

Note: Complete Meeting Appears
On 16-19 on file in
Borough Clerk's Office

August 21, 2019
Wildwood Crest, NJ

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

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

Gould - Thompson - Cabrera - YES

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

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

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1311

**AN ORDINANCE OF THE BOROUGH OF WILDWOOD
CREST, AMENDING AND SUPPLEMENTING CHAPTER
22 ARTICLE II CONSTRUCTION OF THE CODE OF THE
BOROUGH OF WILDWOOD CREST**

Mrs. Gould motioned, Mr. Thompson seconded that the Ordinance be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on September 4, 2019 at 9:30 am.

Prior to vote, a discussion ensued. Commissioner Thompson suggested that he would like more time to re-examine the time frame permitted on Saturdays. They all agreed.

Mr. Thompson motioned, seconded by Mrs. Gould to table the ordinance until the next meeting.
Vote: Gould -- Thompson -- Cabrera -- YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 226-19

EXTRACT from the minutes of a regular meeting of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, held on August 21, 2019, at 9:30 A.M., at the Municipal Building, 6101 Pacific Avenue, Wildwood Crest, New Jersey.

PRESENT:

ABSENT:

* * *

_____ introduced the following resolution and moved its adoption, and _____ seconded the motion:

Resolution No. _____

**RESOLUTION DETERMINING THE FORM OF GENERAL
REFUNDING BONDS OF 2019 OF THE BOROUGH OF WILDWOOD
CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AND
DETERMINING CERTAIN DETAILS IN CONNECTION THEREWITH.**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Maximum Amount and Title of the Bonds. The Borough of Wildwood Crest, New Jersey (the "Borough") is hereby authorized to issue refunding bonds pursuant to a refunding bond ordinance, entitled: "Refunding bond ordinance authorizing the issuance of \$5,900,000 Refunding Bonds of the Borough of Wildwood

Crest, in the County of Cape May, New Jersey”, finally adopted on July 10, 2019, in a principal amount not in excess of \$5,900,000 and entitled “General Refunding Bonds of 2019” (the “Bonds”). The Chief Financial Officer of the Borough (the “Chief Financial Officer”), pursuant to N.J.S.A. 40A:2-53 and other applicable law, is hereby delegated the power to determine the final principal amounts of the Bonds; provided, however, that the maximum principal amount of the Bonds shall not exceed \$5,900,000.

Maturities and Interest Rates. The Bonds shall mature annually on such dates and in such principal amounts and shall bear interest at such rates, all as shall be determined by the Chief Financial Officer; provided, however, that (i) the year of final maturity of the Bonds allocable to the refunding of the 2006 USDA Refunded Bonds (as defined in Section 16 of this resolution) shall be no later than 2046, (ii) the year of final maturity of the Bonds allocable to the refunding of the 2009 Refunded Bonds (as defined in Section 16 of this resolution) shall be no later than 2023 and (iii) the effective rate of interest on the Bonds will allow the Borough to realize a net (i.e., after payment of the costs of issuance of the Bonds) present value debt service savings of at least 3% of the aggregate principal amount of the Refunded Bonds (as defined in Section 16 of this resolution).

Denominations, Dates, Interest Payment Dates and Manner of Payment. The Bonds are issuable in fully registered form without coupons and payable to a named person or registered assigns, and each in the denomination of \$5,000 or any whole multiple of \$1,000 in excess thereof. On original issuance the Bonds shall be dated as of, and shall bear interest from, such date as shall be determined by the Chief Financial Officer. Interest on the Bonds shall be payable semi-annually in each year until maturity or earlier redemption, on such dates as shall be determined by the Chief Financial Officer, by check or bank draft mailed (unless other arrangements have been made with any securities depository) to the registered owners thereof whose names appear on the registration books of the Borough held by the Chief Financial Officer in the capacity as paying agent (the “Paying Agent”) as of the record dates, such record dates to be determined by the Chief Financial Officer. Principal or redemption price, if any, of the Bonds shall be payable upon presentation and surrender (unless other arrangements have been made with any securities depository) of the Bonds at the office of the Chief Financial Officer. Principal or redemption price, if any, of and interest on the Bonds shall be payable in lawful money of the United States of America.

Book-Entry-Only Bonds. The Bonds shall be issued by means of a book entry system with no physical distribution of bond certificates made to the public. The Bonds shall be issued in registered form and bond certificates for each maturity will be issued to The Depository Trust Company, New York, New York (“DTC”), registered in the name of its nominee Cede & Co., and immobilized in its custody. A book entry system will be employed, evidencing ownership of the Bonds in principal amounts of \$5,000 or any \$1,000 increment in excess thereof, with transfers of ownership affected on the records of DTC and its participants pursuant to rules and procedures adopted by DTC and its participants. The Purchaser (as defined in Section 7 of this resolution), as a condition to the delivery of the Bonds, will be required to deposit the bond certificates with DTC, registered in the name of Cede & Co. So long as Cede & Co. is the registered owner of the Bonds, principal or redemption price, if any, of and interest on the Bonds will be payable by the Borough or its agent to DTC or its nominee as registered owner of the Bonds.

Form of the Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and by this reference incorporated as if set forth in full herein, with such changes, insertions and omissions as may be approved by the Chief Financial Officer, including a change, if necessary, to the title of the Bonds to reflect the issuance thereof in a different year. The Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor of the Borough (the “Mayor”) and the Chief Financial Officer, under the seal of the Borough affixed, imprinted or otherwise reproduced thereon and attested by the manual signature of the Borough Clerk (the “Clerk”). The execution of the Bonds by the Chief Financial Officer shall be conclusive evidence of any approval required by this Section.

Redemption.

(A) Optional and Mandatory Redemption. The Bonds shall be subject to redemption at the option of the Borough and mandatory sinking fund redemption at such times, on such dates and in such amounts as may be determined by the Chief Financial Officer; provided, however, that there shall be no premium associated with any such redemption.

(B) Notice of Redemption. Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of Bonds. If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable. Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond (unless other arrangements have been made with any securities depository), there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, Bonds of like series, designation, maturity and interest rate in any of the authorized denominations.

Sale of the Bonds. Subject to the terms of and the limitations set forth in this resolution, the Chief Financial Officer is hereby authorized to award and sell the Bonds to RBC Capital Markets, Inc. (the “Purchaser”); provided, however, that the underwriter’s discount does not exceed \$4.25 per \$1,000 of Bonds.

Purchase Contract. The Chief Financial Officer is hereby authorized and directed to execute and deliver a contract for the sale of the Bonds with the Purchaser, in a form approved by bond counsel to the Borough.

Delivery of the Bonds. The Bonds, in registered form, shall be numbered and lettered for identification purposes, in such manner as shall be determined by the Chief Financial Officer, and shall, as soon as practicable, be prepared, executed and delivered in definitive form to or upon the order of the Purchaser at the expense of the Borough upon payment in full of the purchase price for the Bonds.

Additional Matters Contained in the Bonds. The Borough Clerk is hereby authorized and, if necessary or advisable in the opinion of Hawkins Delafield & Wood LLP, directed to cause the applicable CUSIP numbers (if any) assigned for each of the Bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on the Bonds.

Delivery of Related Documents. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the Purchaser and the payment of the purchase price thereof in accordance with the contract of sale, the Chief Financial Officer is hereby authorized and directed, as of the date of issue, to deliver to the Purchaser (a) an arbitrage and use of proceeds certificate with respect to the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP under and for the purposes of Section 148 of the Internal Revenue Code of 1986, as amended to said date of issue (the "Code"), (b) an undertaking to provide continuing disclosure in order to assist the Purchaser in complying with Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") in a form satisfactory to Hawkins Delafield & Wood LLP and (c) such other documents as may be useful, necessary, convenient or desirable in connection with the issuance of the Bonds.

Delegation of Power to Award the Bonds. Pursuant to N.J.S.A. 40A:2-53 and other applicable law, the Board of Commissioners of the Borough does by this resolution delegate to the Chief Financial Officer the power to sell and award the Bonds to the Purchaser in accordance with the terms of and the limitations set forth in this resolution. The Chief Financial Officer shall report in writing to this governing body at its next meeting thereafter as to the details of the Bonds, including the principal amounts, interest rates, maturities, interest payment dates, record dates, redemption features and purchase price.

Preliminary Official Statement. The Chief Financial Officer is hereby authorized to deliver a Preliminary Official Statement with respect to the Bonds to the Purchaser for use in connection with the sale, resale and distribution of the Bonds. The Chief Financial Officer is hereby authorized and directed to deem said Preliminary Official Statement final as of its date for purposes and within the meaning of Rule 15c2-12.

Final Official Statement. The execution, delivery and dissemination of a final Official Statement in substantially the same form as said Preliminary Official Statement with such changes, insertions and omissions as may be approved by the Chief Financial Officer with respect to the issuance of the Bonds by and on behalf of the Borough is hereby authorized, and the Chief Financial Officer and the Mayor are hereby authorized to execute the same in the name and on behalf of the Borough and to deliver said final Official Statement in executed form for its use in connection with the sale, resale and distribution of the Bonds. The execution of said final Official Statement by the Chief Financial Officer or the Mayor shall be conclusive evidence of any approval required by this Section.

Appointment of Escrow Agent. If the Chief Financial Officer determines, after consultation with and upon advice of bond counsel to the Borough and the Financial Advisor (as defined in Section 23 of this resolution), that an escrow arrangement is necessary or desirable, the Chief Financial Officer is hereby authorized to appoint a bank or trust company to serve as escrow agent (the "Escrow Agent") with respect to a portion of the proceeds of the Bonds that will be held for payment of the Refunded Bonds (as defined in Section 16 of this resolution).

Election to Redeem. The Borough hereby elects to redeem, as soon as practicable after the delivery of the Bonds, approximately \$1,256,212 aggregate principal amount of General Bonds of 2006 of the Borough dated June 23, 2006, and maturing on June 23 and December 23 in each of the years 2019 to 2045, inclusive, and June 23, 2046 (the "2006 USDA Refunded Bonds"). The Borough hereby irrevocably elects to redeem, on November 1, 2019, \$4,235,000 aggregate principal amount of General Bonds of 2009 of the Borough, dated November 5, 2009, and maturing on November 1 in each of the years 2020 to 2023, inclusive (the "2009 Refunded Bonds" and, together with the 2006 USDA Refunded Bonds, the "Refunded Bonds"). The Refunded Bonds shall be redeemed at a redemption price equal to 100% of the principal amount thereof, plus interest accrued to the date fixed for redemption. The elections set forth in this Section shall be effective upon the issuance of the Bonds. The Chief Financial Officer is hereby authorized to refund less than all the Refunded Bonds or additional bonds of said issues as may be desirable to accomplish the savings referred to in Section 2 of this resolution.

Notice of Redemption. The Escrow Agent, the Municipal Advisor or Chief Financial Officer is hereby authorized and directed to give notice of redemption of the 2009 Refunded Bonds in substantially the form attached to the Escrow Deposit Agreement (as defined in Section 20 of this resolution) or as otherwise provided by bond counsel to the Borough with such changes, insertions and omissions as are acceptable to the Borough and the Escrow Agent. Unless some other method of delivery and time is acceptable to the recipient, such notice of redemption shall be given not less than thirty (30) days prior to the date fixed for redemption by first class mail,

postage prepaid, to (a) the registered owners of the 2009 Refunded Bonds (*i.e.*, The Depository Trust Company) and (b) the Municipal Securities Rulemaking Board. Any failure to mail, to publish or to receive such notice, or any defect therein, shall not affect the validity of the proceedings for redemption. The Chief Financial Officer is hereby authorized and directed to give notice of redemption of the 2006 USDA Refunded Bonds to the registered owner thereof (*i.e.*, the United States of America/Rural Development or the "USDA") in such form, in such manner and at such time as is acceptable to the USDA.

Notice of Refunding. If necessary, upon the advice of bond counsel to the Borough, the Escrow Agent, the Municipal Advisor or the Chief Financial Officer is hereby authorized and directed to give notice of refunding of the 2009 Refunded Bonds in substantially the form attached to the Escrow Deposit Agreement or as otherwise provided by bond counsel to the Borough with such changes, insertions and omissions as are acceptable to the Borough, the Municipal Advisor and the Escrow Agent. Such notice shall be given as soon as practicable after the date of delivery of the Bonds to the registered owners of the 2009 Refunded Bonds and to the Municipal Securities Rulemaking Board.

Application of Proceeds of the Bonds. The proceeds of sale of the Bonds shall be applied by the Borough to the payment of the principal or redemption price, if any, of and interest on the Refunded Bonds through and including the date of redemption thereof and to the costs of issuance of the Bonds. The proceeds of the Bonds to be applied to the principal or redemption price, if any, of and interest on the Refunded Bonds, together with any other moneys of the Borough to be used therefor, shall be held either (a) by the Borough or (b) in accordance with the provisions of the Escrow Deposit Agreement, in trust by the Escrow Agent on behalf of the Borough pending application thereof to the payment of the principal or redemption price, if any, of and interest on the Refunded Bonds. Simultaneously with the issuance of the Bonds, the Chief Financial Officer is hereby authorized and directed, after consultation with and upon the advice of bond counsel to the Borough, the Municipal Advisor and the Borough Auditor, to deposit in the escrow account established by the Escrow Deposit Agreement all or a portion of the moneys budgeted or anticipated to be budgeted by the Borough in the fiscal year in which the Bonds are issued to pay principal and interest due on the Refunded Bonds.

Escrow Deposit Agreement. The Chief Financial Officer is hereby authorized and directed, if necessary, to execute and deliver an escrow deposit agreement (the "Escrow Deposit Agreement") with the Escrow Agent in a form approved by bond counsel to the Borough.

Purchase of Escrow Securities. The Mayor and Chief Financial Officer each is hereby authorized and directed, if necessary, to execute an initial and final Subscription for Purchase and Issue of United States Treasury Securities - State and Local Government Series - Time Deposit Securities ("SLGS"), and any related certification, each in form and substance satisfactory to bond counsel to the Borough. The Purchaser, the Escrow Agent, the Municipal Advisor or bond counsel to the Borough each is hereby authorized to execute said initial SLGS subscription letter on behalf of the Borough. The Purchaser, the Escrow Agent, the Municipal Advisor or bond counsel to the Borough each is hereby authorized to execute said final SLGS subscription on behalf of the Borough. In addition, the Chief Financial Officer is hereby authorized and directed, if necessary, to execute and deliver any agreement, document or instrument relating to the purchase of securities for deposit in the escrow account established by the Escrow Deposit Agreement.

Appointment of Verification Agent. The Borough does hereby appoint Lerch, Vinci & Higgins, LLP, of Fair Lawn, New Jersey, as verification agent with respect to the Bonds. The verification agent shall, among other things, deliver a report verifying (a) the yield on the Bonds for arbitrage purposes and (b) the sufficiency of the escrow deposit to accomplish the refunding of the Refunded Bonds.

Appointment of Municipal Advisor. The Borough does hereby appoint Phoenix Advisors, LLC, Bordentown, New Jersey, to serve as municipal advisor to the Borough (the "Municipal Advisor") in connection with the sale and issuance of the Bonds.

Bank-Qualified Designation. The Bonds are hereby designated as "qualified tax-exempt obligations" pursuant to and for the purposes of Section 265(b)(3) of the Code, or to the extent the Bonds currently refund other obligations of the Borough, the Bonds are "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(D)(iii) of the Code. Not more than \$10,000,000 of obligations, including the Bonds, of the Borough and all subordinate entities thereof issued from January 1, 2019 to and including the date hereof have been designated by the Borough for purposes of Section 265(b)(3) of the Code. As of the date hereof, the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, as referred to and defined in Section 141 of the Code and current refundings of other obligations of the Borough), which will be issued by the Borough and all subordinate entities thereof during the calendar year commencing January 1, 2019 does not exceed \$10,000,000.

Actions to be Taken on Behalf of the Borough. The Mayor, Administrator, Chief Financial Officer and Borough Clerk are hereby authorized and directed to execute the Bonds on behalf of the Borough and to do all matters necessary, useful, convenient or desirable to accomplish the sale, issuance and delivery of the Bonds and the refunding and redemption of the Refunded Bonds all in accordance with the provisions of this resolution, including without limitation (a) the submission of materials to one or more rating agencies for purposes of receiving a credit rating on the Bonds, (b) the selection of a financial printer and website for purposes of disseminating the Preliminary Official Statement and the final Official Statement, (c) the appointment of a redemption agent for purposes of administering any mandatory sinking fund redemptions and (d) the filing of continuing disclosure

materials on the Electronic Municipal Market Access website maintained by the Municipal Securities Rulemaking Board.

Prior Action. All action taken to date by Borough officials, employees and professionals with respect to the authorization, sale and issuance of the Bonds, including the preparation and posting of a Preliminary Official Statement with respect thereto, be and the same hereby are ratified, approved, confirmed and adopted in all respects.

Effective Date. This resolution shall take effect immediately and, if necessary, when there is endorsed upon a certified copy hereof the consent referred to in N.J.S.A. 40A:2-55.

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. 227-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AMENDMENT TO THE 2019 MUNICIPAL BUDGET TO ACCOUNT FOR ADDITIONAL FUNDING FROM THE STATE OF NEW JERSEY, DOT FISCAL YEAR 2019 MUNICIPAL AID PROGRAM FOR RECONSTRUCTION OF TRENTON AVENUE

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Wildwood Crest will receive \$160,000.00 from the State of New Jersey, Department of Transportation Fiscal Year 2019 Municipal Aid Program for Reconstruction of Trenton Avenue, and wishes to amend its 2019 Municipal Budget to include this amount of revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, does hereby request the Director of the Division of Local Government services to approve the insertion of an item of revenue in the municipal budget of the Borough of Wildwood Crest for the year 2019 in the sum of \$160,000.00 which is now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of the Division
of Local Government Services - Public and Private
Revenues Offset with Appropriations:

STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION MUNICIPAL
AID PROGRAM FOR RECONSTRUCTION OF TRENTON AVENUE \$160,000.00

BE IT FURTHER RESOLVED, that a like sum of \$160,000.00 is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS

(a) Operations Excluded from Caps

Public and Private Programs Offset by Revenues:

STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION
MUNICIPAL AID PROGRAM FOR RECONSTRUCTION OF TRENTON
AVENUE

BE IT FURTHER RESOLVED, that the Borough CFO be and she is hereby authorized and directed to electronically file this Resolution and applicable submittal form with the Director of the Division of Local Government Services for approval.

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. 228-19

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. 229-19
**A RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE
CONTRACT VENDORS FROM JANUARY 1, 2019 THROUGH DECEMBER 31, 2019**

WHEREAS, the Borough of Wildwood Crest, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c), may by Resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any 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 has the need, on a timely basis, to purchase goods or services utilizing New Jersey State Contract vendors; and

WHEREAS, the Borough of Wildwood Crest may enter into contractual agreements with the attached referenced State Contract Vendors through this Resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the current New Jersey Local Public State Contracts Law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey authorizes the Borough Qualified Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State Contracts.

BE IT FURTHER RESOLVED, that the named State Contract vendors and their corresponding numbers may change during the time frame indicated below and that Borough Qualified Purchasing Agent is hereby authorized to make the necessary adjustments to the attached list as may be required for the Borough to continue its routine procurement practices throughout the indicated time frame.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, pursuant to N.J.A.C. 5:30-5.5(b), that no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order and a certification of availability of funds is made by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough of Wildwood Crest and the referenced State Contract Vendors shall be from January 1, 2019 and continuing through December 31, 2019 or until the expiration of the referenced vendor's New Jersey State Contract, whichever shall occur first.

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. 230-19
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING NO CORRECTIVE ACTION PLAN NEEDED FOR
2018 AUDIT**

WHEREAS, the 2018 Audit was received by the members of the Board of Commissioners of the Borough of Wildwood Crest; and

WHEREAS, No Comments & Recommendations were made in the 2018 audit; and

WHEREAS, a Corrective Action Plan is not needed.

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. The members of the Governing Body have acknowledged that there were No Comments & Recommendations and a Corrective Action Plan is not required as set forth in the 2018 Audit.

2. That a certified copy of this Resolution shall be forwarded to the Division of Local Government Services, Chief Financial Officer and the Municipal Auditor.

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. 231-19
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING ISSUANCE OF A RAFFLES LICENSE TO LOOM
#988 BOUND BROOK LODGE**

WHEREAS, the **LOOM #988 BOUND BROOK LODGE** made application on August 6, 2019 for a Raffles License under Application No. RA-114; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to issue a Certificate of Approval under Application No. RA-114 to **LOOM #988 BOUND BROOK LODGE** for holding of said Raffle.

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, as follows:

1. That the Board issue to the **LOOM #988 BOUND BROOK LODGE** a Certificate of Findings and Determination to be signed by the proper officer of said Board of Commissioners under Application No. RA-114 made by said **LOOM #988 BOUND BROOK LODGE**; and

2. That the Municipal Clerk of the Borough of Wildwood Crest is hereby authorized, empowered and directed to cause the proper Raffle License to be issued to the **LOOM #988 BOUND BROOK LODGE** in accordance with the application made therefor.

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. 232-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO ALYSSA KENNEDY AND SAMUEL DEVER

WHEREAS, on August 9, 2019, Alyssa Kennedy and Samuel Dever, 114 Laurel Court, Wyomissing, PA 19533, applied for a Special Events Permit for the purpose of a Wedding to be held on September 28, 2019, from 5:00 pm to 6:00 pm, at the Sunset Lake Gazebo; and

WHEREAS, Alyssa Kennedy and Samuel Dever have supplied all documentation required under Ordinance No. 1304, including the requisite Certificate of Insurance, and have 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 Alyssa Kennedy and Samuel Dever, 114 Laurel Court, Wyomissing, PA 19533 for the purpose of a Wedding to be held on September 28, 2019, from 5:00 pm to 6:00 pm, at the Sunset Lake Gazebo.

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. 233-19

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

WHEREAS, on August 8, 2019, the North American Power Kiting Association (NAPKA), PO Box 1358, Westport, WA 98595, applied for a Special Events Permit for the purpose of a Power Kiting Event to be held from October 14th through October 20th, 2019, from Sunrise to Sunset, on the Beach at Rosemary Rd and along the Wildwood Crest Beaches; and

WHEREAS, Alyssa Kennedy and Samuel Dever has supplied all documentation required under Ordinance No. 1304, including the requisite Certificate of Insurance, and have 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 Alyssa Kennedy and Samuel Dever, 114 Laurel Court, Wyomissing, PA 19533 for the purpose of a Wedding to be held on September 28, 2019, from 5:00 pm to 6:00 pm, at the Sunset Lake Gazebo.

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. 234-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE APPOINTMENT OF ANGELA DANIELS AS ALTERNATE MEMBER #2 FOR THE BOROUGH OF WILDWOOD CREST PLANNING BOARD

WHEREAS, a vacancy has occurred in the position of Class 4 Member of the Planning Board of the Borough of Wildwood Crest; and

WHEREAS, it is desired that a full compliment of the Board be maintained at all times; and

WHEREAS, Board of Commissioners of the Borough of Wildwood Crest, wishes to move Alternate #1 Member, Jerry D'Antonio, to fill the vacancy in the position of Class 4 Member of the Wildwood Crest Planning Board with term expiring December 31, 2021; and

WHEREAS, Board of Commissioners of the Borough of Wildwood Crest, wishes to move Alternate #2 Member, Peter Cava, to fill the vacancy in the position of Alternate #1 Member of the Wildwood Crest Planning Board with term expiring December 31, 2019; and

WHEREAS, Board of Commissioners of the Borough of Wildwood Crest, wishes to appoint Angela Daniels as Alternate #2 Member to fill the vacancy with term expiring December 31, 2020; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest wish to acknowledge this appointment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that ANGELA DANIELS is hereby appointed as Alternate No. 2 member of the PLANNING BOARD of the Borough of Wildwood Crest to fill the vacancy in said position expiring December 31, 2020.

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. 235-19

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

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

WHEREAS, the Borough special counsel, Rona Zucker Kaplan, Esquire, of the firm of Cooper Levenson, Attorneys at Law, 1125 Atlantic Avenue, Suite 320, Atlantic City, New Jersey, has negotiated a settlement agreement and recommended that the litigation as it pertains to separate defendants: DELL-TECH, INC and TJB AIR CONDITIONING AND HEATING, be settled in accordance with the proposed Settlement Agreement and General Release attached hereto as Exhibit "A" (the "Settlement Agreement"); and

WHEREAS, the Board of Commissioners, based upon the recommendation by its special counsel, desires to accept such recommendation and settle the Litigation against the defendants and further determines that such settlement with the defendants: DELL-TECH, INC and TJB AIR CONDITIONING AND HEATING in accordance with the terms of the Settlement Agreement is in the best interest of the Borough and the public; and

WHEREAS, claims remain active until such time as the Settlement Agreement is fully executed by both parties and the claims are dismissed and release of the Settlement Agreement at this time would adversely affect the Borough's and public's interest in the Litigation and it is therefore not in the best interest of the Borough or the public to release the Settlement Agreement until dismissal of all claims in connection with the Litigation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the Settlement Agreement and General Release attached

hereto as Exhibit "A" is hereby approved, and that the Mayor and Clerk are hereby authorized and directed to execute the Settlement Agreement and to take all necessary action to effectuate the terms thereof.

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

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 all reports from the Court Administrator, Chief Financial Officer, the Tax Collector, the Chief of Police, Supervisor for the Recreation Department, Emergency Services Coordinator for the EMS and the Wildwood Crest Volunteer Fire Company Chief for the month ending July 31, 2019 be accepted as presented.

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

MINUTES: Mrs. Gould motioned, seconded by Mr. Thompson that all minutes from the regularly scheduled Commission Meetings dated July 24th and August 7th, 2019 be approved as presented.

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

ADMINISTRATOR'S REPORT:

August 21, 2019

Kayak Launch/ Sunset Lake Shoreline Stabilization

As of this date we have received two (2) FEMA reimbursements \$795,178.57 and \$231,929.92 for the shoreline stabilization portion of this project. We have yet to close out the recreational portion of this project. The bench to the handicapped kayak launch was removed to make permanent repairs to it. We expect it back shortly. We also have the contractor installing a plate where the floating dock sits on top of the gangway and relocating the instructional sign to a piling where it will withstand the persistent winds. We are working with the contractor on the liquidated damages claim.

Beach/ Dune Project

Nothing new to report.

Rio Grande Avenue Gateway Improvement Project

Construction should be starting back up just 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. Conceptual plans are still under review.

Pacific Avenue- Rambler to Jefferson

Our engineer will be preparing engineering plans for sanitary sewer and storm water improvements for this 2020 project. These infrastructure improvements must be completed prior to the County's reconstruction of this area of roadway.

New Jersey Avenue-Rambler to Cresse

We met with the County Engineer- Bob Church and our designer- Scott Taylor of Taylor Design Group to discuss traffic calming measures, streetscape, parking and other improvements to this area. We expect to have conceptual, artistic renderings for you shortly.

Center Designation

A letter requested a pre-application meeting has been sent to the Office of Planning Advocacy. We are currently awaiting word back.

Beach Signage

Public Works is currently working with a sign manufacturer to produce street-end, beach rule signs and a few park signs for next year's summer season.

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.

Scoop Taylor Park

We had applied for Cape May County Open Space funding for this project simultaneously with the Sunrise Park improvements. Unfortunately, we only received funding for Sunrise. We have since applied for FY2020 DCA Small Cities funding to make this park ADA compliant. The budget for this project is Budget is \$678,670 and includes the replacement of the playground equipment and a new ADA complaint surface, replacement of existing ramps and walkways, picnic tables and a new gazebo. Conceptual plans for the playground will be posted on our website as we await word on this grant.

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 to the NJDOT on July 15, 2019.
2. FY2020 NJDCA Small Cities Grant Application
 - The Borough is considering submitting an application for ADA improvements at Scoop Taylor Park.
 - Our office provided the engineering report to Blauer Associates in support of the grant application on August 8th.

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. 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.
3. 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 transmitted the survey and base mapping to our office on July 20th.
 - Our office is in the process of collating the data and starting the design process.
4. 2019 Road Improvement Program - Reconstruction of Crocus Road, Denver Avenue, Stockton Avenue and Trenton Avenue
 - The bid opening occurred on August 14th.
 - The apparent low bidder was Asphalt Paving Systems, Inc in the amount of \$2,144,400.00.
5. NJDEP CAFRA Permit-Beach Programming and Improvements
 - Our office has completed the survey and conceptual design.
 - The pre-application request was sent to the NJDEP on August 13th.
6. Solar Power Purchasing Agreement (SPPA)
 - The Borough will be including Crest Memorial School in the RFP.
 - The bid documents are scheduled to be completed for public bidding in September 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.

4. New Jersey Avenue Traffic Calming/Speed Limit Review
 - Our office provided three (3) conceptual traffic calming plans to the Borough the week of August 12th.
 - Our office has investigated the speed limit designation on New Jersey Avenue between Rambler Road and Miami Avenue.

CORRESPONDENCE:

-Dogs on the beach: There have been numerous complaints about dogs on the beach both on leashes and unleashed. The Chief of Police indicated they have taken a proactive approach and letting people know, in no uncertain terms, that dogs are not permitted on the beach from May through September. He further indicated that they will continue the heavy enforcement.

PUBLIC COMMENTS:

Commissioner Gould indicated that the fences around properties have not been complying with the ordinance of 4 ft. in the front, 5 ft. on the sides, and 6 ft. in the rear. A member of the ZBA, Fred Mettler, added that the ordinance needs to be amended to include stronger language.

DISCUSSION:

NEW BUSINESS:

-Draft Ordinance for Ch. 63 Sidewalks: The Solicitor described the area from 18 inches from the curb is sometimes referred to as a "parking strip" and is used to ensure people can park and exit their car. He indicated that an ordinance will help to stop the concreting of the Borough so there is a twofold positive effect, it looks better and helps with drainage. He pointed out that Taylor Design Group should be consulted as well. The Commissioners recognized that flood prone areas are often difficult to have sodding in the public rights of way. The Solicitor indicated that homeowners could choose between stone, pavers or grass as opposed to concrete.

-Draft Prohibiting parking of certain vehicles: The Solicitor indicated this would amend the current ordinance to regulate parking on the west side of New Jersey Avenue along Sunset Lake for trailers, box trucks, etc.

-Draft for Reduced Speed Along Sunset Lake and Bayview Drive: The Commissioners agreed this ordinance needed more discussion and thought and maybe limiting the speed reduction from May 1st to October 1st. They recognized the need to slow the traffic pattern. Commissioner Gould also suggested making Atlanta Avenue one way going East. Commissioner Thompson requested Traffic Maintenance to measure the road. The Mayor wanted to start with a traffic calming pattern before introducing an ordinance amendment.

OLD BUSINESS:

-Sunset Lake Bathroom: No changes from previous meeting.

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

-Washington Avenue Lot/Field: No changes from previous meeting.

-Parking for RVs – There is a draft ordinance in circulation.

-Old Library- Still in design phase.

-Faux Lawn→ to Green Team and Planning Board: On hold.

-Referendum permitting one consumption liquor license in business zone- May need to clarify via memo.

-Cross Walks on Atlantic Avenue- On hold.

PUBLIC COMMENTS:

The Mayor once again opened the floor for public commentary.

Dennis Travascio, 112 E. Louisville Avenue, indicated the narrowing of the road along Sunset Lake needed more thought and planning. He then inquired about the Old Library and the Mayor indicated the conceptual designs are available on the website. The vision/intent for the future of the Old library was discussed. Mr. Travascio asked for the bathrooms to stay open all year and the Administrator indicated the mechanicals are in the plan for that. Commissioner Thompson added he wanted to see more cultural elements and for both seniors and kids and to have the building more welcoming.

Tracey Blanda, 103 W. Myrtle Road, thanked the Chief of Police and commissioners for the quick response to her inquiry about the traffic pattern at the corner of Myrtle Road and Park Blvd. and indicated that it is still dangerous. The Chief added they painted "STOP" on the road and was hoping for a better outcome. He pointed out that he has been in discussion with the Engineer and Solicitor and added that they need permission from the county and two requests have already been made. He added that he will get an answer and expedite and the Mayor added maybe additional signage is needed.

After hearing nothing further from the public, the Chief of Police wanted to provide an update on the Wildwood Motor Car Show on September 20th from 6:00 -10:00pm. He added there will be street closures near Centennial Park with the Greaseband playing approximately 80 classic cars.

Commissioner Thompson read the Beach Closure Memo for the rest of the summer season.

Hearing nothing further, Mrs. Gould motioned and Mr. Thompson seconded that the meeting be adjourned. All were in favor. The time was 6:24 p.m.

Dated: September 18, 2019

Patricia A. Feketics, Borough Clerk

