

Note: Complete Meeting Appears  
On 10-18 on file in  
Borough Clerk's Office

May 23, 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.

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1281 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. 1281

AN ORDINANCE TO AMEND SECTION 59-3 OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, KNOWN AS THE "SALARY ORDINANCE," FIXING AND DETERMINING SALARIES AND COMPENSATIONS OF THE BOROUGH OF WILDWOOD CREST, AND PROVIDING FOR THE RAISING OF THE AMOUNTS THEREOF BY TAXATION AND FOR THE TIME AND METHOD OF PAYMENT

Mrs. Gould motioned, seconded by Mr. Thompson, that a public hearing now be held on Ordinance No. 1281.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that the public hearing on Ordinance No. 1281 now be closed.

Vote: Gould – Thompson - Cabrera – Yes

Mrs. Gould motioned, seconded by Mr. Thompson, that Ordinance No. 1281 be passed on second and final reading and advertised according to law.

Vote: Gould – Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:  
RESOLUTION NO. 166-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A NOTICE TO BIDDERS FOR THE RECONSTRUCTION OF NEWARK AVENUE**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that the Borough Clerk be and is hereby authorized, instructed and empowered to advertise Notice to Bidders in *The Herald of Cape May County* issue of May 30, 2018.

**BE IT FURTHER RESOLVED** Sealed bids will be received by the Bid Opening Committee in the Municipal Court Room, Wildwood Crest Borough Hall, on **Wednesday, June 13, 2018 at 10:00 a.m.**, prevailing time, for furnishing the items hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said items are as follows:

RECONSTRUCTION OF NEWARK AVENUE

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. 167-18  
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF  
WILDWOOD CREST AUTHORIZING CANCELATION OF GRANT RECEIVABLES**

**WHEREAS**, the Borough created certain accounts for grant receivables and appropriation reserves in anticipation of receiving grant monies in connection with certain grants that were applied for; and

**WHEREAS**, the grant money was never received and it is now necessary and proper to cancel the accounts for grant receivables.

**BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the following are hereby authorized to be canceled:  
grant receivables

<u>Acct#</u>	<u>Grant Name</u>	<u>Amount Canceled</u>
8-02-117-03-010-004	NJ Trans Trust Fund Rec – Seaview II	\$35,000.00
8-02-117-03-010-015	Domestic Violence Receivable – 2011	<u>\$29,708.74</u>
TOTAL AUTHORIZED TO BE CANCELED		<u><u>\$64,708.74</u></u>

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. 168-18  
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF  
WILDWOOD CREST AUTHORIZING CANCELATION OF APPROPRIATED RESERVES  
FOR FEDERAL AND STATE AND LOCAL GRANT FUNDS**

**WHEREAS**, the Borough created certain accounts for federal, state and local grant funds in anticipation of receiving and spending grant monies; and

**WHEREAS**, it is now necessary and proper to cancel the accounts for certain grant reserves.

**BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the following appropriated reserves for federal and state and local grant funds are hereby authorized to be canceled:

<b>Account Number</b>	<b>Grant Description</b>	<b>Amount</b>
8-02-213-40-100-026	Reserve for Domestic Violence Exp 11	30,777.80
8-02-213-40-100-064	Reserve for GWTIDA Summer Events Grant 2015	100.00
8-02-213-40-100-079	Reserve for 2016 GWTIDA Summer Events Grant	1,279.08
8-02-213-40-100-086	Reserve for GWTIDA 2017 Summer Events Grant	628.14
	<b>TOTAL CANCELLATIONS- RESERVES</b>	32,785.02

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. 169-18  
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF  
WILDWOOD CREST AUTHORIZING RE-APPOINTMENT OF LOUIS J. BELASCO AS  
JUDGE OF THE MUNICIPAL COURT**

**WHEREAS**, the Borough appointed Louis J. Belasco, Jr. to serve as Judge of the Municipal Court on June 3, 2015 via Resolution 428-15; and

**WHEREAS**, the appointment expires June 14, 2018; and

**WHEREAS**, the Board of Commissioners desire to re-appoint Louis J. Belasco, Jr. to another three year term with an expiration date of June 14, 2021; and

**BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, pursuant to the provisions of N.J.S.A. 2B:12-4, that Louis J. Belasco, Jr., an attorney-at-law of the State of New Jersey, whose term as JUDGE OF THE MUNICIPAL COURT of the Borough of Wildwood Crest expires June 14, 2018, be and he is hereby appointed to serve for a period of three (3) years effective June 15, 2018 as JUDGE OF THE MUNICIPAL COURT of, in, and for the Borough of Wildwood Crest, a municipal corporation of the State of New Jersey, at an annual salary in accordance with the full provisions of the current year "Salary Ordinance," said term expiring June 14, 2021.

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. 170-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT FOR WEBSITE DESIGN AND MAINTENANCE**

**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 website design and maintenance and related duties associated therewith; and

**WHEREAS**, the Borough Clerk received a proposal and qualifications from Square 1 Design which was forwarded to a review committee consisting of the Borough Administrator Constance Mahan, Borough Clerk Patricia Feketics, Qualified Purchasing Agent Jim Craft, and Borough Solicitor Ronald J. Gelzunas; and

**WHEREAS**, the Review Committee has reviewed the proposal submitted by Square 1 Design and based upon review criteria, has recommended that the proposal meets the Borough's needs and Square 1 Design possesses the unique artistic design skills, credentials and abilities to perform the services required of the subject contract; and

**WHEREAS**, The Contract is awarded without competitive bidding as a "Extraordinary Unspecifiable Service" under the provisions of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5 which states that no local unit shall be required to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids, all of which classification the aforesaid contract falls within; 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 Extraordinary Unspecifiable Services because the service requires unique artistic design skills and abilities that are of a qualitative nature; and

**WHEREAS**, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation awarding the contract to Square 1 Design for the website design and maintenance contract 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, State of New Jersey, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the contract for the Borough of Wildwood Crest website design and maintenance is hereby awarded to Square 1 Design.
3. The award of this contract is contingent upon compliance with the New Jersey Business Registration Certificate 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 and empowered to enter into a contract effective immediately through December 31, 2018, with Square 1 Design, who shall be compensated in an amount not to exceed \$6,000.00.
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. 171-18

**RESOLUTION OF THE BOROUGH OF WILDWOOD CREST ADOPTING A REHABILITATION PROGRAM MANUAL TO MANAGE THE REHABILITATION PROGRAM ESTABLISHED BY THE ADOPTION OF THE MARCH 14, 2018 FAIR SHARE PLAN**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest desires to implement the Borough's Third Round Housing Plan Element and Fair Share Plan consistent with the terms of a Settlement Agreement reached between the Borough and Fair Share Housing Center, in the Matter of the Borough of Wildwood Crest, County of Cape May, Docket No. CPM-L-309-15 15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”); and

**WHEREAS**, in accordance with the regulations of N.J.A.C. 5:93-5.2, et seq. and the terms of the Settlement Agreement identified above, the Borough of Wildwood Crest is required to adopt a rehabilitation program manual to meet its rehabilitation obligation for the Third Round.

**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 the Rehabilitation Program Manual, dated January 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. 172-18

**RESOLUTION OF THE BOROUGH OF WILDWOOD CREST ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest desires to implement the Borough's Third Round Housing Plan Element and Fair Share Plan consistent with the terms of a Settlement Agreement reached between the Borough and Fair Share Housing Center, in the Matter of the Borough of Wildwood Crest, County of Cape May, Docket No. CPM-L-309-15 15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”); and

**WHEREAS**, in accordance with the regulations of N.J.A.C. 5:93-8, et seq., a municipality may only impose and collect development fees subsequent to the approval of a Development Fee Ordinance and Spending Plan by COAH; and

**WHEREAS**, in accordance with the regulations of N.J.A.C. 5:93-8, et seq. and the terms of the Settlement Agreement identified above, the Borough of Wildwood Crest adopted a Spending Plan and Development Fee Ordinance on March 21, 2018 and requested court approval of same because COAH is no longer a functioning administrative agency.

**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 establishes an affordable housing trust fund through which the Borough shall collect and expend development fees in order to meet its mandated affordable housing obligation.

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. 173-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ENDORSING WILDWOOD CREST TOURISM DEVELOPMENT COMMISSION AGREEMENT WITH AND AWARD OF GRANT OF FUNDS TO DELMOSPORTS, LLC FOR THE ADVERTISMENT AND PROMOTION OF AN ATHLETIC TOURISM EVENT IN THE BOROUGH OF WILDWOOD CREST**

**WHEREAS**, the Borough of Wildwood Crest Tourism Development Commission has deemed it advisable for the purpose of publicizing and otherwise promoting the Borough of Wildwood Crest to disburse funds to and enter into an agreement with DelmoSports, LLC for the purpose of promoting and advertising a new athletic tourism event to be known as the annual 10 mile running event, to be held in the Borough of Wildwood Crest; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest agrees that the award and agreement with DelmoSports, LLC is necessary and proper and endorses the decision of the Wildwood Crest Tourism Development Commission; and

**WHEREAS**, the Chief Financial Officer of the Borough of Wildwood Crest has certified the availability of funds for the agreement and award to DelmoSports, LLC; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest hereby authorizes the use of its Service Marks in connection with the advertisement and promotion of the event.

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the agreement with and award to DelmoSports, LLC for the purpose of publicizing and advertising the athletic tourist event is hereby endorsed.
3. That the use of the Borough's Service Marks in accordance with the User License Agreement For Borough of Wildwood Crest Service Marks in connection with the agreement between the Borough of Wildwood Crest Tourism Development Commission and DelmoSports, LLC is hereby approved and the Borough Clerk and Mayor are hereby authorized and empowered to enter into the User License Agreement For Borough of Wildwood Crest Service Marks with DelmoSports, LLC.
4. That the Chief Financial Officer of the Borough of Wildwood Crest is hereby authorized to disburse funds in the amount not to exceed \$ 30,000.00 to DelmoSports, LLC in accordance with the terms and conditions of the agreement between the Borough of Wildwood Crest Tourism Development Commission and DelmoSports, LLC.

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. 174-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF PROPERTY TAXES OR UTILITIES OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest collected from the property owner or it's designee an excess amount on 2018 property taxes and/or utility payments; and

**WHEREAS**, an overpayment was created for the reason listed above, and

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest has determined the said overpayment should be refunded accordingly as indicated below.

		<b>Amount</b>
63-11 2018 Tax	Pellegrino, Michael 121 E. Myrtle Road Two Mortgage Companies paid same parcel For 2018 2nd quarter Refund overpayment to CORELOGIC	\$932.15
10-7 2018 Tax	Licciardello, Erico & Patricia 5502 Lake Rd Title Company & Mortgage Company both paid For 2018 2 <sup>nd</sup> quarter Refund overpayment to CORELOGIC	\$5,448.93
121-1 2018 Tax	Laffey, William & Kloss Donna 8002 New Jersey Ave. Two mortgage companies paid 2 <sup>nd</sup> quarter Refund overpayment to CORELOGIC	\$2,408.05
146-18.02 2018 Tax	Hawthorne, Michael & Tina 102 E Preston Ave. Two mortgage companies paid 1 <sup>st</sup> and 2 <sup>nd</sup> quarter Refund overpayment to CORELOGIC	\$2,277.97

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, the Chief Financial Officer is hereby authorized to execute said refund as soon as practicable and the Tax Collector should mark the records accordingly to reflect said refund as per the meeting on May 23, 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. 175-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ADOPTING THE FORM OF THE NEW JERSEY TORT CLAIMS ACT QUESTIONNAIRE REQUIRED TO BE UTILIZED BY CLAIMANTS FOR THE FILING OF NOTICES OF TORT CLAIM AGAINST THE BOROUGH OF WILDWOOD CREST IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:8-6 AND DESIGNATING QUAL-LYNX AS THE AGENT FOR THE BOROUGH OF WILDWOOD CREST TO PROVIDE THE QUESTIONNAIRE TO ALL OF THE CLAIMANTS AND TO RECEIVE THE COMPLETED QUESTIONNAIRE FROM THE CLAIMANTS**

**WHEREAS**, the New Jersey Tort Claims Act, specifically *N.J.S.A. 59:8-6*, provides that a public entity may adopt a form specifying information to be contained in claims filed against a public entity or its employee under the New Jersey Tort Claims Act; and

**WHEREAS**, the Borough of Wildwood Crest is a public entity as defined in New Jersey Claims Act; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is advisable, necessary and in the public interest to adopt a form Tort Claims Act Questionnaire in the form attached hereto and made a part of this Resolution; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is in their best interest to designate the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF), Qual-Lynx, as their agent to provide the Tort Claims Act Questionnaire to all of the Claimants and to receive the complete Questionnaire from the Claimants.

**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, assembled at a public session on this 23<sup>rd</sup> day of May, 2018, that the attached form of Tort Claims Act Questionnaire be and it is hereby adopted as the official Tort Claim Act Questionnaire in accordance with *N.J.S.A. 59:8-6* for the Borough of Wildwood Crest; and

**BE IT RESOLVED**, that all persons making claims against the Borough of Wildwood Crest, in accordance with the New Jersey Tort Claims Act, *N.J.S.A. 59:8-1, et seq.*, shall be required to complete the Questionnaire which is attached as a condition of compliance with the notice requirements of the New Jersey Tort Claims Act.

**BE IT RESOLVED**, that Qual-Lynx, the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF) be and they are hereby designated as the agent for the Borough of Wildwood Crest to provide the Tort Claims Act Questionnaire to all Claimants and to receive the completed Questionnaire from the Claimants.

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. 176-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF CAPE MAY TO PROVIDE FUNDING FOR THE CAPE MAY COUNTY OPEN SPACE PROJECT KNOWN AS SUNSET LAKE SHORE STABILIZATION AND RECREATION IMPROVEMENTS**

**WHEREAS**, the Borough of Wildwood Crest submitted an application to Cape May County under the County's 2017 Open Space Program for Sunset Lake Shore Stabilization and Recreation Improvements with an initial request for funding in the amount of \$302,852.00; and

**WHEREAS**, on February 27, 2018, the Open Space Review Board thoroughly reviewed, deliberated and voted to make a recommendation to the Cape May County Board of Chosen Freeholders to fund this project as follows: Sunset Lake Shore Stabilization and Recreation Improvements in an amount not to exceed \$302,852.00; and

**WHEREAS**, the Cape May County Board of Chosen Freeholders approved the Borough's Space application at their May 8, 2018 meeting; and

**WHEREAS**, the Board of Commissioners deems is desirable and in the interest of the residents of the Borough and the County to enter into a shared services agreement with the County of Cape May in order to receive the funding for the Sunset Lake Shore Stabilization and Recreation Improvements as authorized by the statutes providing for joint action with regard to capital projects and improvements which are deemed to benefit the Borough

and Cape May County and their residents pursuant to N.J.S.A. 40:12-9 and as further authorized by N.J.S.A. 40A:65-1 the Uniform Shared Services and Consolidation Act.

**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 Mayor and Borough Clerk are hereby authorized and directed to execute the Shared Services Agreement in substantially the same form which is attached hereto which is hereby approved.

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. 177-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST DENYING ISSUANCE OF ICE CREAM VENDING LICENSE FOR 2018**

**WHEREAS**, an application to renew an Ice Cream Vending License for the summer of 2018 was submitted by Dwayne Aubrey / Monster Cone, LLC for the summer of 2018; and

**WHEREAS**, the Chief of Police conducted the standard investigation for issuance and renewal of such licenses and has advised that he cannot recommend an Ice Cream Vending License be issued for the 2018 season at this time.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of Wildwood Crest does hereby determine that it accepts the Chief of Police recommendation and further determines that the investigation of the Chief of Police has revealed adverse factors which bear upon the criteria set forth in the ordinance and be it further resolved that said Ice Cream Vending License to Dwayne Aubrey / Monster Cone, LLC shall not be issued for the 2018 season.

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. 178-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO JILLIAN MAKOWSKI**

**WHEREAS**, on May 9, 2018, Jillian Makowski, 45 Mantua Grove Rd B-2, West Deptford, NJ 08066, applied for a Special Events Permit for the purpose of the JILLIAN & JOSEPH WEDDING CEREMONY to be held on June 10, 2018, from 10:00 am to 4:00 pm, on the Beach between Wisteria Rd and Sweet-Briar Rd; and

**WHEREAS**, Jillian Makowski 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 Jillian Makowski, 45 Mantua Grove Rd B-2, West Deptford, NJ 08066 for the purpose of the JILLIAN & JOSEPH WEDDING CEREMONY to be held on June 10, 2018, from 10:00 am to 4:00 pm, on the Beach between Wisteria Rd and Sweet-Briar Rd.

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. 179-18

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO THE GREATER WILDWOOD YACHT CLUB**

**WHEREAS**, on March 16, 2018, the Greater Wildwood Yacht Club, 6510 Park Blvd, Wildwood Crest, NJ 08260, applied for a Special Events Permit for the purpose of the MAYRA Youth Regatta to be held on June 28, 2018, from 7:00 am to 3:00 pm, at 6510 Park Blvd; and

**WHEREAS**, Jillian Makowski, 45 Mantua Grove Rd B-2, West Deptford, NJ 08066, 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 Board of Commissioners agrees to waive the fee required by application of the Greater Wildwood Yacht Club for the use of off-duty police officers for public safety, in the spirit of supporting tourism for the Wildwoods and the Wildwood Crest Community; 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 Jillian Makowski, 45 Mantua Grove Rd B-2, West Deptford, NJ 08066 for the purpose of the JILLIAN & JOSEPH WEDDING CEREMONY to be held on June 10, 2018, from 10:00 am to 4:00 pm, on the Beach between Wisteria Rd and Sweet-Briar Rd, and that the fee for the use of off-duty police officers is hereby waived.

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. 180-18**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO NEW JERSEY BEACH BUGGY ASSOCIATION**

**WHEREAS**, on April 18, 2018, the New Jersey Beach Buggy Association, PO Box 511, Seaside Park, NJ 08752, applied for a Special Events Permit for the purpose of a FISHING TOURNAMENT to be held on October 13, 2018, from 5:30 am to 1:30 pm, on the Beach from Cresse Ave to the Heather Beach Pier; and

**WHEREAS**, Jillian Makowski, 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 Jillian Makowski, 45 Mantua Grove Rd B-2, West Deptford, NJ 08066 for the purpose of the JILLIAN & JOSEPH WEDDING CEREMONY to be held on June 10, 2018, from 10:00 am to 4:00 pm, on the Beach between Wisteria Rd and Sweet-Briar Rd.

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. 181-18**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO MYRON BYTZ, LYS SPORTS ACADEMY**

**WHEREAS**, on May 9, 2018, Myron Bytz, Lys Sports Academy - USCAK, 36 Mountainside Dr., Randolph, NJ 07869, applied for a Special Events Permit for the purpose of a BEACH VOLLEYBALL and SOCCER TOURNAMENT to be held on August 23<sup>rd</sup> and 24<sup>th</sup>, 2018 with a rain date of August 25, 2018, from 9:00 am to 5:00 pm, on the Beach at Aster-Crocus Roads in front of the Pan American Hotel; and

**WHEREAS**, Jillian Makowski, 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 Jillian Makowski, 45 Mantua Grove Rd B-2, West Deptford, NJ 08066, for the purpose of the JILLIAN & JOSEPH WEDDING CEREMONY to be held on June 10, 2018, from 10:00 am to 4:00 pm, on the Beach between Wisteria Rd and Sweet-Briar Rd.

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



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

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

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

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

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

Mrs. Gould motioned, seconded by Mr. Thompson, that all minutes from the regularly scheduled commission meeting of April 25<sup>th</sup> and May 10<sup>th</sup>, 2018 be accepted as presented.

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

## **ADMINISTRATOR'S REPORT:**

### **Administrator's Report May 23, 2018**

#### **Kayak Launch/ Sunset Lake Shoreline Stabilization**

This evening the Board of Commissioners authorized the Mayor to execute a shared service agreement for Cape May County Open Space funding in the amount of \$302,852 for the recreational improvements at Sunset Lake. As this funding is a reimbursement from the county we must next provide for Crest funds to be utilized up front by designating this project as a capital project and the CFO must certify to the availability of funds for same.

#### **Beach/ Dune Project**

As I previously reported, the Army Corps of Engineers presented 60% plans to NJDEP Division of Coastal Engineering for their review for the Hereford Inlet to Cape May Inlet Coastal Storm Damage Reduction Project (aka Wildwoods Corps beach replenishment project). These 60% plans were developed based upon the feedback provided to the project development team (PDT) from the 30% plans from December 2016. According to Chris Constantino of DEP Coastal Engineering, the Corps is currently in the process of coordinating with NJDEP – Division of Land Use Regulation (DLUR) for their final review of the plans and the changes to the plan to ensure that the project is consistent with the regulatory authorization that was granted back in 2014. It is expected that the Division of Coastal Engineering will be sharing these plans with each municipality shortly and will coordinate meetings between each of the stakeholders in the Wildwoods, Corps PDT and our office soon after. This should be around the 2<sup>nd</sup> and/or 3<sup>rd</sup> week of June. These meetings will be meant to discuss the 60% plans, discuss real estate obligations for the project, and work towards its 90% plans/specs. According to Chris the Corps still has some unanswered questions about the layout, locations and detail of some of the infrastructure under and adjacent to the beach. Once the Army Corps' questions are answered that will get us closer to this project moving to construction – possibly by FY2020, if things align correctly.

#### **Redevelopment of New Jersey Avenue Business District (EUZ Zone)**

Our 2-day consultation on May 9<sup>th</sup> and 10<sup>th</sup> with internationally-known destination planner Roger Brooks was very well received. Mr. Brooks provided his opinion and expertise regarding the revitalization of an area within the New Jersey Avenue Business District. I have requested that Mr. Brooks provide us with a copy of his presentation for posting on our website. Mr. Brooks has confirmed that he will get that over to me as soon as time permits. I will continue to follow up.

#### **Grants**

##### **1) Cape May County Open Space and Recreation Applications 2018**

We made our presentation yesterday before the Cape May County Open Space Board requesting them to provide us with approximately \$950,00 in 2018 funding for the playground improvements at Scoop Taylor and Sunrise Parks. We now await word to see if the Open Space Board will recommend to the Cape May County Board of Chosen Freeholders that this two park project be funded. I will keep you posted on developments.

##### **2) New Jersey Prevention Network Get Active NJ**

Our recreation department has mapped out where the mile markings should be placed along the bike path and Sunset Lake walking path. They will be determining how the markings will be made (paint, small sign, etc.) in the very near future and move forward with getting the work completed as quickly as possible.

#### **Old Library Building**

I spoke to Jim Seeland on Monday regarding our wind damage claim. He stated that our file will be reviewed the first week in June at the MEL's monthly claims review meeting. He will report back right after the meeting on the status of our payment.

#### **Green Community Grant**

As you know we have entered into a professional services contract with Lomax Consulting to create our Community Forestry Management Plan which is a 2-year process. The Green Team met with Mr. Lomax this afternoon to learn about their role in the creation of our CMFP. The meeting was very productive and the Green Team seems eager to work with Mr. Lomax on this plan

### **Ace Reliability Upgrades**

Due to inclement weather Atlantic City Electric and their contractor Riggs Distler are still in town working their reliability improvement project. According to Ronnie Town the installation of poles and reclosers has been completed. She was waiting to hear about the status of the control boxes that communicate with the reclosers that have to be installed on the poles, programmed and tested. She reported that due to the rain last week, ACE is behind on installing the control boxes, pole removals and restoration. She also stated that weather permitting, Riggs Distler has a list of poles that need to be remove and they are hoping to be done by Friday. Restoration will follow after the pole removals. The contractor is making the area safe in areas where concrete is required. As a side note: Verizon has some work to do and responsibilities to transfer and remove some poles. ACE's field supervisor validated that 13 locations in Wildwood Crest Verizon needs to transfer their facilities, remove the old poles and any restoration required when removing the old poles. Jennifer Young (Government Services) has been contacted to see what she can do to prioritize this work and provide us with a timeline for completion.

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

As everyone knows Cape May County has engaged in a study to explore the replacement or relocation of the Middle Thorofare Bridge and the other 2 smaller bridges along Ocean Drive. This project is in the initial planning phase and is expected to take 10-12-years due to Federal funding being sought. There have been two public information meetings being held locally. Most recently the County Engineer has asked for input from the public through his "Community Input Survey." Property owners are requested to return the survey no later than June 8<sup>th</sup>. Copies are available here tonight and I have posted them on the website as well.

### **Affordable Housing Compliance**

Our Affordable Housing Compliance Package has been forwarded to Judge Johnson by our COAH Counsel for approval. In anticipation of this happening, key personnel met with our COAH Administrative Consultants and Planners- CME on Friday May 11<sup>th</sup>. They advised us on the establishment of the procedures for the collection of the required development fees that were established via Ordinance No. 1273 and also provided guidance to ensure compliance with our approved settlement agreement going forward. The meeting was very productive. Many of our questions and concerns were addressed. We learned that Judge Johnson is expected to approve of our COAH plan as soon as a week or two from now. We anticipate that he will order the Borough to start collecting the required fees from developers, homeowners, and/or contractors immediately or within 30 to 60 days of his order. Tonight, the governing body authorized the CFO to establish the required trust account for the deposit of these development fees in accordance with statute and also our court order. A letter was placed in the construction office explaining the need for the fee and the timing of it. I will advise every one of the judge's order as soon as I receive word.

### **Garden State Parkway/ Rt 109 Signage**

At the Mayor's request I contacted the traffic engineering departments at the NJDOT and Turnpike Authority to request directional signage at the foot of the Cape May bridge. Currently there is one directional sign that reads "Ocean Drive." The Mayor has asked that I request signage reading "Wildwood Crest" with a directional arrow. These two State agencies agreed with the rational in the letter I sent to them and have agreed to work together to come up with a plan for directional signage and get back to me. I will continue to follow up.

### **CORRESPONDENCE:**

Nothing to report.

### **PUBLIC COMMENTS:**

Dennis Travascio, 112 E. Louisville Avenue, asked if the Chief Financial Officer had resigned and Commissioner Gould indicated that she has submitted a letter of resignation effective June 8, 2018.

### **DISCUSSION:**

#### **OLD BUSINESS:**

- Borough Hall entry and employee access – Nothing to report.
- Borough Hall IDs for residents – Nothing to report.
- Crest Merchandise specifications – on HOLD.
- Old Library – will discuss at June 6<sup>th</sup> meeting how to allocate forthcoming funds
- Building Security / Active Shooter- Nothing to report.
- Bulkhead issue- on HOLD.

#### **NEW BUSINESS:**

6406 Seaview Avenue-Borough owned property/requests for purchase. Commissioner Gould indicated that the property was currently assessed at \$419,000 and she doesn't want to sell the property at this time. Commissioner Thompson agreed. Mayor Cabrera indicated there was no rush to sell at this time. The Administrator further indicated that if there

came a point in time and they wished to sell the property that it would have to be done in accordance with Local Public Contracts Law and it would be advertised and go out to auction.

**PUBLIC COMMENTS:**

The Mayor opened the floor once again for public commentary.

Nancy Pietropaoli, 6002 Seaview Avenue, asked if the property that was gifted to the Borough (6406 Seaview Avenue) was a part of the Library and Commissioner Gould indicated that it was not a part of the library.

Hearing nothing further from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 182-18

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

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

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that one (1) issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance to be discussed during the Executive or Closed Session to be held on **Wednesday, May 23, 2018** at 5:30 P.M.; and

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

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

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

\_\_\_\_\_ **“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

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

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

\_\_\_\_\_ **“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations**

or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

\_\_\_\_X\_\_\_\_ “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are Achristavest, LLC, Lower Township Planning Board Approvals and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is appeal of planning board approvals granted to Achristavest by Lower Township Planning Board.

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

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

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

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

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

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

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

Vote: Gould -- Thompson -- Cabrera – Yes

THE GOVERNING BODY ASKED FOR THREE MINUTES BEFORE RESUMING INTO CLOSED SESSION. THE TIME WAS 5:50 P.M.

After returning from Closed Session at 7:33 p.m., Commissioner Gould motioned, seconded by Commissioner Thompson that the meeting be adjourned. All were in favor. The time was 7:33 p.m.

Dated: June 20, 2018

\_\_\_\_\_  
Patricia A. Feketics, Borough Clerk

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