

Note: Complete Meeting Appears
on 25-17 on file in
Borough Clerk's Office

November 1, 2017
Wildwood Crest, NJ

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

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held in the Municipal Court Room at 9:30 a.m. On roll call the following answered to their names:

Gould - Cabrera - Groon - YES

Mr. Groon read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting notice on the bulletin board in the Borough Hall and by e-mailing and same to the Gazette-Leader, Herald of Cape May County and The Press on December 1, 2016.

Mr. Groon 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 1260 be placed on second and final passage by title only.

Vote: Gould - Cabrera - Groon - Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:
ORDINANCE NO. 1260

AN ORDINANCE REPEALING AND REPLACING SECTION 6; WHICH PROVIDED FOR PHASE II TOURISM FUNDING TO THE GREATER WILDWOODS TOURISM IMPROVEMENT AND DEVELOPMENT AUTHORITY AND AMENDING ORDINANCE NO. 1141, ADOPTED ON MARCH 7, 2012;
ORDINANCE NO. 773 ADOPTED APRIL 14, 1993;
ORDINANCE NO. 801, ADOPTED ON JUNE 5, 1995;
ORDINANCE NO. 842, ADOPTED JUNE 9, 1998;
ORDINANCE NO. 922, ADOPTED DECEMBER 2, 2002; AND
ORDINANCE NO. 957, ADOPTED ON APRIL 21, 2004

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1260.

Vote: Gould - Cabrera - Groon - Yes

Mrs. Gould then motioned, seconded by Mr. Cabrera, that the public hearing on Ordinance No. 1260 now be closed.

Vote: Gould - Cabrera - Groon - Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1260 be passed on second and final reading and advertised according to law.

Vote: Gould - Cabrera - Groon - Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:
RESOLUTION NO. 1051-17

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 be and she is hereby authorized, instructed and empowered to advertise Notice to Bidders in *The Herald of Cape May County* issue of November 8, 2017.

Sealed bids will be received by the Purchasing Committee at Wildwood Crest Borough Hall at 10:30 A.M. on TUESDAY, NOVEMBER 28, 2017, for furnishing the item hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said item is as follows:

RENTAL OF BEACH CONCESSION AT APPROVED LOCATIONS FOR
BEACH UMBRELLAS, BEACH CHAIRS, APPROVED FLOTATION DEVICES AND THE
SALE OF BOTTLED WATER ONLY

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. 1052-17

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 be and she is hereby authorized, instructed and empowered to advertise Notice to Bidders in *The Herald of Cape May County* issue of November 8, 2017.

Sealed bids will be received by the Purchasing Committee at Wildwood Crest Borough Hall at 11:00 A.M. on TUESDAY, NOVEMBER 28, 2017, for furnishing the item hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said item is as follows:

RENTAL OF BEACH CONCESSION AT APPROVED LOCATIONS FOR
OCEAN SURF CAMP AND
WATER SAFETY INSTRUCTION PROGRAM

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. 1053-17

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 be and she is hereby authorized, instructed and empowered to advertise Notice to Bidders in *The Herald of Cape May County* issue of November 8, 2017.

Sealed bids will be received by the Purchasing Committee at Wildwood Crest Borough Hall at 11:15 A.M. on TUESDAY, NOVEMBER 28, 2017, for furnishing the item hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said item is as follows:

RENTAL OF BEACH CONCESSION AT APPROVED LOCATIONS FOR
SALE OF ICE CREAM/ ICE CREAM PRODUCTS

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. 1054-17

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 be and she is hereby authorized, instructed and empowered to advertise Notice to Bidders in *The Herald of Cape May County* issue of November 8, 2017.

Sealed bids will be received by the Purchasing Committee at Wildwood Crest Borough Hall at 11:30 A.M. on TUESDAY, NOVEMBER 28, 2017, for furnishing the item hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said item is as follows:

RENTAL OF CONCESSIONS

SCHEDULE A
CONCESSION NO. 3

Description: Bicycle stand located at Heather Road and Beach Drive, otherwise known as Block 21.04, Lot 8 in the Borough of Wildwood Crest.

SCHEDULE B
CONCESSION NO. 8A

Description: Bicycle stand located on Rambler Road, the area of the leasehold to be at a specific location to be determined by the Board of Commissioners.

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. 1055-17

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest have determined it is necessary to have cross easement rights to provide needed access for Sunset Lake shore stabilization improvements and to allow for public access; and

WHEREAS; a permanent easement was granted to the Borough of Wildwood Crest by Jack and Karen Morey property owners of Block 820, Lot 20.20 which easement was recorded in the Office of the County Clerk on September 15, 2017; and an exchange easement is needed for a portion of the property owned by the Borough of Wildwood Crest, Block 79, Lot 1.01 from the Borough of Wildwood Crest to Jack and Karen Morey; and

WHEREAS, it is deemed in the best interest of Wildwood Crest to authorize the granting of the easements

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST:

That the Board of Commissioners of the Borough of Wildwood Crest hereby grants to Jack and Karen Morey a permanent easement for a portion of the property known as Block 79, Lot 1.01 in the Borough of Wildwood Crest and confirms that the Borough of Wildwood Crest has already received from Jack and Karen Morey a permanent easement for a portion of the property owned by them and known as Block 820, Lot 20.20 permitting construction and maintenance and public access for additional shoreline stabilization along Sunset Lake.

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. 1056-17

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 2017 budget appropriations be and the same are hereby authorized as follows:

Parks and Playgrounds - Other Expenses		7,000.00
Recycling - Salaries & Wages		20,000.00
Beach Maintenance - Salaries & Wages		8,000.00
Parks & Playgrounds - Salaries & Wages		20,000.00
Sanitation - Salaries & Wages	10,000.00	
Sewer - Salaries & Wages		25,000.00
	<u>\$ 90,000.00</u>	<u>\$ 90,000.00</u>

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 1057-17

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the Borough of Wildwood Crest filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

WHEREAS, the Borough of Wildwood Crest simultaneously sought, and ultimately secured, a protective order providing Wildwood Crest immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the trial judge also appointed Hon. Steven P. Perskie, J.S.C. (Ret.) as his “Special Master,” as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Special Master, Wildwood Crest and FSHC engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as Exhibit A; and

WHEREAS, through this process, the Borough of Wildwood Crest and FSHC agreed upon the Borough’s affordable housing obligations and the compliance techniques necessary for Wildwood Crest to satisfy its “fair share” of the regional need for low- and moderate-income housing; and

WHEREAS, the Borough of Wildwood Crest and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval via duly-noticed Mount Laurel “Fairness Hearing;” and

WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region’s low- and moderate-income households; and

WHEREAS, in light of the above, and on the recommendation of the Borough’s Special Mount Laurel Counsel, the Board of Commissioners finds that it is in the best interests of Wildwood Crest to execute the attached Settlement Agreement with FSHC and to take various other actions delineated below which will ultimately result in approval of the Borough’s Fair Share Plan which, in turn, will maintain the Borough’s immunity from all Mount Laurel lawsuits for the ten-year period set forth in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of November, 2017, by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, as follows:

1. The Board of Commissioners hereby authorizes and directs the Mayor to execute the attached Settlement Agreement and to provide a copy of same to the Borough’s Special Mount Laurel Counsel as soon as practicable thereafter.

2. The Board of Commissioners hereby directs its Special Mount Laurel Counsel to file the fully-executed Settlement Agreement with the Court and take all actions reasonable and necessary to secure an Order approving the Settlement Agreement and ultimately to secure judicial approval of the Borough’s Fair Share Plan, as may be amended by the Planning Board Borough pursuant to the Agreement and subject to the public hearing process set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.

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. 1058-17

AMENDING RESOLUTION NO. 1030-17 ADOPTED ON SEPTEMBER 6, 2017 TO INCREASE THE AUTHORIZED CONTRACT AMOUNT

WHEREAS, the Governing Body adopted Resolution No. 1030-17 on September 6, 2017, which authorized the Borough to enter into a contract for professional services for Tax Consultant Services at the agreed upon rate of \$50.00 per hour, not to exceed \$1500.00; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to increase the amount of the contract by \$251.45 for Tax Consultant Services; 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

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. That the allegations of the preamble are incorporated herein as if fully set forth.

2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed, and empowered to execute the attached agreement with Joseph Gallagher who shall be compensated by voucher at the agreed upon rate of \$50.00 per hour, not to exceed a total of \$1751.45, and whose rate/fee structure is contained in the aforesaid agreement and said “Independent Contractor” shall be required to comply with this Resolution and the attached agreement.

3. This contract is awarded in accordance with the provisions of N.J.S.A. 40A:11-1, et seq. as an authorized exception to public bidding as a Professional Services Contract and has not been awarded in accordance with the open and fair process of the New Jersey Pay to Pay Law, but all conditions required for the award have been met as set forth in N.J.S.A. 19:44A-1 to permit said award.

4. The award of this contract is contingent upon production of business registration certificate and disclosure entity certification and proof of insurance as required in the contract, and certification from the Chief Financial Officer as to the availability of funds.

5. A copy of the specific items pertaining to the award of this contract shall be published in a notice of award in The Herald of Cape May County as required by law within ten (10) days of this resolution authorizing same.

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. 1059-17

SUBJECT: A RESOLUTION TO PROVIDE FOR THE DESIGNATED MEETING DATES OF THE BOARD OF COMMISSIONERS FOR CALENDAR YEAR 2018.

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the designated Borough Meetings for calendar year **2018** be and the same are hereinafter provided in accordance with the annual meeting notice requirements subject to any adjustments to be determined from time to time by resolution of the Board as follows:

<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>
JANUARY 3, 2018 24, 2018	9:30 A.M. (Re-Org) 5:30 P.M.	BOROUGH HALL BOROUGH HALL
FEBRUARY 7, 2018 21, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
MARCH 7, 2018 21, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
APRIL 11, 2018 25, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
MAY 9, 2018 23, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
JUNE 6, 2018 20, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
JULY 11, 2018 25, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
AUGUST 8, 2018 22, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
SEPTEMBER 5, 2018 26, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
OCTOBER 10, 2018 24, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
NOVEMBER 7, 2018 28, 2018	9:30 A.M. 5:30 P.M.	BOROUGH HALL BOROUGH HALL
DECEMBER 12, 2018 27, 2018	9:30 A.M. 9:30 A.M. (MORNING)	BOROUGH HALL BOROUGH HALL

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. 1060-17

WHEREAS, the PTC CREST MEMORIAL SCHOOL made application on October 19, 2017 for a Raffles License under Application No. RA-110; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to issue a Certificate of Approval under Application No. RA-110 to PTC CREST MEMORIAL SCHOOL for holding of said Raffle;

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. That the Board issue to the PTC CREST MEMORIAL SCHOOL a Certificate of Findings and Determination to be signed by the proper officer of said Board of Commissioners under Application No. RA-110 made by said PTC CREST MEMORIAL SCHOOL; and

2. That the Municipal Clerk of the Borough of Wildwood Crest be, and she is hereby authorized, empowered and directed to cause the proper Raffle License to be issued to the PTC CREST MEMORIAL SCHOOL in accordance with the application made therefor.

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 the report on the 2017 Bond Anticipation Note Sale from the CFO dated October 24, 2017 as well as the proposed dates for the 2018 Planning Board, Zoning Board of Adjustment, Tourism Development Commission, Recreation Commission, Environmental Commission, and the 2018 Borough Holiday Schedule be approved as presented.

Vote: Gould - Cabrera - Groom – Yes

ADMINISTRATOR’S REPORT: (Nothing new to report)

ENGINEER’S REPORT:

Grant Applications

1. **New Jersey Direct Installation Program**
 - The NJ Office of Clean Energy provides a 70% grant for energy efficiency improvements for lighting replacement, HVAC package unit replacement, HVAC/hot water controls and certain motors.
 - The Borough’s building facilities and exterior lighting are eligible for submission and applications can be submitted to the State at any time.
2. **Cape May County Open Space Program-Park & Development Applications**
 - The Borough is eligible to submit applications for land acquisition, park/recreation development, historic preservation and the retirement of debt associated with open space and recreation.
 - The 2017 final round application deadline is December 15, 2017.
3. **FY2018 NJDOT Local Aid**
 - The Borough selected to submit the reconstruction of Newark Avenue-Phase 2. The application was submitted by the October 6, 2017 deadline.
4. **FY2018 NJDCA Small Cities Application**
 - The Borough has selected to submit for ADA improvements at various beach street end access points. The application was submitted for the September 15, 2017 deadline.

Capital Projects

1. **Pacific Avenue and Rosemary Avenue Manhole Rehabilitation**
 - The contractor has indicated that this work will be done the first week of November.

General

1. **Bulkhead & Storm Sewer Outfall Inspection**
 - All beach and bayside bulkheads have been inspected.
 - The storm sewer outfall inspections are on-going.
 - The report is currently being compiled and it is anticipated to be completed by November 15th.
2. **Rosemary Avenue Utility Pole Installation (Street Opening)**
 - We met with Atlantic City Electric (ACE) on September 12th to voice our concerns about the timing of the removal abandoned utility poles that were being left as part of street opening application.
 - As part of this review process, ACE has agreed to remove the existing utility pole and guy wire from Veterans Memorial Park.

Commissioner Cabrera asked the Engineer if perhaps the Boiler in Borough Hall, the hot water and heater were eligible for any funding under the Direct Installation Program and he indicated the boiler would not be, but perhaps there was another program to address it. Commissioner Cabrera then wanted to know if the money that was earmarked for Sunset Lake (Borough responsible for the Kayak Launch; FEMA responsible for mitigation) could be used elsewhere,

like the sewer master plan or kayak launch. The Administrator indicated application permits have already been applied for and the Borough is in a very good position. The Engineer then indicated the Borough would then need to pass a resolution and have a dialogue for the public hearing component. The Commissioners decided it best to give their thoughts to the Administrator and Commissioner Cabrera immediately indicated he would like to see a water fountain, bicycle racks, and low level lighting and would love to see the light poles moved.

Commissioner Gould indicated that money was set aside for automatic doors at the Joseph Von Savage pool and wanted to know the status. Commissioner Cabrera then indicated he would like a thorough review of all public buildings and asked the Engineer to review if there were any grants available. He then pointed out that metal roof at the pool would also need to be examined and the Administrator indicated that there are now highly efficient metal roofs to consider.

PUBLIC COMMENTARY: The Mayor opened the floor for public commentary. Commissioner Gould reminded everyone that the next meeting has been changed from November 15th at 5:30 to November 21st at 9:30 a.m.

Chief Joseph McGrath formally recognized the service of Lt. Edward Gorski for 25 years of service.

Hearing nothing further from the public, the Mayor opened new business.

New Business: There was no new business to discuss.

Old Business: With regard to Army Corps Beach Plan, the Administrator indicated they just received comments from the DEP and needed to review them with the Commissioners. With regard to Sunset Lake and Kayak Launch, they can go to County Open Space and make enhancements to the plan. Commissioner Gould asked if the platform would be a skateboard magnet, and the Administrator indicated a gate would prevent that. Lastly, Commissioner Gould asked if there was a weight restriction to the floating dock and the Administrator pointed out there is a mechanism to prevent harm and devastation to any shellfish and if there were a weight limit, a sign would be put up.

After opening the floor once more, and hearing nothing further from the public, Mrs. Gould motioned and Mr. Cabrera seconded that the meeting be adjourned. All were in favor. The time was 9:55 a.m.

Dated: November 21, 2017

Patricia A. Feketics, Borough Clerk

