in most rooms/areas along North, Northwestern sides of the building” and he recommended the use of those rooms should be suspended until mold remediation and HVAC improvements could be made; and

WHEREAS, Joe Bond, Public Works Superintendant recommended via memo dated March 28, 2016 that the Borough rectify the mold issues quickly due to the upcoming activities scheduled at Crest Pier for the summer 2016 season, and

WHEREAS, in the course of upgrading the HVAC, there were additional problems that required investigating and corrections for both labor and subcontractors for the project totaling \$18,816.81

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, that said Change Order #1, increasing the original \$224,200.00 contract amount with Gaudelli Bros., Inc. for troubleshooting and repairs to RTU's in the amount of \$2,827.85, bringing the total revised contract amount to Two Hundred Twenty Seven Thousand and Twenty Seven Dollars and Eighty Five Cents (\$227,027.85) be and that Change Order#2, increasing the amount by \$18,816.81, and bringing the total revised contract amount to Two Hundred Forty Five Thousand Eight Hundred Forty Four Dollars and Sixty Six Cents (\$245,844.66) the same is hereby approved.

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. 800-16
Authorizing Retention Via Professional Services Agreement
Of An Engineer**

WHEREAS, the Borough of Wildwood Crest requires the professional services of an Engineering firm; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced; and

WHEREAS, the Local Public Contracts Law provides for the entering into of a contract for professional services pursuant to R.S.40A:11-5(1)(a), without advertising for competitive bidding; and

WHEREAS, the Borough has determined that the firm Van Note Harvey, of Cape May Court House, New Jersey is qualified to perform the close out work for the Reconstruction of West Buttercup Road between Park Boulevard and New Jersey Avenue for which they were previously contracted to do so, and it is desired to enter a professional contract with Van Note Harvey for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, the firm Van Note Harvey , has completed and submitted a Business Entity Disclosure Certification which certifies that Van Note Harvey, will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing November 9, 2016 to any political committee or candidate through the term of this contract;

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

1. **The firm Van Note Harvey**, of Cape May Court House, New Jersey is hereby retained as Engineer to provide specialized professional services to close out the work for the Reconstruction of West Buttercup Road between Park Boulevard and New Jersey Avenue for which they were previously contracted to do so, at the not to exceed period of one year and commencing November 9, 2016. The said professional services to be received shall be “as directed” by the Borough of Wildwood Crest from time to time.
2. The Mayor and Borough Clerk be and they are hereby authorized and directed to enter into a contract with the firm Van Note Harvey of Cape May Court House, New Jersey for specialized professional services to close out the work for the Reconstruction of West Buttercup Road between Park Boulevard and New Jersey Avenue for which they were previously contracted to do so for the period indicated above, which contract shall provide for payment of **three thousand five hundred dollars (\$3,500.00) dollars**. Said award is further contingent upon the certification of availability of funds below by the CFO.
3. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law aforesaid, and in accordance with the provisions of N.J.S.A. 19:44A-1, and shall be in a form approved by the Borough.
4. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.
5. This Resolution and a copy of the contract for professional services shall be maintained on filed in the offices of the Borough Clerk for public inspection.

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. 802-16
**Authorizing Retention Via Professional Services Agreement
Of An Engineer**

WHEREAS, the Borough of Wildwood Crest requires the professional services of an Engineering firm; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced; and

WHEREAS, the Local Public Contracts Law provides for the entering into of a contract for professional services pursuant to R.S.40A:11-5(1)(a), without advertising for competitive bidding; and

WHEREAS, the Borough has determined that the firm Van Note Harvey, of Cape May Court House, New Jersey is qualified to perform the close out work for the Pacific Avenue ADA Compliant Curb Ramp Access Improvements for which they were previously contracted to do so, and it is desired to enter a professional contract with Van Note Harvey for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, the firm Van Note Harvey , has completed and submitted a Business Entity Disclosure Certification which certifies that Van Note Harvey, will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing November 9, 2016 to any political committee or candidate through the term of this contract;

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

1. **The firm Van Note Harvey**, of Cape May Court House, New Jersey is hereby retained as Engineer to provide specialized professional services to close out the work for the Pacific Avenue ADA Compliant Curb Ramp Access Improvements for which they were previously contracted to do so, at the not to exceed period of one year and commencing November 9, 2016. The said professional services to be received shall be “as directed” by the Borough of Wildwood Crest from time to time.
2. The Mayor and Borough Clerk be and they are hereby authorized and directed to enter into a contract with the firm Van Note Harvey of Cape May Court House, New Jersey for specialized professional services to close out the work for the Pacific Avenue ADA Compliant Curb Ramp Access Improvements for which they were previously contracted to do so for the period indicated above, which contract shall provide for payment of **twenty thousand dollars (\$20,000.00) dollars**. Said award is further contingent upon the certification of availability of funds below by the CFO.
3. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law aforesaid, and in accordance with the provisions of N.J.S.A. 19:44A-1, and shall be in a form approved by the Borough.
4. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.
5. This Resolution and a copy of the contract for professional services shall be maintained on filed in the offices of the Borough Clerk for public inspection.
6. A copy of this Resolution shall be published in the legal newspaper designated by the Borough as required by law, within ten (10) days of its passage.

WHEREAS, the CFO has certified the availability of funds as evidenced below by her signature,

Account Number(s)	Amount	Signature

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

Vote: Gould - Cabrera – Groon – Yes

THE CLERK PULLED A RESOLUTION AS PER THE GOVERNING BODY ON DESIGNATED MEETING DATES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:
RESOLUTION NO. 803-16

WHEREAS, on October 27, 2016, the GREATER WILDWOOD JAYCEES, PO Box 63, Wildwood, NJ 08260, applied for a Special Events Permit for the purpose of a PARADE to be held on DECEMBER 9, 2016, from 5:00 PM to 9:00 PM, with a rain date of December 11, 2016 at 4:00 pm, on VARIOUS STREETS in the BOROUGH OF WILDWOOD CREST; and

WHEREAS, the GREATER WILDWOOD JAYCEES, PO Box 63, Wildwood, NJ 08260, have supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and have further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event; and

WHEREAS, the application has been reviewed by the Board of Commissioners, upon verification by appropriate members of staff as to completeness of the application, scheduling compatibility, etc.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Borough Clerk be and she is hereby authorized and directed to issue a Special Events Permit to the GREATER WILDWOOD JAYCEES, PO Box 63, Wildwood, NJ 08260 for the purpose of a PARADE to be held on DECEMBER 9, 2016, from 5:00 PM to 9:00 PM, with a rain date of December 11, 2016 at 4:00 pm, on VARIOUS STREETS in the BOROUGH OF WILDWOOD CREST.

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

CORRESPONDENCE

There were no correspondences to address.

PUBLIC COMMENTARY

The Mayor opened the floor for Public Commentary. Harry Hudson, 6006 Seaview Avenue, indicated that having morning meetings is unfair for those that work and the Mayor indicated that 5:30 meetings are also held. Commissioner Cabrera also indicated that the Borough had two summer meetings on Saturdays in June and August.

Joe Lloyd, 7014 Pacific Avenue, indicated that the Borough calendar has 7:00 pm meetings listed and Commissioner Gould indicated it was changed midyear with notice given several months in advance. The Mayor added that it was done to increase attendance before people went home from work.

Patricia Tarleton, 7302 Pacific Avenue, indicated that there continues to be flooding with hard rains and drainage problems and she would like to see Borough money go specifically to drainage problems. Commissioner Cabrera further indicated that the Borough is old in terms of siphon system and trying to improve that is very costly.

Harry Hudson, 6006 Seaview Avenue, also pointed out that Seaview Avenue has similar problems. The Mayor indicated that they still have an old system and the outfall lines should be considered. The Mayor made a note to remind the Administrator to do a review of the area.

Mark Schultz, 6606 Pacific Avenue, indicated that the corners where the ADA ramp improvements were made collect water. The Mayor indicated that this was a Federal design and the Borough was obligated to put that in effect and pointed out that the Borough can try to keep them as clean as possible.

TRAFFIC STUDY PRESENTATION was given by Cape May County Engineer, Dale Foster, and by Michael B. Dannemiller, PE of RBA Group. Mr. Foster pointed out the Borough contacted the County and asked them to do a traffic study from Farragut Road to Cresse Avenue on Pacific Avenue. He elaborated that the County maintains a pool of experts and selected the RBA Group for the bike, pedestrian, and DOT experience.

Commissioner Gould voiced opposition to the proposal. The Mayor indicated once more that the traffic study was requested because many members of the public had asked if one was done if a traffic pattern was to be changed. He further indicated that the Borough did not pay for the traffic study; the County did.

The floor was then opened for public commentary. Dennis Travascio, 112 E. Louisville Avenue, asked for statistical numbers with regard to crashes and Mr. Dannemiller indicated over the past 4 years, there were 27 motor vehicle crashes.

Eugene Taylor, prior Wildwood Crest Police Public Safety Director, wanted the gentlemen to elaborate if fatalities increase with the rate of vehicles and Mr. Dannemiller indicated it does drastically.

Bill Joffre, 6100 Atlantic Avenue, indicated that he sees an issue with the current bike path and feels it is unsafe with the number of pedestrians and bicycles. He also pointed out that he sees evacuation scenarios tight at the bridge and not necessarily in the Crest. Commissioner Cabrera added that the Borough is currently looking into an alternate bike route on the beach.

Joe Lloyd, 7014 Pacific Avenue, asked about the number of bicyclists that have been hit on New Jersey Avenue from Rambler to Cresse Avenues and those numbers were not available as the study focused on Pacific Avenue.

Barb Bixler, 120 W. Sweet Briar Road, asked about the current gas lines and if they were near completion. Commissioner Cabrera indicated that gas line upgrades should end within the next month.

Patricia Tarleton, 7302 Pacific Avenue, wanted to know if the County was planning on following whatever the Borough would do on the County portion of Pacific Avenue through to bridge in Lower Township. The County Engineer indicated they would evaluate.

Joe Lloyd, 7014 Pacific Avenue, asked about paving the north side of Pacific.

Gene Mulligan, 6511 New Jersey Avenue inquired if a study was done on accidents. Information was not readily available.

Harry Hudson, 6006 Seaview Avenue, suggested that bike riders and pedestrians should be separated to prevent accidents.

Lt. Edward Gorski, Wildwood Crest Police Department, pointed out the Police Department is very proactive with bicyclists and will issue summons.

Patricia Tarleton, 7302 Pacific Avenue, thanked the board and indicated that she was against changing the current traffic pattern.

Carole Pantalone, 204 E. St. Louis Avenue, brought up the amount of room on Seaview Avenue for pedestrians and bicyclists and questioned if it was enough room.

Edgar Ruth, 120 E. Sweet Briar Road, commended the commissioners, police, clerk, and everyone at the Borough for doing a wonderful job. He indicated that Pacific Avenue has worked just fine and suggested angled parking.

Joe Lloyd, 7014 Pacific Avenue, voiced that the governing body should listen to the opinion of the police as well.

Gary Reiss, 130 E. Stockton Road, indicated that many cars race down the street and there are sink holes and flooding.

Dennis Travascio, 112 E. Louisville Road, asked for the results of the traffic study and the Mayor indicated that it would be available online.

Harry Hudson, 6006 Seaview Avenue, believes there are other opinions out there that would refute the presentation.

Joan Parker, 6005 Park Boulevard, cited that traffic on Park Blvd. is too fast. The Mayor indicated that efforts are made to slow it down. Lt. Gorski stated that there were increased patrols and neon signs in place and the officers do a fine job.

The Mayor then indicated there were no developments in old or new business.

The Mayor then opened the floor for Public Commentary regarding Old and New Business.

After hearing nothing further, Mrs. Gould motioned, seconded by Mr. Groon that the meeting be adjourned. All were in favor. The time was 11:22 a.m.

Dated: November 30, 2016

Patricia A. Feketics, Borough Clerk

