

Note: Complete Meeting Appears
On 02-19 on file in
Borough Clerk's Office

January 23, 2019
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 October 25, 2018.

Mr. Cabrera next announced the one-way in and the one-way out method of ingress and egress in case of emergency.

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1291

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

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1291 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on February 6, 2019 at 9:30 a.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1292

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 32A – ENTITLED FEES, SECTION 32A-1, FEES, GENERAL, OF THE CODE OF THE BOROUGH OF WILDWOOD CREST.

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1292 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on February 6, 2019 at 9:30 a.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1293

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 motions, Mr. Thompson seconds that Ordinance No. 1293 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on February 6, 2019 at 9:30 a.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 52-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING A SETTLEMENT AGREEMENT WITH BIAGI, CHANCE, CUMMINS, LONDON, TITZER, INC., A DEFENDANT IN LITIGATION KNOWN AS BOROUGH OF WILDWOOD CREST V. VAN NOTE-HARVEY ASSOCIATES, P.C., MANDERS MERIGHI PORTADIN FARRELL ARCHITECTS, LLC, BIAGI, CHANCE, CUMMINS, LONDON, TITZER, INC., DELL-TECH INC., TJB AIR CONDITIONING AND HEATING, AND JOHN DOES 1-10

WHEREAS, the Borough of Wildwood Crest is the plaintiff in litigation entitled Borough of Wildwood Crest v. Van Note-Harvey Associates, P.C., Manders Merighi Portadin Farrell Architects, LLC, Biagi, Chance, Cummins, London, Titzer, Inc., Dell-Tech, Inc., TJB Air Conditioning and Heating, Docket No. CPM-L-341-16 concerning claims against those entities for faulty construction in connection with the renovation to the Crest Pier (the "Litigation"); and

WHEREAS, the Borough special counsel, Rona Zucker Kaplan, Esquire, of the firm of Cooper Levenson, Attorneys at Law, 1125 Atlantic Avenue, Suite 320, Atlantic City, New Jersey, has negotiated a settlement agreement and recommended that the litigation as it pertains to the defendant BIAGI, CHANCE, CUMMINS, LONDON, TITZER, INC., be settled in accordance with the proposed Settlement Agreement and General Release attached hereto as Exhibit "A" (the "Settlement Agreement"); and

WHEREAS, the Board of Commissioners, based upon the recommendation by its special counsel, desires to accept such recommendation and settle the Litigation against the defendant and further determines that such settlement and payment of damages to the Borough by the defendant BIAGI, CHANCE, CUMMINS, LONDON, TITZER, INC., in accordance with the terms of the Settlement Agreement is in the best interest of the Borough and the public; and

WHEREAS, the Settlement Agreement resolves only the dispute between the Borough and one of the defendants in the Litigation, the claims of the Borough against the remaining defendants remain actively prosecuted by the Borough and release of the Settlement Agreement would adversely affect the Borough's and public's interest in the remaining Litigation and it is therefore not in the best interest of the Borough or the public to release the Settlement Agreement until final conclusion of the Litigation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the Settlement Agreement and General Release attached hereto as Exhibit "A" is hereby approved, and that the Mayor and Clerk are hereby authorized and directed to execute the Settlement Agreement and to take all necessary action to effectuate the terms thereof.

BE IT FURTHER RESOLVED that the Settlement Agreement shall not be released until such time as a final decision has been rendered and all rights of appeal are exhausted or a binding settlement resolving all claims against all defendants in the Litigation has been made and further provided that such release would not be in conflict with the purposes of N.J.S.A. 10:4-2 of the Open Public Meetings Act.

EXHIBIT "A"

**Settlement Agreement and General Release
Defendant BIAGI, CHANCE, CUMMINS, LONDON, TITZER, INC**

SETTLEMENT AGREEMENT TO REMAIN CONFIDENTIAL UNTIL FINAL CONCLUSION OF THE LITIGATION

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 53-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST RATIFYING A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOROUGH OF WILDWOOD CREST AND WILDWOOD CREST RESCUE EMPLOYEES FROM JANUARY 1, 2019 THROUGH DECEMBER 31, 2022

WHEREAS, the Wildwood Crest Rescue Career Employees, hereinafter known as the "Union", has been certified as the representative of the "emergency medical technicians" of the Borough of Wildwood Crest, so designated and specifically included in the appropriate certificate of representation, under Docket No. RO-2005-088; and

WHEREAS, the bargaining team of the Union and the management team of the Borough of Wildwood Crest have held multiple negotiation sessions and have reached an agreement on all of the bargainable issues existing between the Borough and the Union which were, or could have been, the subject of negotiation; and

WHEREAS, it is the intent of the Board of Commissioners of the Borough of Wildwood Crest to comply with Chapter 303, P.L. 1968 (the "Act") by formalizing an agreement to contain that which has been negotiated by and between both parties.

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

1. That the above recital paragraphs are incorporated herein as if set forth as length.
2. The Mayor and Borough Clerk are hereby authorized, instructed, and empowered to execute the agreement on behalf of the Borough of Wildwood Crest for the period January 1, 2019 through December 31, 2022, embodying all of the mutual terms, understandings and conditions involving the employment of all emergency medical technicians so included in the Union within the meaning of the Act as more fully described in the certification of representation under Docket No. RO-2005-088; a copy of said agreement shall be placed on file in the Office of the Borough Clerk, mailed to PERC, and is incorporated herein by reference as if fully set forth.
3. This Resolution shall take effect as provided by law.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 54-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF WILDWOOD CREST AND COUNTY OF CAPE MAY FOR EMERGENCY WARMING CENTERS

WHEREAS, the PL 2017 Chapter 68 (The Code Blue Law) requires municipalities to plan for their unsheltered individuals by providing emergency warming centers; and

WHEREAS, on November 28, 2018, the Board of Commissioners passed Resolution No. 298-18, which designated the Police Lobby as Municipal Emergency Warming Center; and

WHEREAS, the County of Cape May agrees to provide \$5,000.00 annually to support the operations of Municipal Warming Centers; and

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

1. That the above recital paragraphs are incorporated herein as if set forth as length.
2. The Commissioner of Public Safety and Borough Clerk are hereby authorized, instructed, and empowered to execute the Memorandum of Agreement on behalf of the Borough of Wildwood Crest for the period January 1, 2019 through December 31, 2019, and then automatically renew from year to year; said agreement embodies all of the mutual terms, understandings and conditions.
3. This Resolution shall take effect as provided by law.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 55-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE INTEREST RATE, GRACE PERIOD AND YEAR-END PENALTY FOR TAXES/SEWER FEES IN CY2019

WHEREAS, N.J.S.A. 54:4-67 et seq. permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, sewer or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, the rate of interest on unpaid taxes and sewer shall be eight (8) percent per annum on the first one thousand five hundred dollars (\$1,500.00) of delinquency and eighteen (18) percent per annum on any amount in excess of one thousand five hundred dollars (\$1,500.00) to be calculated from the date the tax, sewer or other municipal charges were payable until the date of actual payment. No interest shall be charged if payment is made on or before the tenth (10th) calendar day following the date upon which the same is payable.

BE IT FURTHER RESOLVED, in addition to the interest provided above, all delinquencies in excess of ten thousand dollars (\$10,000.00) which are not paid prior to the end of the year will be subject to a year-end penalty of six (6) percent.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 56-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH MOTT MACDONALD FOR COASTAL ENGINEERING SERVICES FOR CY2019

WHEREAS, there exists the need for “Professional Services” of an ENGINEER, to be retained by the Borough for the performance of engineering work and related duties associated with **COASTAL ENGINEERING** therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and,

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

WHEREAS, this contract was not awarded through a “fair and open process,” but does meet all of the criteria required by the provisions of N.J.S.A. 19:44A-20.4, *et seq.* for said award;

WHEREAS, the Borough has determined that Mott MacDonald, with office located at 833 Route 9 North, Cape May Court House, NJ 08210 is qualified to perform said work and it is desired to enter a professional contract with Mott MacDonald for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, Mott MacDonald, has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald, will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2019 to any political committee or candidate through the term of this contract;

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. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. The Mayor and Borough Clerk be and they are hereby authorized, instructed, and empowered to execute the attached agreement with **Mott MacDonald**, who shall be compensated by voucher at the agreed upon hourly rates, **not to exceed \$15,000.00**, contingent upon certification below from the Chief Financial Officer as to the availability of funds, and whose rate/fee structure are contained in the aforesaid Agreement and said “Independent Contractor” shall be required to comply with this Resolution, and the attached Agreement. Said Facility & General Engineer is further required to comply with all other conditions/provisions of law or regulation applicable to a “Professional Services Contractor,” including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract.
3. This contract is awarded without competitive bidding as a professional 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.
4. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.
5. This Resolution and a copy of the contract for professional services shall be maintained on file in the offices of the Borough Clerk for public inspection.
6. A copy of this Resolution shall be published in the legal newspaper designated by the Borough as required by law, within ten (10) days of its passage.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 57-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ADOPTING A HEALTH AND WELLNESS POLICY FOR THE BOROUGH OF WILDWOOD CREST

WHEREAS, the health, safety, and well-being of the employees of the Borough of Wildwood Crest are critical for a prosperous and sustainable Wildwood Crest; and

WHEREAS, research shows 80% of adults do not participate in the recommended amounts of physical activity; and

WHEREAS, the Borough of Wildwood Crest wants to educate employees on healthy initiatives and the effects of smoking, and

WHEREAS, chronic diseases place a high burden on the economy due to illness-related loss of productivity, comprised employee performance and increased health costs; and

WHEREAS, health care costs for inactive adults are approximately \$1,400.00 higher than the costs of active adults, and

WHEREAS, employee participation in workplace wellness programs has been found to increase exercise frequency, decrease smoking, and improve weight control, all of which help to reduce the risk of developing chronic diseases.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, adopts the following Health and Wellness Policy for the Borough of Wildwood Crest, attached hereto to help improve the health and wellness of its employees.

BE IT FURTHER RESOLVED a copy of this policy will be forwarded to the Wellness Team and Green Team.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 58-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PARTICIPATION IN THE ACMJIF SAFETY INCENTIVE PROGRAM FOR 2019

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that a "JIF SAFETY CONTRACT" with the ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND be and the same is hereby authorized and approved for participation in the annual Safety Incentive Program.

NOW THEREFORE BE IT RESOLVED that all designated and currently named Department Heads, specifically representing: POLICE, RECREATION, PUBLIC WORKS, AMBULANCE/RESCUE, AND ADMINISTRATION as set forth therein be and the same are likewise authorized, directed, and empowered to execute that portion of the contract which evidences participation in the aforesaid Safety Incentive Program as well as compliance with all requirements appertaining thereto.

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 59-19

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

WHEREAS, on January 10, 2019, Victoria Giron, 8606 Pacific Ave, Wildwood Crest, NJ 08260, applied for a Special Events Permit for the purpose of the JONES-GIRON WEDDING to be held on May 18, 2019, from 3:30 p.m. to 5:00 p.m., at the Sunset Lake Gazebo or alternate location Sunrise Park; and

WHEREAS, Victoria Giron 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 Victoria Giron, 8606 Pacific Ave, Wildwood Crest, NJ 08260 for the purpose of the JONES-GIRON WEDDING to be held on May 18, 2019, from 3:30 p.m. to 5:00 p.m., at the Sunset Lake Gazebo or alternate location Sunrise Park

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

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 60-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 3 – RECONSTRUCTION OF NEWARK AVENUE TO INCLUDE JEFFERSON AVENUE SANITARY SEWER REPLACEMENT (BEACH TO PACIFIC AVENUE)

WHEREAS, Perna Finnigan, Inc., of Vineland, New Jersey was awarded the contract known as RECONSTRUCTION OF NEWARK AVENUE FROM BEACH TO PACIFIC AVENUE via Resolution No. 194-18 on June 20, 2018 for \$972,349.04; and

WHEREAS, upon recommendation from Marc DeBlasio of DeBlasio & Associates (the Borough Engineer), the Board of Commissioners of the Borough of Wildwood Crest authorized Change Order Number 1 – Reconstruction of Newark Avenue to Include Jefferson Avenue Sanitary Sewer Replacement, via Resolution No. 234-18 on July 25, 2018 increasing the original contract of \$972,349.04 by \$178,525.00 making the amended contract amount \$1,150,874.04; and

WHEREAS, upon recommendation from Marc DeBlasio of DeBlasio & Associates, Change Order No 2 – Reconstruction of Newark Avenue was passed via Resolution No. 309-18 on December 11, 2018, which authorized a reduction amount of \$3,242.00, and revised the Contract Price to \$1,147,632.04; and

WHEREAS, Marc DeBlasio of DeBlasio & Associates, has reviewed and approves Change Order No. 3, which will reflect the contract extension time, removal of Denver Avenue and Stockton Road, and the addition of milling and paving Jefferson Road, which will result in a decrease of \$4,600.00 to the amended contract amount of 1,147,632.04 for a revised contract amount of \$1,143,032.04.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May and State of New Jersey, that said Change Order Number 3- Reconstruction of Newark Avenue, with the contract time extension, the removal of Denver Avenue and Stockton Road, and addition of milling and paving of Jefferson Avenue, reducing the total contract amount by \$4,600.00 and revising the contract price to \$1,143,032.04 be and the same is hereby approved.

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

1. That the above recital paragraphs are incorporated herein by reference as if set forth at length.
2. That the Mayor and Borough Clerk of the Borough of Wildwood Crest are hereby authorized and directed to execute and attest said change order documents on behalf of the Borough of Wildwood Crest.

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

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 61-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING INCREASE OF CONTRACT AMOUNT FOR SPECIAL COUNSEL SPECIALIZING IN CONSTRUCTION LITIGATION FOR THE BOROUGH OF WILDWOOD CREST

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest awarded a contract, via Resolution No.37-18 adopted January 3, 2018, to Rona Kaplan Zucker, Esquire, of Cooper Levenson, P.A., to provide Special Counsel services specializing in Construction Litigation at the not to exceed sum of \$643.27; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to increase the amount of the contract by \$643.27; and

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

Account Number(s) _____ Amount _____ Signature _____

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

1. That the recital paragraphs set forth above are incorporated herein as if set forth at length.
2. That the terms and conditions of the contract between the Borough of Wildwood Crest and Rona Kaplan Zucker, Esquire, of Cooper Levenson, P.A., authorized by Resolution No. 37-18 adopted January 3, 2018 shall remain in full force and effect, with the sole exception that the amount of the contract shall be increased to a sum not to exceed \$643.27 all of which is contingent upon certification from the Chief Financial Officer as to the availability of funds.

3. That a copy of the specific items appertaining to the award of this contract shall be published in a Notice of Award in *The Herald of Cape May County* as required by law within ten (10) days of passage of the Resolution authorizing same.

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

Vote: Gould -- Thompson -- Cabrera – Yes

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

Vote: Gould -- Thompson -- Cabrera – Yes

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

Vote: Gould -- Thompson -- Cabrera – Yes

MINUTES: Mrs. Gould motioned, seconded by Mr. Thompson that all minutes from the regularly scheduled commission meetings dated December 27, 2018 and January 2, 2019 be approved as presented.

Vote: Gould -- Thompson -- Cabrera – Yes

ADMINISTRATOR REPORT: N/A

ENGINEER REPORT:

Grant Applications

1. Cape May County Open Space Program
 - We presented the application to the Cape May County Open Space Board (CMCOSB) on May 22nd.
 - In a July 18, 2018 letter, the CMCOSB recommended that Sunrise Park be funded by a \$283,625.00 grant. It is our understanding that the CMCOSB is presenting this project to the Cape May County Freeholders in December, 2018 and will hopefully become an officially funded project for Spring, 2019.
 - Our office provided a proposal to the Borough on December 3, 2018 to complete the project.
2. New Jersey Direct Install Program
 - The Borough is eligible to receive a 70% grant for energy efficient improvements including the replacement of certain HVAC units, lighting, lighting controls and water closets.
 - The State has completed the audit of the HVAC systems and the lighting and the final results and grant offer was presented to the Borough on September 5th.
3. FY2019 NJDOT Municipal Aid Program
 - The Borough has selected to submit the Reconstruction of Trenton Avenue from the beach to Pacific Avenue.
 - The grant application was successfully submitted on September 6th.
4. FY2019 NJDCA Small Cities Program
 - The Borough has elected to submit ADA improvements at the Old Library Building and Von Savage Pool as the application.
 - The State has notified the Borough that \$354,545.00 in grant funding has been allocated for this project.

Capital Projects

1. Reconstruction of Newark Avenue and Jefferson Avenue Sanitary Sewer Replacement
 - The Bid Opening occurred on June 13, 2018. The bid was awarded to Perna Finnigan, Inc. in the amount of \$972,349.04 based on the award of Alternate Bid #3.
 - The contractor has completed all of the work on Newark Avenue and Jefferson Avenue with the exception of the final surface course paving.
 - A change order removing the resurfacing of Denver Avenue and Stockton Avenue and the addition of the resurfacing of Jefferson Avenue has been submitted to the Borough.
2. Storm Sewer Evaluation and Flood Mitigation Master Plan
 - The goal of the plan is to identify sources of flooding, corrective action to mitigate flooding and chart a prioritized capital plan to effectuate the improvements.
 - We have collected the information on the storm sewer facilities with the Borough and have completed the storm sewer GIS mapping.

- We are currently creating the report, logging rain events and tidal elevation information.
 - The overall conceptual improvements have been completed and are being refined for the final report.
 - The survey data to obtain elevations for all private and public bayside bulkheads and properties has been completed and is currently being processed.
3. FY 2018 NJDCA Small Cities Program
 - The Borough has successfully petitioned NJDCA to utilize FY 2017 grant funding for the FY2018 project.
 - The FY2018 grant application included ADA access improvements for five (5) Borough street ends. Based on recent meetings with Borough officials, the project has been consolidated to the Rambler Road street end.
 - The project is currently advertised for public bidding and the bid opening is January 31st at 10:00 AM.
 4. Scoop Taylor Park & Sunrise Park Improvements
 - Our office provided a proposal to the Borough on December 3, 2018 to complete the proposed improvements.
 5. Pacific Avenue Storm Sewer Improvements and Borough Street Improvements
 - Our office provided a proposal to the Borough on December 14, 2018 to complete the proposed improvements.
 - The County has indicated that the survey and base mapping is scheduled to be delivered to our office by the end of February.
 6. Reconstruction of Denver and Stockton Avenues
 - Our office provided a proposal to the Borough on December 28, 2018 to complete the proposed improvements.

General Engineering

1. Sanitary Sewer Regulations, Ordinance and Standards
 - The objectives of the new sanitary sewer ordinance is to provide a new process for sanitary sewer permits, inspections and construction standards.
 - Our office has completed and transmitted the draft ordinance for Borough review on December 10, 2018 and are scheduling a final coordination meeting with Borough officials.
2. Washington Avenue Park Drainage Improvements
 - Our office provided a proposal to the Borough on November 13, 2018 to complete the work.
 - The survey of the park was completed the week of December 10, 2018.
3. Crest Pier Parking Lot Improvements
 - Our office provided a proposal to the Borough on November 13, 2018 to complete the proposed improvements.

NO QUESTIONS FROM THE GOVERNING BODY OR THE PUBLIC FOR THE ENGINEER.

PUBLIC COMMENTS:

Dennis Travascio, 112 E. Louisville Avenue, inquired about Resolution No. 1 and the Mayor indicated it was for a settlement agreement with Crest Pier for approximately \$90,000.00. Mr. Travascio then asked about the last resolution for a contract amount increase and the Mayor added that it was for the Special Counsel for the Construction Litigation and it was approximately \$650.00.

Nancy Pietropaoli, 6002 Seaview Avenue, inquired about the warming centers and if they were only to be used during a code blue and that was confirmed.

DISCUSSION:

NEW BUSINESS:

-Holiday Tree Lighting Event- The Mayor has received requests to bring back this event. The Mayor asked the Governing Body if December 2nd was ok and to have a rain date of December 4th. All agreed. Commissioner Gould indicated that the holiday tree lighting needed to be all encompassing,

Special Event Ordinance- It has been brought to our attention the JIF requirements for insurance for special events are different than what is currently in our ordinance and that it needs to be amended. The Mayor offered the idea of price tiering based on the event.

OLD BUSINESS:

- Bulkhead issue-** Data collection is complete. Storm water report in about a month.
- Solar Panels:** Currently looking at potential buildings.
- Potential Ordinance amending 20 minute parking-** Possible introduction at Feb. 6th meeting
- “Share the Road” campaign-** Looking for potential funding.
- Bike Racks-** Looking for potential funding.

PUBLIC COMMENTARY:

Alexis Hagner, PD Dispatcher, employee for 5 years, had several concerns over the next steps for the existing dispatchers: end date, exit plan, severance pay, etc. She publicly thanked everyone she works with. Commissioner Thompson indicated that talks had been taking place since 2014. He was concerned that if the Borough waited, that potentially our dispatchers may not have the opportunity for employment with the county. He added that he reached out to Lower Township’s rank and file and they indicated that they were able to work through the problems and that the bigger savings will come down the road. Ms. Hagner added that there was an opportunity to apply and that employment was not automatic.

Amanda Harris, PD Dispatcher, employee for 12 years, voiced her opinion that there was no need to move to county for dispatch services and that it would be a disservice to officers, citizens and fellow dispatchers. She added that they do more than just answer phones and man the office. She added that moving to county dispatch was taking an essential part of the police department out and it would suffer. She pointed out that their jobs were being taken away and the Borough assumed that the dispatchers wanted to go to the county. Commissioner Thompson added that there was nothing wrong with the current dispatch and that it was an inevitable move. Ms. Harris added what happens if this is the wrong move for the Borough and that the people who made this decision are not aware of the call volume that will come, and this will be at peak season. There was confusion as to why this had to happen so fast. Commissioner Thompson reiterated that if the Borough waited, there may not be jobs for the dispatchers and that they felt the pros outweighed the cons. Mayor Pagliughi added that there were some start up problems, but they were addressed, and they are ready for the next generation 911.

Dennis Travascio, 112 E. Louisville Avenue, addressed Mayor Pagliughi and wanted to know why Avalon has not gone to county dispatch for their police services and he indicated that they wanted to get the kinks worked out and that they were in fact going in the fall. Mr. Travascio then wanted to know approximately how much the Borough would be saving and wanted more detail on the referenced pros and cons list. Commissioner Thompson indicated they planned to staff the building during the day and that if you pick up the phone, it will be answered by dispatch at the county. Mr. Travascio then indicated that the Borough is currently looking at saving money and no longer has court, will be getting rid of dispatch and questioned how much more will be eliminated or consolidated. Mayor Cabrera added that there is a clause in the contract regarding right of termination.

Ronald Becker, 201 W. Charleston Avenue, extended an apology to Mayor Cabrera and indicated that the Clerk emailed minutes and a discussion on dispatch was in fact on the agenda. He added that he does not agree with moving dispatch to the county. He asked what if something goes wrong and a life is lost for saving \$100,000. There is a level to local services that can’t be compared with county and he added that this was rushed and not enough ample warning was given. Lastly, he thinks Wildwood Crest is better than this.

Jim Bradley, 208 W. Lavender Road, echoed the sentiments of the dispatchers. They are fully a part of the police department and invaluable to every day functions. He equated losing them and Wildwood Crest losing its personal touch and you can’t just put a dollar sign on it. They are constantly watching the cameras at the local school and Wildwood Crest will surely be losing more than they will be gaining.

Joe Schiff, 309 E. Forget Me Not Road, thanked all member of the police department (including dispatchers) for their invaluable service. He wanted to know if this move was 100% backed by our police department. Commissioner Thompson indicated he met with the Chief to discuss some internal issues and ultimately the pros outweighed the cons. Mr. Schiff stated he was against shared services and inquired if the governing body tried to do an island wide approach to dispatch as opposed to county and Commissioner Thompson indicated the other municipalities were not interested. Mr. Schiff asked if there was a time delay for 9-1-1 since it is now at the county and he was told from Mr. Steve Long (county rep) that there would be no time delay and essentially no change. Commissioner Thompson added that the county has state of the art system, and it will eventually be good for the community. Ms. Harris indicated that she had interaction with the county where they erroneously transferred Lower Township calls and where she had to transfer them back.

Chief Joseph McGrath, WCPD, wanted more detail over the federal law regarding two dispatchers on at all times and asked Mayor Pagliughi if our county municipalities were in compliance. The Chief emphatically stated that moving to county was not their first choice and this was outlined in a letter to the Administrator. He added that moving our dispatch to county was losing the hometown touch and that our dispatchers are good people.

Captain Robert Lloyd, WCPD, stated that they always wanted to keep all four dispatchers and that it was stated that the Borough was moving in this direction. He added that police needed someone 24/7.

Ronald Becker, 201 W. Charleston Avenue, added that the dispatchers were given the opportunity to apply at the county and that it was not a guarantee that they would be employed.

Commissioner Gould referenced that all three police administration signed a letter about county dispatch. Captain Lloyd clarified that the letter was a response letter; they were asked to provide a detailed list of what the police would need if moving their dispatch to county. It did not mean they were pro county dispatch.

Seth Fuscellaro, 200 E. Rosemary Road, indicated he was extremely concerned about liability incidents. He questioned if the Borough is indemnified or has immunity. The Solicitor indicated that the county assumes the liability. He wanted further detail on the policies in place.

Captain Robert Lloyd, WCPD, indicated that the police administration was told by the Administrator that they were moving to county dispatch. He further added that they didn't have a negotiation about it and it was simply happening. They expressed their concerns and were promised things and then subsequently, they were taken away.

Mayor Cabrera asked the police administration to speak separately with their commissioner.

Joe Schiff, 309 E. Forget Me Not Road, added that if the police are not fully on board, how can the governing body move forward.

Hearing nothing further from the public, Mrs. Gould motioned, seconded by Mr. Cabrera that the meeting be adjourned. All were in favor and the time was 6:54 p.m.

Dated: February 20, 2019

Patricia A. Feketics, Borough Clerk

