

Note: Complete Meeting Appears
On 14-18 on file in
Borough Clerk's Office

July 25, 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 9:30 a.m. On roll call the following answered to their names:

Gould - 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. 1284

ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AUGMENTING
AND AMENDING CHAPTER 48 – PEACE AND GOOD ORDER; ARTICLE V
– EXCESSIVE CONSUMPTION OF MUNICIPAL SERVICES

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1284 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on August 8, 2018 at 9:30 a.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1285

AN ORDINANCE AUGMENTING AND AMENDING SECTION 79-7,
ENTITLED HANDICAPPED PARKING OF ARTICLE II, CHAPTER 79
VEHICLES AND TRAFFIC OF THE CODE OF THE BOROUGH OF
WILDWOOD CREST, COUNTY OF CAPE MAY AND STATE OF NEW
JERSEY

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1285 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on August 8, 2018 at 9:30 a.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 228-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH
OF WILDWOOD CREST REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR THE AFFORDABLE HOUSING TRUST
FUND AS REQUIRED BY NJSA 40A:12A-3 ET SEQ.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Affordable Housing Trust Fund required by N.J.S.A. 40A:12A-3 et seq. provides for receipt of development fees by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the development fees collected by the Borough of Wildwood Crest are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Board of Commissioners of the Borough of Wildwood Crest does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Affordable Housing Trust required by N.J.S.A. 40A:12A-3, et seq.

2. The Municipal Clerk of the Borough of Wildwood Crest, County of Cape May, is hereby directed to forward two certified copies of this Resolution to the Director of Division of Local Government Services.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 229-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST EXPRESSING ITS INTENT TO RENEW THE EXISTING AGREEMENT FOR FIRE PROTECTION SERVICES WITH THE WILDWOOD CREST VOLUNTEER FIRE COMPANY NUMBER ONE UPON ITS EXPIRATION

WHEREAS, The Wildwood Crest Volunteer Fire Company Number One (the "Fire Company") has provided the Borough of Wildwood Crest with fire protection services since 1910; and

WHEREAS, the Borough of Wildwood Crest is currently a party to an agreement with the Fire Company for fire suppression services which will expire in December of 2020; and

WHEREAS, the Fire Company desires to make capital improvements to its fire house by installing solar panels and requires assurances that the Borough intends to renew the agreement for fire suppression services beyond 2020; and

WHEREAS, the Borough intends to maintain its one hundred year relationship with the Fire Company and determines that the improvement to the firehouse of the installation of solar panels which will promote the goal of green energy of the Borough and a reduction of expenses for the Fire Company is in the best interests of the Borough, its citizens and the Fire Company.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest that the Board of Commissioners expresses its intent and desire to renew the agreement with the Wildwood Crest Volunteer Fire Company Number One for fire suppression services beyond the year 2020 upon terms and conditions that shall be deemed proper and mutually agreeable to both the Borough and the Fire Company.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 230-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Wildwood Crest (hereinafter the "Borough") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "Fund"); and

WHEREAS, the Borough's membership terminates as of January 1, 2019 unless earlier renewed by a Contract between the Borough and the Fund; and

WHEREAS, N.J.S.A. 40A:11-5(1)(m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the Borough shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the Borough, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the Borough requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the Borough; and

WHEREAS, it is the goal of the Borough to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the Borough's exposure; and

WHEREAS, the Fund has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the Fund has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the Fund provides the Borough with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the Fund is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the Fund operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the Fund, the Borough would be renewing its membership in an organization with experienced and dedicated Fund Professionals who provide specialized services to the members; and

WHEREAS, the membership of the Fund includes many neighboring municipalities that have uniquely similar exposures as the Borough, and with whom the Borough has existing inter-local arrangements; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the Borough to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an "extraordinary, unspecifiable service" that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the Borough's membership in the Fund; and

WHEREAS, the Fund has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the Fund meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the Borough desires to enter into a Contract to renew its membership with the Fund for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

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

1. The Borough agrees to renew its membership in the Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Borough Clerk shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the Fund evidencing the Borough's renewal of its membership.

3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the Borough, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.

4. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 231-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AMENDING SIGNATORY RESOLUTION NO. 202-18, ADOPTED ON JULY 11, 2018

WHEREAS, the Board of Commissioners adopted Resolution No. 202-18 on July 11, 2018, which designated signatories for the Borough's accounts; and

WHEREAS, on May 23, 2018, the Board of Commissioners of the Borough of Wildwood Crest passed Resolution No. 172-18, which established an Affordable Housing Trust Fund to implement the Borough's Third Round Housing Plan Element and Fair Share Plan consistent with the terms of a Settlement Agreement reached between the Borough and Fair Share Housing Center.

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, State of New Jersey, that Francine B. Springer, Chief Financial Officer, be the custodian of the following accounts:

CREST SAVINGS BANK

<u>Account Number</u>	<u>Account Name</u>
54-902507-3	Borough of Wildwood Crest Lien Redemption Account
54-901556-1	Borough of Wildwood Crest Current Account
54-901557-9	Borough of Wildwood Crest Disbursement Account
54-901560-3	Borough of Wildwood Crest Trust Escrow Account
54-901559-5	Borough of Wildwood Crest Recreation Trust Account
54-901561-1	Borough of Wildwood Crest Police Forfeiture Account
54-901564-5	Borough of Wildwood Crest Animal Control Account
53-181178-5	Borough of Wildwood Crest Unemployment Trust Account
54-100167-6	Borough of Wildwood Crest General Capital Fund
54-901558-7	Borough of Wildwood Crest Payroll Account
54-904337-3	Borough of Wildwood Crest Flexible Spending Account
54-902576-8	Borough of Wildwood Crest Uniform Construction Code
99-006342-2	Borough of Wildwood Crest Affordable Housing Trust Fund
499917006	18 Month Certificate of Deposit
499916735	18 Month Certificate of Deposit

PNC BANK

80-2395-1884 Wildwood Crest Borough Money Market Account

STATE OF NEW JERSEY CASH MANAGEMENT FUND (NON-STATE)

000075590-171 Borough of Wildwood Crest GENL AC

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May and State of New Jersey, that the municipal officials listed hereinbelow are hereby designated as signatories on the above listed accounts (excluding Alexa Campilango on the Payroll Account) when necessary or required as follows:

Francine B. Springer

or

Alexa Campilango

and

Don Cabrera

or

Joyce P. Gould

or

David C. Thompson

and

Patricia A. Feketics

or

Loretta G. Scott

BE IT FURTHER RESOLVED that Francine B. Springer, Don Cabrera, Joyce P. Gould, David C. Thompson, and Patricia A. Feketics be and are hereby designated as the authorized signatories on the Borough of Wildwood Crest Payroll Account (No. 54-901558-7).

BE IT FURTHER RESOLVED that Francine B. Springer, Lyndsey Herman and Alexa Campilango be and are hereby designated as the authorized signatory of the Borough of Wildwood Crest Lien Redemption Account (No. 54-902507-3).

BE IT FURTHER RESOLVED that Patricia A. Feketics and Francine B. Springer be and are hereby designated as the authorized signatory of the Borough of Wildwood Crest Borough Election Account (No. 54-900478-9).

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 232-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT TO MARC DEBLASIO OF DEBLASIO & ASSOCIATES FOR STORM SEWER GIS INFRASTRUCTURE MAPPING

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for the “Professional Services” of an ENGINEER to be retained by the Borough for the performance of engineering work and related duties associated with **STORM SEWER GIS INFRASTRUCTURE MAPPING** as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Proposal from Marc DeBlasio, dated July 16, 2018, which is made a part hereof by reference as if fully set forth; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:1-11, et seq. requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, this contract was not awarded through a “fair and open process,” but does meet all of the criteria required by the provisions of N.J.S.A. 19:44A-20.4, et seq. for said award; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be a contract for professional services because:

1. Professional services of the type herein sought are of such a nature as to require a high degree to trust and confidence in the individual providing the service;
2. The services required are highly specialized or technical in nature;
3. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;
4. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;
5. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;
6. The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession;
7. The services include advise to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials, such that competitive bidding is not feasible or practical; and
8. The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

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

Account Number(s) _____ Amount _____

Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
3. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a professional services contract effective immediately and not to extend beyond one (1) calendar year, with **MARC DEBLASIO OF DEBLASIO & ASSOCIATES**, who shall be compensated pursuant to attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$30,000.00.

4. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 233-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT TO MARC DEBLASIO OF DEBLASIO & ASSOCIATES FOR RECONSTRUCTION OF NEWARK AVENUE TO INCLUDE JEFFERSON AVENUE SANITARY SEWER REPLACEMENT

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for the “Professional Services” of an ENGINEER to be retained by the Borough for the performance of engineering work and related duties associated with **RECONSTRUCTION OF NEWARK AVENUE TO INCLUDE JEFFERSON AVENUE SANITARY SEWER REPLACEMENT** as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Proposal from **MARC DEBLASIO DEBLASIO & ASSOCIATES**, dated July 3, 2018, which is made a part hereof by reference as if fully set forth; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:1-11, et seq. requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, this contract was not awarded through a “fair and open process,” but does meet all of the criteria required by the provisions of N.J.S.A. 19:44A-20.4, et seq. for said award; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be a contract for professional services because:

1. Professional services of the type herein sought are of such a nature as to require a high degree to trust and confidence in the individual providing the service;
2. The services required are highly specialized or technical in nature;
3. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;
4. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;
5. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;
6. The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession;
7. The services include advise to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials, such that competitive bidding is not feasible or practical; and
8. The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

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

Account Number(s) _____ Amount _____

Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration

Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.

3. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a professional services contract effective immediately and not to extend beyond one (1) calendar year, with **MARC DEBLASIO OF DEBLASIO & ASSOCIATES**, who shall be compensated pursuant to attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$18,000.00.

4. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 234-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 1 – RECONSTRUCTION OF NEWARK AVENUE TO INCLUDE JEFFERSON AVENUE SANITARY SEWER REPLACEMENT

WHEREAS, Perna Finnigan, Inc., of Vineland, New Jersey was awarded the contract known as RECONSTRUCTION OF NEWARK AVENUE FROM THE BEACH TO PACIFIC AVENUE via Resolution 194-18 on June 20, 2018 for \$972,349.04; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has requested that the Sanitary Sewer Replacement on Jefferson Avenue from Pacific Avenue to Seaview Avenue be added at the additional cost of \$178,525.00 making the amended contract amount \$1,150,874.04; and

WHEREAS, the Borough Engineer has recommended acceptance of Change Order Number 1; and

WHEREAS, the Chief Financial Officer has certified the availability of funds as evidenced below by her signature:

Account Number (s) _____ Amount _____
Signature _____

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May and State of New Jersey, that said Changed Order Number 1 be and the same are hereby approved.

AND BE IT FURTHER RESOLVED that the contract for said work be, and the same is hereby accepted, and that all payments to Perna Finnigan, Inc. be made thereon.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 235-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AMENDING RESOLUTION NO. 185-18 ADOPTED ON JUNE 6, 2018 DESIGNATING CUSTODIANS OF PETTY CASH FOR THE WILDWOOD CREST ADMINISTRATIVE OFFICES

WHEREAS, on June 6, 2018, via Resolution No. 185-18, Alexa Campilango, Account Clerk, was designated as Custodian of Petty Cash for the Wildwood Crest Administrative Offices; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Wildwood Crest is changing custodians to Francine B. Springer (Chief Financial Officer) and Alexa Campilango (Account Clerk) for the Administrative Offices in the amount of \$250.00;

WHEREAS, Francine B. Springer is bonded in the amount of \$1,000,000.00 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May and State of New Jersey, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 236-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A NOTICE TO BIDDERS
FOR EMS BILLING**

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that the Borough Clerk is hereby authorized to advertise a Notice to Bidders in *The Herald of Cape May County* issue of August 1, 2018.

BE IT FURTHER RESOLVED Sealed bids will be received by the Bid Opening Committee in the Municipal Court Room, Wildwood Crest Borough Hall, on **Tuesday, August 21, 2018 at 10:00 a.m.**, prevailing time, for furnishing the items hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said items are as follows:

EMERGENCY MEDICAL SERVICE BILLING

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

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 237-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING REFUND FOR CREST PIER PLAYMATES
CAMP TO SEAN GALLAGHER FOR \$635.00**

WHEREAS, Sean Gallagher enrolled his children in the First and Second Session of Pier Playmates day camp; and

WHEREAS, Sean Gallagher submitted Check # 2177 in the amount of \$1,320.00; and

WHEREAS, Sean Gallagher has indicated that one of his children cannot attend both sessions of camp and therefore is due a refund of \$635.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the Chief Financial Officer is hereby authorized to execute said refund in the amount of \$635.00 to Sean Gallagher, 204 W. 15th Street, North Wildwood, New Jersey 08260.

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

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 238-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST REQUESTING THE GOVERNOR TO SIGN A3190/S250
INCENTIVIZING TECH DEVELOPMENT AT CAPE MAY COUNTY AIRPORTS**

WHEREAS, A3190/S250 (“the Legislation”) is state legislation that would allow businesses that locate at the Cape May County and Woodbine Airports to receive tax credits for job creation and retention activity under the Grow New Jersey Assistance Program, administered by the New Jersey Economic Development Authority; and

WHEREAS, the Legislation has been approved by both the State Senate and the State Assembly and is awaiting signature by the Governor of New Jersey; and

WHEREAS, if signed by the Governor so that it becomes law, the Legislation will incentivize development at Cape May County airport districts of year-round business activity that is not tied to Cape May County’s seasonal tourist economy; and

WHEREAS, Cape May County has already taken significant steps to encourage such year-round development, especially in the growing technology sector, and particularly UAS (or drone) technology, in an effort to make the County a UAS hub for the Northeast Corridor; and

WHEREAS, the County, together with its development partners, has already invested significant amounts of time and money to encourage and develop this year-round activity, which will provide sustainable, meaningful job opportunities in a county whose unemployment rate balloons to nearly 16% in winter months; and

WHEREAS, given its location and resources, Cape May County is uniquely situated to take advantage of the economic opportunities presented by UAS and other new technologies; and

WHEREAS, encouraging and inducing such development in Cape May County airport districts will have a positive economic effect on all Cape May County municipalities, including the Borough of Wildwood Crest; and

WHEREAS, A3190/S250 will provide essential tax incentives that will encourage UAS and other technology companies to locate in Cape May County at its airport districts; and

WHEREAS, having carefully considered the matter, the Board of Commissioners of the Borough of Wildwood Crest believes that the enactment of the Legislation will benefit not only Wildwood Crest, but all municipalities in the County,

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

1. The above recital paragraphs are incorporated herein.
2. The Board of Commissioners of the Borough of Wildwood Crest strongly urges the Governor to sign into law A3160/S250, to provide Cape May County with an essential tool to encourage much-needed year-round development and to bring to fruition the County's continuing efforts to bring such development to the County, particularly in the UAS and technology sectors.
3. The Borough Clerk is hereby authorized to send a copy of this Resolution to the Office of the Governor, to the County's representatives in the State Legislature, to the Cape May County Board of Freeholders, and to all Cape May County municipalities.
4. This resolution shall take effect immediately, according to law.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 239-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD
CREST AUTHORIZING SPECIAL EVENTS PERMIT TO CHRISTINE COCCIA

WHEREAS, on July 6, 2018, Christine Coccia, 2531 S. 15th Street, Philadelphia, PA 19145, applied for a Special Events Permit for the purpose of the BONSERA WEDDING to be held on August 18, 2018 (rain date August 25, 2018), from 7:00 pm to 8:00 pm, on the Forget-Me-Not Rd Beach; and

WHEREAS, Christine Coccia has supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and has 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 is hereby authorized and directed to issue a Special Events Permit to Christine Coccia, 2531 S. 15th Street, Philadelphia, PA 19145 for the purpose of the BONSERA WEDDING to be held on August 18, 2018 (rain date August 25, 2018), from 7:00 pm to 8:00 pm, on the Forget-Me-Not Rd Beach.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 240-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD
CREST AUTHORIZING SPECIAL EVENTS PERMIT TO KRISTINE LYNN ARP

WHEREAS, on July 17, 2018, Kristine Lynn Arp, 20 Ehlers Lane Apt B, Old Bridge, NJ 08857, applied for a Special Events Permit for the purpose of the ARP-LUDLOW WEDDING to be held on August 24, 2018, from 6:00 pm to 7:00 pm, on the Atlanta Avenue Beach; and

WHEREAS, Christine Coccia has supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and has 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 and scheduling compatibility.

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 Christine Coccia, 2531 S. 15th Street, Philadelphia, PA 19145 for the purpose of the

BONSERA WEDDING to be held on August 18, 2018 (rain date August 25, 2018), from 7:00 pm to 8:00 pm, on the Forget-Me-Not Rd Beach.

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

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

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

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

Mrs. Gould motioned, seconded by Mr. Thompson, that all reports received from the Court Administrator, CFO, Tax Collector and the Chief of Police for the month ending June 30, 2018 be accepted as presented.

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

Mrs. Gould motioned, seconded by Mr. Thompson, that all minutes from the regularly scheduled Commission Meetings dated June 20th and July 11th, 2018 as well as the Closed Session Minutes of June 20, 2018 be approved as presented.

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

ADMINISTRATOR'S REPORT:

July 25, 2018

Kayak Launch/ Sunset Lake Shoreline Stabilization

Our Coastal Engineer- Tom Thornton is currently preparing bid documents. We expect to have them finalized and ready to proceed with bidding of this project in August.

Beach/ Dune Project

We now have an electronic copy of the Army Corps 60% plans. I have requested that DEP Coastal Engineering provide paper copies for clarity. According to Chris Constantino their plotter is down. He asked that I give him until tomorrow to make copies. He will be sending them UPS tomorrow if possible.

Redevelopment of New Jersey Avenue Business District (UEZ Zone)

Roger Brooks' presentation is currently posted on our website. We will continue to work with the Cape May County Engineering Department on the New Jersey Avenue roadway design and work with our planner on this long-term redevelopment project. In the meantime, we are looking at short term ideas for 2019.

Grants

1) Cape May County Open Space and Recreation Applications 2018

The Cape May County Open Space Board has made their recommendation to the Freeholder Board to fund the Sunrise Park portion of the application in the amount of \$283,625. Improvements will include an additional playground adjacent to the current playground, bicycle parking and a fitness trail. The Scoop Taylor portion of the application has been deferred pending additional information from our engineer. Once a date for the Freeholder Board's hearing on this recommendation has been set I will advise. The Board of Commissioners may want to consider upgrading Scoop Taylor Park at the same time.

2) New Jersey Prevention Network Get Active NJ

Zone striping has provided a price quote for the installation of thermoplastic mile markers and we are currently working on specifications. Mile markers will be installed on our walking/jogging and bike path by early fall.

Old Library Building

Nothing new to report. We are awaiting additional architectural proposals.

ATLANTIC CITY ELECTRIC Reliability Upgrades

Verizon has been issued the necessary street opening permits and is currently working on removing the remaining poles et for this project to be complete.

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

Nothing new to report.

Affordable Housing Compliance

Our Order of Fairness and Compliance has been approved after final review by the Fair Share Housing Center. We have been ordered to begin collecting development fees on August 1, 2018. The CFO has set up the interest-bearing trust account at Crest Savings. The Housing Plan Element and Fair Share Plan (including the Development Fee Ordinance) sets forth the procedures for the collection of the development fees.

Garden State Parkway/ Rt 109 Signage

NJDOT has responded to multiple inquiries and will be replacing the missing directional signage to Wildwood Crest at the base of the Cape May Bridge along RT 109 within the next 1-2 weeks.

Beach Signage

The Atlantic County Municipal Joint Insurance Fund has provided all municipalities with guidance to limit liability through the use of uniform beach signage. We have established a beach signage committee and have met on two occasions to discuss and development new beach signage for the 2019 bathing season. Key components of the new signs will be universal symbols in addition to wording and a QR code which can be used to link directly to our mobile app. As we get closer to a draft of the actual signage I will let you know.

ENGINEER'S REPORT:

N/A

CORRESPONDENCE:

The Clerk indicated that two correspondences were received and forwarded to the governing body for their review.

PUBLIC COMMENTS:

Larry Francis, 111 East Wisteria Avenue, thanked everyone for the quick response addressing the handicapped parking at the old library on Wisteria Avenue.

Frank Salvatore, 126 E. Palm Road, inquired about the beach dune and what it entails. The Administrator gave a brief description.

Ms. Salvatore, 126 E. Palm Road, indicated that she has been having an issue with broken glass when recyclables have been picked up. The Administrator indicated she would follow up with Public Works.

Larry Francis, 111 East Wisteria Avenue, asked if bringing the handicapped beach wheelchairs back after 5:00 pm was an option and Commissioner Thompson indicated he would follow up with Chief Johnson.

DISCUSSION:**OLD BUSINESS:**

-Borough Hall entry and employee access – on hold.

-Crest Merchandise specifications – Mayor Cabrera indicated that the Borough has received numerous phone calls for Crest merchandise and that we are getting closer to getting bid specs for next year. He further added that the commissioners need to decide if they want to put the merchandise out as a bid or have the Borough sell the items.

-Old Library – on hold.

-Bulkhead issue- On hold.

-Solar Panels: Commissioner Thompson and the Engineer are currently gathering information.

NEW BUSINESS:

-Sunset Lake path for bikers and pedestrians - It has been brought to the attention of the Board of Commissioners that the path on sunset lake has both walkers and bicyclists traversing and that many believe the bicyclists should be on the street. The commissioners agreed that there has to be a peaceful coexistence.

-Potential Ordinance amending 20 minute parking- The Mayor indicated that the ordinance needs to be amended for 2019 and to keep on Old Business.

-Smoking on the beach – Governor Murphy recently signed into legislation the bill that bans smoking on the beach. Within that legislation, there is a provision to allow up to 15% of the beach to permit smoking. Commissioner Thompson indicated that he would be for allowing a percentage to smoke in a designated area. The Solicitor further added that enforcement would be

an issue if they banned smoking entirely. Commissioner Gould agreed that perhaps every other block could be an alternative. The Mayor added that this legislation includes parks and that perhaps Wildwood Crest could explore the option of having an “ambassador” and that the Borough should see what both Wildwood and North Wildwood are planning.

-Possible introduction of Ordinance for Ambulance Fees- The Commissioners were asked to look at fees for ambulances from both Wildwood and North Wildwood and they agreed to amend the fees and introduce at the first meeting in August.

PUBLIC COMMENTS:

The Mayor opened the floor once again for public commentary.

Robert Baker, 125 E. Palm Road, agreed about allowing a portion of the beach to be designated for smokers. He indicated that he didn’t think the lifeguards should be addressing the issue with smokers and was concerned that a complete ban could cause issues. Commissioner Thompson indicated that this would be a police issue only.

Maureen Hartley, 130 W. Lavender Road, agreed with the gentleman and didn’t think lifeguards should be addressed with that problem. She then asked if the dune and bike path would also be non-smoking and there would need to be more receptacles at the beach ends in case of fires. Lastly, she asked about designated areas for golf carts at the old library.

Hearing nothing further from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 241-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXECUTIVE/CLOSED SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, SPECIFICALLY N.J.S.A. 10:4-12(B)

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Wildwood Crest to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive or Closed Session,” i.e., without the public being permitted to attend; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that one (1) issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance to be discussed during the Executive or Closed Session to be held on Wednesday, July 25, 2018 at 9:30 A.M.; and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

_____ “(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.” The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ “(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ “(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or

incompetent, his guardian) shall request in writing that the same be disclosed publicly.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ “(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Borough and _____

_____ “(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ “(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ X _____ “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed is Healthcare and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is to explore healthcare options going into union negotiations.

_____ “(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public’s interest and the employee’s privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are _____.

_____ “(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

WHEREAS, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Wildwood Crest. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

BE IT FURTHER RESOLVED that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

BE IT FURTHER RESOLVED that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

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

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

Hearing nothing further from the public after returning from Closed Session, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting be adjourned. All were in favor. The time was 12:16 p.m.

Dated: August 22, 2018

Patricia A. Feketics, Borough Clerk

