

Note: Complete Meeting Appears
On 14-19 on file in
Borough Clerk's Office

July 24, 2019
Wildwood Crest, NJ

The Mayor led those present in the Pledge of Allegiance to the Flag.

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held in the Municipal Court Room at 5:30 p.m. On roll call the following answered to their names:

Gould - Thompson - Cabrera - YES

Mr. Cabrera read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting notice on the bulletin board in the Borough Hall and by e-mailing and same to the Gazette-Leader, Herald of Cape May County and The Press on October 25, 2018.

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

THE CLERK ANNOUNCED THAT THERE WERE NO ORDINANCES FOR INTRODUCTION OR ADOPTION.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 216-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING COMPLIANCE WITH THE ANNUAL AUDIT REQUIREMENTS AND DIRECTING MEMBERS OF THE GOVERNING BODY TO EXECUTE THE GROUP AFFIDAVIT IN ACCORDANCE THEREWITH

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

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

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

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

GENERAL COMMENTS

RECOMMENDATIONS

and

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

GENERAL COMMENTS

RECOMMENDATIONS

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

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

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

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

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

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

Mrs. Gould 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. 217-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT OF AN ARCHITECTURAL FIRM FOR EXTERIOR IMPROVEMENTS TO BEACH PATROL HEADQUARTERS AND MUNICIPAL BUILDING AT THE NTE SUM OF \$12,5000

WHEREAS, the Borough of Wildwood Crest requires the professional services of an architectural firm specializing in Exterior Improvements; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of custom architectural design, zoning analysis, diagrams, design and construction documentation; and

WHEREAS, the Borough of Wildwood Crest has a Review Committee consisting of the Borough Administrator, Constance Mahon; Borough Clerk, Patricia Feketics; Chief Financial Officer, Francine Springer; and Borough Solicitor, Ronald J. Gelzunas; and

WHEREAS, the Review Committee has reviewed the proposal submitted by William McLees dated May 13, 2019 and has recommended that the proposal of William McLees best meets the Borough’s needs and that William McLees has the professional credentials and abilities to perform the services required of the subject contract; and

WHEREAS, the Borough has determined that William McLees, AIA, of the firm of William McLees Architecture, 5 MacArthur Boulevard, Somers Point, New Jersey is qualified to perform said work and it is desired to enter a professional contract with William McLees for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee’s recommendation to award the contract to William McLees, AIA, of the firm of William McLees Architecture; 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 and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;
2. The services required are highly specialized or technical in nature;
3. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;
4. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;
5. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;
6. The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession;
7. The services include advise to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials, such that competitive bidding is not feasible or practical;

8. The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient; and

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

Account Number(s) _____ Amount _____

Signature _____

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

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

2. **William McLees, AIA**, of the architecture firm William McLees Architecture of Somers Point, New Jersey is hereby retained as Architect to provide specialized professional services in the field of architecture design and development for the CY 2019. The said professional services to be received shall be “as directed” by the Borough of Wildwood Crest from time to time and as set forth in the proposal which is incorporated herein.

3. The Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with William McLees, AIA, of the architecture firm William McLees Architecture of Somers Point, New Jersey for specialized professional services in the field of architecture design and development for a term of the period indicated above, which contract shall provide for payment at the not to exceed amount of **twelve thousand five hundred (\$12,500.00) dollars**.

4. 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; a copy of these documents shall be kept on file in the office of the Borough Clerk.

5. 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 -- Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:
RESOLUTION NO. 218-19

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. 219-19

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. 220-19

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. 221-19

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. 222-19

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. 223-19

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. 224-19

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. 225-19

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

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

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

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

REPORTS: Mrs. Gould motioned, seconded by Mr. Thompson that all reports received from the Court Administrator, Chief Financial Officer, the Tax Collector, the Chief of Police, Emergency Services Coordinator for the EMS and the Wildwood Crest Volunteer Fire Company Chief for the month ending June 30, 2019 be accepted as presented.

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

MINUTES: Mrs. Gould motioned, seconded by Mr. Thompson the regularly scheduled Commission Meetings dated June 19th, 2019 and July 10th, 2019 be accepted as presented.

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

ENGINEER'S REPORT:

Grant Applications

1. FY2020 NJDOT Municipal Aid Program
 - The NJDOT has announced that they are accepting State Aid applications for Roadways, Bikeways, Pedestrian, Safe Streets to Transit and Transit Village projects.
 - The Borough has elected to submit for the reconstruction of Beach Avenue from Crocus Road to Forget-Me-Not Road.
 - The grant application was submitted before the July 19, 2019 deadline.
2. FY2020 NJDCA Small Cities Grant Application
 - The Borough is considering submitting an application for ADA improvements at Scoop Taylor Park.
 - Our office can provide the necessary engineering documents to Blauer Associates in support of the grant application.

Capital Projects

1. FY2019 NJDCA Small Cities Program
 - The State has notified the Borough that \$354,545.00 in grant funding has been allocated for ADA improvements at the Old Library Building and Von Savage Pool.

- Our office provided a proposal to the Borough on June 6, 2019 to complete the proposed improvements.
2. FY 2018 NJDCA Small Cities Program – Rambler Road Beach Street End
 - All work is completed and the project is in the close out phase.
 3. Sunrise Park Improvements
 - Cape May County approved a grant for Sunrise Park in the amount of \$283,625.00.
 - Our office is currently in the design phase and construction is scheduled for Fall, 2019.
 4. Pacific Avenue Storm Sewer Improvements and Borough Street Improvements
 - Our office provided a proposal to the Borough on December 14, 2018 to complete the proposed improvements.
 - The County has indicated that the survey and base mapping is scheduled to be delivered to our office by the end of July.
 5. 2019 Road Improvement Program - Reconstruction of Crocus Road, Denver Avenue, Stockton Avenue and Trenton Avenue
 - The project is scheduled to be advertised for public bidding on July 31st and the bid opening is August 14th at 10:00 AM.
 - Construction is scheduled for Fall, 2019.
 6. NJDEP CAFRA Permit-Beach Programming and Improvements
 - Our office has completed the survey and is currently preparing the base map and conceptual design.
 - Submission of the permit application is scheduled for Fall, 2019.
 7. Solar Power Purchasing Agreement (SPPA)
 - Our office is in the process of reviewing the necessary electric bills that were provided to our office on July 19th.
 - The bid documents are scheduled to be completed for public bidding in August, 2019.

General Engineering

1. Sanitary Sewer Regulations, Ordinance and Standards
 - The objectives of the new sanitary sewer ordinance is to provide a new process for sanitary sewer permits, inspections and construction standards.
 - Our office has completed and transmitted the draft ordinance for Borough review on December 10, 2018 and recently completed a final coordination meeting with Borough officials.
2. Bulkhead Ordinance
 - Our office is currently working with the Borough to develop a draft ordinance.
3. Lot Grading Ordinance
 - Our office is currently working with the Borough to develop a draft ordinance.

Mayor Cabrera added that he would like the Governing Body to consider Scoop Taylor Park and making it ADA accessible and apply for a grant to make it happen.

Ed Clayton, 147 W. Morning Glory Road, indicated that at the new kayak launch, the heavy aluminum ramp needs a plate to ride on before it ruins the dock.

ADMINISTRATOR'S REPORT:

July 24, 2019

Kayak Launch/ Sunset Lake Shoreline Stabilization

I am happy to report that we have received very positive feedback on the improvements made at Sunset Lake. Again, I would like to thank the Public Works Department for their hard work on this project. We have received our first FEMA reimbursement in the amount of FEMA project closeout so that we can be reimbursed for all FEMA work on this project. Most punch list items have been attended with the exception of the permanent rail repairs to the floating dock which will require its removal for a day or two. The contractor has been notified on more than one occasion of our intent to pursue liquidated damages due to not meeting the project deadline.

Beach/ Dune Project

Nothing new to report.

Rio Grande Avenue Gateway Improvement Project

Work on this County project has stopped for the summer. Construction will commence again right after Labor Day.

Cape May County Open Space and Recreation Applications 2018

Marc DeBlasio is currently preparing the plan and bid specifications for the Sunrise Park recreation project. We were awarded \$283,625 by the Cape May County Open Space Board for this project. We now have conceptual plans that are under review. We will be meeting to review the plans on Friday at 1:30 PM. Once these initial plans are approved, they will be posted on our website for all to see and comment on.

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

The Crest has gathered all of our necessary information and provided it to Rick Brown at DEP who will be helping us to pull together an application for renewal of our collective, Center Designation for the Wildwoods. Now that Wildwood has named their new business administrator, I will be working closely with he and Ron Simone of North Wildwood to get our pre-application meeting scheduled and move towards renewal of our Centers Designation.

Beach Signage

We had no bidders on our first or second attempt to have the beach rules, street side sign and park designation signs manufactured. We will now be following the Local Public Contracts law and have Public Works working with a sign manufacturer to purchase them.

Rambler Road Beach Entrance

As many of you have seen, the beach access at Rambler Road is now complete and our visitors are constantly seen taking pictures in the handicapped accessible lifeguard boat and rinsing off with our new showers. Again, my thanks go out to the Public Works Department for their hard work on this project.

Old Library

As you know we filed an insurance claim for damage caused by high winds to the north side of the Old Library Building. Repairs have now been completed to the north side that incorporate the new design esthetics for this building. Now that these repairs are complete and the building is water tight once again, it is time to proceed with the ADA accessible bathrooms for which we were approved for a DCA Small Cities grant in the amount of \$354,545 to be shared with improvements to the Von Savage Pool. Our architect and engineer have submitted designs are awaiting approval to proceed.

CORRESPONDENCE:

ADOPTION OF MINUTES: The Clerk indicated there was a correspondence that indicated that pending legislation will require the minutes be published within 15 days. However, that is not what the pending legislation reads. Rather, "They must make meeting minutes available no later than 15 business days after the next meeting. Municipalities with 5,000 or fewer residents, school boards with 500 or fewer students in the district, and public authorities with less than \$10 million in assets get an extra five days." The Borough of Wildwood Crest is a municipality with under 5,000 residents and therefore, the Borough would be granted 20 business days after the next meeting to release the minutes.

The Board of Commissioners of Borough of Wildwood Crest is satisfied with the current procedure as we are already in compliance with pending legislation. Therefore, the Clerk will continue to have minutes ready for adoption at the second meeting of the month and to immediately get sent to IT for them to be uploaded.

PUBLIC COMMENTS:

Mariellen Lopizzo, 7103 New Jersey Avenue, indicated that the corner of Rambler Road and New Jersey is dangerous and asked the Borough to consider perhaps a No Turn on Red from Rambler Road onto New Jersey Avenue or a delayed light or more signage to slow down. This request is coming due to recent bicycle / vehicle accident. Commissioner Thompson agreed that this intersection needs to be addressed. The Chief of Police indicated he has spoken with the Solicitor and that this is a county road and they need to be in the discussion. The commissioners agreed that this intersection and all along Sunset Lake need to be addressed with regard to bicycles and motor vehicles.

Marie Nickerson, 8801 Bayview Drive, added that some bicyclists do not have reflectors or lights and people need to be aware. The Mayor added that the Chief of Police and Commissioner of Public Safety are working on a Step Up for safety awareness for bicyclists.

DISCUSSION:

NEW BUSINESS:

-Washington Avenue Lot/Field: The Mayor recapped that the WC School District will be utilizing the field for the 2019-2020 school year while their field is undergoing work. The gate will be locked so it is no longer being used for dogs. The Mayor asked the governing body to consider what the Borough would like to do with the lot after the agreement with the school expires.

-Construction Sites Ord. Amendments: The Solicitor summarized the complaints with the current ordinance and the proposed changes to include comments from the Construction Official, silt fencing regulations, dumpsters, generators, hours of operation, etc.

-Vehicles and Traffic Ordinance Amendments (Sunset Lake Area) There is a draft ordinance in circulation to address parking regulations

-Ordinance Change Ch. 79 speed limits and No Turn on Red- This was previously discussed but re-iterated that the speed limit needs to be lowered along Sunset Lake and according to the Solicitor, every municipality has the right to lower speed limits if there are reasons to justify doing so.

The Mayor asked for all comments regarding all potential ordinance amendments to go to the Solicitor and Commissioner Thompson for review.

-Cross Walks on Atlantic Avenue- The Mayor pointed out the crosswalks along Atlantic Avenue, the beach area and sunset lake need to be reviewed. The Chief indicated that the improvements along sunset lake have greatly enhanced traffic and more crosswalks are needed and potentially the removal of some parking spaces and reduced speed limits.

OLD BUSINESS:

-Donation of Sick Time- Still waiting for word from Civil Service before any further movement can be done.

-Parking for RVs – There is a draft ordinance in circulation. There was agreement that more research on the issue is needed.

-Old Library- The North side of the building has been completed. There are plans for the bathroom and expected to be on the next agenda.

-Faux Lawn- The Mayor indicated the current ordinance is black and white and if changes to the current ordinance are made, he would not like any faux product on a front lawn. Commissioner Thompson indicated the faux lawn solves two problems: a number of properties are second homes and people are not here full time, and the reason it is not in the current ordinance is because it is a new product and perhaps the zoning official should have the authority for the intent of the product if it meets the regulations. The Mayor indicated the ordinance needs to spell out specifically what is regulated. The Administrator added that there are many DEP regulations and we should consult them for an opinion. The Mayor wants the Green Team to examine the issue. The Chief added that the ordinance needs to list what is permitted. Commissioner Thompson added that perhaps new construction should not be permitted straight to the street; there needs to be an area for absorbing runoff. The Mayor would like the Planning Board to weigh in as well.

-Referendum permitting one consumption liquor license in business zone- No movement.

-Vacancy on the Green Team / PLANNING BOARD

There are still vacancies on the Green Team and Planning Board.

PUBLIC COMMENTS:

The Mayor once again opened the floor for public commentary.

Ed Clayton, 147 W. Morning Glory Road, added that the traffic at the triangle near sunset lake is too fast. Perhaps speedbumps or crosswalks or closing that area off so the speed limit is reduced. Mayor Cabrera added that a few years back, this was considered but due to Lower Township needing emergency vehicles, this option was not viable. The Mayor wanted the Engineer, Chief of Police and Traffic Maintenance Supervisor to meet and discuss possibly making a bike lane green, lowering speeds, or maybe removing parking on the west side.

Marianne Lopizzo, 7103 New Jersey Avenue asked where the proposed 15 mph would stop and start, and the Administrator indicated the County would need to be contacted since this is a county road. The Mayor asked the Engineer to meet with the Chief to walk through the area.

After hearing nothing further from the public, Mrs. Gould motioned and Mr. Thompson seconded that the meeting be adjourned. All were in favor. The time was 6:39 p.m.

Dated: August 21, 2019

Patricia A. Feketics, Borough Clerk

