

Note: Complete Meeting Appears
On 12-18 on file in
Borough Clerk's Office

June 20, 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. Thompson, that Ordinance No. 1282 be placed on second reading and final passage by title only.

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

THE CLERK READS ORDINANCE NO. 1282 BY TITLE ONLY

ORDINANCE NO. 1282

ORDINANCE AMENDING A BOND ORDINANCE OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY, HERETOFORE ADOPTED ON OCTOBER 5, 2016 (#1244).

Mrs. Gould motioned, seconded by Mr. Thompson, that a public hearing be held on Ordinance No. 1282.

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

After hearing nothing from the public, Mrs. Gould motioned, seconded by Mr. Thompson, that the public hearing on Ordinance No. 1282 be closed.

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

Mrs. Gould motioned, seconded by Mr. Thompson, that Ordinance No. 1282 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. 192-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPOINTMENT OF A CHIEF FINANCIAL OFFICER

WHEREAS, Resolution No. 855-17, adopted January 4, 2017, served to authorize the appointment of Alicia A. Belansen as the Chief Financial Officer of the Borough of Wildwood Crest to a four-year term effective January 1, 2017 and terminating on December 31, 2020; and

WHEREAS, Alicia A. Belansen filed a written resignation with the Borough from the position of Chief Financial Officer effective June 8, 2018; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is in the best interests of the Borough to appoint Francine Springer as Chief Financial Officer of the Borough of Wildwood Crest to fulfill the unexpired term of Alicia A. Belansen in accordance with the provisions of N.J.S.A. 40A:9-12.1.

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

1. That the above recital paragraphs are incorporated herein as if set forth at length.

2. That Francine Springer is hereby appointed and shall serve as Chief Financial Officer which shall include the performance of all required duties and responsibilities as Chief Financial Officer of the Borough of Wildwood Crest under authority of the law, on a full-time basis commencing on this 20th day of June 2018, at an annual rate of pay provided for in the existing Salary Ordinance of the Borough of Wildwood Crest.

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. 193-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CERTIFYING TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED THE ANNUAL REPORT OF AUDIT FOR THE YEAR 2017

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Report of Audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand (\$1,000.00) dollars or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to demonstrate evidence of said compliance.

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. 194-18

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

RECONSTRUCTION OF NEWARK AVENUE FROM THE BEACH TO PACIFIC AVENUE

WHEREAS, a Notice to Bidders was authorized for advertisement by Resolution No. 166-18 on May 23, 2018 for the Borough of Wildwood Crest contract for the Reconstruction of Newark Avenue; and

WHEREAS, Notice to Bidders was advertised in the *Herald of Cape May County* on May 30, 2018 with receipt of sealed bids on June 13, 2018 for the Reconstruction of Newark Avenue pursuant to Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Nine sealed bid proposals were opened and reviewed by the Bid Review Committee consisting of the Municipal Engineer, Marc DeBlasio, Finance Department member Robert Osborn, Borough Clerk, Patricia Feketics and Borough Solicitor Ronald J. Gelzunas who reviewed the bid proposals and specifications and recommended that the contract for Reconstruction of Newark Avenue Alternate Bid #3 be awarded to Perna Finnigan, Inc., the lowest responsive bidder to Alternate Bid #3; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendations made by the Bid Review Committee as well as the bid tabulation and recommendation made by the Borough Engineer, dated June 15, 2018, and opinion letter of the Borough Solicitor recommending the contract for Reconstruction of Newark Avenue Alternate Bid #3 be awarded to Perna Finnigan, Inc.; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendations made by the Bid Review Committee, Borough Engineer and Borough Solicitor recommending the award to Perna Finnigan, Inc.; and

WHEREAS, Perna Finnigan, Inc. was lowest responsive bidder for Alternate Bid #3 in the amount of **\$972,349.04**; and

WHEREAS, the Chief Financial Officer has certified the availability of funds as evidenced below by her signature:

Account Number(s) _____ Amount _____
Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. It is hereby determined to be in the best interest of the Borough of Wildwood Crest to award to Perna Finnigan, Inc. the contract for Reconstruction of Newark Avenue Alternate Bid #3 in the amount of **\$972,349.04**.
3. The Mayor and the Borough Clerk, are hereby authorized and empowered to enter into a formal contract with Perna Finnigan, Inc. in accordance with this Resolution, Notice to Bidders, specifications and the submitted bid proposal.
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. 195-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A NOTICE TO BIDDERS FOR THE BOILER REPLACEMENT

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 is hereby authorized to advertise a Notice to Bidders in *The Herald of Cape May County* issue of July 4, 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 **Tuesday, July 24, 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:

BOILER REPLACEMENT

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. 196-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING A CONTRACT AWARD FOR AN AMATEUR
SAND SCULPTING CONTEST**

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 sand sculpting contest professional to assist the municipality with an amateur sand sculpting contest to be held on Saturday, July 7, 2018 on the beach in Wildwood Crest; and

WHEREAS, obtaining quotes for said services would be impractical and not possible due to the limited vendors providing services of this nature; and

WHEREAS, the Local Public Contracts Law provides for the entering into of a contract for Extraordinary Unspecified Services pursuant to R.S.40A:11-5(1)(a)(ii), without advertising for competitive bidding; 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. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;
2. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;
3. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;
4. 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 Borough has determined that Can You Dig It Sand Tools/Matt Long dba Days at the Beach is qualified to perform the said work and it is desired to enter a contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, Can You Dig It Sand Tools/Matt Long dba Days at the Beach has completed and submitted a Business Entity Disclosure Certification which certifies that Can You Dig It Sand Tools/Matt Long dba Days at the Beach will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing June 20, 2018 to any political committee or candidate through the term of this contract; and

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

Account Number(s) _____ Amount _____
Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. Can You Dig It Sand Tools/Matt Long dba Days at the Beach is hereby retained to assist with an amateur sand sculpting contest to be held on Saturday, July 7, 2018 on the beach in Wildwood Crest as an Extraordinary Unspecified Service. The said services to be received shall be “as directed” by the Borough of Wildwood Crest.
3. The Mayor and Borough Clerk be and they are hereby authorized and directed to enter into a contract with Can You Dig It Sand Tools/Matt Long dba Days at the Beach for specialized services, which contract shall provide for fees not to exceed \$7,400.00, contingent upon certification below from the Chief Financial Officer as to the availability of funds.
4. This contract is awarded without competitive bidding as an extraordinary unspecified service in accordance with the provisions of the Local Public Contracts Law aforesaid, and in accordance with the provisions of N.J.S.A. 19:44A-1, and shall be in a form approved by the Borough.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

6. 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. 197-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING A CONTRACT AWARD FOR A COMMUNITY
DEVELOPMENT CONSULTANT**

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 Community Development Consultant for the performance of duties associated therewith, and more specifically to make application for and administration of a Department of Community Affairs Small Cities Fiscal Year 2019 grant; and

WHEREAS, the Borough Clerk received a proposal from Mark Blauer of Blauer Associates, Inc. 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 Mark Blauer of Blauer Associates, Inc. that was submitted and has recommended that the proposal of Mark Blauer of Blauer Associates, Inc. meets the Borough’s needs and that Blauer Associates, Inc. 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 Blauer Associates, Inc. to make application to the State of New Jersey Department of Community Affairs, Small Cities Community Development Block Grant Program as described 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:

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

2. That the Mayor and Borough Clerk are hereby authorized, instructed, and empowered to execute a Contract with Blauer Associates, Inc., as Community Development Consultant for a term of one (1) year, which contract shall provide for a fee of \$1,800.00 for the submission of any authorized grant application and administrative fees to be paid from the proceeds of any grant funds realized; all of which is more fully described in the attached agreement which is made a part hereof by reference as if fully set forth.

3. 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. 198-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO KATELYN SPITZER AND CHRISTOPHER KRATZ

WHEREAS, on May 31, 2018, Katelyn Spitzer and Christopher Kratz, 107 View Court, Saylorsburg, PA 18353, applied for a Special Events Permit for the purpose of a WEDDING to be held on July 8, 2018, from 5:00 pm to 6:00 pm, at the Sunset Lake Gazebo; and

WHEREAS, Katelyn Spitzer and Christopher Kratz have supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and have further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event; and

WHEREAS, the application has been reviewed by the Board of Commissioners, upon verification by appropriate members of staff as to completeness of the application, scheduling compatibility, etc.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Borough Clerk be and she is hereby authorized and directed to issue a Special Events Permit to Katelyn Spitzer and Christopher Kratz, 107 View Court, Saylorsburg, PA 18353 for the purpose of a WEDDING to be held on July 8, 2018, from 5:00 pm to 6:00 pm, at the Sunset Lake Gazebo.

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. 199-18

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

WHEREAS, on May 23, 2018, Megan Franks, 31 Summit Pass, Medford, NJ 08055, applied for a Special Events Permit for the purpose of a SCAVENGER HUNT to be held on July 28, 2018, from 4:00 pm to 6:00 pm, at various landmarks throughout Wildwood Crest; and

WHEREAS, Katelyn Spitzer and Christopher Kratz has supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and have further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event; and

WHEREAS, the application has been reviewed by the Board of Commissioners, upon verification by appropriate members of staff as to completeness of the application, scheduling compatibility, etc.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Borough Clerk be and she is hereby authorized and directed to issue a Special Events Permit to Katelyn Spitzer and Christopher Kratz, 107 View Court, Saylorsburg, PA 18353 for the purpose of a WEDDING to be held on July 8, 2018, from 5:00 pm to 6:00 pm, at various landmarks throughout Wildwood Crest.

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 the Chief of Police for the month ending May 31, 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 meetings dated May 23rd and June 6th, 2018 and the Closed Session minutes of May 23, 2018 be approved as presented.

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

ADMINISTRATOR'S REPORT:

June 20, 2018

Kayak Launch/ Sunset Lake Shoreline Stabilization

We have executed the required 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

Nothing new to report. We are still awaiting the 60% plans from DEP Coastal Engineering.

Redevelopment of New Jersey Avenue Business District (UEZ Zone)

Roger Brooks has provided his presentation to us and it is currently posted on our website.

Grants

1) Cape May County Open Space and Recreation Applications 2018

We are awaiting word from the Cape May County Open Space Board on the outcome of our application for the Scoop Taylor and Sunrise Park applications. I still have not received a letter from open space but will continue to keep you updated.

2) New Jersey Prevention Network Get Active NJ

As you know we received this \$3000 grant for the numbering of our bike and walking/jogging trails. I reached out to Zone Striping and asked that they coordinate with the Recreation Dept. regarding the creation and installation of pre-formed thermoplastic numbers to designate mile markers along the bike/walking trails. Nick Holland is working with Vern at Zone Striping to bring this project to completion.

Old Library Building

We have received our wind damage claim compensation. A reimbursable line item was created in the amount of \$ 121,362.16. This is discussion item on this evening's agenda.

Ace Reliability Upgrades

At this point ACE has completed their portion of this reliability upgrade project, however, Verizon is still transferring their equipment to new poles and remove approximately 13 old poles. Jim Kopaz is working with Verizon to ensure the proper street opening permits are in place for this to occur. Yasmine Watkins (representing Verizon) is working 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

Nothing new to report.

Affordable Housing Compliance

As of two weeks ago the courts have provided our Order of Fairness and Compliance and approved our settlement agreement. The Fair Share Housing Center has requested additional time to review it therefore we have been provided with an extension of our immunity until June 30, 2018. According to our special counsel we are not expected to collect development fees until at least then. I will continue to keep you informed.

Garden State Parkway/ Rt 109 Signage

NJDOT has asked for our patience as they plan for the replacement of directional signage at the foot of the Cape May bridge. We have requested that they add a Wildwood Crest directional sign to the one that currently exists and reads “Ocean Drive.” I will continue to follow up and check on the status of this request.

School Funding Legislation Sponsored by Steve Sweeney

There is a proposal in Trenton being supported by Senate President Steve Sweeney to revert school funding to the full funding formula. According to numbers ran by NJ.com there are only a few school districts that would see an increase in aid as a result and only one with a significant increase- Ocean City. Those numbers show 6 districts that would lose over \$2 million. Crest Memorial School stands to lose \$157,184 according to these numbers. The current proposal by Senate President Sweeney would be phased in over 7 years and would shift the approximately \$9 billion dollars New Jersey spends on direct aid to schools from those districts considered to be overfunded to those considered underfunding (us.) We are definitely on the short end of this stick. I have attached the numbers published in NJ.com for you along with an article that explains Sweeney’s position. This legislation would significantly increase the school tax portion of Crest property owner’s tax bills or could lead to significant cuts in numbers of teachers and/or services that are offered. Cape May County Freeholders have sent a letter to Van Drew’s office asking for opposition to this proposed legislation. With your support I will craft resolution opposing this legislation. I have reached out to NJLOM for the bill numbers and a sample resolution if one exists.

CORRESPONDENCE:

Nothing to report.

Mr. Robert Patterson, GWITDA Member, gave a brief update and indicated that attendance has picked up over the years.

PUBLIC COMMENTS:

None.

DISCUSSION:

OLD BUSINESS:

-Borough Hall entry and employee access – on hold.

-Borough Hall IDs for residents – The new tags are in and they will be at the Nesbitt Center to be picked up by residents from 8:00 to 6:00 pm and proof of residency is required.

-Crest Merchandise specifications – on hold.

-Old Library – A lengthy discussion ensued. The Mayor and Commissioner Thompson are in favor of keeping the building and renovating it. Commissioner Gould is not in favor of keeping the building and referenced figures to renovate from 2016 and indicated that they most likely have increased. She further added that both the land and the building are valued at approximately \$3,200,000.00.

Vince Nardini, 222 E. Hollywood Avenue, added that he agrees with Mr. Roger Brooks that the building should be renovated and it can offer opportunities and can bring in vendors.

Aileen Kennedy, 122 E. Sweetbriar Road, and can’t understand why we tear down the building. She added that the building reflects the history of Wildwood Crest and that it needs historical aspect.

Mayor Cabrera, added that the north side of Crest Pier used to house shops and wants to bring back those shops and wants to move passed the idea of demolishing the building.

Commissioner Thompson, indicated he feels strongly that we need to keep the building and renovate it and that it has potential. He further added it was structurally sound and there are plenty of opportunities there.

Pam Gentek, 5910 Park Boulevard, doesn't understand the vision for the building and there are plenty of rooms at Crest Pier.

Dan, Ocean Property Management, was in favor of keeping the building and preserving the history and would like to see the historical society in there.

Jack Morey, 5901 Ocean Avenue, likes the open dialogue and that the Governing body continues to embrace public space and would like to see the building saved.

Marie Nickerson, 8801 Seaview Avenue, would like to see the building saved and have free movies in there.

Commissioner Gould indicated that she wanted to take a long hard look and the cost to renovate the building. She added that the dialogue was great and wanted to hear from the public.

Kurt Hastings, President of Wildwood Crest Historical Society, added that the society exists while the museum does not. He would like to see the museum somewhere.

Nancy Pietropaoli, 6002 Seaview Avenue, would like to keep the building.

Mayor Cabrera added that the area is lacking in arts and it should be a public gathering space and it should be kept on the agenda.

Commissioner Gould added that perhaps the Borough should place a poll on the website.

Pam Gentek, 5910 Park Boulevard, added that the Borough needs to utilize existing buildings better and does not want to keep the building without a vision.

Mayor Cabrera wants to continue to talk with Catherine Lorentz and for this to stay on the agenda and that money and vision need to be discussed.

Commissioner Thompson wants bids to go out for repair and the building needs hear and air and wall repaired.

-Building Security / Active Shooter- Work in progress with police.

-Bulkhead issue- On hold.

-Smoking on Public Beaches- next summer will be banned. We have signage ordered to encourage people to be courteous when smoking near others and to smoke on the back beaches.

Don Fasolo, 222 E. Hollywood Avenue, added that the bill has passed and waiting for a signature. It will allow for 15% designated in certain areas and enforcement was the issue.

-Permitting One-Day alcohol permits for events- Commissioner Cabrera would like to have this introduced for the July 11th agenda.

NEW BUSINESS:

-Election Day –

The Mayor indicated that since the Borough of Wildwood Crest is non-partisan municipality, he would like to see the Borough provide the meals to the workers. Commissioner Gould is not in favor of this. Mayor Cabrera and Commissioner Thompson are both ok with it since it is a 14-hour day.

PUBLIC COMMENTS:

The Mayor opened the floor once again for public commentary.

Marie Nickerson, 8801 Bayview Drive, asked about fire pits on the beach. The Administrator brought up concerns of hot coals and the liability issues and how to enforce it. Commissioner Thompson had concerns and advised he will look at the current beach ordinance with regard to fire safety and a process.

Chief Ron Harwood, Volunteer Fire Co. #1, indicated it must be supervised, contained and discharged and cannot openly burn.

Hearing nothing further from the public, Mr. Nick Holland gave a brief description of the upcoming Health & Wellness Fair that will be taking place on June 21, 2018 from 10:00 am to 1:00 pm.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 200-18

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, June 20, 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 is **Crest Pier Litigation** and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is potential mediation.

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

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

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

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

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

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

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

Vote: Gould -- Thompson -- Cabrera – Yes

After returning from closed session and hearing nothing further from the public, Commissioner Gould motioned, seconded by Commissioner Thompson that the meeting be adjourned. All were in favor. The time was 7:23 p.m.

Dated: July 25, 2018

Patricia A. Feketics, Borough Clerk
