

Note: Complete Meeting Appears
On 08-19 on file in
Borough Clerk's Office

April 17, 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 a.m. On roll call the following answered to their names:

Gould - Thompson - YES Cabrera - ABSENT

Mrs. Gould 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.

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

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1303

ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING SECTION 85-19 PROHIBITED USES OF CHAPTER 85 OF THE BOROUGH OF WILDWOOD CREST LAND USE ORDINANCE TO CLARIFY AND REAFFIRM THAT THE CULTIVATION, MANUFACTURE, SALE, OR DISTRIBUTION OF RECREATIONAL MARIJUANA AND MEDICINAL MARIJUANA BY OR THROUGH A STATE LICENSED AND AUTHORIZED DISPENSARY WITHIN ALL ZONING DISTRICTS IN THE BOROUGH IS PROHIBITED

Mr. Thompson motions, Mrs. Gould seconds that Ordinance No. 1303 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on May 1, 2019 at 9:30 a.m.

Vote: Gould -- Thompson -- YES Cabrera -- ABSENT

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1304

ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING AND SUPPLEMENTING CHAPTER 40 LICENSES OF THE CODE OF THE BOROUGH OF WILDWOOD CREST REGULATING SPECIAL EVENTS AND USE OF MUNICIPAL FACILITIES AND GROUNDS

Mr. Thompson motions, Mrs. Gould seconds that Ordinance No. 1304 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on May 1, 2019 at 9:30 a.m.

Vote: Gould -- Thompson -- YES Cabrera -- ABSENT

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1305

ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING AND SUPPLEMENTING CHAPTER 85 OF THE BOROUGH OF WILDWOOD CREST LAND USE ORDINANCE TO REGULATE WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Mr. Thompson motions, Mrs. Gould seconds that Ordinance No. 1305 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on May 1, 2019 at 9:30 a.m.

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

Prior to the Clerk reading the resolutions, Commissioner Gould and Commissioner Thompson presented a plaque to Mike Sciarra for his induction into the South Jersey Surfing Hall of Fame.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 120-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT TO MARC DEBLASIO OF DEBLASIO & ASSOCIATES FOR DESIGN AND CONSTRUCTION OF SUNRISE PARK IMPROVEMENTS AT THE NTE SUM OF \$37,000

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for the “Professional Services” of an ENGINEER to be retained by the Borough for the performance of engineering work and related duties associated with **DESIGN AND CONSTRUCTION OF SUNRISE PARK IMPROVEMENTS** as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Proposal from **MARC DEBLASIO DEBLASIO & ASSOCIATES**, dated October 24, 2018, 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, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be a contract for professional services because:

1. Professional services of the type herein sought are of such a nature as to require a high degree to trust and confidence in the individual providing the service;
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; and
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.

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

Account Number(s) _____ Amount _____

Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action

Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.

3. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a professional services contract effective immediately and not to extend beyond one (1) calendar year, with **MARC DEBLASIO OF DEBLASIO & ASSOCIATES**, who shall be compensated pursuant to attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$37,000.00.

4. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 121-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR 2019 BACK BEACH SAND FILL PROJECT

WHEREAS, a Notice to Bidders was authorized for advertisement by Resolution No. 110-19 on March 20, 2019 for the Borough of Wildwood Crest contract for the 2019 BACK BEACH SAND FILL PROJECT; and

WHEREAS, Notice to Bidders was advertised in the *Press of Atlantic City* on March 21, 2019 with receipt of sealed bids on April 10, 2019 for the 2019 BACK BEACH SAND FILL PROJECT pursuant to Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Twelve (12) sealed bid proposals were opened and reviewed by the Bid Review Committee consisting of the Municipal Coastal Engineer, Thomas Thornton of Mott MacDonald; Finance Department member Robert Osborn; Borough Clerk, Patricia Feketics; and Borough Administrator, Constance Mahon and then forwarded to Borough Solicitor Ronald J. Gelzunas who reviewed the bid proposals and specifications and recommended that the contract for 2019 BACK BEACH SAND FILL PROJECT be awarded to Arthur R. Henry, Inc. the lowest responsible bidder; 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 Coastal Engineer, dated April 11, 2019 and opinion letter of the Borough Solicitor recommending the contract 2019 BACK BEACH SAND FILL PROJECT be awarded to **Arthur R. Henry, Inc.**, the lowest responsible bidder; and

WHEREAS, **Arthur R. Henry, Inc.**, was lowest responsive bidder in the amount of **\$228,280**; 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 **Arthur R. Henry, Inc.** the contract for 2019 BACK BEACH SAND FILL PROJECT in the amount of \$228,280.00
3. The Mayor and the Borough Clerk, are hereby authorized and empowered to enter into a formal contract with **Arthur R. Henry, 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 motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 122-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE BOROUGH TO ENTER INTO THE NEW JERSEY OFFICE OF CLEAN ENERGY DIRECT INSTALL PROGRAM WITH HUTCHINSON

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has evaluated Energy Audits at Wildwood Crest Borough Hall, Crest Pier, Wildwood Crest Ambulance Corps, and the Joseph Von Savage Pool to evaluate participation in an Energy Savings Program for those buildings; and

WHEREAS, as a result it has been determined that the Borough should enter into a contract with Hutchinson to participate in the New Jersey Office of Clean Energy Direct Install Program; and

WHEREAS, the Borough will pay \$52,260.00 for \$125,253.00 worth of energy upgrades for four (4) municipal buildings; 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 and State of New Jersey, as follows:

1. That the above recital paragraphs are incorporated herein as if set forth in full.
2. That the Borough of Wildwood Crest agrees to pay \$52,260.00 for \$125,253.00 worth of energy upgrades for four municipal buildings.
3. That the Mayor and Borough Clerk are hereby authorized and instructed to execute any and all documents necessary to effectuate said agreement.

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 123-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE WILDWOOD CREST BEACH PATROL TO ENTER INTO A RENTAL/LEASE AGREEMENT WITH CENTRAL JERSEY EQUIPMENT, LLC FOR TWO (2) JOHN DEERE UTILITY VEHICLES (GATORS) FOR THE PERIOD JUNE 16, 2019 THROUGH SEPTEMBER 15, 2019 FOR \$1,000 PER MONTH PER VEHICLE FOR TOTAL RENTAL OF \$6,000

WHEREAS, the Wildwood Crest Beach Patrol is in need of two (2) John Deere four-wheel drive utility vehicles for use on the beach; and

WHEREAS, it is the desire of the Board of Commissioners to allow the Wildwood Crest Beach Patrol to rent/lease said vehicles for the period June 16, 2019 through September 15, 2019 for \$1,000 per month per vehicle, for the total rental of \$6,000; 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 and State of New Jersey, as follows:

1. That the above recital paragraphs are incorporated herein as set forth at length.
2. That the Wildwood Crest Beach Patrol is hereby authorized to rent/lease from Central Jersey Equipment, LLC, 100 Route 206, Hammonton, New Jersey, 08037 two (2) John Deere Utility Vehicles (Gators) for

the period June 16, 2019 through September 15, 2019 for \$1,000 per month per vehicle, for the total rental of \$6,000.

3. That the Mayor and Borough Clerk are hereby authorized and instructed to execute any and all documents necessary to effectuate said rental/lease agreement.

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 124-19

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 4784-0, at 9301 Seaview Ave. had only an irrigation water meter 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	Nam	Amoun
181- 4784-	Vogdes, Bradley & Jennifer 9301 Seaview 2019 Sewer	\$124.00

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 125-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST EXPRESSING SUPPORT FOR LEGISLATION INCREASING STATE FUNDING TO THE “SHORE PROTECTION FUND” FROM \$25 MILLION TO \$50 MILLION (S-1614/A-826)

WHEREAS, the State of New Jersey maintains the Shore Protection Fund, which was established in 1992; and

WHEREAS, the Shore Protection Fund provides important funding that allows the State and municipalities to engage in cost-share partnerships with the U.S. Army Corps of Engineers on shore protection projects including beach restoration and maintenance; and

WHEREAS, the Shore Protection Fund is funded by State realty transfer fee revenue, and is currently capped at \$25 million, an amount that was last adjusted in 1999; and

WHEREAS, following the devastating effects of Superstorm Sandy, it has become evident that the current funding to the Shore Protection Fund is inadequate for allowing the State and municipalities to fund necessary projects; and

WHEREAS, pending before the Legislature are bills S-1614 and A-826, which would increase the cap on funding to the Shore Protection Fund to \$50 million; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest believes this proposed increase to the Shore Protection Fund is essential to protecting the shoreline of the Borough of Wildwood Crest and that of every other shore community comprising the Jersey Shore.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, State of New Jersey, that it hereby expresses its support for an increase in funding to the Shore Protection Fund from \$25 million to \$50 million, as provided in the bills pending before the Legislature as S-1614 and A-826.

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to Governor Phil Murphy, Senate President Steve Sweeney, Senator Jeff Van Drew, Assemblyman Bruce Land and Assemblyman Bob Andrzejczak.

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 126-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO NORTH WILDWOOD UNITED METHODIST CHURCH

WHEREAS, on March 29, 2019, North Wildwood United Methodist Church, 139 E 2nd Ave, North Wildwood, NJ 08260, applied for a Special Events Permit for the purpose of an Easter Sunrise Service, to be held on April 21, 2019, from 6:00 am to 7:00 am, on the Beach at Fern Rd; and

WHEREAS, North Wildwood United Methodist Church 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 North Wildwood United Methodist Church, 139 E 2nd Ave, North Wildwood, NJ 08260 for the purpose of an Easter Sunrise Service, to be held on April 21, 2019, from 6:00 am to 7:00 am, on the Beach at Fern Rd.

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 127-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO ROSS SCHLAMB AND JENNIFER WILLIAMS

WHEREAS, on March 25, 2019, Ross Schlamb and Jennifer Williams, 2107 Easton Ave #2, Bethlehem, PA 18017, applied for a Special Events Permit for the purpose of a Wedding, to be held on July 4, 2019, from 1:00 pm to 2:00 pm, on the Beach at the Port Royal Hotel, 6801 Ocean Ave; and

WHEREAS, North Wildwood United Methodist Church have supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Borough Clerk be and she is hereby authorized and directed to issue a Special Events Permit to North Wildwood United Methodist Church, 139 E 2nd Ave, North Wildwood, NJ 08260 for the purpose of an Easter Sunrise Service, to be held on April 21, 2019, from 6:00 am to 7:00 am, on the Beach at Fern Rd

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 128-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING CANDIDATES TO ATTEND THE CAPE MAY COUNTY POLICE ACADEMY

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has received a recommendation from the Wildwood Crest Police Department and determined that the following candidates should attend the Cape May County Police Academy pending successful background screenings on behalf of the Borough of Wildwood Crest:

- Class I
- Ryan Hoffman
- Julia Morgan

Class II

- Kyle Cuffman
- Daniel Doyle III
- Anthony Quiteles
- Shane Ianelli

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is in the best interest of the Wildwood Crest Police Department and the Borough of Wildwood Crest to authorize said candidates to attend the Cape May County Police Academy.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the above candidates are hereby authorized to attend the Cape May County Police Academy on behalf of the Wildwood Crest Police Department

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 129-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT TO MARC DEBLASIO OF DEBLASIO & ASSOCIATES FOR DESIGN AND CONSTRUCTION OF 2019 ROAD IMPROVEMENT PROGRAM AT THE NTE SUM OF \$283,000

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for the “Professional Services” of an ENGINEER to be retained by the Borough for the performance of engineering work and related duties associated with **DESIGN AND CONSTRUCTION OF 2019 ROAD IMPROVEMENT PROGRAM (Crocus Road, Denver Avenue, Stockton Road and Trenton Avenue)** as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Proposal from **MARC DEBLASIO DEBLASIO & ASSOCIATES**, dated, 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, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be a contract for professional services because:

1. Professional services of the type herein sought are of such a nature as to require a high degree to trust and confidence in the individual providing the service;
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; and
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.

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

Account Number(s) _____ Amount _____

Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
3. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a professional services contract effective immediately and not to extend beyond one (1) calendar year, with **MARC DEBLASIO OF DEBLASIO & ASSOCIATES**, who shall be compensated pursuant to attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$283,000.00.
4. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 130-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PARTICIPATION IN SOURCEWELL COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF (80) TOTER PRO & TOTER RESIDENTIAL CARTS UNDER CONTRACT # 041217- WQI AT NTE \$22,552.41

WHEREAS, the Borough of Wildwood Crest published a *Notice of Intent to Award Contract under a National Cooperative Purchasing Agreement – Sourcewell Cooperative Purchasing Program* to purchase 80 Toter Pro & Toter Residential Carts in the Herald of Cape May County on April 3, 2019; and

WHEREAS, said the comment period for this notice expired on April 16, 2019; and

WHEREAS, on March 22, 2019, Wastequip, LLC., supplied a quote for the above referenced carts in the amount of \$22,552.41 under Contract #041217- WQI; 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 #18959) is an active member in Sourcewell Cooperative Purchasing Program; and

WHEREAS, Sourcewell has a contract with Wastequip, LLC, Contract # 041217-WQI, for Toter Pro & Toter Residential Carts through July 7, 2021; and

WHEREAS, the Department of Public Works will be using Sourcewell Contract # 041217 -WQI to purchase (80) Toter Pro & Toter Residential Carts; and

WHEREAS, it is recommended that the Borough Commissioners approve the purchase of 80 Toter Pro & Toter Residential Carts, through the contract with Sourcewell Contract # 041217 – WQI at the NTE amount of \$22,552.41; 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 80 Toter Pro & Toter Residential Carts, through the contract with Sourcewell Contract # 041217-WQI at the NTE amount of \$22,552.41, in accordance with the Sourcewell Cooperative Purchasing Program.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, New Jersey authorizes the purchase of Public Works Toter Pro & Toter Residential Carts, in accordance with the Sourcewell Cooperative Purchasing System and that the Departments are authorized to issue a purchase order as needed for the necessary items in accordance with the terms of Sourcewell Cooperative Purchasing System as per Contract # 041217- WQI.

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

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

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

REPORTS: Mr. Thompson motioned, seconded by Mrs. Gould that all reports received from the Court Administrator, Chief Financial Officer, Tax Collector, Chief of Police, Emergency Services Coordinator for the EMS and the Wildwood Crest Volunteer Fire Company Chief for the month ending March 31, 2019 be accepted as presented.

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

MINUTES: Mr. Thompson motioned, seconded by Mrs. Gould that all minutes from the regularly scheduled Commission Meetings dated March 20, 2019 and April 3, 2019 be approved as presented.

Vote: Gould -- Thompson -- YES Cabrera – ABSENT

ADMINISTRATOR’S REPORT:

April 17, 2019

Kayak Launch/ Sunset Lake Shoreline Stabilization

This project is currently under construction. Almost all of the FEMA work has been completed within the 120-day interim completion period which ended on April 11th. The irrigation repairs will commence shortly. The gazebo is expected to arrive on May 1st for assembly and installation by the subcontractor- MKK Construction. Piles were driven for the installation of the kayak/paddle board launch and the observation pier is nearly complete. Construction of all other recreational amenities including all landscaping and restoration is expected by the project completion date of May 11. I will keep you posted if the contractor expects to experience any delays.

Beach/ Dune Project

The US Army Corps plans remain at 70% and easements are currently being sought for all necessary areas.

Back Beach Fill

We had our bid opening on April 10th to elevate the back-beach areas from Rambler south to deal with ponding issues resulting from events. This back-passing project was awarded tonight to Arthur R Henry, Inc with a bid price of \$228,280. All necessary permits are now in place. A preconstruction meeting will be held with notice to proceed to be issued to the contractor shortly thereafter. The project is expected to be complete before Memorial Day. A big thank you to our engineer- Tom Thornton and the DEP Department of Coastal Engineering who played a huge role in getting this project approved and provided us with invaluable guidance along the way.

Rio Grande Avenue Gateway Improvement Project

As many of you have seen, this County project is currently under construction. The contractor is currently working on the elevation of Rio Grande Avenue by 3 feet, the current four lanes will be transformed into 5 with a center turning lane, a sidewalk and low protective wall is being constructed to replace the existing railing along the base of the bridge and they are currently installing a gas-powered pump station. Other esthetic improvements include signage, the iconic beach balls and emblems. Work will continue under Memorial Day and shut down for the summer. Project details can be found on the County’s website.

Cape May County Open Space and Recreation Applications 2018

Tonight we authorized Marc DeBlasio to prepare bid specifications for this open space funded project which is expected to be constructed in the fall of this year. Conceptual project plans will be posted on our website as soon as they are available.

Pacific Avenue- Rambler to Jefferson

Nothing new to report at this time

New Jersey Avenue-Rambler to Cresse

Nothing new to report at this time

Center Designation

I am currently working with the 3 other Wildwoods Administrator’s to engage with the State Planning Commission (SPC) and a planner to work with the OPA and make application to the SPC for the continuation of the Wildwoods’ Center Designation. It does take the better part of a year to complete this process and we are meeting monthly to move things along. I have had several phone and in-person meetings with a planner to secure a price and proposal and will report back with updates.

Beach Signage

The beach rules, street side sign and park designation signs bid documents are currently being drafted. The goal is to have them installed by the summer season and I am trying my best to make that happen but quickly running short on time therefore it may be necessary to phase in the installation of the signs. I will keep you all posted on progress.

Transient Accommodation Tax

Senate Bill S-3158 and Assembly Bill A-4814 are currently pending and would make the current transient accommodation taxes and fees only applicable is rented through a marketplace. Current legislation requires all property owners to pay the fee unless they rent through a realtor.

CORRESPONDENCE:

N/A

PUBLIC COMMENTS:

Dennis Travascio, 112 E. Louisville Avenue, inquired about resolution #13 and he was informed those carts are the trash cans and recycle cans.

Victoria Dolan, 6400 Atlantic Avenue, wanted to formally thank Officer Pereschino for his assistance with Xfinity and their contractors with debris that was left and later retrieved.

DISCUSSION:**NEW BUSINESS:**

N/A

OLD BUSINESS:

-Solar Panels- Proposals are being written up and it should be ready by year's end.

-Analysis of pedestrian crosswalks and street markings – safety review - Being done at the request of several residents; not a simple task and a few are being marked. Engineer will be meeting and discussing plans for 2020.

-Sewer Lateral specifications Ordinance- Currently on hold.

Vacancy on the Green Team / TDC / PLANNING BOARD

Mrs. Gould added that there is a vacancy on the Green Team as well as the TDC and Planning Board. She encouraged anyone that is interested to volunteer. Several names were given to the Administrator.

INDIVIDUAL PERMIT – no current movement

-South of Rambler Beach access-

-Rambler North bike path / street ends

Referendum permitting one consumption liquor license in business zone

The Solicitor gave a brief history and related it to today's current situation. He indicated that if the Borough were to create a new liquor license, it could be done with whatever restrictions the Borough wants to impose. He added that the only way to reverse the process is through referendum and if this passes at the General Election, the Borough does not have to issue a license. The State allows a heavy hand to regulate the sale of alcohol with restrictions and times of operation. He then cited several examples of municipalities that used to be "dry."

PUBLIC COMMENTARY:

Debbie Visalli, 5607 Atlantic Avenue, inquired about the population and the number of licenses that can be issued and restricting the license possibly to the business zone. The Solicitor added that if the population is under 3,000 that only one consumption license and one distribution license can be issued. That is regulated by the state. With regard to possibly restricting a license

to the New Jersey Avenue business zone, the idea was born from a presentation from Roger Brooks that an anchor business is needed in order for that zone to survive. Commissioner Gould added that restricting it to that area was not her intent.

Colleen Ferraro, Stanton Road, inquired about what has been done so far to revitalize New Jersey Avenue. The Administrator added that the County plans to resurface New Jersey Avenue (from Cresse to Rambler – they own this portion) and the Borough would like to tie in improvements to this area at the same time. There have been road diets done and Roger Brooks was brought in for a presentation on 20 things for a successful downtown to include lighting, trees, landscaping, and plantings. Lastly, the Planning Board has been considering amending the zoning ordinances to make it easier for small businesses.

Vince Nardini, 222 Hollywood Avenue, needed clarification on the number of licenses and if they applied to BYOB and he was informed that BYOB restaurants are not licensed establishments.

Paul Chiolo, 6712 Park Blvd, added that if the Borough wants to grow the town, they need add alcohol to support the debt service for new accommodations. Consumers expect better. He added that the Planning Board is doing a good job and seems to be stream lining things.

Dean Lyon, 121 W. Wisteria Road, asked for clarification on three things:
1-the population number as it relates to consumption licenses: 3,000 people / 1 consumption license
2- Restrictions placed on potential license: can this be changed depending on future commissioners...the Solicitor added that restrictions can be renewed yearly.
3- 100 sleeping units- he asked how many motels fall into this category...it was relayed that currently 7 are in this category.

Patrick Marchese, 309 Stanton Avenue, indicated that people love that Wildwood Crest is dry and warned of potential problems in the future. Commissioner Thompson added the license could be restrictive. Mr. Marchese complained to the governing body about the number of beach tents that pop up and it interferes with observing the ocean. He further added emergency vehicles surely have trouble maneuvering. Commissioner Gould added that she would be in touch with Chief Johnson from beach patrol and Chief McGrath and would be in touch with them.

Steve Tecco, 6503 Ocean Avenue, asked about the process to reverse the dry status. It was pointed out that this could only be done via referendum.

Dean Lyon, 121 W. Wisteria Road, asked for clarification on the special events permit and the Solicitor satisfied the request.

Colleen Ferraro, Stanton Road, asked if a beach party for graduation was then permissible and it was relayed that liquor is not permitted on the beaches or parks. She further asked that the commissioners need to deal with the excessive amount of drinking on the beaches in the summer.

Paul Chiolo, 6712 Park Blvd, added that there is no massive profit for having alcohol, but it is an amenity that people want.

The Borough Administrator added that 60 new beach boxes will be available via the same method as before and the Borough will announce when.

Mr. D'Antonio, 7200 Ocean Avenue, asked if the Planning Board could consider modifying zoning ordinances throughout the borough. Commissioner Thompson agreed that the whole town needs to be examined, to include parking, and that we are currently too restrictive.

Commissioner Thompson added that blinking lights will cease May 1st. Lastly, he added that former employee, Edwin Rapp, who recently passed was a 50 year volunteer firefighter.

Hearing nothing further from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 131-19

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, April 17, 2019** 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 and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is potential litigation and more specifically is Steven Wronko v. Borough of Wildwood Crest, et al. (CPM-L-000119-19)

“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of 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, Mr. Thompson seconded that the meeting go into closed session. A five minute break followed.

After going back into Open Session and hearing nothing from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting be adjourned. Both Commissioners were in favor. Mr. Cabrera was absent. The time was 7:05 p.m.

Dated: May 22, 2019

Patricia A. Feketics, Borough Clerk

