

Note: Complete Meeting Appears
On 05-19 on file in
Borough Clerk's Office

March 6, 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 9:30 a.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.

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1297 be placed on second reading and final passage by title only.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1297

**ORDINANCE TO ESTABLISH CAP BANK FOR
CY2019 PURSUANT TO N.J.S.A. 40A:4-45.14**

Mrs. Gould motions, Mr. Thompson seconds that a public hearing now be held on Ordinance No. 1297.

Vote: Gould - Thompson - Cabrera – Yes

After hearing nothing from the public, Mrs. Gould motions and Mr. Thompson seconds that the public hearing on Ordinance No. 1297 now be closed.

Vote: Gould - Thompson - Cabrera – Yes

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1297 be passed on second and final reading and advertised according to law.

Vote: Gould - Thompson - Cabrera – Yes

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1298 be placed on second reading and final passage by title only.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1298

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 21, CLAIMS PROCEDURE OF THE CODE OF
THE BOROUGH OF WILDWOOD CREST**

Mrs. Gould motions, Mr. Thompson seconds that a public hearing now be held on Ordinance No. 1298.

Vote: Gould - Thompson - Cabrera – Yes

After hearing nothing from the public, Mrs. Gould motions and Mr. Thompson seconds that the public hearing on Ordinance No. 1298 now be closed.

Vote: Gould - Thompson - Cabrera – Yes

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1298 be passed on second and final reading and advertised according to law.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1299

BOND ORDINANCE APPROPRIATING \$4,100,000, AND AUTHORIZING THE ISSUANCE OF \$3,895,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY.

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1299 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on March 20, 2019 at 5:30 p.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 84-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PARTICIPATION IN H-GAC COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF ONE (1) 2019 MCCOY MILLER AMBULANCE THROUGH CONTRACT #AM10-18 IN THE AMOUNT OF \$209,162.00

WHEREAS, the Borough of Wildwood Crest published a *Notice of Intent to Award Contract under a National Cooperative Purchasing Agreement – H-GAC Cooperative Purchasing Program* to purchase a **2019 McCoy Miller Ambulance** in the Herald of Cape May County on February 6, 2019; and

WHEREAS, said the comment period for this notice expired on February 19, 2019; and

WHEREAS, on January 31, 2018, FireFighter One, LLC, supplied a quote for the above referenced ambulance in the amount of \$209,162.00; and

WHEREAS, the Borough of Wildwood Crest is allowed to participate in national purchasing cooperative per N.J.S.A 52:34-6.2 (b) P.L. 2001, c.139 which was enacted into law permitting agencies to utilize national purchasing cooperatives; and

WHEREAS, the Borough of Wildwood Crest (ID #19-7578) entered into the H-GAC Cooperative Purchasing Program effective February 27, 2019; and

WHEREAS, H-GAC has a contract with McCoy Miller, Contract # AM10-18, for Ambulances, EMS and Other Special Service Vehicles, through 12/31/2020; and

WHEREAS, the Department of Emergency Medical Services will be using H-GAC Contract # AM10-18 to purchase a new 2019 McCoy Miller Ambulance; and

WHEREAS, it is recommended that the Borough Commissioners approve the purchase of new 2019 McCoy Miller Ambulance, through the contract with H-GAC Contract # AM10-18 in the amount of \$209,162.00; 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, Cape May County, New Jersey, that it approves the purchase of new 2019 McCoy Miller Ambulance, through the contract with H-GAC Contract # AM10-18 in the amount of \$209,162.00, in accordance with the H-GAC Cooperative Purchasing Program.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, New Jersey authorizes the purchase of Equipment, in accordance with the H-GAC Cooperative Purchasing System and that the Departments are authorized to issue a purchase orders as needed for the necessary items in accordance with the terms of H-GAC Cooperative Purchasing System as per Contract # AM10-18.

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. 85-19

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

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

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

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

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. 86-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE TRANSFER OF TITLES FOR SIX VEHICLES FROM THE CITY OF NORTH WILDWOOD TO BOROUGH OF WILDWOOD CREST FOR TOTAL SUM OF SIX (\$6.00) DOLLARS

WHEREAS, the Borough of Wildwood Crest authorized a Shared Services Agreement with the City of North Wildwood via Resolution No. 761-12 adopted on April 25, 2012 and Resolution No. 786-12 adopted on May 30, 2012 pertaining to the loan of surplus vehicles from the City of North Wildwood; and

WHEREAS, the City of North Wildwood authorized the same Shared Services Agreements via Resolution No. 102-12 and 103-12 adopted on May 15, 2012; and

WHEREAS, said Shared Services Agreements authorized the transfer of ownership of the vehicles from the City of North Wildwood to the Borough of Wildwood Crest for the sum of \$1.00 per vehicle, said transfer to take place after the end of the terms of the Agreements; and

WHEREAS, N.J.S.A. 40A:11-36 pertains to the sale or other disposition of personal property by municipalities; and

WHEREAS, Section (2) of the aforesaid statute provides that "the contracting unit need not advertise for bids when it makes any such sale to the United States, the State of New Jersey, another contracting unit or to any body politic to which it contributes tax raised funds;" and

WHEREAS, the City of North Wildwood has determined that six existing vehicles in its possession are of little or no value to said City and, consequently, desires to transfer titles of the vehicles to the Borough of Wildwood Crest for the total sum of \$6.00; and

WHEREAS, the six vehicles are:

- 1983 AM General M925, VIN C52302660
- 1985 AM General Dump Truck , VIN C52901353
- 1983 AM General M928A 5ton, VIN C52302264
- 1983 AM General M925 A, VIN C52302277
- 1990 Am General M925A2 Camo, VIN 2301957
- 1983 AM General 5 ton M923 red, VIN C52304711

WHEREAS, the Borough of Wildwood Crest has satisfactorily met the conditions prescribed and required by the aforementioned Section (2) of N.J.S.A. 40A:11-36, thus enabling a direct sale for the sum total of Six (\$6.00)

Dollars to be authorized with the City of North Wildwood for the vehicles described hereinabove, in that the Borough does contribute tax raised funds to the County of Cape May.

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 in accordance with the provisions of N.J.S.A. 40A:11-36 (2), ownership of the following six (6) vehicles:

- 1983 AM General M925, VIN C52302660
- 1985 AM General Dump Truck , VIN C52901353
- 1983 AM General M928A 5ton, VIN C52302264
- 1983 AM General M925 A, VIN C52302277
- 1990 Am General M925A2 Camo, VIN 2301957
- 1983 AM General 5 ton M923 red, VIN C52304711

presently in the possession of the City of North Wildwood, are hereby authorized to be sold to the Borough of Wildwood Crest for the total sum of Six (\$6.00) Dollars.

3. That the appropriate officials of the Borough of Wildwood Crest be and they are hereby authorized, empowered, and directed to execute any and all required documents necessary to conclude the sale of the aforesaid vehicles, said execution to permit the physical transfer of the titles to the vehicle as expeditiously as possible.

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. 87-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A NOTICE TO BIDDERS FOR 2019 BACK BEACH FILL PROJECT

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 Press of Atlantic City* issue of March 21, 2019.

BE IT FURTHER RESOLVED that the plan and design as set forth in the Specifications on file in the Borough for the 2019 BACK BEACH FILL PROJECT is hereby approved.

BE IT FURTHER RESOLVED Sealed bids will be received by the Bid Opening Committee in the Municipal Court Room, Wildwood Crest Borough Hall, on April 10, 2019 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:

2019 BACK BEACH FILL PROJECT

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. 88-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF EMS OVERPAYMENT MADE PAYABLE TO AMERIGROUP OF NJ

WHEREAS, Stanley Baldwin Jr., had cause to utilize Emergency Medical Services of the Borough of Wildwood Crest; and

WHEREAS, Stanley Baldwin Jr. had coverage with Amerigroup of NJ and they paid \$73.00 check # 11540405 dated 9/5/18 United Healthcare Community Plan then paid \$73.00 check # 701329434 dated 11/23/18.; and

WHEREAS, Cape Medical Billing indicated that a refund of \$73.00 was owed to Amerigroup of NJ for overpayment.

NOW, THEREFORE, BE IT RESOLVED that Chief Financial Officer is hereby authorized to issue a refund of overpaid Emergency Medical Services in the amount of \$73.00 to Amerigroup of NJ, of P.O. Box 933657 Atlanta, GA 31193.

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. 89-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF EMS OVERPAYMENT MADE PAYABLE TO MARY TROY

WHEREAS, Mary Troy, had cause to utilize Emergency Medical Services of the Borough of Wildwood Crest; and

WHEREAS, Mary Troy had coverage with Horizon and they paid \$719.15 check # 81586337 dated 12/7/18 Mary Troy then paid \$150.85 check # 1893 dated 12/26/18 with no balance due.; and

WHEREAS, Cape Medical Billing indicated that a refund of \$150.85 was owed to Mary Troy for overpayment.

NOW, THEREFORE, BE IT RESOLVED that Chief Financial Officer is hereby authorized to issue a refund of overpaid Emergency Medical Services in the amount of \$150.85 to Mary Troy, of 1 N. Commerce SQ STE 110 Robbinsville, NJ 08691.

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. 90-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING HOURS AND PERIODS OF OPERATION OF PARKING METERS FOR 2019

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest adopted Ordinance No. 1224, on October 21, 2015, which has approved new zones for parking meters; and

WHEREAS, the fee schedule for "parking meter charges" throughout the Borough, in accordance with the provisions of the aforesaid Ordinance and any amendments related thereto, does provide for a PER HOUR, NOT TO EXCEED AMOUNT OF ONE DOLLAR FIFTY CENTS (\$1.50); and

WHEREAS, the seasonal parking permit rate for all zones shall be \$250.00; and

WHEREAS, it is the desire of the Board of Commissioners to establish precise fees to be charged in accordance with the foregoing limit set, for calendar year 2019.

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 allegations of the preamble are incorporated herein by reference as if fully set forth.
2. The hours and periods of operation of parking meters in the Borough of Wildwood Crest shall be 8:00 A.M. to 10:00 P.M. daily, commencing May 15, 2019 through September 15, 2019.
3. That the designated officials of the Borough of Wildwood Crest are hereby authorized, empowered and directed to charge/collect fees as follows: Not to exceed one dollar fifty cents (\$1.50) per hour and seasonal parking permits for all zones two hundred fifty dollars (\$250.00) in accordance with the schedule set forth hereinabove.

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. 91-19

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

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

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

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

1. The sale of surplus property shall be conducted through GovDeals pursuant to State Contract A83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available on line at govdeals.com and also available with the Borough Clerk.

2. The sale will be conducted online between April 1, 2019 and April 10, 2019 and the address of the auction site is GovDeals.com.

3. The sale is being conducted pursuant to LFN2008-9.

4. The list of surplus property to be sold by auction is available on GovDeals.com.

5. The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

6. All bidders will be required to pre-register with GovDeals at govdeals.com.

7. The Borough of Wildwood Crest reserves the right to accept or reject any bids submitted.

Mrs. Gould 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. 92-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO THE NORTH AMERICAN POWER KITING ASSOCIATION (NAPKA)

WHEREAS, on February 21, 2019, the North American Power Kiting Association (NAPKA), PO Box 1358, Westport, WA 98595, applied for a Special Events Permit for the purpose of a KITE BUGGY BASH to be held from April 1st through April 7th, 2019, from sunrise to sunset, on the Wildwood Crest Beach; and

WHEREAS, the North American Power Kiting Association (NAPKA) has supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Borough Clerk is hereby authorized and directed to issue a Special Events Permit to the North American Power Kiting Association (NAPKA), PO Box 1358, Westport, WA 98595 for the purpose of a KITE BUGGY BASH to be held from April 1st through April 7th, 2019, from sunrise to sunset, on the Wildwood Crest Beach.

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. 93-19

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

WHEREAS, on February 22, 2019, John Duffy, 18 Cove Drive, North Cape May, NJ 08204, applied for a Special Events Permit for the purpose of the DUFFY-SMITH WEDDING, to be held on September 14, 2019, from 1:00 pm to 2:00 pm, at the Sunset Lake Gazebo; and

WHEREAS, the North American Power Kiting Association (NAPKA) has supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Borough Clerk is hereby authorized and directed to issue a Special Events Permit to the North American Power Kiting Association (NAPKA), PO Box 1358, Westport, WA 98595 for the purpose of a KITE BUGGY BASH to be held on from April 1st through April 7th, 2019, from sunrise to sunset, on the Wildwood Crest Beach.

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. 94-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH MOTT MACDONALD FOR COASTAL ENGINEERING SERVICES FOR 2019 BACK BEACH SAND FILL PROJECT

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 OF THE 2019 BACK BEACH SAND FILL PROJECT** 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; and

WHEREAS, the Borough has determined that Mott MacDonald, with offices 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; and

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

Design & Preparation of Plans and Specifications:

Account Number(s) _____ Amount \$12,900

Permitting Services:

Account Number(s) _____ Amount \$12,600

Bidding Services:

Account Number(s) _____ Amount \$2,800

Signature _____

WHEREAS, upon adoption of Bond Ordinance No. 1299 and after the estoppel period, the CFO shall certify the availability of funds to the below account on April 17, 2019 as evidenced below by her signature:

Construction Phase Engineering Services:

Account Number(s) _____ Amount \$20,400

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 above recital paragraphs are incorporated herein as if fully set forth at length.
2. The Mayor and Borough Clerk 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 \$48,700.00**, contingent upon certification of 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. The 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. 95-19
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST CANCELING ERRONEOUS 2019 SEWER RENTS**

WHEREAS, it has been determined by the Tax Collector of the Borough of Wildwood Crest, that a sewer account has been billed erroneous sewer rents for 2019.

WHEREAS, sewer account 1749-0, at 7802 Pacific Ave. did not have a water meter installed for the year 2018, the sewer rents levied in 2019 should be canceled.

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

Block /Lot Sewer ID#	Name	Amount
114- 1748-	Vernieri, John & 7802 Pacific 2019 Sewer	\$124.00

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby authorize the Tax Collector of the Borough of Wildwood Crest to cancel said sewer amounts for 2019.

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

CORRESPONDENCE: N/A

PUBLIC COMMENTS:

Patricia Elia, 8606 Pacific Avenue, inquired about the flooding along Hollywood and Pacific Avenues. The Mayor confirmed that the Bond Ordinance (1299) that was just introduced at the meeting had funding to address the issue along Pacific Avenue and that the County had to be involved as well since it is a county road. The Engineer added that the design plans should be finished at the end of March and construction by early 2020.

Victoria Dolan, 6400 Atlantic Avenue, inquired about the ponding of water and its effect on mosquitoes. She was informed that the CMC Mosquito Commission does in fact spray.

DISCUSSION:

NEW BUSINESS:

N/A

OLD BUSINESS:

-Solar Panels- Moving along – two buildings still need inspection.

-“Share the Road” campaign- Waiting to hear from the county.

-Beach boxes-

Expecting to have a Shared Services agreement with Wildwood very soon. They will be providing beach boxes and there will be a link from our website to the City of Wildwood to procure the seasonal rental.

-Smoking on Beach Ordinance- Slated for introduction on March 20, 2019.

-Drug Free School Zone Ordinance- Slated for introduction on March 20, 2019.

-Named Parks- Slated for introduction on March 20, 2019.

-Analysis of pedestrian crosswalks and street markings – safety review: An internal email was sent and feedback should be provided shortly.

-Clean Energy Direct Install Program- waiting on Public Works to meet with Mr. Hutchinson in the next few days to finalize details; funding was introduced earlier.

-Sewer Lateral specifications Ordinance- Ongoing discussions are continuing.

INDIVIDUAL PERMIT – Funding has been introduced.

-South of Rambler Beach access-

-Rambler North bike path / street ends

PUBLIC COMMENTARY:

Patricia Elia, 8606 Pacific Avenue, inquired about the gazebo along Sunset Lake and the expected completion date due to her granddaughter’s upcoming nuptials. The Administrator indicated she would follow up with contractor and engineer and get back to Ms. Elia on expected completion date.

Ronald Becker, 201 W. Charleston Avenue, inquired about the location of the beach boxes and was told they would be in between streets and select locations and would be offered seasonally for first year at \$400.00.

Hearing nothing further from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the open portion of the meeting end and the commissioners go in to closed session. All were in favor and the time was 9:48 a.m.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 96-19

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, March 6, 2019** at 9:30 A.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 and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is potential litigation and more specifically is Washington Avenue Park (playground and tennis court) drainage issues and Tort Claim Notices.

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

_____ **“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.”** The nature of the matter, described as

specifically as possible without undermining the need for confidentiality is

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

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

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

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

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

Vote: Gould -- Thompson -- Cabrera – Yes

After returning from Closed Session, there were no members from the public. Mrs Gould motioned, Mr. Thompson seconded that the meting be adjourned. All were in favor. The time was 10:40 a.m.

Dated: March 20, 2019

Patricia A. Feketics, Borough Clerk
