

Note: Complete Meeting Appears  
on CD #11-16 on File in the  
Borough Clerk's Office

May 25, 2016  
Wildwood Crest, NJ

Prior to the opening of the meeting, Mr. Groom 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 7:00 P.m. On roll call the following answered to their names:

Gould – Cabrera – Groom – Yes

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

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1237 be placed on second and final passage by title only.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1237

AN ORDINANCE AUGMENTING AND AMENDING CHAPTER 79 OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY, VEHICLE AND TRAFFIC, ARTICLE XII-SCHEDULES, SECTION 79-32, SCHEDULE I, NO PARKING, AND SECTION 79-32.1, SCHEDULE 1-A, PARKING RESTRICTED AT ALL TIMES, AND SECTION 79-33, SCHEDULE II, NO PARKING CERTAIN HOURS, SECTION 79-35, SCHEDULE IV, TIME LIMIT PARKING

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1237.

Vote: Gould - Cabrera – Groom – Yes

After no comments from the public, Mrs. Gould motioned, seconded by Mr. Cabrera, that the public hearing on Ordinance No. 1237 now be closed.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1237 be passed on second and final reading and advertised according to law.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1238 be placed on second and final passage by title only.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1238

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 47, PARKING METERS, SECTION 47-2, ZONES ESTABLISHED; DELETING SECTION 47-3, ADDITIONAL ZONES ESTABLISHED; AMENDING AND SUPPLEMENTING SECTION 47-8.1, PARKING METER CHARGE; AMENDING AND SUPPLEMENTING SECTION 47-13, VIOLATIONS AND PENALTIES; AND AMENDING AND SUPPLEMENTING CHAPTER 47, SECTION 47-1 THROUGH 47-8.1 TO RENUMBER SECTIONS OF CHAPTER 47 DUE TO THE ELIMINATION OF SECTION

47-3, OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, AND AMENDING ORDINANCE NO. 232 ADOPTED JUNE 23, 1958; ORDINANCE NO. 704 ADOPTED AUGUST 9, 1989; ORDINANCE NO. 1048 ADOPTED NOVEMBER 26, 2007, ORDINANCE NO. 1059 ADOPTED MARCH 19, 2008, ORDINANCE NO. 1069 ADOPTED FEBRUARY 25, 2009, ORDINANCE NO. 1008 ADOPTED MAY 3, 2006, ORDINANCE NO. 1136 ADOPTED JANUARY 25, 2012, ORDINANCE NO. 1167 ADOPTED MAY 8, 2013, ORDINANCE NO. 1181 ADOPTED DECEMBER 11, 2013, AND ORDINANCE NO. 1224 ADOPTED OCTOBER 21, 2015

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1238.

Vote: Gould - Cabrera – Groom – Yes

After no comments from the public, Mrs. Gould motioned, seconded by Mr. Cabrera, that the public hearing on Ordinance No. 1238 now be closed.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1238 be passed on second and final reading and advertised according to law.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1239 be placed on second and final passage by title only.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:  
ORDINANCE NO. 1239

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 46, OFFICERS AND EMPLOYEES, OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY, TO ADD ARTICLE IV, MUNICIPAL ADMINISTRATOR, AND REPEALING ORDINANCE NO. 1202 JANUARY 7, 2015

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1239.

Vote: Gould - Cabrera – Groom – Yes

Dennis Travascio, 112 E. Louisville Avenue, inquired if this is a new ordinance and the Mayor indicated the ordinance was intended to update the job description of municipal administrator.

After no comments from the public, Mrs. Gould motioned, seconded by Mr. Cabrera, that the public hearing on Ordinance No. 1239 now be closed.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1239 be passed on second and final reading and advertised according to law.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1240 be placed on second and final passage by title only.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:  
ORDINANCE NO. 1240

AN ORDINANCE TO AMEND SECTION 59-3 OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, KNOWN AS THE "SALARY ORDINANCE," FIXING AND DETERMINING SALARIES AND COMPENSATIONS OF THE BOROUGH OF WILDWOOD CREST, IN

THE COUNTY OF CAPE MAY, NEW JERSEY, PROVIDING FOR THE  
RAISING OF THE AMOUNTS THEREOF BY TAXATION AND FOR  
THE TIME AND METHOD OF PAYMENT

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1240.

Vote: Gould - Cabrera – Groom – Yes

Dennis Travascio, 112 E. Louisville Avenue, inquired what was changing with the salary ordinance and the Mayor indicated the ordinance amount was increasing.

Anthony Nazzario, 9206 New Jersey Avenue, inquired about the difference between minimum and maximum amount and the Mayor indicated that the minimum has not changed and the salary of any potential administrator would be negotiable.

After no comments from the public, Mrs. Gould motioned, seconded by Mr. Cabrera, that the public hearing on Ordinance No. 1240 now be closed.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1240 be passed on second and final reading and advertised according to law.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 695-16

**A RESOLUTION AUTHORIZING THE COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST TO ENTER INTO A STATUTE OF LIMITATIONS TOLLING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF LABOR**

**WHEREAS**, the United States Department of Labor has conducted an audit concerning the Fair Labor Standards Act and its applicability to those employees of the Borough who are EMTs; and

**WHEREAS**, during the audit process, the United States Department of Labor has submitted a Statute of Limitations Tolling Agreement between the Borough and the United States Department of Labor and has requested that the Borough execute said Agreement; and

**WHEREAS**, the Borough desires to enter into the Statute of Limitations Tolling Agreement with the United States Department of Labor.

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

1. The Borough hereby agrees to the terms contained within the Statute of Limitations Tolling Agreement between the Borough and the United States Department of Labor.

2. The Mayor, on behalf of all Commissioners, shall be and is hereby authorized execute the Statute of Limitations Tolling Agreement between the Borough of Wildwood Crest and the United States Department of Labor.

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

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 696-16

**A RESOLUTION AUTHORIZING ACCEPTANCE OF SETTLEMENT AND INSURANCE CLAIM PAYMENT**

**WHEREAS**, on September 30, 2015, a fire occurred in the Wildwood Crest Public Works facility that resulted in a loss and submission by the Borough of Wildwood Crest of a claim for payment to insurance carriers for the cost of the loss, and

**WHEREAS**, in accordance with the Statement of Loss and Claim Summary as provided by O'Brien Adjustment Services LLC, dated April 27, 2016 and attached to this resolution.

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

1. The settlement of Claim as outlined by O'Brien Adjustment Services, LLC, Statement of Loss, and Claim Summary in the amount of \$184,694.28 for the insurance loss on September 30, 2105 at the Public Works facility shall be accepted by the Borough.
2. The Commissioner and Borough Clerk be and are hereby authorized to execute any and all documents as may be required to process the acceptance of insurance claim settlement.

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. 697-16

WHEREAS, the Wildwood Crest Beach Patrol is in need of two (2) four-wheel drive utility vehicles for use on the beach; and

WHEREAS, it is the desire of the governing body to rent/lease said utility vehicles;

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. That the preamble hereto is repeated as if set forth in full.
2. That the Wildwood Crest Beach Patrol be authorized to rent/lease from Sunbelt Rentals, 223 Paulsboro Road, Swedesboro, NJ 08085, two (2) four-wheel drive, four seat gasoline utility vehicles for the period July 1, 2016 through September 9, 2016, for the total rental amount of \$4,748.70.
3. That the Mayor and Borough Clerk be and they are hereby authorized and instructed to execute any and all documents necessary to effectuate said rental/lease agreement.

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

Account Number(s)	Amount	Signature

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 698-16

**REQUESTING THAT GRANDFATHERING PROVISIONS BE INCLUDED IN NATIONAL FLOOD INSURANCE LAWS TO PROTECT HOMEOWNERS WHOSE HOMES ARE BUILT TO ELEVATIONS ACCEPTABLE AT THE TIME OF CONSTRUCTION OR RECONSTRUCTION**

WHEREAS, Super Storm Sandy struck the State of New Jersey, inflicting unprecedented damage throughout the State and causing catastrophic flooding and damage to communities across the State, including the Borough of Wildwood Crest; and

WHEREAS, as a result of the disaster, many homes were substantially damaged, requiring them to be rebuilt; and

WHEREAS, as a result of the disaster, the Federal Emergency Management Agency (“FEMA”) released Base Flood Elevations (BFE) to aid communities in rebuilding; and

WHEREAS, these BFEs have dictated how substantially damaged homes were rebuilt, requiring not only certain building materials and designs, but structural elevations as well through National Flood Insurance Laws; and

WHEREAS, Super Storm Sandy also impacted homes not substantially damaged, placing them in new zones following the adoption of FEMA’s maps, which now require them to be at higher elevations and built to a different code; and

WHEREAS, these homeowners, because their homes were not substantially damaged, do not qualify for State and Federal programs to raise their homes to the levels consistent with the BFEs or rebuild to current building standards; and

WHEREAS, by not including a grandfathering provision in the National Flood Insurance Laws, these homeowners are either forced to elevate and remodel, or pay increased flood insurance premiums or will lose value in their homes upon resale as their homes will be valued less by potential buyers who will be forced to elevate them; and

**WHEREAS**, this results in a reality that is unfair given the inability for these homeowners to qualify for programs to assist them in bringing their home into compliance; and

**WHEREAS**, the only way to ameliorate this injustice is to insert a grandfathering provision into National flood insurance laws to permit those homes not substantially damaged to be deemed compliant, provided they were appropriately constructed or reconstructed to standards at that time; and

**WHEREAS**, due to the projected thousands of individuals who will be affected unfairly by these provisions in flood insurance laws, the Mayor and the Board of Commissioners of the Borough of Wildwood Crest requests that grandfathering provision be included in applicable flood insurance laws to protect homeowners whose homes were not substantially impacted by Super Storm Sandy but will be substantially impacted by the requirements of these laws.

**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. That the Mayor and Board of Commissioners of the Borough of Wildwood Crest requests that a grandfathering provision be included in flood insurance laws to protect homes that were not substantially damaged from the building and elevation requirements of these laws.
2. That upon the adoption of this resolution the Borough Clerk is authorized and directed to forward a certified copy of said resolution to the Governor of the State of New Jersey, New Jersey Senate President, New Jersey Assembly Speaker, Commissioner of Department of Community Affairs, Cape May County Freeholders, New Jersey Mayors of coastal communities, and the 3<sup>rd</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Legislative Districts.

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

Vote: Gould - Cabrera – Groom – Yes

**THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:**

**RESOLUTION NO. 699-16**

WHEREAS, on May 19, 2016, JOSEPH P. CUMMINGS and DEBORAH JEAN MONACO, 254 Franklin Street, Elizabeth, NJ 07206, applied for a Special Events Permit for the purpose of a WEDDING to be held on JULY 11, 2016, from 11:00 A.M. to 1:00 P.M., at SUNRISE PARK; and

WHEREAS, JOSEPH P. CUMMINGS and DEBORAH JEAN MONACO, 254 Franklin Street, Elizabeth, NJ 07206, 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 JOSEPH P. CUMMINGS and DEBORAH JEAN MONACO, 254 Franklin Street, Elizabeth, NJ 07206 for the purpose of a WEDDING to be held on JULY 11, 2016, from 11:00 A.M. to 1:00 P.M., at SUNRISE PARK.

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

Vote: Gould - Cabrera – Groom – Yes

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

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all reports received from the CFO, Tax Collector, Court Administrator, and the Wildwood Crest Police Department for the month ending April 30, 2016 be approved as presented.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all minutes from Commission Meetings from April 20, 2016, Special Meeting dated April 29, 2016 and both Regular Meeting and Closed Meeting of May 11, 2016 be approved as presented.

Vote: Gould - Cabrera – Groom – Yes

There were no new correspondences for the Governing Body to issue a response.

The Mayor then opened the floor for public commentary.

Ms. Anne Carbone, 7903 New Jersey Avenue, asked about the status of her questions. The Mayor indicated that it would be addressed this week and we would get back to her. Ms. Carbone then asked about signage being placed for overnight parking and the Mayor indicated the signs were in fact ordered. Ms. Carbone then asked about weeds being cut.

After no further comments from the public, the Mayor opened the discussion portion of the agenda. There was no new Business to address. The Mayor then opened "Old" Business. He expected an update in July with regard to the Emergency Generator. He further added that the Borough was waiting for estimates with regard to the Sunset Lake – Mitigation and Storm Damage. The Mayor then added that he heard the design phase was beginning for the project Beach Dune project. Commissioner Cabrera then gave an overview of the Dog Park. He informed the rest of the governing body that he would not be recommending the proposed site near Public Works for the dog park due to great opposition. He suggested tabling the idea for now and possibly looking at another location at another time. The Nesbitt Center topic was the last discussion item. The Administrator indicated that he would get estimates for the building. Mrs. Gould informed everyone that the Tourism Center would be housed in the "old" library on Columbine Road and the beach and signage would be placed indicating such. Mrs. Gould also mentioned that starting in June and continuing on, commission meetings will move from 7:00 pm to 5:30 pm.

The Mayor then opened the floor once more for commentary relating to "new" and "old" business. Jackie Blanda, 103 W. Newark Avenue, wanted confirmation that the dog park proposed area would now be null and void and Commissioner Cabrera confirmed. Mrs. Blanda then indicated that Richard Cross sent an email and was willing to donate \$3,000 toward a park in that area. She further indicated that if the Borough was going to use \$20,000 for the park, in addition to the donation from Mr. Cross, they would have a good start for the park. She also indicated she would volunteer her services for benches or granite stones and also suggested naming it "Tranquility Park" or "Joe Maloy Park." Commissioner Cabrera indicated that this land has several buildable lots and that the soccer goals were going to be placed on the fields. He further indicated to all the Governing Body was dedicated to open space and the Mayor then added that they didn't want to rush into another project. The Solicitor then added that volunteers are not permitted legally to take money on behalf of the Borough, but the sentiment was certainly appreciated. The Mayor then suggested the Recreation Department work with the neighbors and think of ideas for the area and he further stressed that the Borough invests a lot in open space.

Ray Young, 102 E. Primrose Road, inquired about the pathway along Sunset Lake and if it was for pedestrians or bicyclists. The Mayor indicated it was a walking path and they would look into signage.

Ms. Anne Carbone, 7903 New Jersey Avenue, wanted confirmation that signs were ordered for New Jersey Avenue regarding overnight parking and the Mayor and police confirmed.

After no further commentary from the public, Mrs. Gould motioned, seconded by Mr. Cabrera that the meeting be adjourned. All were in favor. The time was 7:36 p.m.

Dated: June 22, 2016

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Patricia A. Feketics, Borough Clerk

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