

Note: Complete Meeting Appears
On 23-18 on file in
Borough Clerk's Office

November 28, 2018
Wildwood Crest, NJ

The Mayor led those present in the Pledge of Allegiance to the Flag.

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held in the Municipal Court Room at 5:30 p.m. On roll call the following answered to their names:

Gould – 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.

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1290 be placed on second reading and final passage by title only.

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1290

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

Mrs. Gould motions, Mr. Thompson seconds that a hearing now be held on Ordinance No. 1290.

Vote: Gould -- Thompson -- Cabrera – Yes

After hearing nothing from the public, Mrs. Gould motions, Mr. Thompson seconds that the public hearing on Ordinance No. 1290 now be closed.

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 294-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING TERMINATION OF SHARED SERVICES AGREEMENT WITH THE CITY OF BRIDGETON FOR MUNICIPAL TAX ASSESSOR SERVICES

WHEREAS, the Borough of Wildwood Crest is party to an Interlocal Shared Services Agreement Between the Borough of Wildwood Crest and the City of Bridgeton for a shared municipal tax assessor dated October 3, 2017 pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the “Shared Services Agreement”); and

WHEREAS, the municipal tax assessor who was providing services to both the City of Bridgeton and the Borough of Wildwood Crest pursuant to the Shared Services Agreement has resigned from both Borough and the City of Bridgeton on November 23, 2018; and

WHEREAS, the Shared Services Agreement provides that either of the parties to the Shared Services Agreement may terminate the agreement at any time and for any reason or for no reason during the term of the Agreement upon thirty days’ written notice; and

WHEREAS, the City of Bridgeton has agreed to waive the notice provision in the Shared Services Agreement and to mutually terminate the Shared Services Agreement effective November 23, 2018; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest determines that it is in the best interests of the Borough to terminate the Shared Services Agreement with the City of Bridgeton.

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

1. The above recital paragraphs are incorporated herein by this reference as if set forth at length.
2. The Shared Services Agreement with the City of Bridgeton is hereby terminated in accordance with the terms and conditions of the Shared Services Agreement and pursuant to the mutual agreement with the City of Bridgeton effective November 23, 2018.
3. The Mayor, Borough Clerk and Chief Financial Officer are hereby authorized to take any and all other necessary actions to effectuate said termination and to pro-rate payment to the City of Bridgeton for the remainder of November, 2018.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 295-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPOINTING JASON HESLEY, CTA AS MUNICIPAL TAX ASSESSOR

WHEREAS, N.J.S.A. 40A:9-146 provides in part that the governing body shall provide for the appointment of a municipal Tax Assessor; and

WHEREAS, the position of Wildwood Crest Tax Assessor was recently vacated; and

WHEREAS, the previous Tax Assessor's term was set to expire on June 30, 2019; and

WHEREAS, N.J.S.A. 40A:9-148 provides, in part that vacancies other than due to expiration of term shall be filled by appointment for the unexpired term; and

WHEREAS, N.J.S.A. 40A:9-148.1 provides, in part, that a municipal tax assessor shall hold a tax assessor certificate provided for in N.J.S.A. 54:1-35.25, et. seq.; and

WHEREAS, Jason Hesley, CTA is a New Jersey certified tax assessor, and is presently employed by the City of Wildwood and City of North Wildwood as their Tax Assessor; and

WHEREAS, N.J.S.A. 40A:9-146.4 provides that a municipal tax assessor may be appointed in more than one municipality and the Board of Commissioners finds that the holding of additional appointments does not interfere with the proper discharge of statutory duties, nor conflict with obligations to the respective municipalities which the assessor serves; and

WHEREAS, the Commissioner of Revenue and Finance has recommended to the Board of Commissioners the appointment of Jason Hesley, CTA as Tax Assessor; and

WHEREAS, based on Mr. Hesley's background and experience as a municipal tax assessor, the Board of Commissioners is satisfied that it is in the best interests of the Borough of Wildwood Crest that the appointment of Jason Hesley, CTA be approved.

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The Commissioner of Revenue & Finance's recommendation to the appointment of Jason Hesley, CTA as Tax Assessor of the Borough of Wildwood Crest is hereby adopted and the appointment to the remainder of the term which expires on June 30, 2019 is hereby approved.
3. The Borough Clerk shall forward a certified true copy of this Resolution to the Cape May County Board of Taxation.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 296-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST DESIGNATING JASON HESLEY TO REPRESENT THE BOROUGH OF WILDWOOD CREST WITH TAX APPEALS

WHEREAS, by direction of the Cape May County Board of Taxation, adopted pursuant to the terms and provisions of N.J.A.C. 18:12A-1.6(d), any and all tax appeals seeking either increases or decreases of Tax Assessment which shall be submitted to the Cape May County Board of Taxation by the various municipalities which are situated in the County of Cape May are required to, as a prerequisite to their filing, be authorized by a Resolution of the Tax District involved; and

WHEREAS, upon being appraised of said fact, the Tax Assessor of the Borough of Wildwood Crest requested that a Resolution authorizing the execution of such tax appeals by the Tax Assessor of the Borough of Wildwood Crest be authorized by the governing body of the Borough of Wildwood Crest so that disposition of the same may be made by the Cape May County Board of Taxation.

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

1. That Jason Hesley, Tax Assessor of the Borough of Wildwood Crest, is hereby authorized to both pursue and defend to completion Tax Appeals on behalf of the Borough of Wildwood Crest for either increase or decreases in Tax Assessments for the calendar year 2018, for disposition by the Cape May County Board of Taxation.
2. That Patricia A. Feketics, Borough Clerk of the Borough of Wildwood Crest, is instructed to direct certified copies of this Resolution to the following persons or agencies:
 - A. Jason Hesley, Tax Assessor of the Borough of Wildwood Crest;
 - B. Lyndsey Herman, Tax Collector of the Borough of Wildwood Crest; and
 - C. Cape May County Board of Taxation.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 297-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING MUNICIPAL COURT ADMINISTRATOR TO VOID CERTAIN CHECKS FROM THE MUNICIPAL COURT GENERAL ACCOUNT AND THE MUNICIPAL COURT BAIL ACCOUNT

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Municipal Court Administrator is hereby authorized to void the following checks issued against the Borough of Wildwood Crest Municipal Court General Account and to void the following check against the Borough of Wildwood Crest Bail Account:

Wildwood Crest Municipal Court General Account (# 549015652 / Crest Savings)

<u>Check #</u>	<u>Check Date</u>	<u>Payable To</u>	<u>Amount</u>
2306	6-9-17	Cody White	2.00
2324	10-10-17	Paula Longo	1.00
2325	10-10-17	Michael Popper, Jr.	11.00

TOTAL AUTHORIZED TO BE VOIDED \$14.00

Wildwood Crest Municipal Court Bail Account (# 549015736 / Crest Savings)

<u>Check #</u>	<u>Check Date</u>	<u>Payable To</u>	<u>Amount</u>
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TOTAL AUTHORIZED TO BE VOIDED \$0.00

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 298-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST DESIGNATING POLICE DEPARTMENT LOBBY AS MUNICIPAL EMERGENCY WARMING CENTER

WHEREAS, the Borough of Wildwood Crest has an obligation under the laws of the State of New Jersey and the County of Cape May Code Blue Alert Plan to designate a Municipal Emergency Warming Center; and

WHEREAS, in accordance with P.L. 2017 Chapter 68 “The Code Blue Law”, an Emergency Warming Center is defined as, a short-term emergency facility that operates when temperatures reach 25 degrees Fahrenheit or lower without precipitation, 32 degrees Fahrenheit or lower with precipitation, or wind chill temperatures below 0 degrees Fahrenheit or less; and

WHEREAS, the paramount purpose of an emergency warming center is the prevention of death and injury from exposure to the elements; and

WHEREAS, an Emergency Warming Center is not to be confused with an Emergency Shelter, which is activated only during the most severe weather emergencies that include a loss of power, major flooding, and/or major winter weather conditions; and

WHEREAS, the Borough of Wildwood Crest recognizes that excessive cold and severe weather conditions put at risk individuals in danger of illness and/or death; and

WHEREAS, as the temperatures get colder, the County Office of Emergency Management will soon be declaring Code Blue Alerts that meet the requirements after evaluating weather forecasts and advisories produced by the National Weather Service; and

WHEREAS, after a Code Blue alert has been issued, the Borough of Wildwood Crest will open a facility as an emergency warming center operational from 6:00 p.m. to 6:00 a.m. EST; and

WHEREAS, the Wildwoods shall receive \$20,000 from the County of Cape May to offset the costs associated with establishing an Emergency Warming Center; and

WHEREAS, the municipalities of the Wildwoods: North Wildwood, Wildwood, Wildwood Crest, and West Wildwood will be responsible for a 25% cash match of \$5,000 split equally split amongst the towns at \$1,250 per municipality; and

WHEREAS, the municipalities may use the funding provided by Cape May County and the municipal cash match for costs associated with the warming centers, such as staff, utilities, rent, food and insurance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, State of New Jersey, hereby designate the Municipal Police Department lobby, located at 6101 Pacific Avenue, Wildwood Crest, NJ 08260 as the Emergency Warming Center of the Borough of Wildwood Crest.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to forward a copy of this Resolution to the Governor of the State of New Jersey, the members of the 1st Legislative District, the Board of Chosen Freeholders of Cape May County and to all municipalities in Cape May County.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 299-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A MAINTENANCE AGREEMENT WITH COPIERS PLUS FOR THREE COPIERS FOR A TERM OF TWO YEARS

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, desire to enter into an agreement with Copiers Plus for the following copiers with charges:

- Savin C2003 – Serial # 2204R300196 at per page rate of: B/W \$0.13 and Color \$0.09
- Savin C2003 – Serial # 8205M460498 at per page rate of: B/W \$0.13 and Color \$0.09
- Savin C230 - Serial # S7335700044 at per page rate of: B/W \$0.18 and Color \$0.11

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

Account Number(s) _____ Amount _____

Signature _____

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that an agreement with COPIERS PLUS is hereby authorized and approved effective January 1, 2019 through December 31, 2020, for the purpose of enabling COPIERS PLUS to provide maintenance and service for the above referenced copiers at the rates attached with the agreement.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized, instructed, and empowered to execute and attest any and all documents, including the “All Inclusive Full Service / Supply Agreement,” necessary to effectuate the award of this agreement; all of which is fully approved subject to the certification of availability of funds by the CFO.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.
Vote: Gould -- Thompson -- Cabrera -- Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 300-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AWARDING A CONTRACT TO TRINITY CODE INSPECTIONS, LLC, FOR BUILDING, ELECTRIC, PLUMBING AND FIRE SUBCODE ON-SITE INSPECTION AND PLAN REVIEW

WHEREAS, the City of North Wildwood, as lead municipality for the City of North Wildwood and the Borough of Wildwood Crest, advertised a request for qualifications and proposals for authorized on-site inspection and plan review agencies for the building, electric, plumbing and fire subcodes; and

WHEREAS, the date set for receipt of qualifications and proposals was October 3, 2018; and

WHEREAS, Trinity Code Inspections, LLC, was the lowest responsible bidder; and

WHEREAS, the City Solicitor and City Administrator for the lead municipality (North Wildwood) have reviewed the proposal that was submitted by Trinity Code Inspections, LLC, is a qualified contractor and conveyed the proposal to the Borough of Wildwood Crest for review; and

WHEREAS, the review committee that was designated in the Specifications as being comprised of the North Wildwood Administration Committee, the North Wildwood Mayor (or his designee), the Borough of Wildwood Crest Mayor and the Borough of Wildwood Crest Administrator have completed their investigation of the qualifications of Trinity Code Inspection, LLC, and have reported that, in their opinion, Trinity Code Inspections, LLC, is a qualified, private on-site inspection and plan review agency, approved by the New Jersey Department of Community Affairs, and is qualified to provide the required services under the proposed contract for the City of North Wildwood and the Borough of Wildwood Crest, by Resolution No 249-18 dated November 7, 2018; and

WHEREAS, the Borough of Wildwood Crest is additionally required to individually appoint an authorized on-site inspection and plan review agency pursuant to the Shared Services Agreement between the City of North Wildwood and the Borough of Wildwood Crest for construction office services, and in compliance with the Uniform Construction Code.

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. All of the statements of the preamble are incorporated herein by this reference as though the same were set forth at length.
2. A one year contract, with two one year options and a thirty day cancellation provision, for an on-site inspection and plan review agency for the building, plumbing, electrical and fire subcodes is hereby awarded to Trinity Code Inspections, LLC, with fees to be charged for services rendered to be fifty-five (55%) percent of the fees allowable by North Wildwood and Wildwood Crest ordinances (per the bid of Trinity Inspections, LLC) with administrative surcharges, as defined by North Wildwood and Wildwood Crest ordinances, to be retained by the City of North Wildwood and the Borough of Wildwood Crest.
3. The Borough of Wildwood Crest, as secondary agency, under a Shared Services Agreement with the City of North Wildwood, hereby authorizes the Mayor and the Borough Clerk to enter into the aforesaid contract with Trinity Code Inspection, L.L.C. to provide on-site inspection and plan review for the building, electric, plumbing and fire subcodes.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.
Vote: Gould -- Thompson -- Cabrera -- Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 301-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RE-ADVERTISEMENT OF NOTICE TO BIDDERS FOR THE BEACH STORAGE BOX CONCESSION

WHEREAS, on October 17, 2018, Notice to Bidders was published in *The Herald of Cape May County* for receipt of bids for the Beach Storage Box Concession on November 8, 2018 at 10:00 a.m. in the Municipal Court Room at Borough Hall, 6101 Pacific Avenue, Wildwood Crest, New Jersey as authorized by Resolution No. 278-18; and

WHEREAS, on November 8, 2018 at 10:00 no bids were received for the Beach Storage Box Concession; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to re-advertise Notice to Bidders for the Beach Storage Box Concession.

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 as if set forth at length.
2. The Borough Clerk is hereby authorized, instructed and empowered to publish Advertisement for Notice to Bidders in *The Press of Atlantic City* issue of November 29, 2018.
3. Sealed bids will be received by the Purchasing Committee in the Municipal Court Room, Wildwood Crest Borough Hall, 6101 Pacific Avenue, Wildwood Crest, New Jersey, on December 19, 2018 at 10:00 a.m. for Beach Storage Box Concession.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 302-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING INCREASE OF CONTRACT AMOUNT FOR CONFLICT SPECIAL LABOR COUNSEL FOR THE BOROUGH OF WILDWOOD CREST

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest awarded a contract, via Resolution No.248-18 adopted August 22, 2018, to Michael Testa, Esquire, to provide Conflict Special Labor Counsel services at the not to exceed sum of \$2,500.00; 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 \$434.84; and

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, County of Cape May, State of New Jersey, as follows:

1. That the recital paragraphs set forth above are incorporated herein as if set forth at length.
2. That the terms and conditions of the contract between the Borough of Wildwood Crest and Michael Testa, Esquire, authorized by Resolution No. 248-18 adopted August 22, 2018 shall remain in full force and effect, with the sole exception that the amount of the contract shall be increased to a sum not to exceed \$2,934.84 all of which is contingent upon certification from the Chief Financial Officer as to the availability of funds.
3. That a copy of the specific items appertaining 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 passage of the Resolution authorizing same.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 303-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AMENDING RESOLUTION NO. 66-18 WHICH DESIGNATED CERTAIN CAPITAL PROJECTS TO FALL UNDER THE PURVIEW OF SPECIFIC COMMISSIONERS

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest adopted Resolution No. 66-18 on January 3, 2018; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:70-1 et seq. "Commission Form of Government Law", the executive, administrative, judicial and legislative powers and duties are to be exercised by the Board of Commissioners who shall have complete control over the affairs of this municipality; and

WHEREAS, for the purposes of specific Capital Expenditures, the projects listed below will be directed to the attention of the following (added language is underlined, deleted language is ~~stricken~~):

DEPARTMENT OF PUBLIC AFFAIRS AND PUBLIC SAFETY. The Commissioner of Public Affairs and Public Safety shall have charge of supervision and direction over:

- Sunset Lake Shoreline Stabilization and Storm Damage Repairs
- Old Library – 6301 Ocean Avenue
- Sunset Lake Dredging of State Channel

DEPARTMENT OF PUBLIC WORKS AND PARKS AND PUBLIC PROPERTY. The Commissioner of Public Works and Parks and Public Property shall have charge of supervision and direction over:

- USACE Beach & Dune Construction
- The Wildwood Crest Beachfront Public Access Improvements- Multi-Use Path
- New Jersey Avenue
- ~~-Sunset Lake Dredging of State Channel~~

NOW, THEREFORE, BE IT RESOLVED, that the above listed Commissioners have supervision and direction over the listed Capital Projects.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 304-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AMENDING THE FUNDING FOR AWARD OF PROFESSIONAL SERVICES CONTRACT TO MOTT MACDONALD FOR SUNSET LAKE IMPROVEMENTS – PHASE 2 2018 COASTAL ENGINEERING SERVICES – RESOLUTION NO. 203-18

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest authorized award of Contract of Professional Services Contract to Mott MacDonald for Sunset Lake Improvements – Phase 2 2018 Coastal Engineering Services -Resolution No. 203-18 on July 11, 2018; and

WHEREAS, for the purposes of certifying the appropriate funding source, Resolution No. 203-18 shall be amended as follows: (added language is underlined and deleted language is ~~stricken~~).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Chief Financial Officer has determined the availability of funds should be reflected as follows as evidenced by her signature:

<u>LINE ITEM</u>	<u>AMOUNT</u>
C-04-55-012-660	\$51,500.00
<u>C-04-55-102-44B</u>	\$51,500.00
TOTAL FUNDS:	\$51,500.00

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 305-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A REFUND FOR 2018 ICE CREAM PEDDLING TRUCK LICENSE

WHEREAS, Dwayne Aubrey/Monster Cone LLC, 129 E. Davis Avenue, Wildwood, New Jersey 08260, paid Eight Hundred Ten (\$810.00) Dollars on December 18, 2017 to the Borough of Wildwood Crest for an Ice Cream Peddling Truck mercantile license for the year 2018; and

WHEREAS, the 2018 Ice Cream Peddling Truck mercantile license was never issued to Dwayne Aubrey/Monster Cone LLC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Chief Financial Officer is hereby authorized and directed to issue a refund of Eight Hundred Ten (\$810.00) Dollars to Dwayne Aubrey/Monster Cone LLC, 129 E Davis Avenue, Wildwood, New Jersey 08260 for the 2018 Ice Cream Peddling Truck mercantile license fee paid.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 306-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO MICHAEL BONATSOS

WHEREAS, on November 16, 2018, Michael Bonatsos, 801 Willopenn Dr. Apt. M103, Southampton, PA 18966, applied for a Special Events Permit for the purpose of Bonatsos-Wright Wedding to be held on September 28, 2019, from 3:00 pm to 5:00 pm, at the Heather Beach Pier; and

WHEREAS, Michael Bonatsos 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 Michael Bonatsos, 801 Willopenn Dr. Apt. M103, Southampton, PA 18966 for the purpose of Bonatsos-Wright Wedding to be held on September 28, 2019, from 3:00 pm to 5:00 pm, at the Heather Beach Pier.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 307-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO HELEN FITZPATRICK

WHEREAS, on November 5, 2018, Helen Fitzpatrick, 106 East Farragut Road, Wildwood Crest, New Jersey, applied for a Special Events Permit for the purpose of the Spellman-Fitzpatrick Wedding, to be held on September 28, 2019, from 3:00 pm to 4:00 pm, at the Sunset Lake Gazebo; and

WHEREAS, Michael Bonatsos 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 Michael Bonatsos, East Farragut Road, Wildwood Crest, New Jersey, for the purpose of Bonatsos-Wright Wedding to be held on September 28, 2019, from 3:00 pm to 5:00 pm, at the Heather Beach Pier.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

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

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

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

REPORTS: Mrs. Gould motioned, seconded by Mr. Thompson, that all reports received from the Court Administrator, Chief Financial Officer, Tax Collector and the Chief of Police for the month ending October 31, 2018 be approved as presented.

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

MINUTES: Mrs. Gould motioned, seconded by Mr. Thompson, that all minutes from the regularly scheduled meetings dated October 24th and November 7th, 2018 be approved as presented.

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

ADMINISTRATOR'S REPORT:

November 28, 2018

Kayak Launch/ Sunset Lake Shoreline Stabilization

This contract was awarded to South State. Notice to proceed was issued on November 12th. Our Engineer- Tom Thornton is currently reviewing submittals. It is expected that mobilization will commence next week with sheet pile driving starting the first week of December. I have a full schedule here for review and will make a copy for anyone interested.

Beach/ Dune Project

Nothing new to report.

Redevelopment of New Jersey Avenue Business District (UEZ Zone)

As part of our effort towards the development of a town center Mayor Cabrera, Joe Bond, Marc DeBlasio, Francine Springer and I met with Bob Church of the Cape May County Engineering Department and Rod Pello and Paul Cinko of T & M Associates to discuss the County's planned reconstruction of New Jersey Avenue. This roadway project is currently under study and is expected to be constructed in the next 3 years. The first step in this planning process for the County was to hire a planner to prepare a roadway diet plan for the County's review. The County has hired T&M Associates who is now in the preliminary stages of the study. The roadway diet plan is expected to yield sidewalk, drainage, signage and striping improvements in addition to the reconstruction of the road itself. This kickoff meeting was held to discuss possible grant opportunities, cost -sharing with the County, seasonal attractions, streetscaping, lighting and other amenities. This cost-shared project will include some cost sharing of planning and hopefully will result in federal funding. It was stated that the reconstruction of the roadway will require bump outs which will contain lighting and are ADA compliant. These bump outs will necessitate further drainage improvements in the area which will be paid for by the County with any grant money available and awarded. The Borough reiterated our position that the plan must address parking issues in the area and provide a safe environment that promotes bicycle and pedestrian safety. We had very productive dialogue regarding the use of different materials and/or patterns to increase pedestrian safety in the focus business district area from Wisteria to Crocus. We agreed to work closely with the County and T&M to come up with the best possible plan that meets the needs of our residents and visitors and to provide future presentations to the public to allow for ample public input.

Grants

1) Cape May County Open Space and Recreation Applications 2018

The public hearing for Sunrise Park will be held at the Freeholder's meeting on December 11th at 5:30 pm.

2) New Jersey Prevention Network Get Active NJ

The road markers have arrived. Nick Holland is handling the planning and installation at this time.

Old Library Building

Bill McLees has submitted his anticipated budget for the planned renovations. I have requested a pre-application meeting with Cape May County Open Space and continue to explore other funding opportunities for this project. We have submitted a DCA-Small Cities Grant Application for \$400,000 to renovate the bathrooms and make them ADA compliant. The virtual walk-through and preliminary plans are posted on our website for the public's review and input.

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

Nothing new to report currently.

Garden State Parkway/ RT 109 Signage

I spoke to Roger Sequeria of NJDOT today via telephone. The signs are made and in queue for installation shortly.

Beach Signage

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

Reconstruction of Newark Avenue and Replacement of the Sanitary Sewer

The Newark Avenue sanitary sewer replacement has been completed and the contractor is nearly finished the concrete curbing which will allow paving in the next week or two. The contractor has indicated that they are targeting completing the asphalt base paving by Thanksgiving. The Jefferson Avenue sanitary sewer main replacement is nearing completion with the trench restoration currently underway.

Replacement of Boiler in Borough Hall

According to Engineer, Robert Roop, the contractor PK and manufacturer representatives from Del Val and M&C are planning on returning this week (likely Wednesday) to complete the punch list. One item is training so the staff has a better understanding of the faults/alerts and how to clear. I will continue to keep you updated. In the meantime, we are warm and the boiler is operational.

Centers Designation

As you know I have been working with other local officials to get our TC designation extension. It is my understanding that Governor Murphy has received our request to extend our Centers Designation and will be issuing such extension until June of this year. We should be receiving correspondence shortly from his office.

Pacific Avenue Flooding

We met with Bob Church of the County Engineering Department in a second meeting on November 19th to discuss ongoing, persistent flooding along Pacific Avenue between Rambler and Jefferson. Bob was very helpful and indicated that the County is willing to act in partnership with the Borough to resolve these ongoing flooding issues. He will present our offer of a shared services agreement toward addressing the design of the drainage facilities. We

asked that Bob convey that the Borough will pay our municipal engineer for the design of the drainage facilities needed along Pacific Avenue and the proposed off-street Borough storm water trunk line to connect the Pacific Avenue drainage into the existing Borough outfalls if the County will in-turn provide a base survey and base mapping of the Pacific Avenue corridor and the municipal streets on which the proposed outfalls are proposed. It is proposed that these plans will act as the base mapping for the Borough's design plans. Once the plans are complete, the County will prepare bid documents for the drainage along Pacific Avenue and pay for the construction cost of the county drainage improvements. Once the drainage is in place, the County will eventually resurface and improve the roadway under a separate contract. Bob has preliminarily agreed to schedule the surveying of the Pacific Avenue work as soon as possible but needs us to provide a plan showing which municipal streets are to be surveyed so that he can begin to address those streets as well. The Borough has authorized Marc DeBlasio to perform the drainage design tonight. This will allow him to begin working on the plans and forward them to the County. This is great progress and we are moving in a very positive direction for those property owners who have been extremely patient while we work towards a resolution.

ENGINEER'S REPORT – given at first meeting.

CORRESPONDENCE:

Martin L. Pagliughi, Coordinator of the Emergency Management Communication Center for the County of Cape May gave a presentation on the benefits of moving to County Dispatch. He indicated that the county has made a major investment and recently Lower Township transitioned over and have been doing remarkably well. He further indicated that they would like to assume the current employees and they have spent 2.5 million in technology and that it is a property tax relief for taxpayers. They have systems that local municipalities cannot afford and the next generation technology is in the works. Mr. Pagliughi also mentioned that they will cross train dispatchers and they will assume the local programs such as Senior Call In and maintain them. Capt. Robert Lloyd of the Wildwood Crest Police Department added that the facility is in fact amazing, but added there are staffing issues currently at the police department and they also had concerns with access and that our current dispatchers do more than dispatch.

PUBLIC COMMENTS:

Carolyn, owner of Caribbean Motel, 5600 Ocean Avenue, inquired if the governing body would issue a blanket statement on serving wine or beer to guests since they were recently visited by the county prosecutor's office. The Solicitor indicated that the Board of Commissioners in no uncertain terms has the authority and the ABC is regulated by the state. He further recommended that the motel owner contact the ABC licensing bureau for follow up. The Mayor added that eventually he would like the governing body to consider changing the current regulations and seeking a referendum.

DISCUSSION:

OLD BUSINESS:

-Bulkhead issue- The Mayor indicated that the Engineer will address the Westside bulkhead issue to help with the elevation and flooding. Commissioner Thompson added that some outfall pipes have no caps and that there are four to five streets that flood extensively.

-Solar Panels: The Engineer will make a recommendation at upcoming meeting.

-Potential Ordinance amending 20 minute parking- Waiting for an inventory from Ralph Grassi.

-Smoke-free beach vs. Designated for 2019- The Commissioners have decided to opt for the designated area to allow for smoking. An ordinance has to be drafted to allow for this.

-Designated smoking areas for municipal buildings- The Mayor would like to table for now. Commissioner Thompson indicated there is a place out back by the boiler that is secluded from the public.

NEW BUSINESS:

-“Share the Road” campaign- The Mayor would like to see bicyclists and motorists sharing the road and the Borough should perhaps take a nicer approach with signage. The Administrator indicated she would look into Rails to Trails for grant money.

-Dogs on the Beach- The state (DEP) doesn't allow dogs on the beach at all due to the Wild Life plan and enforcement is a big issue. The Mayor added that more Class II officers were needed

for this and all of the events that Wildwood Crest puts on. Commissioner Thompson added that beach signage was needed.

-Recycle Permits- The Mayor added that the program has been a huge success and the current tags are valid until the end of April. New tags will then be available.

-Bike Racks- The Mayor added that more bike racks are needed at beach ends and New Jersey Avenue. Mr. Grassi from Traffic Maintenance would be contacted as well for his opinion on the matter.

PUBLIC COMMENTARY: Hearing nothing further from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 308-18

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, November 28, 2018** at 5:30 P.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

_____ 2 _____

“(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 and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is potential litigation; and Dispatch and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is potential negotiation.

1. Washington Avenue Park (playground and tennis court) drainage issues and Tort Claim notices.
2. Contract negotiations between the Borough of Wildwood Crest and Cape May County concerning emergency dispatch services.

“(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 motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould -- Thompson -- Cabrera – Yes

There was a three minute break for the court room to clear.

After entering back into Open Session and hearing nothing further from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting be adjourned. All were in favor and the time was 8:11 p.m.

Dated: December 27, 2018

Patricia A. Feketics, Borough Clerk

