

Note: Complete Meeting Appears
On 06-18 on file in
Borough Clerk's Office

March 21, 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.

Due to impending snow, the Commissioners requested to move the budget portion to the beginning so that the auditor could address the budget and any questions before the inclement weather set in.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 105-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. §2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Board of Commissioners of the Borough of Wildwood Crest, hereby states that it has complied with N.J.S.A. 40A: 4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MARCH 21, 2018.

Clerk

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

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

The Clerk read the title of Resolution No. 79-18 which authorized approval of the Introduced CY 2018 Municipal Budget and authorized date and time for public hearing.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 106-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SELF EXAM BY THE BOROUGH OF THE 2018 MUNICIPAL BUDGET PURSUANT TO THE PROVISIONS OF NJAC 5:30-7.2 THROUGH 7.5

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5, the Borough of Wildwood Crest has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough of Wildwood Crest meets the necessary conditions to participate in the program for the 2018 budget year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3, et. seq., are fully met (Complies with the "CAP" law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated,
- b. Items of appropriation are properly set forth,

c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Director of the 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. 107-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE CY 2018 MUNICIPAL BUDGET BE READ BY TITLE ONLY AND THAT A PUBLIC HEARING BE HELD ON THE CY 2018 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a Resolution is passed by not less than a majority of the full membership of the governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget is advertised, has been posted on the bulletin board in Borough Hall, and copies have been made available by the Borough Clerk to persons requiring them on a daily basis thereafter, including the date and time of the actual public hearing held as a result thereof; and

WHEREAS, these required conditions have been made;

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, that the municipal budget of the Borough of Wildwood Crest be read by title only.

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

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

The Floor was opened for public Commentary. The Clerk introduced Mr. Mike Garcia from Ford, Scott & Associates, who is the Auditor for the Borough. Mr. Garcia detailed how well the Borough was financially.

Paris Branda, 122 E. Syracuse Avenue, inquired why the tax rate increased by a penny if there is so much construction. The CFO and Auditor both indicated it was all personnel related due to salaries, healthcare and PERS. The Mayor added that the sewer rate was however going down in the third quarter.

After no further comments from the public, 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. 108-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AUTHORIZING ADOPTION OF THE CY 2018
MUNICIPAL BUDGET, INCLUSIVE OF \$15,356,509.24 FOR MUNICIPAL PURPOSES**

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorizations of the below amount of \$15,356,509.24 for municipal purposes.

BE IT FURTHER RESOLVED that the summary of revenues for inclusion in the 2018 MUNICIPAL BUDGET be and the same are as follows:

GENERAL REVENUES	
Surplus Anticipated	\$ 2,600,000.00
Miscellaneous Revenues Anticipated	5,615,288.78
Receipts from Delinquent Taxes	373,000.00
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES	<u>15,356,509.24</u>
TOTAL REVENUES	<u>\$23,944,798.02</u>

BE IT FURTHER RESOLVED that the summary of appropriations for inclusion in the 2018 MUNICIPAL BUDGET be and the same are as follows:

GENERAL APPROPRIATIONS	
Within "CAPS"	
(a&b) Operations including Contingent	\$13,910,498.76
(e) Deferred Charges and Statutory Expenditure – Municipal	1,277,176.00
Excluded from "CAPS"	
(a) Operations - Total Operations Excluded from "CAPS"	3,297,910.63
(c) Capital Improvements	1,325,400.00
(d) Municipal Debt Service	3,273,350.00
(m) Reserved for Uncollected Taxes	<u>860,462.63</u>
TOTAL APPROPRIATIONS	<u>\$23,944,798.02</u>

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

The Mayor thanked the Chief Financial Officer, Auditor, fellow Commissioners and Department Heads for their hard work. The Mayor then excused the Auditor from the meeting. In the interim, the Clerk dialed Mr. Michael Jedzeniak from Surenian & Associates at 5:41 pm and the Clerk ensured the audience could hear Mr. Jedzeniak and vice versa. The Borough

Administrator read a statement from Linda Weber, from CME & Associates, who are COAH planners for the Borough. See Statement.

Statement to the Wildwood Crest Board of Commissioners Affordable Housing Public Hearing

March 21, 2018

Dear Commissioners,

Thank you for the opportunity to submit these comments in writing. Below is a brief summary of the proposed affordable housing program in Wildwood Crest, which includes an overview of the ordinances before you this evening and addresses some of the issues that have been recently raised in the community, e.g. why is the program necessary, who will live in the housing, etc.

1. In 1983, the Supreme Court of New Jersey ruled that every municipality in the State of New Jersey is constitutionally obligated to provide a realistic opportunity for its fair share of affordable housing for low and moderate income individuals and families. This decision, and related court decisions, is referred to as the “Mt Laurel Doctrine”, and was enacted into law in 1985 with the passage of the NJ Fair Housing Act.

Providing a “realistic opportunity” for affordable housing means that local land use regulations must include provisions for the affordable housing units to be constructed. While some municipalities choose to construct some or all of their affordable housing obligation, Wildwood Crest has decided to make the opportunity available to others through its zoning.

2. In 2015, the NJ Supreme Court ruled on the state’s affordable housing program because of the failure of the NJ Council on Affordable Housing to adopt regulations for the period of 1999-2015. In its decision, the Court effectively dissolved the Council and instructed all municipalities with outstanding affordable housing obligations to submit new plans to county-level Superior Court judges for certification by year’s end.

The Court was clear in pointing out that the failure of a municipality to submit these plans would render the municipality’s zoning invalid and subject to a builder’s remedy. A builder’s remedy is a court- imposed entitlement to a developer for constructing affordable housing. With a builder’s remedy, the municipality loses all control over the size, density, height and character of the affordable housing development.

Recognizing the undesirable risk and consequences of a builder’s remedy, Wildwood Crest chose to submit its affordable housing intentions to the Superior Court in July 2015. The borough’s affordable housing obligation and draft zoning provisions were approved by the Court in a Settlement Agreement signed on January 3, 2018.

3. Wildwood Crest’s affordable housing obligation from now until 2025 is to rehabilitate 20 substandard housing units (occupied by low and moderate income households), and to provide zoning that could accommodate its obligation for 305 low and moderate income housing units. This number was based upon the current availability of affordable housing in the borough and region, the number of low and moderate income households in the borough and region, and other factors. The Borough of Wildwood Crest did not agree with the methods used to calculate the affordable housing obligation and reserved the right to counter the obligation at such time when new statewide rules are adopted.

4. Persons and households eligible for affordable housing units must meet the low and moderate income thresholds established by the state, and which vary according to household size. In Wildwood Crest, the very low-income limit for a family of 4 is \$24,600, the low-income limit for a household of 4 is \$37,500, and the moderate-income limit for a household of 4 is \$60,000. Note that the median income for a family of four in Wildwood Crest is \$72,979, which means that there are likely residents in the borough today that would be income-eligible for affordable housing units. Other occupants of these affordable housing units are people we see every day - school teachers, policemen and restaurant servers are just a few examples, as well as our children and grandchildren who are just entering the workforce and face the steep cost of today’s housing.

5. Wildwood Crest will address its affordable housing opportunities in two ways. First, through a new overlay zoning district on top of the B-1 commercial zone, which will allow up to a four story housing unit if it includes at least 1 affordable housing per 4 regularly-priced units. Second, an inclusionary zoning ordinance will require that all new multi-family developments of 5 or more units set aside 20% of the units as affordable housing. Both of these zoning provisions will result in an integration of affordable housing into market rate, non-income restricted housing.

6. A third ordinance before you this evening is the Development Fee Ordinance, which establishes a fee of 1.5% and 2.5% of the assessed value of new residential and non-residential construction, respectively. The fees will go into a housing trust fund, and will be used to fund the borough’s affordable housing program which includes 1) upgrading up to 20 sub-standard housing units occupied by low-moderate income households; and, 2) administering the affordable housing requirements in new construction as it occurs.

Very truly yours,

Linda B. Weber, AICP/PP
CME Associates

After the statement, Mr. Jedzeniak added that it was well written and succinctly summarized the Borough's obligations and he reiterated a few points and then added that he could address any questions from the audience.

Gerry Mainardi, 305 E. Atlanta Avenue, asked for clarification on what the Borough is compelled to do and Mr. Jedzeniak added that the homeowner is in control and there is no vacant land in Wildwood Crest and that Wildwood Crest must provide the opportunity with zoning changes.

Wayne Wilson, 237 W. Buttercup Road, wanted to know what the restrictions for "rehabbing" a home. The Administrator indicated that it referred to heating, windows, etc. and that if a homeowner qualifies for funding, the Borough would provide the funding and there would be a 10 year deed restriction on the unit and if the homeowner decided to sell the property, they may have to pay back the full amount.

Gary Agness, 5405 Lake Road, asked what it meant to be up to code and if raising a house means bringing it up to code. Mr. Jedzeniak indicated that raising a home is not included because of the astronomical cost; rather it means a new roof, plumbing, electrical and the like. He further indicated that the code is modified.

Commissioner Dave Thompson added that the money spent is not coming from the municipal budget. Rather, the source of the 1.5% and 2.5% for additions and new construction for residential and commercial properties will be placed in a trust and used for the rehab purposes.

Kim Gericke, 120 W. Cardinal Road, asked for a copy of the correspondence from CME that the Administrator read. She was informed that copies would be provided. She indicated that she lives in the business district of Wildwood Crest and expressed concern over the commercial buildings being sold and the possibility of new construction of over 5 units with the minimum obligation for affordable units. Mr. Jedzeniak reiterated the points brought up by Ms. Weber from CME & Associates. The impending overlay zoning district will be on top of the B-1 commercial zone, which will allow up to a four story housing unit if it includes at least 1 affordable housing per 4 regularly-priced units. Second, the inclusionary zoning ordinance will require that all new multi-family developments of 5 or more units set aside 20% of the units as affordable housing. Both of these zoning provisions will result in an integration of affordable housing into market rate, non-income restricted housing and will help the Borough meet its obligation. He added that the owner of Wildwood Linen has expressed no interest in selling the property.

The Solicitor asked Mr. Jedzeniak to give a brief bio on his work for their understanding. Mr. Jedzeniak indicated that his firm represents other shore towns who are in a similar situation as Wildwood Crest and that Surenian & Associates are the only firm in the state for Mt. Laurel decision.

Hearing no further comments from the public, Mr. Jedzeniak left the meeting at 6:22 pm.

The Mayor told the audience that we would be proceeding to the Ordinance portion of our agenda and that they are welcome to stay for the rest of the meeting. After most of the audience left,

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1272 be placed on second and final passage by title only.

Vote: Gould – Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:
ORDINANCE NO. 1272

ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING CHAPTER 40, LICENSES, ARTICLE II PEDDLING AND SOLICITING OF ICE CREAM PRODUCTS; PEREPARED FOOD AND FRUITS AND VEGETABLES, SECTION 40-23 RESTRICTIONS ON LICENSEES; PROMULGATION OF REGULATIONS OF THE CODE OF THE BOROUGH OF WILDWOD CREST

Mrs. Gould motioned, seconded by Mr. Thompson, that a public hearing now be held on Ordinance No. 1272.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that the public hearing on Ordinance No. 1272 now be closed.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that Ordinance No. 1272 be passed on second and final reading and advertised according to law.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1273 be placed on second and final passage by title only.

Vote: Gould – Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1273

AN ORDINANCE OF THE BOROUGH OF WILDWOOD CREST ESTABLISHING STANDARDS FOR THE COLLECTION, MAINTENANCE, AND EXPENDITURE OF DEVELOPMENT FEES PURSUANT TO COAH'S REGULATIONS AND IN ACCORDANCE WITH P.L.2008, C.46, SECTIONS 8 AND 32-38.

Mrs. Gould motioned, seconded by Mr. Thompson, that a public hearing now be held on Ordinance No. 1273.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that the public hearing on Ordinance No. 1273 now be closed.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that Ordinance No. 1273 be passed on second and final reading and advertised according to law.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1274 be placed on second and final passage by title only.

Vote: Gould – Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1274

AN ORDINANCE OF THE BOROUGH OF WILDWOOD CREST IMPLEMENTING THE BOROUGH'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN IN COMPLIANCE WITH THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015) THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING.

Mrs. Gould motioned, seconded by Mr. Thompson, that a public hearing now be held on Ordinance No. 1274.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that the public hearing on Ordinance No. 1274 now be closed.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that Ordinance No. 1274 be passed on second and final reading and advertised according to law.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1276 be placed on second and final passage by title only.

Vote: Gould – Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1276

AN ORDINANCE OF THE BOROUGH OF WILDWOOD CREST CREATING ADMINISTRATIVE MECHANISMS NEEDED FOR THE EXECUTION OF THE BOROUGH OF WILDWOOD CREST'S RESPONSIBILITY TO ASSIST IN IMPLEMENTING THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING PLAN OBLIGATIONS AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING PURSUANT TO THE FAIR HOUSING ACT OF 1985.

Mrs. Gould motioned, seconded by Mr. Thompson, that a public hearing now be held on Ordinance No. 1276.

Vote: Gould – Thompson - Cabrera – Yes

Eric Gundrum, Shunpike Road, Middle Township, inquired about the position of Municipal Housing Liaison. The Administrator indicated there was a resolution on the agenda appointing herself as Municipal Housing Liaison officer. She further indicated that she volunteered for the position and there was no compensation for the position.

Mrs. Gould motioned, seconded by Mr. Thompson, that the public hearing on Ordinance No. 1276 now be closed.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that Ordinance No. 1276 be passed on second and final reading and advertised according to law.

Vote: Gould – Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1275

AN ORDINANCE OF THE BOROUGH OF WILDWOOD CREST TO AMEND CHAPTER 85 (LAND DEVELOPMENT) OF THE MUNICIPAL CODE TO ESTABLISH AN AFFORDABLE HOUSING OVERLAY ZONING ORDINANCE IN THE BOROUGH OF WILDWOOD CREST.

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1275 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on April 11, 2018 at 9:30 a.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1277

ORDINANCE OF THE BOROUGH OF WILDWOOD CREST ESTABLISHING CHAPTER 72 OF THE BOROUGH OF WILDWOOD CREST MUNICIPAL CODE ENTITLED "TAXATION" AND ARTICLE I ENTITLED DISABLED VETERANS PROPERTY TAX REFUNDS

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1277 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on April 11, 2018 at 9:30 a.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1278

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 II PROHIBITED PARKING: PROHIBITED STOPPING OR STANDING
AND TIME LIMIT PARKING, 79-7 HANDICAPPED PARKING

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1278 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on April 11, 2018 at 9:30 a.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:
RESOLUTION NO. 109-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING APPOINTMENT OF A MUNICIPAL HOUSING
LIAISON**

WHEREAS, pursuant to N.J.A.C. 5:96-17 et. seq. and N.J.A.C. 5:80-26.1 et. seq., the Borough of Wildwood Crest is required to appoint a Municipal Housing Liaison for the administration of Wildwood Crest's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; 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 that Constance A. Mahon is hereby appointed as the Municipal Housing Liaison (primary designation) for the administration of the affordable housing program.

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 Constance A. Mahon_ is hereby appointed by the Governing Body of the Borough of Wildwood Crest as the secondary designation for the administration of the affordable housing program.

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. 110-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST ADOPTING AN AFFORDABLE HOUSING SPENDING PLAN
AND REQUESTING JUDICIAL REVIEW AND APPROVAL OF SAME**

WHEREAS, regulations adopted by the New Jersey Council on Affordable Housing (“COAH”) have consistently required a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan by COAH prior to spending any of the funds in its Trust fund; and

WHEREAS, these regulations required a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non- profit construction of housing;
7. A plan to spend the trust fund balance in accordance with the implementation schedule within the Spending Plan and approved by a settlement agreement;

8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the Plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Wildwood Crest Borough has prepared a Spending Plan consistent with the Borough's Settlement Agreement; and

WHEREAS, because COAH is no longer a functioning administrative agency, it has announced that it will not approve any Spending Plan, including the Borough's; and

WHEREAS, the Borough of Wildwood Crest shall therefore seek review and approval of its adopted and endorsed Spending Plan as part of its obligations under the Settlement Agreement between the Borough of Wildwood Crest and Fair Share Housing Center.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, hereby adopts and endorses the Spending Plan attached hereto.

BE IT FURTHER RESOLVED THAT the Borough of Wildwood Crest hereby requests that the Special Master and/or the Court review and approve its Spending Plan.

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. 111-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPOINTMENT OF AN ADMINISTRATIVE AGENT FOR COAH MONITORING

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest in connection with the Borough's Third Round Housing Plan Element and Fair Share Plan, and consistent with the terms of a Settlement Agreement reached between the Borough of Wildwood Crest and the Fair Share Housing Center regarding compliance with the Borough's Third Round Affordable Housing Obligations in accordance with In Re: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015) the New Jersey Fair Housing Act, and relevant regulations and policies adopted by the New Jersey Council on Affordable Housing is required to appoint an Administrative Agent for COAH monitoring; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to appoint CME & Associates as Administrative Agent for COAH monitoring for past, present, and future COAH units.

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 authorization is hereby given to appoint CME & Associates as Administrative Agent for COAH monitoring for past, present, and future COAH units.

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. 112-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE BOROUGH OF WILDWOOD CREST

WHEREAS, in accordance with the regulations of N.J.A.C. 5:93-1, et seq., the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26., et seq., and the terms of a Settlement Agreement between the Borough and the Fair Share Housing Center in the Matter of the Borough of Wildwood Crest, County of Cape May, Docket No. CPM-L-309-15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), the Borough of Wildwood Crest is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 6, which encompasses the Borough of Wildwood Crest.

NOW, THEREFORE, BE IT RESOLVED that, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Wildwood Crest shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq.
- B. The Borough of Wildwood Crest has a Third Round obligation. This Affirmative Marketing Plan shall apply to all developments that require an Affirmative Marketing Plan or will contain low and moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for identified rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Wildwood Crest. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough, shall undertake all of the following strategies:
1. Publication of one advertisement in a newspaper of general circulation within the housing region.
 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 6 in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for application for low and moderate income units shall appear in the Philadelphia Inquirer, Atlantic Daily Sentinel, Press of Atlantic City and Daily Journal.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.
 3. The advertisement shall include a description of the:
 - i. Location of the units;
 - ii. Direction of the units;
 - iii. Range of prices for the units;
 - iv. Size, as measured in bedrooms, of units;
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when interested households may obtain an application; and
 - viii. Application fees.
 4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Cape May County and the other two of which shall be circulated primarily outside of Cape May County but within the housing region.
 5. Four or more of the following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
 - i. 3 KYW-TV (CBS Broadcasting Inc.)
 - ii. 6 WPVI-TV (American Broadcasting Companies, Inc., Walt Disney)
 - iii. 10 WCAU (NBC Telemundo License Co., General Electric)
 - iv. 12 WHYI-TV (Why, Inc.)
 - v. 17 WPHL-TV (Tribune Company)
 - vi. 23 WNJS (New Jersey Public Broadcasting Authority)
 - vii. 29 WTXF-TV (Fox Television Stations, Inc., News Corp.)
 - viii. 48 WGTW-TV (Trinity Broadcasting Network)
 - ix. 52 WNJT (New Jersey Public Broadcasting Authority)
 - x. 57 WPSG (CBS Broadcasting Inc.)
 - xi. 61 WPPX (Paxson Communications License Company, LLC)
 - xii. 65 WUVP-TV (Univision Communications, Inc.)
 - xiii. 69 WFMZ-TV (Maranatha Broadcasting Company, Inc.)

6. Applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
 - i. Borough Hall
 - ii. Borough Public Library
 - iii. Borough Website
 - iv. Developer's Sales/Rental Office
 - v. Cape May County Administration Building
 - vi. Cape May County Library (and branches)

Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

7. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Atlantic, Cape May, Cumberland and Salem Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
 - i. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:
 - Atlantic County Board of Realtors
 - Cape May County Board of Realtors
 - Cumberland County Board of Realtors
 - Salem County Board of Realtors
 - ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Atlantic, Cape May, Cumberland and Salem:
 - Welfare or Social Service Board
 - Rental Assistance Office (local office of DCA)
 - Office on Aging
 - Housing Authority
 - Community Action Agencies
 - Community Development Departments
 - iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region as listed on Attachment A in accordance with the Region 6 Affirmative Marketing Plan.
 - iv. Quarterly informational circulars, applications, and copies of press releases and advertisements of the availability of low and moderate income housing shall be sent to the following additional community and regional organizations:
 - Fair Share Housing Center
 - New Jersey State Conference of NAACP
 - Woodbine NAACP
 - STEPS Conference
 - Supportive Housing Association
 - The Latino Action Network
8. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(1). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 6 comprised of Atlantic, Cape May, Cumberland and Salem Counties.
9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
10. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
11. All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
12. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.
13. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Borough a Final Judgment of Compliance and Repose.

Attachment A

Employer Outreach: Names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing

Atlantic County

AtlantiCare Health System 2500 English Creek Ave Egg Harbor Twp., NJ	Kessler Memorial Hospital 600 S White Horse Pike Hammonton, NJ
Shore Memorial Hospital 700 Shore Road Somers Point, NJ	South Jersey Industries Inc. 1 South Jersey Plaza Hammonton, NJ
Atlantic City Electric 2542 Fire Road Egg Harbor Twp., NJ	Flagship Resort 60 Maine Ave Atlantic City, NJ
Bacharach Institute for Rehabilitation 61 West Jimmie Leeds Road Pomona, NJ	Comar Inc. 1 Comar Place Buena, NJ

Cape May County

Cape Regional Medical Center 2 Stone Harbor Blvd Cape May Court House, NJ	Cold Spring Rush Fish and Supply Co 906 Schellenger Street Cape May, NJ
Cape Counseling Services 687 Route 9 Cape May, NJ	Shores at Wesley Manor 2201 Bay Ave Ocean City, NJ
Acme Markets Various locations	Shop Rite Various locations

Cumberland County

South Jersey Healthcare 333 Irving Ave Bridgeton, NJ	Silverton Marine Corp 301 Riverside Drive Millville, NJ
Durand Glass Manufacturing Co. 901 S. Wade Blvd, Millville, NJ	Progresso Quality Foods 3501 S East Blvd Vineland, NJ
Training School at Vineland 1667 E. Landis Ave Vineland, NJ	Seabrook Brothers & Sons Inc. 1031 Parsonage Road Bridgeton, NJ
Alcan Global Pharmaceutical Packaging Inc. 1101 Wheaton Ave Millville, NJ	Sheppard Bus Service 35 Rockville Road, Bridgeton, NJ 212 L Street, Millville, NJ
Kimble Glass Inc. / Kontes Glass Co. 537 Crystal Ave, Vineland, NJ 1300 Wheaton Ave, Millville, NJ 1022 Spruce Street, Vineland, NJ	Acme Markets Inc. 101 Bluebird Lane Millville, NJ
Wheaton Science Products 1501 N. 10 th Street Millville, NJ	Leone Industries 443 S. East Avenue Bridgeton, NJ
Tri-County Community Action Partnership 110 Cohansey Street Bridgeton, NJ	F&S Produce 913 Bridgeton Ave, Rosenhayn, NJ

Salem County

PSE&G
162 Route 45
Salem, NJ

Mannington Mills
Frog Ocean Road, Salem, NJ
75 Mannington Mills, Road

Conectiv
5 Collins Drive
Penns Grove, NJ

SJH Elmer Hospital
501 Front Street, Elmer, NJ
Dupont De Nemours E I & Co
Penns Grove, NJ

Memorial Hospital of Salem County
310 Woodstown Road
Salem, NJ

Anchor Glass Container Corp
83 Griffith Street
Salem, NJ

GEON Company
Porcupine Rd & US Highway,
Pedricktown, NJ

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. 113-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AUTHORIZING A MAINTENANCE PLAN FOR THE REPAIR AND
MAINTENANCE OF THE PAINTED MILE MARKERS ON THE BIKE PATH AND WALKING PATH**

WHEREAS, the Borough of Wildwood Crest applied for a New Jersey Prevention Network Get Active Grant in the amount of \$3000 to promote walking and plan for walkability; and

WHEREAS, the Borough must provide the New Jersey Prevention Network (NJPN) with a maintenance plan for the improvements which are the subject of the grant application; and

WHEREAS, the \$3,000 grant application calls for the installation of painted mile markers to mark both its bicycle path and its walking path at the Sunset Lake area with distance markers to aid walkers, runners and cyclists; and

WHEREAS, the following constitutes the approved maintenance plan for the painted markers:

- 1) The Department of Public Safety Traffic Safety Division will perform quarterly inspections of the painted mile parkers to ensure that they are visible and determine if they are in need of touch up.
- 2) As part of the Walkway and Sidewalk safety inspection program, the Recreation Department and Public Works Department will do intermittent inspections in addition to the quarterly inspections and report all findings immediately to the Division of Traffic Safety in writing.
- 3) All deterioration or finding of wear shall be documented and work order generated to cause the repair of same.
- 4) The division of traffic safety will make all necessary repairs and/or touch ups within 30 days of the finding whenever possible.

NOW, THEREFORE BE IT RESOLVED that the maintenance plan for the repair and maintenance of the painted mile markers on the bike path and walking path be authorized and established.

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. 114-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD SPECIAL SERVICES CONTRACT FOR SPECIALIZED ENGINEERING SERVICES

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for a "Professional Services" for an engineer to provide specialized services for the boiler replacement in Borough Hall for the Borough of Wildwood Crest, and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq.; and

WHEREAS, the Borough publicized a Notice of Availability of Requests for Qualifications and Proposals for various municipal contracts; and

WHEREAS, the Borough Clerk received proposals and qualifications for various municipal contracts and those proposals and qualifications were then forwarded to a review committee consisting of the Borough Administrator, Municipal Clerk, Chief Financial Officer and Mayor; and

WHEREAS, the Review Committee has reviewed the proposal submitted by Lockatong Engineering and based upon the review criteria, has recommended that the proposal of Lockatong Engineering best meets the Borough's needs and that Lockatong Engineering has the professional credentials and abilities to perform the services required of the subject contract; 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 of trust and confidence in the individual providing the service and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;
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;
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; and

WHEREAS, the Review Committee has forwarded its recommendation to the Board of Commissioners; and

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

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation to award the contract to Lockatong Engineering; 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, 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, instructed and empowered to execute a professional services contract effective immediately through December 31, 2018, with Lockatong Engineering, who shall be compensated pursuant to attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$9,020.00.
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. 115-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING AWARD OF SPECIAL SERVICES CONTRACT
FOR REAL ESTATE APPRAISAL SERVICES**

WHEREAS, the Borough of Wildwood Crest is the defendant in tax appeal litigation entitled Park Lane Resort, Inc. vs. Borough of Wildwood Crest, Docket No.: 006721-2017; L'Attitudes Enterprises, LLC vs. Borough of Wildwood Crest, Docket No.: 008496-2017; Shalimar Resort, LLC vs. Borough of Wildwood Crest, Docket No.: 005132-2017; and Colleen A. Troxell, Trustee vs. Borough of Wildwood Crest, Docket No.: 003559-2017 (collectively the "Litigation"); and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest requires the services of New Jersey licensed real estate appraiser to provide the Borough with appraisal reports and expert testimony for trial in connection with the Litigation; and

WHEREAS, the Borough requested proposals from New Jersey licensed appraisers to provide appraisal services for the Litigation; and

WHEREAS, the Borough Clerk received proposals and qualifications for the appraisal services and those proposals and qualifications were then forwarded to a review committee consisting of the Borough Administrator, Municipal Clerk, Chief Financial Officer and Mayor; and

WHEREAS, the Review Committee has reviewed the proposal submitted by Joe Ravitz and based upon the review criteria, has recommended that the proposal of Joe Ravitz best meets the Borough's needs and that Joe Ravitz and his firm has the professional credentials and abilities to perform the services required of the subject contract; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest desire to retain the services of Joe Ravitz and his firm to provide the above referenced professional services to the Borough; 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 of trust and confidence in the individual providing the service and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;
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;

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; and

WHEREAS, the Review Committee has forwarded its recommendation to the Board of Commissioners; and

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

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation to award the contract to Joe Ravitz and his firm; 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, in the County of Cape May, New Jersey, as follows:

5. The above recital paragraphs are incorporated herein as if set forth at length.

6. 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.

7. That the Mayor and Borough Clerk are hereby authorized, instructed and empowered to execute a professional services contract effective immediately through December 31, 2018, with Joe Ravitz and his firm, who shall be compensated pursuant to attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$8,000.00 for appraisals and \$1,600 per day for expert testimony.

8. 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. 116-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR AFFORDABLE HOUSING ADMINISTRATION SERVICES FOR COAH MONITORING

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest in connection with the Borough's Third Round Housing Plan Element and Fair Share Plan, and consistent with the terms of a Settlement Agreement reached between the Borough of Wildwood Crest and the Fair Share Housing Center regarding compliance with the Borough's Third Round Affordable Housing Obligations in accordance with In Re: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015) the New Jersey Fair Housing Act, and relevant regulations and policies adopted by the New Jersey Council on Affordable Housing is required to appoint an Administrative Agent for COAH monitoring; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest requires Affordable Housing Administration Services to administer the Borough's Affordable Housing Program and provide administrative assistance to the Administrative Agent; and

WHEREAS, the Borough Clerk has received a proposal from CME Associates for Affordable Housing Administration Services and the proposal and qualifications were forwarded to a review committee consisting of the Borough Administrator, Municipal Clerk, Chief Financial Officer and Mayor; and

WHEREAS, the Review Committee has reviewed the proposal submitted by CME Associates and has recommended that the proposal of CME Associates meets the Borough's needs and that CME Associates has the professional credentials and abilities to perform the services required of the subject contract; and

WHEREAS, CME Associates has obtained a detailed knowledge of the Borough of Wildwood Crest through our affordable housing services to the Borough, and CME's Planning Department has substantial experience in providing affordable housing administration services for various municipalities throughout the State of New Jersey, including the Township of Barnegat, Township of Hillsborough, Borough of Monmouth Beach, Township of East Greenwich and the Borough of Dumont; and

WHEREAS, CME Associates' combination of local knowledge and experience uniquely qualifies CME to provide the Affordable Housing Administration Services for the Borough; and

WHEREAS, CME's Planning Department consists of New Jersey licensed Professional Planners accredited by the American Institute of Certified Planners and certified Administrative Agents; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest desire to retain the services of CME Associates to provide the above referenced professional services to the Borough; 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 of trust and confidence in the individual providing the service and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;
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;
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; and

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

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation to award the contract to CME Associates; 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, in the County of Cape May, New Jersey as follows:

9. The above recital paragraphs are incorporated herein as if set forth at length.
10. 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.
11. That the Mayor and Borough Clerk are hereby authorized, instructed and empowered to execute a professional services contract effective immediately through December 31, 2018, with CME Associates, which shall be compensated pursuant to the attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$6,000.00.
12. 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. 117-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT FOR APPRAISAL AND VALUATION SERVICES

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for the "Extraordinary Unspecifiable Services" of a firm to be retained by the Borough for appraisal and valuation services and related duties associated therewith as directed by the authorized representatives of the Borough of Wildwood Crest; and

WHEREAS, the Borough publicized a Notice of Availability of Requests for Proposals for Appraisal and Valuation Services; and

WHEREAS, the Borough Clerk received a proposal from Duff & Phelps which was forwarded to a review committee consisting of the Borough Administrator, Municipal Clerk, Chief Financial Officer, Borough Solicitor and Mayor; and

WHEREAS, the Review Committee has reviewed the proposal from Duff & Phelps that was submitted and based upon the publicized review criteria, has recommended that the proposal of Duff & Phelps meets the Borough's needs and that Duff & Phelps has the professional credentials and abilities to perform the services required of the subject contract; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be also be a contract for extraordinary unspecifiable 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 and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;
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;
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; and

WHEREAS, a contract for Extraordinary Unspecifiable Services could have been awarded without utilization of the fair and open process that was used; and

WHEREAS, the Review Committee has forwarded its recommendation to the Board of Commissioners; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation awarding the contract to Duff & Phelps for Appraisal and Valuation Services as mentioned herein; 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, in the County of Cape May, New Jersey, as follows:

13. The above recital paragraphs are incorporated herein as if set forth at length.

14. The award of this contract is contingent upon production of the required documents as set forth in the Request for proposals including but not limited to 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.

1. The award of this contract is further contingent upon the Borough and Duff & Phelps entering into a Contract, the terms of which are acceptable to the Borough in Borough's discretion within 10 days of passage of this Resolution, and that the Mayor and Borough Clerk are hereby authorized and empowered to execute the aforesaid Contract with Duff & Phelps, who shall be compensated by voucher at the not to exceed amount of \$8,900.00 for 2018.

2. 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. 118-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR PLANNING CONSULTATION SERVICES

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for the "Extraordinary Unspecifiable Services" of a firm to be retained by the Borough for municipal planning consultation services and related duties associated therewith as directed by the authorized representatives of the Borough of Wildwood Crest; and

WHEREAS, the Borough Clerk received a proposal from Roger Brooks International which was forwarded to a review committee consisting of the Borough Administrator, Municipal Clerk, Chief Financial Officer, Borough Solicitor, Chairman of the Planning Board and Mayor; and

WHEREAS, the Review Committee has reviewed the proposal from Roger Brooks International that was submitted and has recommended that the proposal of Roger Brooks International meets the Borough's needs and that Roger Brooks International has the professional credentials and abilities to perform the services required of the subject contract; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be also be a contract for extraordinary unspecifiable 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 and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;

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;

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; and

WHEREAS, the Review Committee has forwarded its recommendation to the Board of Commissioners;
and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation awarding the contract to Roger Brooks International for municipal planning services as mentioned herein; 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, in the County of Cape May, New Jersey, as follows:

3. The above recital paragraphs are incorporated herein as if set forth at length.

15. The award of this contract is contingent upon production of the required documents as set forth in the Request for proposals including but not limited to 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.

4. That the Mayor and Borough Clerk are hereby authorized, instructed, and empowered to execute a Contract with Roger Brooks International, who shall be compensated by voucher at the not to exceed amount of \$3,500.00.

5. 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. 119-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2018 SEWER RENTS

WHEREAS, it has been determined by the Tax Collector of the Borough of Wildwood Crest, that a sewer account has been billed erroneous sewer rents for 2018.

WHEREAS, sewer account 2011-1, at 307B E Toledo Ave. had a duplicate water account entered for the year 2017, the sewer rents levied in 2018 should be canceled.

WHEREAS, the Tax Collector of the Borough of Wildwood Crest has determined the said erroneous sewer rents should be canceled accordingly as indicated below.

Block /Lot Sewer ID#	Name	Amount
126.01/7/C0002 2011-1	Vitale, Anthony N & Dena M 307B E Toledo Ave 2018 Sewer Rents	\$124.00

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby authorize the Tax Collector of the Borough of Wildwood Crest to cancel said sewer amounts for 2018.

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. 120-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough of Wildwood Crest is the owner of certain surplus property no longer needed for public use; and

WHEREAS, the Board of Commissioners is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest as follows:

1. The sale of surplus property shall be conducted through GovDeals pursuant to State Contract A83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available on line at govdeals.com and also available with the Borough Clerk.
2. The sale will be conducted online between April 9, 2018 and April 13, 2018 and the address of the auction site is GovDeals.com
3. The sale is being conducted pursuant to LFN2008-9.
4. The list of surplus property to be sold by auction is available on GovDeals.com
5. The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. All bidders will be required to pre-register with GovDeals at govdeals.com.
7. The Borough of Wildwood Crest reserves the right to accept or reject any bids submitted.

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. 121-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PEDDLING TRUCK LICENSES FOR 2018

WHEREAS, Section 40-16, et. seq., of the Code of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, sets forth the pertinent law regarding the issuance of licenses to persons, firms or corporations desiring to engage in the peddling and soliciting of Ice Cream Products and Fruits/Vegetables within the Borough of Wildwood Crest; and

WHEREAS, certain licenses, for which applications have been filed for the peddling of Ice Cream Products and Fruits/Vegetables during the calendar year 2018, are now available for renewal;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, the Governing Body of the Borough of Wildwood Crest, as follows:

That based upon applications having been received and a review of the qualifications of the applicants for said licenses having been made, said three (3) Ice Cream Peddling Licenses and (3) Fruit/Vegetable Peddling Licenses for the balance of calendar year 2018 be and the same are hereby granted unto the following persons, firms or corporations:

<u>NAME</u>	<u>ADDRESS</u>
1. Elizabeth Aubrey Aubrey’s Ice Cream LLC d/b/a Monster Cone II	129 East Davis Ave. Wildwood, NJ 08260
2. Nicholas Christian Rogalski Big Top Ice Cream, LLC	8510 Ditman St. Philadelphia, PA 19136
3. Armen Avetisyan A&T Ice, LLC	202 E. Maryland Ave. Rio Grande, NJ 08242
4. David Mayer, President Island Produce Inc (3 licenses)	PO Box 1089 Wildwood, NJ 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. 122-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST REJECTING ALL BIDS IN RESPONSE TO THE 2018-2019 ON-CALL ROADWAY AND PAVING CONTRACT

WHEREAS, on March 13, 2018, bids were received for the 2018-2019 On-Call Roadway and Paving contract; and

WHEREAS, the Notice to Bidders, as advertised on February 28, 2018 which Notice to Bidders reserved the right of the Board of Commissioners to reject any or all bids and N.J.S.A. 40:11-13.2(a) and (b) further providing that a contracting unit may reject all bids if the lowest bid exceeds the cost estimates for the goods or services and/or the contracting unit's appropriation for the goods or services; and

WHEREAS, there was one bid was received from GWP Enterprises, Inc. that was reviewed by the Borough Engineer and Borough Solicitor and determined that the unit prices submitted by GWP Enterprises, Inc. exceeded the engineer's cost estimate and recommending that the bid be rejected; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Borough Engineer and Borough Solicitor and has determined to reject all bids received due to the fact that the bid received was substantially over budget and exceeded the engineer's cost estimate.

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 as if set forth at length.
2. The sole bid received from GWP Enterprises, Inc. for the 2018-2019 On-Call Roadway and Paving contract is hereby rejected due to fact that the bid received is substantially over budget and exceeds the engineer's cost estimate.

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. 123-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AUTHORIZING THE APPOINTMENT OF SEVEN MEMBERS TO
THE WILDWOOD CREST WELLNESS COMMITTEE AND DESIGNATING MEETING DATES AND
TIMES**

WHEREAS, the Board of Commissioners adopted Resolution No. 71-18 on January 24, 2018 establishing the Wildwood Crest Wellness Committee; and

WHEREAS, the Wildwood Crest Wellness Committee shall be advisory in nature and the committee shall report its findings and recommendations to the Board of Commissioners at the Board's request; and

WHEREAS, the Committee shall meet on the first Tuesday of each month (excluding June, July and August) at 4:30 pm in the Court Room of the Municipal Building located at 6101 Pacific Avenue, Wildwood Crest, New Jersey 08260; and

WHEREAS, the Committee shall be comprised of seven (7) members:

- 3- Employees of the Borough of Wildwood Crest
- 4- Residents of Borough of Wildwood Crest

WHEREAS, the following individuals are hereby appointed to voluntarily serve on the Wildwood Crest Wellness Committee:

<u>Appointee</u>	<u>Term to Expire</u>
Employee Nicholas Holland	12-31-2019
Employee Patricia Feketics	12-31-2019
Employee James Grauel	12-31-2019
Resident Joseph Cusella	12-31-2019
Resident Zachary Ruffo	12-31-2019
Resident Linda Bakos	12-31-2019
Resident Laura Farrell	12-31-2019

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. 124-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS**

WHEREAS, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on February 13, 2018 to refund escrow to Atlantic City Electric for Street Opening Permit #SO17-0410, Block10/Lot 1; and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO17-0401 are complete; and

WHEREAS, Atlantic City Electric, 5100 Harding Highway, Mays Landing, New Jersey 08330 made an escrow payment of \$1,000.00 to the Borough of Wildwood Crest on April 13, 2017 for Street Opening Permit for location 5510 Lake Road, Block 10/Lot 1 and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$180.00 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of \$820.00.

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 return of the balance of the unused escrow account in the amount of \$820.00 Atlantic City Electric, 5100 Harding Highway, Mays Landing, NJ 08330 be and hereby is approved.

BE IT FURTHER RESOLVED that Chief Financial Officer is hereby authorized to return of the balance of the unused escrow account in the amount of \$820.00 Atlantic City Electric, 5100 Harding Highway, Mays Landing, New Jersey 08330.

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. 125-18

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

WHEREAS, on March 14, 2018, NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave, North Wildwood, NJ 08260, applied for a Special Events Permit for the purpose of an EASTER SUNRISE SERVICE to be held on April 1, 2018, from 6:15 am to 7:15 am, at Fern Rd and the Beach; and

WHEREAS, NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave, North Wildwood, NJ 08260, 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 be and she is hereby authorized and directed to issue a Special Events Permit to NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave, North Wildwood, NJ 08260 for the purpose of an EASTER SUNRISE SERVICE to be held on April 1, 2018, from 6:15 am to 7:15 am, at Fern Rd and the 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. 126-18

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

WHEREAS, on March 12, 2018, SANDMAN SCHOOL, 838 Seashore Rd, Cape May, NJ 08204, applied for a Special Events Permit for the purpose of a 6TH GRADE BEACH DAY to be held on June 6, 2018 (rain date June 7, 2018), from 7:30 am to 1:30 pm, on the Beach at Rambler Rd; and

WHEREAS, NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave, North Wildwood, NJ 08260, 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 be and she is hereby authorized and directed to issue a Special Events Permit to NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave,

North Wildwood, NJ 08260 for the purpose of an EASTER SUNRISE SERVICE to be held on April 1, 2018, from 6:15 am to 7:15 am, at Fern Rd and the 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. 127-18

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

WHEREAS, on March 12, 2018, MIDDLE TWP ELEMENTARY SCHOOL #2, 101 W Pacific Ave, Cape May Court House, NJ 08210, applied for a Special Events Permit for the purpose of a STUDENT FUN DAY to be held on June 8, 2018 (rain date June 13, 2018), from 9:30 am to 2:00 pm, on the Beach at Rambler Rd; and

WHEREAS, NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave, North Wildwood, NJ 08260, 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 be and she is hereby authorized and directed to issue a Special Events Permit to NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave, North Wildwood, NJ 08260 for the purpose of an EASTER SUNRISE SERVICE to be held on April 1, 2018, from 6:15 am to 7:15 am, at Fern Rd and the 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. 128-18

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

WHEREAS, on March 1, 2018, the NORTH AMERICAN POWER KITE ASSOC. (NAPKA), PO Box 1358, Westport, WA 98595, applied for a Special Events Permit for the purpose of a TRACTION KITING EVENT to be held from April 9th to April 15th, 2018, from 7:00 am to Sunset, on the Beach at Rosemary Rd, and Heather Rd to Lotus Rd; and

WHEREAS, NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave, North Wildwood, NJ 08260, 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 be and she is hereby authorized and directed to issue a Special Events Permit to NORTH WILDWOOD UNITED METHODIST CHURCH, 139 E 2ND Ave, North Wildwood, NJ 08260 for the purpose of an EASTER SUNRISE SERVICE to be held on April 1, 2018, from 6:15 am to 7:15 am, at Fern Rd and the 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. 129-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A LICENSING AGREEMENT BETWEEN BOROUGH OF WILDWOOD CREST AND WILDWOOD CREST SCHOOL DISTRICT FOR USE OF THE WASHINGTON AVENUE FIELD

WHEREAS, the Wildwood Crest School District has requested to use the Wildwood Crest municipal field on Washington Avenue for school related activities; and

WHEREAS, the Wildwood Crest School District would like to enter into a license agreement to use the Washington Avenue Field and the Board of Commissioners does herewith agree to enter into a licensing agreement

with Wildwood Crest School District for a license for the non-exclusive right to use the Licensed Property known as the Washington Avenue Field.

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 recital paragraphs set forth above are incorporated herein as if set forth at length.
2. That a license for the non-exclusive right to use the Licensed Property known as the Washington Avenue Field in the Borough of Wildwood Crest is hereby granted to Wildwood Crest School District for the period commencing April 1, 2018 and ending June 15, 2018. The specific days and hours of permitted use, and all other conditions, which shall affect, change or modify this license shall be contained in said License Agreement as Schedule "A", a copy of which is attached hereto and made a part hereof.
3. The Mayor and the Borough Clerk be and they are hereby authorized and directed to execute and attest said license agreement on behalf of the Borough.

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, Chief Financial Officer, Tax Collector, and the Chief of Police for the month ending February 28, 2018 be accepted as presented.

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

Mrs. Gould motioned, seconded by Mr. Thompson, that all minutes from the regularly scheduled meetings of February 21st and March 7th, 2018 be accepted as presented.

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

ADMINISTRATOR'S REPORT:

March 21, 2018

Kayak Launch/ Sunset Lake Shoreline Stabilization

Good news to report on the shoreline stabilization project, the Cape May County Open Space Board voted and unanimously approved our \$302,802 request for funding of the recreational amenities at Sunset Lake. They will make recommendation to the Freeholder Board to approve this funding which will be considered at the next meeting of the Board of Chosen Freeholders. We also received our NJDEP Waterfront Development Individual Permit and have begun the process of purchasing mitigation credits for loss of coastal wetlands and will soon be invoiced for \$1,447.31 in shellfish mitigation due to the loss of hard clam production area where the floating dock will be located. Bid documents are currently being prepared by Mott MacDonald for this project which will incorporate the shoreline stabilization and addition of County-funded recreational amenities.

Beach/ Dune Project

We are still awaiting the updated Army Corps plans which are under review by Chris Constantino at DEP Coastal Engineering.

Redevelopment of New Jersey Avenue Business District (EUZ Zone)

Tonight you approved a resolution to hire author, international tourism expert and renowned planner- Roger Brooks. He will be working two half days on May 9th and 10th and will provide his expertise on the New Jersey Avenue Business District Improvements. He will be in Wildwood the day before we meet to be the key note speaker at the Spring Small Business Summit.

Grants

1) Cape May County Open Space and Recreation Applications 2018

Marc DeBlasio will providing an overview of various options for the upcoming 2018 Open Space and Recreation funding round to the Recreation Commission at the March meeting. Three options were presented to you last month. I expect that the Rec. Commission will provide their

recommendation to you shortly after their March meeting. At that point I will work with Marc DeBlasio to prepare the application and presentation. The deadline for submission is April 15th.

2) New Jersey Prevention Network Get Active NJ

Application was submitted for painting mile markers on all walking and biking trails. We are currently awaiting word from NJ Prevention Network on the award of this grant.

Old Library Building

I am happy to report that the debris has been cleaned up and the building has been secured with a chain link fence. We received a report from RPM Engineering hired by the contractor- All Risk which documents the damage to the North Side of the Old Library Building that will be 100% covered by the MEL (with the exception of our \$1000 SIR) and damage to the south facing side which was observed but will not be covered under this property damage claim. I spoke to Jim Seeland (appraiser) this morning. He stated that the Qual-Lynx approved contractor- All Risk will be taking the remaining brick veneer off of the north side all the way to the ground. Mr. Seeland has recommended that the south side wall be secured asap to avoid collapse prior to the repairs to the building which Marc DeBlasio will be preparing bid documents for.

All work done by All Risk thus far and including the work to remove the remaining brick has been authorized to be paid directly to All Risk by Qual-Lynx. Once we go out to bid and hire a contractor for necessary work I will work with Qual-Lynx to ensure there is a clear delineation between what the insurer will be paying and what we have to pay for. Marc DeBlasio and I just had a conversation about this and he is aware that he bid specs must be crafted in such a way.

Green Community Grant

As previously reported we received this grant award and a proposal has already been submitted for this work and I cannot think of a better suited consultant than Peter Lomax. We have two years from the date of award to complete our Community Forestry Plan which will include quality of life enhancements, the installation of street trees and commercial district beautification, as well as a public information community outreach to encourage residents to plant tree species appropriate for a barrier island community such as Wildwood Crest.

Ace Reliability Upgrades

Atlantic City Electric asked the governing body if they could receive permission for their contractor Riggs Distler and ACE company crews to work 7 days a week on their reliability improvement project starting the earliest the beginning of April so we can be completed before Memorial Day. After polling each of via email I advised Atlantic City Electric that they and their contractor could work 7 days per week from the beginning of April through Memorial Day.

Icona Residences-Diamond Beach

Mayor Cabrera, Solicitor Gelzunas as myself attended the Planning Board Meeting in Lower Township on Thursday, March 15th at 7:00 pm. Icona presented an application for numerous variances for a 6-story residential condominium building to be built on the parcel where the Grand's sales center was located between Seaview and Atlantic Avenues. Despite our efforts to oppose the 6-story building being built within 15-ft of the Jefferson Avenue properties on the South side of the roadway, the Lower Township Planning Board approved all variances and waivers sought. Solicitor Gelzunas made a very powerful argument on behalf of our residents.

PUBLIC COMMENTS:

The Mayor acknowledged that there were two representatives from GWITDA in attendance and both Mr. Jack Morey and Mr. Bruce Hamlin each gave a brief update.

Mr. Jack Morey was first up to present and gave a brief bio. He indicated that GWITDA focuses on tourism for the whole island and he was excited to talk about projects that GWITDA has undertaken. The first is The WILDWOODS sign at Rio Grande Avenue and the beach and how GWITDA took out a loan to finance this hugely popular photo spot. The second one is the new Rio Grande entrance (approximately 15-20 million dollars) and it is meant to ease traffic with a center turning lane, reduce flooding and beautify the area with new street lighting, signs, bill boards and a fantastic piece of art to screen the new pump. He talked about the potential of having a hotel on the parking lot near the convention center, parking issues, and the bike path continuation (possibly going under the boardwalk).

Mr. Dom Fasolo, audience member, asked about the proposed location of the hotel and Mr. Morey indicated it would be on top of parking north of the convention center.

Commissioner Thompson asked about concerts in Wildwood and if GWITDA would be taking over. Mr. Morey indicated that he could only give an opinion (personally) and he doesn't see it happening with big names because it is so costly. He added that GWITDA doesn't want to be a promoter, but rather work with promoters.

Mr. Bruce Hamlin was the second member to give a GWITDA update. Since Mr. Hamlin has only been on the board for 3 months, he has been on a fact-finding mission and learning. He has been focusing on advertising and the website (which has over 2.5 million hits).

Mayor Cabrera added that Wildwood Crest has the TDC (Tourism Development Commission) and this body meets once per month and is funded by a tax on mercantile licenses and that GWITDA comes from the TDF and room tax.

2017 SAFETY INCENTIVE PROGRAM AWARDS FROM JIF:

The ACMJIF sent a correspondence to the Borough on 2-16-18 regarding the 2017 Safety Incentive Program Awards. The Borough received \$2,150.00 as a result of our employees' outstanding performance in the 2017 ACMJIF Safety Incentive Program. The Safety Incentive Program is intended to foster a safety attitude among the ACMJIF members, change behaviors to create a safer work environment, as well as promote continuing efforts to "Change the Culture." The ACM JIF asked that the accomplishments be made part of the record.

PUBLIC COMMENTS:

There were no comments from the public.

DISCUSSION:

OLD BUSINESS:

Authorizing the amendment of parking meter dates of operation and location for CY 2018-seasonal parking tags /prices for seniors- The Mayor brought up a previous point from a citizen at the last meeting and the possibility of giving a discount for parking tags. Commissioner Thompson suggested offering a discount to those with a handicap. Commissioner Gould would like to further discuss at the April 11th meeting and Mayor Cabrera agreed. The Mayor added that the issue of regulation may be difficult and the Chief suggested separate parking hang tags if this were to take place. The Mayor then asked the CFO to see if there would be a loss of revenue if they pursued this.

Borough Hall entry and employees access – No development.

Borough IDs for residents – No development.

Crest Merchandise specifications – No development.

Old Library – New Heat & Air System- This was addressed in Administrator's report. The Commissioners agreed they need a vision for the parcel. The Engineer and Commissioner Thompson are looking at the structural issues for bids. Mayor Cabrera asked that an email be sent to the Planning Board Secretary regarding the parcel and for their input. Commissioner Gould added that we need to consider if the building is a tear down.

Municipal Building Boiler Replacement Proposal- The Mayor indicated a resolution was passed this evening awarding a contract to Locketong Engineering.

Building Security / Active Shooter- The police are working on it.

No Smoking: The Mayor indicated that there was an informal poll and it was overwhelming to have the beach smoke free. It was determined for now to have signage put in place to encourage people to be courteous and to dispose of cigarette butts.

Dom Fosolo, resident, added that he has done some research with smoke free beaches and listed several across the country that have passed such laws.

Mr. Jack Morey added that the boardwalk is now smoke free. The Administrator added that it was from an insurance perspective that this was passed.

NEW BUSINESS:

There was no new business to discuss.

The Mayor informed everyone that the Borough of Wildwood Crest was kicking off wellness weekend on April 13th with an employee basketball game and on April 14th, there would be a fitness walk / run.

Lastly, the Mayor added that the new website would be ready the last weekend in April.

PUBLIC COMMENTS:

The Mayor opened the floor once again for public commentary.

Hearing nothing from the public, Commissioner Gould motioned, seconded by Commissioner Thompson that the meeting be adjourned. All were in favor. The time was 7:16 p.m.

Dated: April 25, 2018

Patricia A. Feketics, Borough Clerk

