

Note: Complete Meeting Appears  
On 09-19 on file in  
Borough Clerk's Office

May 1, 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 - 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 motioned, seconded by Mr. Thompson that Ordinance No. 1303 be placed on second reading and final passage by title only.

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

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**

Mrs. Gould motioned, seconded by Mr. Thompson that a public hearing be held on Ordinance No. 1303.

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

After hearing nothing from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the public hearing on Ordinance No. 1303 be closed.

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

Mrs. Gould motioned, seconded by Mr. Thompson, that Ordinance No. 1303 be passed on second and final reading and advertised by law.

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

Mrs. Gould motioned, seconded by Mr. Thompson that Ordinance No. 1304 be placed on second and final reading by title only.

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

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**

Mrs. Gould motioned, seconded by Mr. Thompson that a public hearing be held on Ordinance No. 1304.

Vote: Gould -- Thompson -- Cabrera – YES

Dennis Travascio, 112 E. Louisville Avenue, had questions regarding block parties and the prices and the Solicitor was able to answer them.

Solicitor Gelzunas asked the public if anyone was present for Ordinance No. 1305 and no one answered in the affirmative. It was noted for the record.

After hearing nothing further from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the public hearing on Ordinance No. 1304 be closed.

Vote: Gould -- Thompson -- Cabrera – YES

Mrs. Gould motioned, seconded by Mr. Thompson, that Ordinance No. 1304 be passed on second and final reading and advertised by law.

Vote: Gould -- Thompson -- Cabrera – YES

THE CLERK READS THAT ORDINANCE NO. 1305 WILL BE TABLED AND AGAIN NOTED FOR THE RECORD THAT NO ONE FROM THE PUBLIC WAS THERE WITH RESPECT TO ORDINANCE NO. 1305.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 133-19

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXPENDITURE TO PURCHASE POLICE STATION VIDEO SURVEILLANCE SYSTEM FOR THE POLICE DEPARTMENT UNDER STATE CONTRACT IN THE AMOUNT OF \$114,856.75**

**WHEREAS**, pursuant to N.J.S.A 40A:11-12A and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Borough of Wildwood Crest is in need of a video surveillance system due to dispatch moving over to the County of Cape May; and

**WHEREAS**, the procurement of goods and services through a cooperative purchasing program is considered to be an open and fair process under the New Jersey Pay-To-Play Law N.J.S.A 19:44A-20.4 et seq.; and

**WHEREAS**, Computer Systems and Methods (State Contract # NJ-89980) 15 Maple Street, Somerville, New Jersey, 08876 has provided a quote for video surveillance valid through May 18, 2019; and

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

Account Number(s) C-04-55-129-9C4 Amount \$114,856.75 Signature \_\_\_\_\_

**BE IT RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, that the Borough is authorized to fund the expenditure to purchase the police video surveillance system for the police department at the not to exceed sum of \$114,856.75 from Computer Systems and Methods (State Contract # NJ-89980); and

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

Vote: Gould -- Thompson -- Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 134-19

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR PROPOSED EXTERIOR IMPROVEMENTS FOR WILDWOOD CREST COMMUNITY CENTER**

**WHEREAS**, a Notice to Bidders was authorized for advertisement by Resolution No. 109-19 on March 20, 2019 for the Borough of Wildwood Crest contract for the PROPOSED EXTERIOR IMPROVEMENTS FOR WILDWOOD CREST COMMUNITY CENTER; and

**WHEREAS**, Notice to Bidders was advertised in the *Herald of Cape May County* on March 27, 2019 with receipt of sealed bids on April 10, 2019 for the PROPOSED EXTERIOR IMPROVEMENTS FOR WILDWOOD CREST COMMUNITY CENTER pursuant to Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Four (4) sealed bid proposals were opened and reviewed by the Bid Review Committee consisting of 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 PROPOSED EXTERIOR IMPROVEMENTS FOR WILDWOOD CREST COMMUNITY CENTER be awarded to **MJJ Construction, LLC**, 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 Architect, dated April 26, 2019 and opinion letter of the Borough Solicitor recommending the contract PROPOSED EXTERIOR IMPROVEMENTS FOR WILDWOOD CREST COMMUNITY CENTER be awarded to **MJJ Construction, LLC**, the lowest responsible bidder, dated April 26, 2019; and

**WHEREAS**, **MJJ Construction, LLC**, was lowest responsive bidder in the amount of **\$59,600.00**; 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 **MJJ Construction, LLC**, the contract for PROPOSED EXTERIOR IMPROVEMENTS FOR WILDWOOD CREST COMMUNITY CENTER in the amount of **\$59,600.00**.
3. The Mayor and the Borough Clerk, are hereby authorized and empowered to enter into a formal contract with **MJJ Construction, LLC**, 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.

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

Vote: Gould -- NO Thompson -- Cabrera -- YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 135-19

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PARTICIPATION IN SOURCEWELL COOPERATIVE PURCHASING PROGRAM FOR ONE (1) JOHN DEERE XYV590M S4 POWER STEERING WINCH READY (MY19) UNDER CONTRACT # 062117-DAC AT NTE \$12,957.78**

**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 One (1) John Deere XYV590M S4 Power Steering Winch Ready (MY19) in the Herald of Cape May County on April 17, 2019; and

**WHEREAS**, the comment period for this notice expired on April 27, 2019; and

**WHEREAS**, on April 5, 2019, Central Jersey Equipment, LLC, supplied a quote for the above John Deere in the amount of \$12,957.78 under Contract #062117-DAC; 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 Central Jersey Equipment, LLC, Contract # 062117-DAC through August 18, 2021; and

**WHEREAS**, the Department of Public Safety will be using Sourcewell Contract # 062117 -DAC to purchase the above referenced John Deere; and

**WHEREAS**, it is recommended that the Borough Commissioners approve the purchase of John Deere XYV590M S4 Power Steering Winch Ready (MY19), through the contract with Sourcewell Contract # 062117-DAC at the NTE amount of \$12,957.78; 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 John Deere XYV590M S4 Power Steering Winch Ready (MY19), through the contract with Sourcewell Contract # 062117-DAC at the NTE amount of \$12,957.78, 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 Safety John Deere XYV590M S4 Power Steering Winch Ready (MY19), through the contract with Sourcewell Contract # 062117-DAC at the NTE amount of \$12,957.78, 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 # 062117-DAC.

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. 136-19**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING AND ADOPTING A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF WILDWOOD CREST AND AMERICAN RED CROSS**

**WHEREAS**, the Borough of Wildwood Crest understands that emergencies can happen at any time and that it is critical to have a plan in place to ensure the safety of our community; and

**WHEREAS**, the American Red Cross is ready and willing to assist the Borough of Wildwood Crest as we help those displaced by disasters large and small; and

**WHEREAS**, the American Red Cross can support immediate shelter, emotional support and reception center operations during disaster response; and

**WHEREAS**, the American Red Cross provides the services set forth in the Memorandum of Understanding and it provides the broad framework for cooperation and support between both entities.

**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, Office of Emergency Management Coordinator, 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 April 15, 2019 through April 14, 2024, 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. 137-19**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE BOROUGH OF WILDWOOD CREST TO EXECUTE AN AGREEMENT WITH CSI TECHNOLOGY GROUP FOR E-TICKETING UNDER STATE CONTRACT # 89851**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest (hereinafter “Borough”), as a contracting unit, may, without advertising for bid, purchase any materials, supplies or equipment from State Contract Vendors which have contracted with the State of New Jersey, Department of Treasury, Division of Purchase and Property, pursuant to the provisions of N.J.S.A. 40A:11-12; and

**WHEREAS**, the contracts awarded under a State Cooperative Purchasing contract that are in excess of the contracting unit's bid threshold shall be made by resolution of the governing body; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May and State of New Jersey hereby authorizes the Borough of Wildwood Crest to execute an agreement with CSI Technology Group (CSI), with an office located at 330 Mac Lane, Keasbey, New Jersey 08832, to provide E-Ticketing under State Contract # 89851 through SHI International Corp.; and

**WHEREAS**, the Borough wishes to evidence an Agreement with the attached referenced CSI Technology Group through SHI International Corp., which Agreement shall be subject to all the conditions applicable to the current State Contract; and

**WHEREAS**, the E-Ticketing Solution offered by CSI Technology Group includes no "out of pocket" or up-front expense; and

**WHEREAS**, CSI Technology will provide the hardware and software (as detailed in the Scope of Work) needed for the E-Ticketing Solution to operate; and

**WHEREAS**, the cost of the system is paid at \$3.00 per ticket until the hardware has been paid for and then the per ticket charge drops to \$1.50 per ticket for licensing and maintenance of the E-Ticketing Solution.

**BE IT RESOLVED** that the Commissioner of Public Safety and the Borough Clerk are hereby authorized to execute said agreement for the purposes stated above.

**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 this Resolution shall constitute an Agreement between the Borough and the attached referenced State Contract Vendor, subject to all conditions applicable to the current State Contract.

**BE IT FURTHER RESOLVED**, pursuant to the rules of the Local Finance Board of the State of New Jersey, that no amount of these contracts shall be chargeable until such time as materials, supplies or equipment are ordered and a certification of availability of funds is made by the Chief Financial Officer.

**BE IT FURTHER RESOLVED** that there is no specific period of time that this agreement has to remain in effect; however, any and all outstanding balance due on the hardware cost outlay will be due immediately in full upon termination of the Info-Share E-ticketing

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. 138-19**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF 2018 MERCANTILE LICENSE AND TDC FEE TO BARBARA INGERSOLL IN THE AMOUNT OF \$90.00**

**WHEREAS**, on March 29, 2018, Barbara Ingersoll, 313 E. Washington Avenue, Wildwood Crest, NJ 08260, paid for a mercantile license for the seasonal rental of 203 E Preston Ave, Wildwood Crest, NJ; and

**WHEREAS**, on April 9, 2019, Barbara Ingersoll provided a copy of a year around lease that was executed on May 3, 2018 for the term May 7, 2018 to May 31, 2019; and, requested a refund of the mercantile license fees paid for a seasonal rental.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Chief Financial Officer is hereby authorized to issue a refund of the 2018 mercantile license and TDC fee in the amount of \$90 to Barbara Ingersoll, 313 E. Washington Ave, Wildwood Crest, NJ 08260.

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. 139-19**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO ROBIN A. NOTTE**

**WHEREAS**, on April 22, 2019, Robin A. Notte, 921 Emerson St., Philadelphia, PA 19111, applied for a Special Events Permit for the purpose of a Wedding to be held on September 21, 2019, from 6:00 pm to 6:30 pm, at Coleman-Callahan Veterans Park; and

**WHEREAS**, Barbara Ingersoll 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 and compatibility.

**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 Barbara Ingersoll, 313 E. Washington Avenue, Wildwood Crest, NJ 08260, paid for a mercantile license for the seasonal rental of 203 E Preston Ave for the purpose of a Wedding to be held on September 21, 2019, from 6:00 pm to 6:30 pm, at Coleman-Callahan Veterans 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. 140-19**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A DESIGNATED PARKING SPOT FOR COMBAT WOUNDED VETERANS AT OLD LIBRARY**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest recognize that there are over 1.8 million Purple Heart recipients, combat wounded service members who have transitioned back into civilian life; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest realize that combat wounded service members have made great sacrifices to ensure our freedoms, but they often go unrecognized; and

**WHEREAS**, *Wounded Warriors Family Support's* founder, Colonel John Folsom, decided to change that and decided to offer Combat Wounded Parking Signs, free of charge, as a way of honoring and recognizing these veterans; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest wish to formally recognize Combat Wounded Veterans by designating a spot at the Old Library as a courtesy to these veterans.

**BE IT RESOLVED** that the Board of Commissioners of the Borough of Wildwood Crest do hereby designate a parking spot at the Old Library (6300 Ocean Avenue) for Combat Wounded Veterans.

**BE IT FURTHER RESOLVED** that the designated parking for Combat Wounded Veterans is done as a courtesy and is not enforceable by law.

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

Vote: Gould -- Thompson -- Cabrera – YES

The Mayor, Commissioner Gould and Commissioner Thompson recognized Jaxon Grauel, a 7<sup>th</sup> grade student from Crest Memorial School, for requesting this “designated” parking spot for Purple Heart Recipients. Jaxon recognized both of his grandparents, who are both veterans and one is a Purple Heart Recipient.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 141-19**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 5 – 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**, upon recommendation from Marc DeBlasio of DeBlasio & Associates, Change Order No. 3 was passed via Resolution No. 60-19 on January 23, 2019, which authorized the contract extension time, removal of Denver Avenue and Stockton Road, and the addition of milling and paving Jefferson Road, which authorized a reduction of \$4,600.00, and revised the Contract Price to \$1,143,032.04.

**WHEREAS**, upon recommendation from Marc DeBlasio of DeBlasio & Associates, has reviewed and approves Change Order No. 4 – Reconstruction of Newark Avenue was passed via Resolution No. 108-19 which will result in an increase of \$9,198.75 to the amended Contract Amount of \$1,143,032.04 for a revised Contract Amount of \$1,152,230.79.

**WHEREAS**, upon recommendation from Marc DeBlasio of DeBlasio & Associates, has reviewed and approves Change Order No. 5 – Reconstruction of Newark Avenue for Final As Built Quantity Adjustments, which authorized a decrease of \$31,038.85 to the amended contract amount of \$1,103,215.25 for a final contract amount of \$1,072,212.40.

**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 5 - Reconstruction of Newark Avenue, the additional concrete sidewalk replacement on Jefferson Avenue, which will result in a decrease of \$31,038.85 to the amended contract amount of \$1,103,215.25 for a final contract amount of \$1,072,212.40 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

**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:**

James Leo, 403 Townbank Road, inquired about the Borough’s plans for solar on public buildings and indicated the benefits of lease to own. The Solicitor indicated that the Borough abides by Local Public Contracts Law and the Borough will go to RFP and award accordingly.

Dennis Travascio, 112 E. Louisville Avenue, inquired about several resolutions (#2 and #8) and why the old library was entitled “Community Center” in Resolution #2 and not in Resolution #8 and it was relayed that was the title the architect used in the plans that went out to bid and it remained in the resolution. Mr. Travascio inquired about Resolution #1 and asked if the video surveillance was directly attributed to moving dispatch over to the county and it was relayed to him from Commissioner Thompson and Chief McGrath that the Borough was using an out of date camera system that worked on an analog system and we need to move over to digital and that it was inevitable that we would need to switch regardless of time. Commissioner Thompson added that the Borough will be upgrades with moving to county dispatch. Mr. Travascio asked if a comparison would be done for the cost savings and Commissioner Thompson indicated that the first year would be not be as great as the second and third years. He then asked about the e-ticketing resolution and that this system was compatible with the county and our current system expires in May. There was also no out of pocket expense incurred with this resolution. Commissioner Thompson announced that the Borough would officially be going to county dispatch on Monday, May 6<sup>th</sup> at 6:00 a.m.

**DISCUSSION:**

## **NEW BUSINESS:**

N/A

## **OLD BUSINESS:**

**-Solar Panels-** addressed earlier in meeting.

**Referendum permitting one consumption liquor license in business zone-** Currently gathering information and waiting to hear from the respective boards with comments, which the Mayor would like back by May 15<sup>th</sup>.

### **Vacancy on the Green Team / TDC / PLANNING BOARD**

There are currently several people interested in the Green Team and the Mayor added that if anyone else is interested to please contact the Municipal Clerk.

**-Analysis of pedestrian crosswalks and street markings – safety review** - The Traffic Maintenance supervisor was meeting with the Engineer to address this and how to make improvements by little league field and Beach Drive.

**-Sewer Lateral specifications Ordinance-** Currently on hold.

### **INDIVIDUAL PERMIT – In the process of identifying what is included.**

-South of Rambler Beach access-

-Rambler North bike path / street ends

## **PUBLIC COMMENTARY:**

Victoria Dolan, 6400 Atlantic Avenue, inquired about the bidding process for the potential liquor license and the Solicitor provided the answer. The Mayor added that a petition must be brought forth with a requisite number of signatures of registered voters (212) in order to get the question on the November ballot. The Governing body can set a minimum bid, which could take place via sealed bids or at auction. The Governing body can also restrict the license to the business zone (Cresse to Wisteria).

Nancy Pietropaoli, 6002 Seaview Avenue, voiced her concern over starting with one consumption license and then leading to 6 or 7 motels having it and that it opens the “door” to more and more. The Mayor added there must first be a referendum and it was reiterated that the Governing Body can place a number of restrictions on the potential license, to include the location, hours, etc. The Solicitor then reminded the audience members that there must first be referendum and if it passes, only one consumption license would be granted. The Governing Body would then pass an ordinance to regulate how it is sold and all the conditions that go with it. He added that the state allows municipalities wide latitude with regulating conditions on licenses. So if the referendum passes, it does not mean that the Borough has to issue the license; it means that the Borough now has the permission to do so. Two things would then happen: the license would be created with conditions and it can be restricted to business zone or in a restaurant and those conditions live with license; the second thing would be the creation of an ordinance to further regulate the license. The ordinance could be amended by future administrations, but the conditions that are born with the license remain. The Governing body has the authority to regulate the hours, etc.

The Mayor indicated that the Governing Body needed a position on the potential license with regard to location.

Bill DiAntonio, 7200 New Jersey, asked if later administrations can amend the license and the Solicitor indicated that the ordinance can be amended; but the original conditions set forth with the creation of the license will remain because that is what was purchased. Mr. DiAntonio asked for further clarification on the sleeping units for motels, to which the Solicitor responded.

The Municipal Clerk also relayed that 65 more beach boxes would be available to the public on May 13<sup>th</sup> at 10:00 a.m. and the website is [www.crestbeachboxes.com](http://www.crestbeachboxes.com)



The Mayor added that the Borough wide yard sale is May 4<sup>th</sup> and there is a paper shredding truck available to Crest taxpayers as well from 9:00 a.m. to noon. Lastly, there was another reminder that almost all of the traffic lights are back on and to please be cognizant of it.

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

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\_\_\_\_\_ **“(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

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\_\_\_\_\_ **“(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

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**“(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 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

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**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.

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

A five minute break followed.

After going back into Open Session, there were two people that came back in to the court room. The time was 10:38 a.m., Mr. Phil Petrone, 312 East Jefferson Avenue inquire if the Borough had any information on the proposed building behind their home and if there was any movement. The Solicitor and the Governing Body could not confirm anything.

Ann Petrone, 312 East Jefferson Avenue, indicated the 200 block of Jefferson Avenue looks beautiful, but the 300 block does not. The Mayor indicated that the Master Plan is available on the borough website and that the Borough will be working on Trenton Avenue and Pacific from Rambler to Jefferson and it would be addressed then. She added that it looks like there is a sinkhole at beach block on Jefferson Avenue and the Mayor said the Engineer would investigate. Mrs. Petrone asked about additional beach boxes and we relayed that more would be available may 13<sup>th</sup> at 10:00 a.m. at [www.crestbeachboxes.com](http://www.crestbeachboxes.com). Mrs. Petrone then inquired about the Rio Grande project and she was informed that it would be a pumping station. Lastly, there was a question regarding the smoking areas on the beaches and it was conveyed that they would be restricted to back beach by the trash receptacles. They suggested that perhaps there could be flyers at the motels to let people know where smoking is permitted. There was light mention of parking issues as well. After hearing nothing from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting be adjourned. All were in favor. The time was 10:58 a.m.

Dated: May 22, 2019

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Patricia A. Feketics, Borough Clerk

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