

Note: Complete Meeting Appears
On 22-18 on file in
Borough Clerk's Office

November 7, 2018
Wildwood Crest, NJ

The Mayor 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 – ABSENT Thompson - Cabrera - YES

Mr. Cabrera 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 e-mailing and same to the Gazette-Leader, Herald of Cape May County and The Press on November 1, 2017.

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

THE CLERK INDICATED THAT ORDINANCE NO. 1283 – Amending Ch. 4 Alcoholic Beverages, Article I – One Day Catering Permits and Social Affairs Permits was being TABLED.

THE CLERK READS THE ORDINANCE BY TITLE:
ORDINANCE NO. 1290

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 56, OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, ENTITLED RECREATION COMMISSION, SECTION 56-3, APPROVING AND CONFIRMING RATES AND FEES FOR THE RENTAL OF FACILITIES, PARTICIPATION IN CERTAIN EVENTS AND ACTIVITIES

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1290 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on November 28, 2018 at 5:30 p.m.

Vote: Gould – ABSENT Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:
RESOLUTION NO. 290-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ACCEPTANCE OF THE CY2018 BEST PRACTICES INVENTORY AND AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE SAME

WHEREAS, the State of New Jersey requires municipalities, on an annual basis, to complete a Best Practices Inventory to encourage municipalities to implement practices to promote financial accountability and transparency; and

WHEREAS, the Borough of Wildwood Crest has completed the CY2018 Best Practices Inventory, and it is the desire of the Board of Commissioners to accept the CY2018 Best Practices Inventory as presented.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the CY2018 Best Practices Inventory be and the same is hereby accepted as presented.

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized and instructed to execute said CY2018 Best Practices Inventory on behalf of the Borough of Wildwood Crest, and to file it with the State of New Jersey, Division of Local Government Services.

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

Vote: Gould -- ABSENT Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 291-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF EMS OVERPAYMENT

WHEREAS, Indir Kalic, had cause to utilize Emergency Medical Services of the Borough of Wildwood Crest; and

WHEREAS, Indir Kalic had coverage with Capital District who paid \$750.00. Indir Kalic paid \$600.00 and only owed \$50.00 for an over payment of \$550.00; and

WHEREAS, Cape Medical Billing indicated that a refund of \$550.00 was owed to Indir Kalic for overpayment.

NOW, THEREFORE, BE IT RESOLVED that Chief Financial Officer is hereby authorized to issue a refund of overpaid Emergency Medical Services in the amount of \$550.00 to Indir Kalic, of 39 Mcnutt Ave Albany, NY 12205.

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

Vote: Gould -- ABSENT Thompson -- Cabrera -- Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 292-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING CERTAIN APPROPRIATION TRANSFERS

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 2018 budget appropriations be and the same are hereby authorized as follows:

	Appropriation Title	
FROM:	Tourism – Salary & Wages	\$ 1,000.00
	Public Works – Salary & Wages	\$ 7,500.00
	Sanitation (Recycling) – Salaries & Wages	\$20,000.00
	Recreation Buildings – Other Expenses	\$10,000.00
	TOTAL	<u>\$38,500.00</u>
TO:	Recreation – Salary & Wages	\$ 1,000.00
	Fleet Maintenance – Salary & Wages	\$ 7,500.00
	Legal – Other Expenses	\$20,000.00
	Fleet Maintenance – Other Expenses	\$10,000.00
	TOTAL	<u>\$38,500.00</u>

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

Vote: Gould -- ABSENT Thompson -- Cabrera -- Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 290-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING A SETTLEMENT AGREEMENT WITH A DEFENDANT IN LITIGATION KNOWN AS BOROUGH OF WILDWOOD CREST V. VAN NOTE-HARVEY ASSOCIATES, P.C., MANDERS MERIGHI PORTADIN FARRELL ARCHITECTS, LLC, BIAGI, CHANCE, CUMMINS, LONDON, TITZER, INC., DELL-TECH INC., TJB AIR CONDITIONING AND HEATING, AND JOHN DOES 1-10

WHEREAS, the Borough of Wildwood Crest is the plaintiff in litigation entitled Borough of Wildwood Crest v. Van Note-Harvey Associates, P.C., Manders Merighi Portadin Farrell Architects, LLC, Biagi, Chance, Commins, London, Titzer, Inc., Dell-Tech, Inc., TJB Air Conditioning and Heating, Docket No. CPM-L-341-16 concerning claims against those entities for faulty construction in connection with the renovation to the Crest Pier (the “Litigation”); and

WHEREAS, the Borough special counsel, Rona Zucker Kaplan, Esquire, of the firm of Cooper Levenson, Attorneys at Law, 1125 Atlantic Avenue, Suite 320, Atlantic City, New Jersey, has negotiated a settlement

agreement and recommended that the litigation as it pertains to the defendant Manders Merighi Portadin Farrell Architects, LLC, be settled in accordance with the proposed Settlement Agreement and General Release attached hereto as Exhibit "A" (the "Settlement Agreement"); and

WHEREAS, the Board of Commissioners, based upon the recommendation by its special counsel, desires to accept such recommendation and settle the Litigation against the defendant and further determines that such settlement and payment of damages to the Borough by the defendant Manders Merighi Portadin Farrell Architects, LLC in accordance with the terms of the Settlement Agreement is in the best interest of the Borough and the public; and

WHEREAS, the Settlement Agreement resolves only the dispute between the Borough and one of the defendants in the Litigation, the claims of the Borough against the remaining defendants remain actively prosecuted by the Borough and release of the Settlement Agreement would adversely affect the Borough's and public's interest in the remaining Litigation and it is therefore not in the best interest of the Borough or the public to release the Settlement Agreement until final conclusion of the Litigation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the Settlement Agreement and General Release attached hereto as Exhibit "A" is hereby approved, and that the Mayor and Clerk are hereby authorized and directed to execute the Settlement Agreement and to take all necessary action to effectuate the terms thereof.

BE IT FURTHER RESOLVED that the Settlement Agreement shall not be released until such time as a final decision has been rendered and all rights of appeal are exhausted or a binding settlement resolving all claims against all defendants in the Litigation has been made and further provided that such release would not be in conflict with the purposes of N.J.S.A. 10:4-2 of the Open Public Meetings Act.

EXHIBIT "A"

Settlement Agreement and General Release Defendant Manders Merighi Portadin Farrell Architects, LLC

SETTLEMENT AGREEMENT TO REMAIN CONFIDENTIAL UNTIL FINAL CONCLUSION OF THE LITIGATION

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

Vote: Gould -- ABSENT Thompson -- Cabrera -- Yes

Mr. Cabrera motioned, seconded by Mr. Thompson, that all bills properly authorized, as submitted, be paid.

Vote: Gould -- Thompson -- Cabrera -- Yes

ADMINISTRATOR'S REPORT:

November 7, 2018

Kayak Launch/ Sunset Lake Shoreline Stabilization

This contract was awarded to South State. We are currently working with them to ensure that all certificates of insurance are in place and correct and expect to issue the notice to proceed to contractor shortly.

Beach/ Dune Project

Tom Thornton has responded to DEP and Army Corps on 60% plans. Comments are on file in my office and have been shared with the governing body.

Redevelopment of New Jersey Avenue Business District (UEZ Zone)

Michelle Taylor has provided an initial draft of zoning ordinances to the planning board sub-committee. They seem pleased with them and should be making a recommendation shortly. We have met and have planned for the implementation of short-term improvements that we will begin working on shortly. This includes new trash receptacles, bike parking, planters, lighting improvements, banners, tree trimming and more.

Grants

1) Cape May County Open Space and Recreation Applications 2018

We have satisfied the County's request for a maintenance schedule for Sunrise Park. The public hearing will be held at the Freeholder's meeting on December 11th at 5:30 pm.

2) New Jersey Prevention Network Get Active NJ

The mile markers are being installed. Nick Holland is handling this project.

Old Library Building

William McLees has submitted preliminary plans for phase 1 architectural design services for the Old Library Building. I am now awaiting the budgetary items from him. I will share the project budget with you as soon as I receive it.

Local Concept Development Study for Ocean Drive (CR 621) for Upgrades & Bridge Improvements

Nothing new to report currently.

Garden State Parkway/ RT 109 Signage

Roger Sequeria of NJDOT has reported that the work orders are done, were reviewed and sent out to production on November 2. He put a rush on the production of the signs so that the sign crew will get them done within 7-10 days. This means they should be installed by the 15th of November.

Beach Signage

The preliminary draft version of the new beach rules signs has been approved. We now have preliminary park identification signs and will get our street side sign designs shortly. Once we have all three and have approved we will produce bid specifications and go out to bid for the manufacture of the signs prior to the 2019 summer season.

Atlantic City Electric

I followed up with Ronnie Town on Thursday to get an update on progress with the trimming of trees under power lines though out town. She indicated that Atlantic City Electric's vegetation management staff reported that all of the work has been completed.

As reported previously, if a property owner claims that the trimming results in trees being killed, the Vegetation Management Supervisor is going to look at the trees next week to see the health of the trees that are being trimmed and take pictures. If a tree dies, the customer would call our customer service 1-800-642-3780 and put in a claim and they will perform an investigation. Or the customer can call Ronnie Town at 609-463-3805 or email her at veronica.town@atlanticcityelectric.com.

Reconstruction of Newark Avenue and Replacement of the Sanitary Sewer

The Newark Avenue sanitary sewer replacement has been completed and the contractor is currently replacing the concrete curbing starting at the beach block and heading west. The contractor has indicated that they are targeting completing the asphalt base paving by Thanksgiving. Also, the contractor has mobilized to Jefferson Avenue to start replacing the sanitary sewer. According to the contract the intersection of Jefferson and Pacific will reopen tomorrow afternoon.

Replacement of Boiler in Borough Hall

Engineer, Robert Roop, was here yesterday inspecting the boiler. There is loud whistling noise coming from the boiler that will be addressed by the Cleaver Brooks service team & PK Mechanical. This issue is expected to be resolved by tomorrow. I will report back to you on the outcome of their work.

Centers Designation

It has come to my attention that our Town Center (TC) designation is due to expire on December 31, 2018. After doing some initial research it is clear this designation was achieved collectively with the 4 island communities in 1998 and it appears that Jim Smith (Cape May County Planner at that time) helped with the application and approval process. I also discovered that Avalon, Stone Harbor, Wildwood, North Wildwood, and West Wildwood's Centers Designations are all due to expire at the same time as ours. This is 6 municipalities out of 16 in Cape May County. At this time, the State Planning Commission (SPC) does not have a quorum and has not met since January of this year. This means that there is no one to hear an application even if we had one prepared and ready to go. It is very unlikely that this board will be named before the end of the year. Due to these circumstances I have requested that the Governor provide a blanket extension to all municipalities in which their Centers Designations are about to expire. I am currently awaiting word back from the Director of the New Jersey Business Action Center in the Office for Planning Advocacy- Melanie Willoughby. I have contacted the County Planning Department's Leslie Gimeno to solicit the County's support and have also contacted the Office of Planning Advocacy. Rick Brown of NJDEP has assured us that although the State Plan Centers are expiring our CAFRA Coastal Centers will live on in accordance with the Coastal Management Rules.

ENGINEER'S REPORT

Date: November 7, 2018

Grant Applications

1. **Cape May County Open Space Program**
 - We presented the application to the Cape May County Open Space Board (CMCOSB) on May 22nd.
 - In a July 18, 2018 letter, the CMCOSB recommended that Sunrise Park be funded by a \$283,625.00 grant. It is our understanding that the CMCOSB is presenting this project to the Cape May County Freeholders in December, 2018 and will hopefully become an officially funded project for Spring, 2019.
2. **New Jersey Direct Install Program**
 - The Borough is eligible to receive a 70% grant for energy efficient improvements including the replacement of certain HVAC units, lighting, lighting controls and water closets.

- The State has completed the audit of the HVAC systems and the lighting and the final results and grant offer was presented to the Borough on September 5th.
3. FY2019 NJDOT Municipal Aid Program
 - The Borough has selected to submit the Reconstruction of Trenton Avenue from the beach to Pacific Avenue.
 - The grant application was successfully submitted on September 6th.
 4. FY2019 NJDCA Small Cities Program
 - The Borough has elected to submit ADA improvements at the Old Library Building and Von Savage Pool as the application.
 - Our office has provided the necessary engineering documents to Blauer Associates in support of the grant application submission.
 - The grant application was successfully submitted in early September.

Capital Projects

1. Reconstruction of Newark Avenue and Jefferson Avenue Sanitary Sewer Replacement
 - The Bid Opening occurred on June 13, 2018. The bid was awarded to Perna Finnigan, Inc. in the amount of \$972,349.04 based on the award of Alternate Bid #3.
 - The Jefferson Avenue sanitary sewer replacement has started this week.
 - The contractor has completed the sanitary sewer main replacement on Newark Avenue and is currently installing concrete curbing.
2. Storm Sewer Evaluation and Flood Mitigation Master Plan
 - The goal of the plan is to identify sources of flooding, corrective action to mitigate flooding and chart a prioritized capital plan to effectuate the improvements.
 - We have collected the information on the storm sewer facilities with the Borough and have completed the storm sewer GIS mapping.
 - We are currently creating the report, logging rain events and tidal elevation information.
 - We are also submitting a proposal to obtain elevations on all private and public bayside bulkheads and properties to determine the bayside elevational perimeter.
3. FY 2018 NJDCA Small Cities Program
 - The Borough has successfully petitioned NJDCA to utilize FY 2017 grant funding for the FY2018 project.
 - The FY2018 grant application included ADA access improvements for five (5) Borough street ends.
 - The bid documents are almost completed and we will be requesting authorization to bid at the November 28th meeting.

General Engineering

1. Sanitary Sewer Regulations, Ordinance and Standards
 - The objectives of the new sanitary sewer ordinance is to provide a new process for sanitary sewer permits, inspections and construction standards.
 - Our office has completed and transmitted the original draft ordinance for Borough review and are currently making revisions to integrate into the current Code.
2. Washington Avenue Park Drainage Improvements
 - Our office is evaluating the drainage issues adjacent to the park and providing a proposal to remediate those issues.
3. Crest Pier Parking Lot Improvements
 - Our office is currently preparing a proposal to make improvements to the Crest Pier parking lot.

The Mayor added two points:

1. There is a meeting on November 19th with the County Engineer regarding flooding on Pacific Avenue and ultimately where responsibility lies.
2. New Jersey Avenue from Cresse to Rambler is a county road and therefore when it comes to re-do the roadway, it must be done in concert with the County and their consultant.

CORRESPONDENCE:

Commissioner Gould requested the following to be announced:

“Beth Judah Temple in Wildwood (Spencer & Pacific avenues) will hold a memorial service on Friday, November 9th at 6:30 pm for those who lost their lives in the recent attack on the Tree of Life Synagogue in Pittsburgh. All are welcome to attend.”

PUBLIC COMMENTS:

Jim Zecca, 115 E. Hollywood Avenue, had several comments:

- Parks Department does a great job but is overloaded and under staffed and under equipped
(The Mayor thanked Mr. Zecca for the compliment and indicated he would discuss with the Superintendant of Public Works)
- Fertilizer treatments are bad for environment, pets and wallet – thinks Borough could do with 2x /year not 4(The Mayor would follow up with the Superintendent of Public Works)
- Crest Web Site overall looks great. Would like a tab labeled “projects” and truly enjoyed the presentation given by Roger Brooks (The Mayor added there is a section entitled “Special Projects” already on the website.
- NJ Avenue project needs a formal process with objectives and sign offs and repeatedly brought up the critical mass of the right mix of businesses (The Mayor added that we aren’t at the point Mr. Zecca is referencing. The Borough needs to act with the County and the starting point is with the Planning Board and their subcommittee. Commissioner Thompson reiterated what the sentiments of the Mayor. They both added that Taylor Design Group has been consulting the Planning Board on this issue.
- USACE Dune Project was the last issue and Mr. Zecca indicated he thinks the Borough should have some reserves in case something unexpected occurs. (The Mayor added that the Borough is considering the addition of a bike path behind the proposed dune from Rambler to Jefferson and they have had numerous conversations with the Army Corps.)

Nancy Pietropaoli, 6002 Seaview Avenue, added that the small tattered flags that were placed along the street corners for the September 11th ceremony can be taken to the library and Mr. Orlando will ensure they get disposed of properly.

Jim Zecca, 115 E. Hollywood Avenue, asked if the Borough could place wind sock on the flagpole at Sunrise Park.

Dennis Travascio, 112 E. Louisville Avenue, inquired about Resolution No. 4 and it was conveyed that it was in conjunction with Crest Pier.

Ron Becker, 201 W. Charleston Avenue, had a small issue and personally thanked the Mayor for the help.

DISCUSSION:

OLD BUSINESS:

- Crest Merchandise specifications – no developments
- Bulkhead issue- No developments
- Solar Panels: No developments
- Potential Ordinance amending 20 minute parking- No developments
- Smoke-free beach vs. Designated for 2019- No developments
- Designated smoking areas for municipal buildings- No developments

NEW BUSINESS:

None.

PUBLIC COMMENTARY:

Hearing nothing further from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting be adjourned. All were in favor and the time was 6:06 p.m.

Dated: November 28, 2018

Patricia A. Feketics, Borough Clerk

